

Understanding Afghanistan

The Importance of Tribal Culture and Structure in Security and Governance

By

Shahm Mahmood Miakhel

US Institute of Peace, Chief of Party in Afghanistan

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“Over the centuries, trying to understand the Afghans and their country was turned into a fine art and a game of power politics by the Persians, the Mongols, the British, the Soviets and most recently the Pakistanis. But no outsider has ever conquered them or claimed their soul.”²

“Playing chess by telegraph may succeed, but making war and planning a campaign on the Helmand from the cool shades of breezy Shimla (in India) is an experiment which will not, I hope, be repeated.”³

Synopsis:

Afghanistan is widely considered ungovernable. But it was peaceful and thriving during the reign of King Zahir Shah (1933-1973). And while never held under the sway of a strong central government, the culture has developed well-established codes of conduct. *Shuras* (councils) and *Jirgas* (meeting of elders) appointed through the consensus of the populace are formed to resolve conflicts.

Key to success in Afghanistan is understanding the Afghan mindset. That means understanding their culture and engaging the Afghans with respect to the system of governance that has worked for them in the past. A successful outcome in Afghanistan requires balancing tribal, religious and government structures.

This paper outlines 1) the traditional cultural terminology and philosophy for codes of conduct, 2) gives examples of the complex district structure, 3) explains the role of councils, *Jirgas* and religious leaders in governing and 4) provides a critical overview of the current central governmental structure.

¹ Originally this paper was published by Maulana Abdul Kalam Azad Institute in India in 2008 under title: "The Importance of Tribal Structures and Pakhtunwali in Afghanistan: Their Role in Security and Governance" In Challenges and Dilemmas of State-Building in Afghanistan: Report of a Study Trip to Kabul, ed.: Arpita Basu Raj, Delhi, Shipra Publications, 2008, pp. 97-110. The original targets for this paper was international military that they were rotating after each six month and had no clue about culture and local understanding of Afghanistan. This paper is very widely distributed and quoted by many people.

² Rashid, Ahmed, Taliban: Islam, Oil and the New Great Game in Central Asia, 2001.

³ In spring 1880, during the famous Maiwand war with British, in Helmand province of Afghanistan, one British officer sent a letter to his generals in which he issued this caveat.

(http://www.senliscouncil.net/modules/publications/010_publication/chapter_01).

It will be demonstrated that in order to achieve security, governance and development, participation must be based at the district level, with leaders appointed by the people. While consensus building from a “bottoms up” approach is time consuming, in the end, that approach will save time, resources and avoid catastrophic mistakes. It is imperative that consensus building at the district level is part of the planning procedure. If time is spent on proper planning, involving recognized local leaders in gaining consensus, implementation will go smoothly.

District rule by councils and *Jirgas* are the time-honored acknowledged Afghan form of democracy and it is embraced by the majority of the people.

Cultural Background:

Since the establishment of modern Afghanistan in 1747 by Ahmad Shah Durrani (Abdali) in Kandahar, tribes have played an important role in installing and in deposing their rulers. The tribes have also played an equally important role in establishing order in the country, especially in those areas where the reach of government, in terms of security and governance, was low or non-existent.

The “*qawm*”, which can be loosely translated to mean “*solidarity group*” has had a dual effect in Afghanistan’s history. On the one hand it has prevented the central government from promoting modernity, while on the other hand, it has provided crucial “social capital” for the resilience of the Afghan society to external shocks, such as war, drought and failed governance.⁴

Absent of a functioning government since 1978, in most parts of Afghanistan, the tribal and district structures, the *qawn*, have played a strong role in keeping security and ensuring governance. In most parts of Afghanistan, tribal structure or locally established *Shuras* (councils) and *Jirgas* (meeting to solve problems) have been the only source of social justice in the last thirty years, and to some extent, even before than that.

The tribal structures or Pakhtun code of conduct (*Pakhtunwali/Pashtunwali*) is very strong among Pakhtun majority and plays a significant role in the population which comprise of more than 50 percent of Afghanistan⁵.

Pakhtunwali, the Pakhtun code of conduct, is based on the centerpieces of:

Seyal(Equality),

Seyali (applying equality through competition)

Namus(protection of female family members and wealth)

Ezzat or Nang (honor)

Ghairat (heroism)

Other components of *Pakhtunwali* are:

Gundi (rivalry)

Patna (feud)

Qawm (ethnicity, tribe, social network) and *Qawmi Taroon* (tribal binding)

⁴ Research paper by Raphy Favre, “Interface between State and Society in Afghanistan, a discussion on key social features affecting governance, reconciliation and reconstruction, February 2005, (www.aizon.org).

⁵ The Decline of the Pashtuns in Afghanistan, Anwar-ul-Haq Ahady
Asian Survey, Vol. 35, No. 7 (Jul., 1995)

Hamsaya (protection of neighbors or outsiders living with a family or in a village)
Jirga (meeting of elders gathered to solve a specific issue)
Pur, Ghach, Enteqam or *Badal* (revenge) and
Nanawati (forgiveness).

The application of these rules is called *Narkh* (informal or traditional law or rules), the implementation of which is being the responsibility of a *Jirga, Shura* or government.

These codes of conduct are an inherited way of life, especially for the Pakhtuns in rural areas on both sides of the Durand Line. Though many scholars and writers have written about these codes of conduct, as an Afghan who lived and grew up in rural Afghanistan, I have had first hand experience. My goal here is to elaborate and explain these terms more fully. First of all, it is important to understand that most of these terms are used in a string-like manner; each term is connected to another one. Frankly, it is difficult for Westerners to grasp.

“Certain things are not known to those who eat with forks.”
~ Rudyard Kipling, (1865-1936)

1. Pakhtunwali Terms

1.1 *Seyali* (Competition) and *Turborwali* (Rivalry):

Key in understanding *Pakhtunwali* is *Seyali* (Competition). Bear in mind, *Seyal* means equal. These two words are delicately and intricately intertwined to create balance and justice. Competition and rivalry among equals exists in all aspects of life. You have *Seyali* with those who are equal with you in status. It would be shameful to have *Seyali* with those who are not your equal in status, e.g., a Khan or tribal chief will not have *Seyali* with laborers or with *Hamsaya* (*outsiders living in the village*), as they are considered sub-ordinate in status. A Khan has *Seyali* with his cousin or other Khan.

First or distant cousins are called *Turbor* and *Turbors* are considered rivals. If one cousin is poor and another is wealthy, they are *Turbor* (rival) but they are not *Seyal* because they are considered equal in terms of lineage, but not wealth. In marriage, wealth is important, but in terms of prestige and *Turborwali*, wealth is not counted. In marriage there is saying: “*O’ turbor me e- kho makhay (seyal) ma na e*” (“*Yes, you are my rival, but not my equal*”).

Among the Safi tribe, there is a saying “*Safi sam samake*”, (“*All Safis are equal*”). Legend has it that once several Safis were sleeping in a *Hujra* (guest house) and there was only one *Kat* or *Charpai* (bed) in the room. Since all of them thought that they were each equal in seniority, age and status, they didn’t allow anyone to sleep on the bed. Instead they put the *Kat* in the middle of the room, each one put one leg on the *Kat* and that’s how they spent the night.

1.2 *Namus* (protection of wealth, property and female family members) and *Ezzat* (honor):

In order to live in Pakhtun family, village or society, you should be able to protect your *Namus* and should have *Ezzat*. Land, property and female members of the family are *Namus*.

Homeland is also *Namus*. Protection of the homeland is the same as protecting your own family. If someone cannot protect his *Namus*, he loses *Ezzat* in his society. That person will not have a place in the family, village or in the larger Pakhtun society. People without *Ezzat* either have to leave the family and village or have to fight for regain his or her honor. To die for *Ezzat* is better than to live without *Ezzat* because it will be *Paighour* (ridicule) for his family and children as well as for future generations of his family.

There is a Pakhtu proverb, *Mal me da Sara Jar Sha aw Sar me da Namus na Jar sha*” or “*I will sacrifice my wealth for my head and will sacrifice my life for my Namus*”. If a Pakhtun cannot protect his *Namus*, there is no place for him to live among the tribe and that person has to migrate to another location to live as *Hamsaya* (to take protection and live outside of ones tribe, an asylum seeker). As *Hamsaya*, a person doesn’t have the same status and privileges as the other inhabitants who live in the village. *Hamsaya* live under the protection of the family with whom they dwell.

In the present context, Arabs or Bin Laden in Afghanistan live as *Hamsaya*. One reason that the Taliban insisted that Bin Laden was to be protected is that because during the Jihad against the Soviet Union occupation, bin Laden and his people supported the Mujahedin. Now that bin Laden is in trouble with the West, *Pashtunwali* dictates that he be protected because he is *Hamsaya*.

1.3 *Gundi* (Rivalry):

In the Pashto language *Gund* means party, faction, group or a bloc of people. *Gundi* means factional, tribal or personal rivalry. *Gundi* can start from an internecine rivalry between brothers or between cousins, within a clan or tribes. *Gundi* within the family or among cousins is also called *Turborwali*. In *Gundi*, each side tries to develop relationships with other *Gundi* or rival factions in other villages or sub-tribes, which may eventually lead to larger rivalries between two influential families of major tribes. The goal is to have supporters among other tribes, outside of one’s own clan and among cousins, in the event of enmity or need.

These informal relationships are strong and when an event occurs that requires support from others, help comes from the connections and relationships of *Gundi*. Those who come out in support are called *Gundimar*. In the Pashto language, *Gundimar* is also used to describe people who pursue rivalry, never forgetting personal enmity, always seeking revenge. In order to strengthen your *Gundi*, you and your family should have a reputation for supporting others in times of need. Credibility and reliability are essential in having good support within the families and tribes.

In many instances, the bonds of *Gundi* are based on marital relationships, which is why establishing such relationships is often a calculated decision taken by a family. For example, if a brother’s son or daughter is married to another family, it would be unwise for his brother to marry into the same family. The reason is, in the event of a rivalry between these two brothers, that family could support only one side. Therefore, marriage becomes a very calculated game, with each side considering the possibility of future rivalry and enmity. A wrong move in marriage carries the risk of losing support of some family members, either within the family or outside of the family.

If a member of a *Gundi* was ever killed in enmity, he or she will be counted in the last or final peace agreement by *Jirga*. So, when both sides finally agree to have long term peace, the *Jirga* will count all of the people who have been killed or wounded in the duration, as well as all damages inflicted upon each side during the duration of their conflict. If the conflict has continued for several generations, they count all the people who were killed in each generation. Hostility is carried from one generation to the next.

1.4 *Patna* (Feud):

Patna usually starts with a small issue that ends in killing on both sides and continues for generations. For example, in Shali area of Khas Kunar district of Kunar province, there is a feud between two families of Haji Feroz and Haji Ghazi from Zopailikhel sub tribe of Momand tribe. They were cousins. Their families have been fighting over Qeran (50 pouls)⁶. The story goes on that several decades ago, one man lent 50 pouls (two cents) to his cousin, but his cousin didn't pay it back. The man who lent money warned his cousin that if he didn't get his money back, he would kill him. Eventually, he did. This feud still continues between these two families. Dozens of people have been killed. This feud or *Patna* is called *Qeran Patna* (the Feud of Two Cents).

1.5 *Narkh* (Traditional or informal law or rules):

In those areas where the government has no presence or is very weak, Pakhtuns solve all their disputes through *Jirgas* or *Shuras*. The rules of dispute resolution are called *Narkh*. *Narkh* are unwritten rules and are based on precedent. Literally, *Narkh* means "price" because each decision involves certain costs. *Narkhis* are people in society or in tribes who understand or at least have the reputation for understanding these rules. Elders of the Ahmadzai tribe are well known for their understanding of *Narkh*.

In the absence of a functional government in the last three decades in Afghanistan, due to occupation and civil war, the people of Afghanistan ruled themselves on the basis of these traditional codes through local *Jirga* or *Shuras*. They were able to solve their day to day problems and receive social justice.

Presently, in the rural areas of Afghanistan, most people solve their disputes and problems through *Jirga* or *Shuras* because the formal judicial system is weak, inaccessible, expensive, lacking in capacity and is viewed as being very corrupt. Because of this lack of confidence in the formal judiciary, formal rulings are generally considered invalid and cannot prevent the possibility of future revenge.

Therefore most people go through the informal system. According to the United States Institute of Peace (USIP), 85% of the time people preferred to take their problems to a village or tribal council, local notables or a cleric, while only 15% used the formal system.⁷

Additionally, the informal dispute resolution system is cheaper, quicker and more accessible than the formal system. More importantly, most of time, the informal system

⁶ One Afghani divided by 100 pouls. Currently one USD is equal to 50 Afghanis.

⁷ USIP, briefing paper, December 2006, Kabul, Afghanistan

guarantees that no future hostility or need for revenge will linger because the disputing parties would have agreed, in advance, to solve their problems through *jirga* or *shura*..

1.6 Qawm (in Dari language), Qam (in Pakhtu language), Qawmi Taroon, Qawmegari or Azizwali:

Raphy Favre wrote that Afghan society is shaped by *Qawm*, is a “fragmented network society” resulting in poor “socio-political” representation of its members.⁸ Afghans are identified by their *qawm*, a term that can refer to affinity with almost any kind of social group. It essentially divides “us” from “them” and helps to distinguish members of one large ethnic or tribal group, or one clan or village, from another. *Qam* is used to describe the larger tribe. Examples are *Hazara Qam* (Hazara tribe), *Pakhtun Qam* (Pakhtun tribe) and *Uzbek Qam* (Uzbek tribe). In the event of rivalry or ethnic support, members of each tribe tend to support their own tribesmen whether they believe they are right or wrong. Such kind support is based on *Qawmi Taroon* (tribal binding or decision). In Dari *Qawmegari* means “ethnic support” but in Pakhtu it is called *Azizwali*. *Aziz* is Arabic word means “friend” but in Pakhtu, *Azizwali* means “tribal relation”.

One example that illustrates how *Qawm* works is the story of Mir Zaman Khan of Kunar⁹ which is told in the context of *Enteqam* below where he was killed by Shinwari in Kunar.

1.7 Enteqam, Pur or Badal (Revenge):

These are synonyms for revenge. Pakhtuns will get their revenge no matter how long it takes. There is a Pakhto proverb: *Ka cheeri Pakhtun, khapal badal sal kala pas ham wakhle no beya ham-e-bera karay da*. It means “If a Pakhtun gets his revenge after 100 years, he is still in a hurry”. A son, grandson, great grandson or a cousin can take his revenge even after several generations. If a Pakhtun does not get revenge, it means he is a coward (*be-ghairat*) and this will be *Paighour* (ridicule) to his family. A Pakhtun would prefer to be dead than live with *Paighour*. If the question of *Paighour* relates to a whole tribe or section of a tribe, they cannot accept it. They take revenge collectively or individually.

This sense of revenge can be explained in the following two stories.

1) In the Sapari Village of Khas Kunar district, a man by the name of Azam killed another man about thirty years earlier. The victim had one infant son. The mother of this young boy died in the early age. During the Soviet Union Occupation, after this child had grown into a young man, he found and killed Azam in Mangwal village of Khas Kunar district. Azam was about 80 years old at that time.

Mangwal is my home village and I was living there then. Most of us didn’t know that Azam had killed the father of this young man. But once the young man learned of the killing of his father, he took revenge for his father’s slaying three decades later.

Many may wonder why he would take revenge on an old man who would have died soon anyway. But in *Pakhtunwali*, you take revenge or *Enteqam* by yourself. You do not

⁸ Research paper by Raphy Favre, “Interface between State and Society in Afghanistan, discussion on key social features affecting governance, reconciliation and reconstruction, February 2005, (www.aizon.org).

⁹ Mir Zaman Khan of Kunar was de facto ruler of eastern provinces of Afghanistan during the time of King Amnullah. He was given the title of Loy Khan (Big khan) by King Amanullah after defeating Paktia’s revolt against the king.

allow others to do on your behalf. Dying naturally can not be accepted as *Enteqam*. Allowing the old man to die naturally would have been *Paighour* for son of the victim.

2) In 1924-1925, the Loya Paktiya (presently Khost, Paktia and Paktika provinces) tribes revolted against the King Amanullah regime. Mir Zaman Khan¹⁰ of Kunar, was sent by King Amanullah Khan to stem the revolt of the in Loya Paktiya¹¹ tribes. After suppressing the Loya Paktias tribes, King Amanullah erected Minar-e-Elm-wa-Jahil (Minaret of Knowledge and Ignorance) in Kabul. (This minaret is still standing, located on the east side of Kabul Zoo.) Amanullah bestowed upon Mir Zaman Khan the title of Loy (Big) Khan.

In 1928, when the Shinwari tribes of Nangarhar province in Jalabad¹² revolted against King Amanullah, he again looked to Mir Zaman Khan Kunari to stop them.

After the successful suppression of the rebelling Shinwaris by Mir Zaman Khan and his *Lashkar* (tribal army), the news spread throughout the region. Later, Mir Zaman Khan traveled from his home in Chagha Sarai (now Assadabad, capital of Kunar province) to Asmar brigade where his son, Esmatullah Khan was commander. On his way, he stopped in the Shinkorak village of Shegal¹³, located near Asmar on the north side of Kunar river to offer evening prayer in a mosque. Mir Zaman was accompanied by only a body guard because he believed he had complete control of the area¹⁴. In January 1929, while offering evening prayer, the Shinwaris of Shegal, murdered Mir Zaman Khan in the Mosque of Shinkorak as revenge for his attack upon the Shinwari tribe of Jalalabad.¹⁵ His horse escaped and reached the Asmar Brigade. Upon the discovery that his father had been killed by the Shinwaris of Shegal village, Esmatullah Khan marched his force into Shegal village, annihilating the houses and the people.

The above two stories demonstrate the intensity of revenge among Afghanistan's tribes as well as how quickly they make decisions. The code of *Paktunwali* is defined by quick bold action, reached by consensus, in order to defend the honor of the tribe and take revenge against enemies, regardless of future consequences.

1.8 Nanawati (Forgiveness):

In most cases, Pakhtuns can only forgive their enemy and pass revenge if the dispute is solved through a *Jirga* (meeting of elders gathered to solve a specific issue) or *Shura* (council). If the *Jirga* decides to send a delegation to a victim's family, it is most likely that the family will accept and forgive the crime. Sending this delegation is called *Nanawati*. The delegation is usually comprised of elders, religious leaders and sometimes women who take with them the

¹⁰ Mir Zaman Khan Kunari was grand-father of my mother.

¹¹ Afghanistan War of Independence: The forgotten front of Chitral and Kunar by Dr.A.Rahman Zamani, Pashtu, Published by Muska Printing, 2007

¹² <http://www.afghanrelief.co.uk/AfghanHistory.htm>

¹³ Shegal village was the only village in Kunar province whose residents are from Shinwari tribe.

¹⁴ Interview with the grandmother of the writer of this article. She was the daughter of Mirzaman Khan.

¹⁵ Afghanistan War of Independence: The forgotten front of Chitral and Kunar by Dr.A.Rahman Zamani, Pashtu, Published by Muska Printing, 2007. He was 58 years old.

holy Quran and a sheep for slaughter as they ask for forgiveness. If the victim's family accepts *Nanawati*, there is no stigma of *Paighour* to his family.

1.9 *Melmasteya* (Hospitality) and *Hujra* (Guest house):

Even though hospitality is common in among many countries, Afghan hospitality is renowned. Afghans extend their hospitality to all guests or visitors who come to their homes or village, even if they are a stranger. They will serve the best food and give the best seat they have to their guests, regardless of race, religion, national affiliation as well as economic status and do so without expectation of payment or a favor. The first thing Afghans build in their village is the *Hujra* (Guest house). It is a symbol of pride for the families in the village. Those who entertain guests are well respected. And the most important aspect of Afghan hospitality is to protect the guest.

In rural areas of Afghanistan, overnight guests are asked for their next day's destination. If something happens to the guest between these two destinations, the family with whom the guest stayed overnight has to defend their guest. If the host family finds out who robbed, dishonored or killed their guest, they are obliged to take revenge on the behalf of the guest. Much of the enmity between families or villages has originated because of protection of the guests. Protection of the guests is the same as protecting your *Namus*.

Some villages have a common *Hujra* (guest house). It also functions as community center or center of local politics. In the rural areas of Afghanistan, there are few restaurants or hotels. Most visitors who stop in a village will go to a mosque and announce that they are *Musafer* (travelers), in need of food and shelter overnight. If the number of travelers is large, all of the families in the village will bring food to the mosque or common *Hujra*. If the number of travelers is few, then one family will usually volunteer to feed them.

Hujra is also used as a community and entertainment center for the youth during the evening, to play cards, music or sing. It is there where they learn about *Pakhtunwali*.

1.10 *Jirga or Maraka* (meeting of elders) and *Shura* (council):

While the tribal chiefs, Khans and religious leaders play important roles in making and implementing decisions, consensus must be built. Unilateral decisions cannot be implemented. The main forum for decision-making processes is called the *Jirga* (gathering of representatives of tribes or of different segments of the society). The difference between a *Shura* (council)¹⁶ and a *Jirga* is that members of the *Shura* (council) are elected or selected for longer periods. Members of a *Jirga* are ad hoc and can be changed for every issue. The importance of a *Jirga* lies in its ability to implement and enforce its decision. If a *Jirga* cannot implement its decision, it does not have any value.

¹⁶ Shura is Arabic word meaning council. During last three decades, several kinds of Shura established for short and long period in each district. Military council, Shura-e-Ulema (religious scholars shura), Da Spengero Shura (Shura of whitebeards) and Community Development Shura (CDC). The National assembly is also called Shura-e-Milli or Provincial Council (Shura-e-Walayati).

Maraka or *Jirga* can be sent for any issue between two families or tribes. If a groom's family sends a delegation to a bride's family for an official engagement request, this is also called *Jirga* or *Maraka*.

A *Jirga* can be convened for small disputes between individuals, on local issues as well as for bigger disputes between tribes. *Jirga* members are selected with the consent of the disputing parties. If one side does not agree on the composition of *Jirga* members, the *Jirga* cannot be held. After this democratic selection process, the disputing parties give *Wak* (Full authority) to the *Jargamar* (members of the *Jirga*). A *Jarga* (*Jirga*) has its own role which is called *Narkh* which is essentially laws based on precedent. Disputing parties select the *Jargamar* from the community or tribes who have proved to be honest, impartial and understand the role of the *Jirga* and *Narkh*. The *Jirga* then asks for *Mechelgha* (a guarantee) from the disputing parties. The amount of the *Mechelgha* can be decided by the *Jirga* members according to the importance of the issue. *Jirgamars* (*Jirga* Members) hold the security. If one of the disputing parties does not accept the final decision, the *Jirga* members will not return their *Mechelgha*. *Mechelgha* is in essence, an escrow, and a guarantee for the implementation of the *Jirga's* decision. It should also be known that the opportunity to appeal the issue through legal government channels is not shut off by the *Jirga*. Any side may appeal their case through the official legal system, even after the final decision of the *Jirga*.

1-11 **Khalat:**

Khalat is not very common in most places but in some places of Afghanistan, when *Jirgamar* took *Melchelgha*, the members of *Jirga* deduct some money for their expenses from *Melchelgha* as kind of fees for their services in the end of their decision to return back the *Melchelgha* to disputant parties.

1-12 **Loya Jirga:**

There is another forum of *Jirga*, which is called *Loya Jirga* (a Grand Council). Traditionally *Loya Jirga* in Afghanistan is called by the government or by all tribes for a national issue. While *Jirgas* have a long history in Afghanistan, in the context of contemporary history, the first *Loya Jirga* took place under the leadership of Mirwais Khan Hotaki. It was called in 1707 in Kandahar to fight against Safavid rule. As a result of the *Loya Jirga's* decision, Gurgin, the Georgian-born governor of Kandahar, was executed. After his death, Mirwais Khan Hotaki established the Hotaki dynasty in Afghanistan.¹⁷

The next *Loya Jirga* was called by the tribes in 1747 in Sher Surkh of Kandahar. They selected Ahmad Shah Abdali as their King. The dynasty which he established ruled over a larger state that included modern Afghanistan, Pakistan, some parts of eastern Iran, western India¹⁸ and some parts of Central Asia.

Since 1747, governments have called most of the *Loya Jirgas*.

¹⁷ <http://en.wikipedia.org/wiki/Hotaki>

¹⁸ <http://en.wikipedia.org/wiki/>

In 1915, King Habibullah called a *Loya Jirga* to sanction Afghanistan's neutrality in the First World War.

In 1919, King Amanullah called a *Loya Jirga* to declare Afghanistan's independence from the British rule.

In 1941 King Zahir Shah, called a *Loya Jirga* to approve the neutrality of Afghanistan in World War II.

In 1964, the government called a *Loya Jirga* to approve the constitution of Afghanistan.

The 2002 Emergency *Loya Jirga* approved the interim administration of Hamid Karzai, the current President of Afghanistan.

And in 2003, the *Loya Jirga* approved the present constitution of Afghanistan.

During the visit of President Hamid Karzai to Washington, at the end of 2006, President Bush, President Musharraf and President Karzai agreed to have a regional Peace *Jirga* between Afghanistan and Pakistan to reduce tensions between the two countries. In this *Peace Jirga*, members from tribes on both sides of the Durand Line, as well as other tribes and bureaucrats from both countries, agreed to participate.

The Peace *Jirga* was held in August of 2007. Gen Pervez Musharraf, the President of Pakistan boycotted the first three days which was seen as an affront to President Karzai, though speculation also was that his absence was due to domestic unrest. Gen Musharraf did attend the last day of the grand tribal assembly. He declared that support for militants emanating from Pakistan had caused problems for Afghanistan and that his country would work to secure peace on its of the border.

In the declaration issued at the end of the four-day Peace *Jirga*, the 650 delegates pledged to continue to an "extended, tireless and persistent campaign against terrorism" and disallow terrorist sanctuaries and camps. They also agreed to establish a smaller *Jirga* of 25 representatives to continue a dialog between the two countries in order to work for peace with the Taliban and to combat the narcotics trade.¹⁹

Again, each *Jirga* or *Loya Jirga* are be convened for a specific issue. After making their final decision, the assignment of the *Jirga* members cease to exist and they go back to their areas.

Jirgas and *Loya Jirgas* have played an important role in Afghanistan history, primarily due to the lack of a strong central government in Afghanistan. *Jirgas* still play a very important role in the tribal structured society of Afghanistan. In the rural areas, more than 90 percent issues are solved through *Jirgas*.

People accept *Jirgas* as a means of an "Informal Justice System" because it is cheaper, more accessible and shorter means of solving disputes and preventing future enmity.

The formal justice system in Afghanistan is expensive, takes longer and cannot stop future hostility. Additionally, people have less confidence in the formal justice system due to its lack of capacity and corruption. In many instances, the final decision of the "Formal Justice System" cannot be implemented by the executive branch. It only further exacerbates frustration among disputing parties.

¹⁹ The author was member of Peace *Jirga* between Afghanistan and Pakistan.

Appreciating the culture and code of conduct is requisite in understanding the Afghan power structure.

There are three pillars of power in Afghanistan, namely the 1) tribal structure, 2) religious leaders and 3) government. A brief overview is below, however if you wish to delve into the subject more, please consult the books of Professor David Edwards, *Heroes of the Age* and *Before Taliban: Genealogy of Afghan Jihad*.

2- Tribal Structure or non-recognizable District Structures:

It is believed that the first iteration of the district tribal structure began during the rule of King Abdur Rahman (1880-1901). Most tribes gave conscription, duties and taxation to the government, while sharing their profits and losses within the district based on allocations developed over time.

During British rule in the Indian sub-continent, through the Treaty of Gandamak (12 November 1893), the Durand Line Agreement was implemented. It divided the Pashtun tribes between Afghanistan and India, causing deep anguish among the populace. Since the creation of Pakistan in 1947, no government of Afghanistan has recognized the Durand Line.

Additionally, a large area along the border between Afghanistan and Pakistan effectively remains as a buffer zone, called *Qabayel* (“No Man’s Land”).

Because of the weak presence of government and the inaccessibility of the remote areas, along the Durand line, the only governing mechanism for solving day-to-day problems is *Pakhtunwali*.

Officially Afghanistan has been divided into 34 provinces and 364 districts plus 132 municipalities. Most of these districts have been divided by geographical location or tribal structures. In all districts of Afghanistan, you will find the following three structures²⁰.

1. Tribal structure

2. *Wand, Tagab, Qabela, Khanagi, Zone, Basta or Manteqa* (designates an idea of shared space in which its inhabitants maintain a great degree of cultural uniformity, sections which are comprised of a cluster Qaryas)
3. *Qarya* system (cluster of small villages)

Some of the districts in Afghanistan have been named after the name of a tribe. Examples are Tani, Gurbuz, Zaze, Lezha Mangal and Andar.

In a districts where only one tribe live, the districts are divided by sub-tribes. For example Gurbuz district of Khost divided by three sub-tribes and Tani district divided by four sub-tribes.

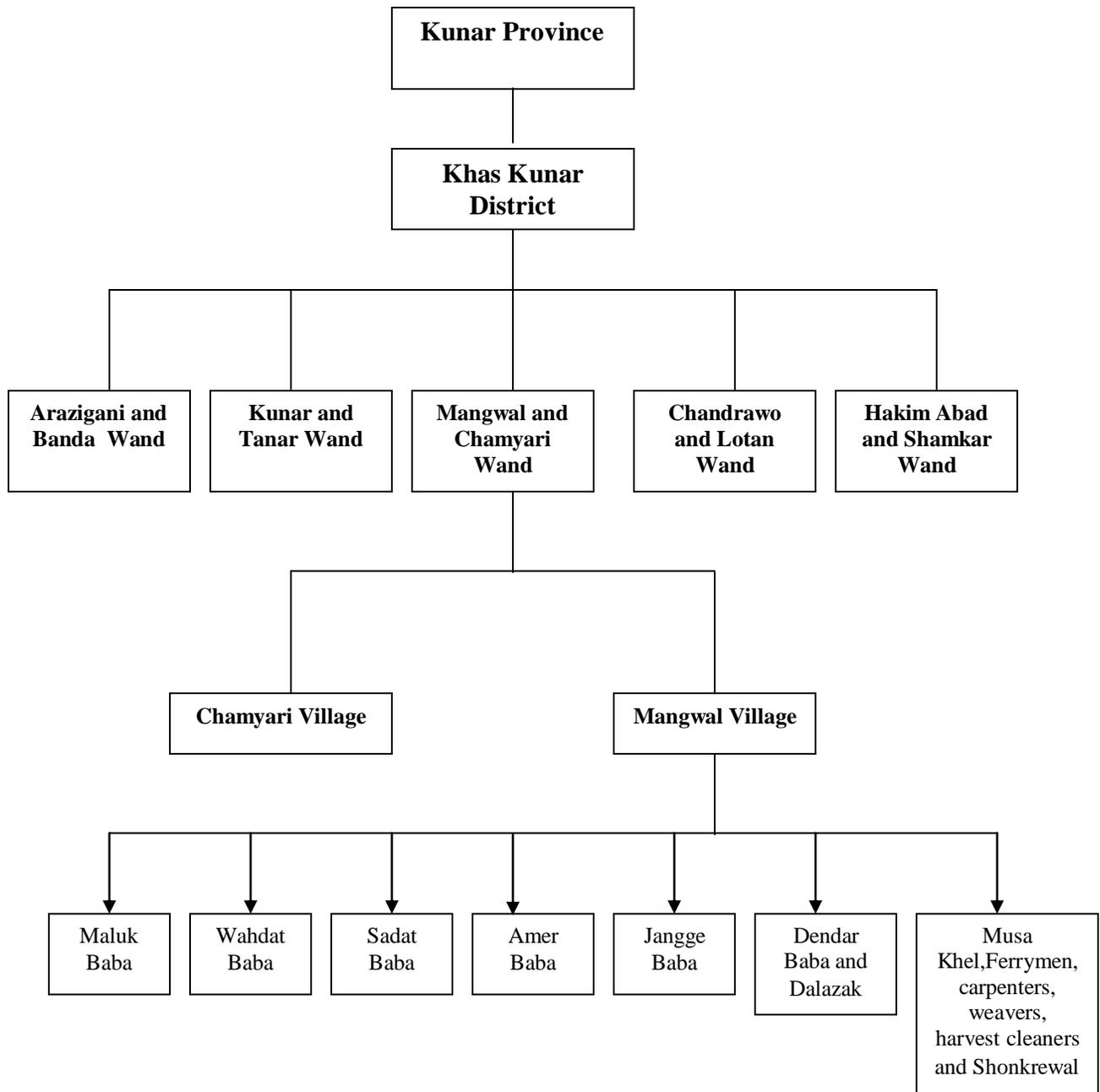
Five *Wands* divide Khas Kunar, the area located in the eastern province of Kunar.

²⁰ Some of these structure system has been explained in the new book of Shahm Mahmood Miakhel, published in 2006 in Pashtoo language, named “Emergency Loya Jirga and Election Process in Eastern Provinces of Afghanistan”

Each of these *Wands* or sub-tribes is then divided further by different clusters.

Fifty two *Qaryas* divide Kama district in Nangarhar province or 100 *Qaryas* in Bagram district of Kabul.

In order to appreciate the complexity of this system, below is an explanation of the structure in just one district, the Khas Kunar. While it looks very complex to outsiders, the local people, those who live in the district, understand it easily.



Relationship of a section of a village in Khas Kunar district, with district, provincial and national administration

Khas Kunar used to be the capital of the Kunar province and the name of the province is taken from a village called Kunar. Khas Kunar has the following five Wands (Sections):²¹ Each, Wand is comprised of several villages and each village has several clusters.

1. Mangwal and Chamyari
2. Chandrawo and Lotan
3. Kunar and Tanar
4. Arazigani and Banda
5. Kuli Gram (Hakim Abad) and Shamkar

To further add to the complexity, in each Wand that they divide their profits and losses based on shares. The Mangwal and Chamyari wand of Khas Kunar divide their profit by three shares. One share (1/3) given to Chamyari village and two shares (2/3) is given to Mangwal village.

Mangwal village has seven clusters (shares): Six are named after their great, great grandparents and one is allocated for the other families (carpenters, ferrymen, sayyeds, etc.). The village divides its profit and loss into seven shares equally. They are:

1. Maluk Baba
2. Wahdat Baba
3. Sadat Baba
4. Ameer Baba
5. Jangge Baba
6. Dendar Baba and Dalazak
7. Musa Khel (members of other tribe who live in this village), Jolagan (weavers²²), Shakhkel (harvest cleaners) and Shonkrewal (members of other tribes who live in this village)

In the same way, *Chamyari* village has three clusters and they are²³:

1. Chamarkhel
2. Atakhel
3. Daminjian.

The story goes back generations that Chamyar was Hindu and the village is known on his name as Chamyari. Chamyar had two sons named Chamar and Ata. Later on, Chamar converted to Islam and then Ata killed his brother, Chamar, because of his conversion to Islam. People of Chamyari build a shrine on the grave of Chamar which is known Shahid Baba and the grave still exist in the Chamyari village. Now the descendents of both brothers are followers of Islam and the descendents are known as Chamarkhel and Atakhel.

The third group of Chamyari village that are called Daminjian, they are Degan (Tajiks) and they came from Shumash and Aret village of Noorgal district across from Kunar river in the north of Khas Kunar district. In Shumash and Aret area, there is a village called Daminj and still

²¹ Research took place in March-April 2002 during election of an Emergency Loya Jirga

²² Before the modern age, there were weavers almost in all villages. They prepared cloth from the locally produced cotton for clothes. The descendents of those families are still known by those names.

²³ Interview with Malik Taus Khan from Chamyari village on 21st January 2011 in Kabul

exist. Even though, locally they are called Degan but it seems that Degan are close to Nooristani tribe and their dialect has similarity with Nooristani and Pashae languages of Afghanistan and they may not be Tajiks as they are locally known. Besides these three clusters, there are residents from other tribes in the area such as Alla Khel, Boti Khel, Buzarg Khel, Kashkoti and Miagan in Chamyari village and they are part of different clusters to have share in the income and loss of the village. For example, Alla Khel and Boti Khel are cluster of Diminjian and Burzarg Khel, Kashkoti and Miagan are part of Chamar Khel.

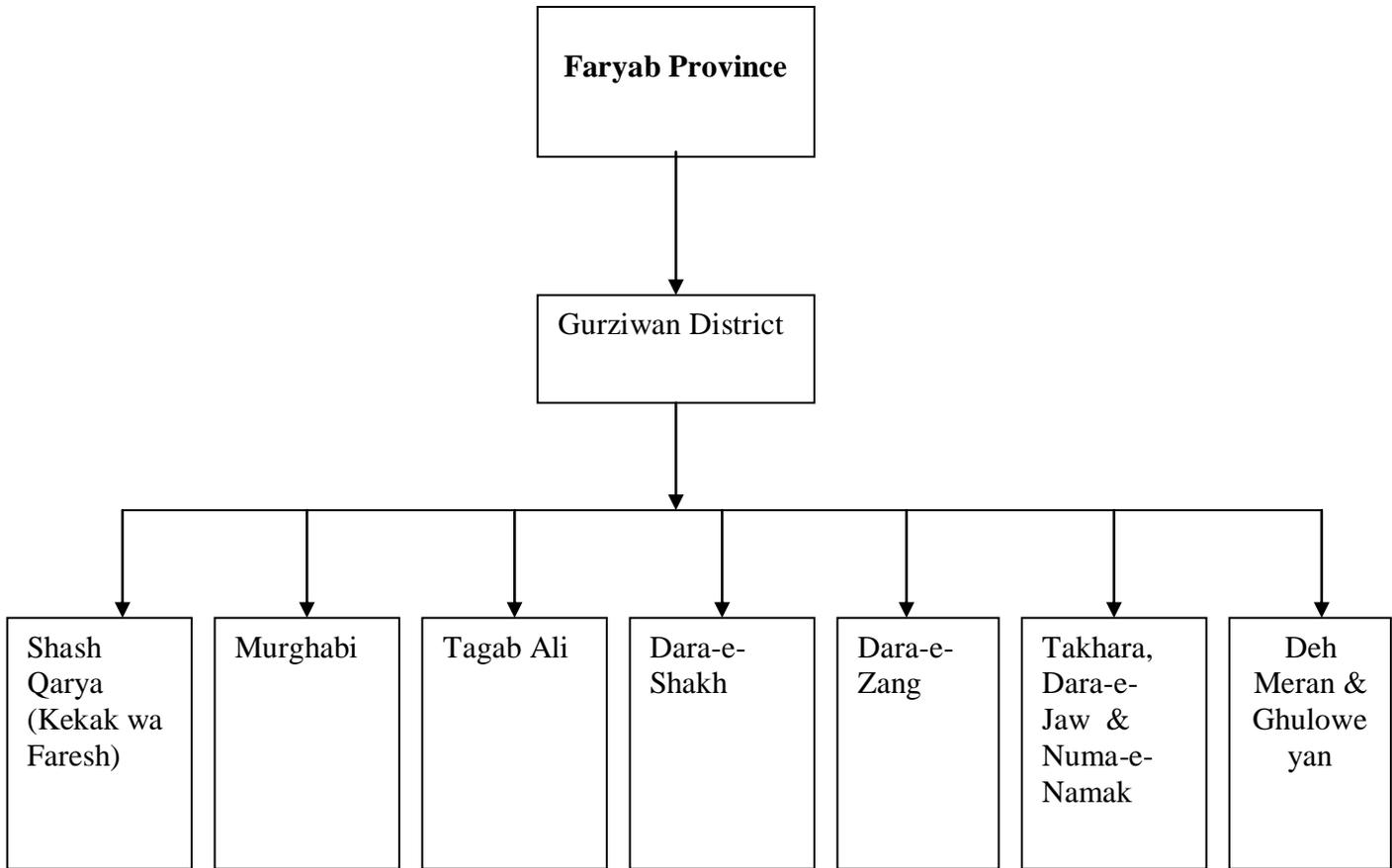
As shown in the above chart, all residents of the village have an equal share. And they all participate in issues about their village or district, each contributing according to their share. In the above chart, the first six clusters of Mangwal village belong to one tribe, which is called Atamarkhel, a sub-tribe of Momand tribes. The Momand tribe is divided by four major sub-tribes of:

1. Bayze
2. Khoyze
3. Halemze and
4. Tarakzi

The Atamarkhel tribe of Mangwal village is a sub-tribe of Bayze. Momand tribes' settled in the eastern provinces of Kunar and Nangarhar, the tribal Qabayel belt between Afghanistan and Pakistan as well as in the northwest part of Peshawar.

As shown in the above chart, the stronger tribe, Atamarkhel, gives shares to those who are not part of their tribe. They do it because they to help the lower class. They give equal shares to Musakhel, Dalazak and Shonkrewal families even though they are not part of Atamarkhel tribes. This distribution of shares in the village to the lower class has been done by a number of families living in Mangwal village. Changing this method of distribution would not be acceptable to the tribes because it represents their share of water, land, pastures, forests, mountains and other communal properties.

Another example illustrating the complexity of the district structure is in the Guziwan District of Faryab Province.



The Gurziwan²⁴ district of Faryab Province is divided into 7 sections. This division is well understood by the inhabitants of *Gurziwan* district and they call it *Tagab* or *Tagao* (Valley).

In the Jaghori district (south-west of Ghazni province), the number of *Manteqa* (designates an idea of shared space in which its inhabitants maintain a great degree of cultural uniformity) are not rigid. NGOs, such as Shuhada Organization or Avicenne have listed 25 Manteqa in Jaghori district;²⁵

1. Almetu
2. Anguri
3. Bâbâ
4. Busayd
5. Chilbâghtu-ye Oqi
6. Chilbâghtu-ye Pashi
7. Dahmardad

²⁴ interview with the people of Gurziwan who visited UNAMA on 31 May 2007

²⁵ Research paper by Raphy Favre, "Interface between State and Society in Afghanistan, discussion on key social features affecting governance, reconciliation and reconstruction, February 2005, (www.aizon.org)

8. Dâwud
9. Haydar
10. Hecha
11. Hutqol
12. Kamrak
13. Lumân
14. Maska
15. Pâtu
16. Sang-e Mâsha
17. Sapâya ou Khodaydâd
18. Sa'id Ahmad
19. Shashpar
20. Sherzayda
21. Shoghla
22. Siyâ Zamin ou Posht-e Chob
23. Taberghân
24. Ulyatu
25. Zerak.



Some *Manteqa* bear the name of tribal segments such as Dahmardad, Maska or Baba, while other designates use the name of a location such as Sang-e Masha or Hutqol. Alessandro Monsutti²⁶ noted that in some *Manteqa*, the population is from the same tribal affiliation, while in others, the population is mixed (i.e Sang-e Masha). However, Monsutti also showed that marriage within the *Manteqa* in Central Afghanistan is high with 70% of the marriages made within. Monsutti also noted that when a marriage is made outside of the *Manteqa*, it is generally done to reactivate ancient strategic alliances between families. Monsutti conducted a study on the social structure in Jaghori district of Ghazni province and mapped the various *Manteqa* of Jaghori district (see figure 1).

Another example of the complexity of the district structure is that of Bagram²⁷ district of Parwan province. It was divided into 99 *Qarya*. Among those 99 *Qarya*, thirty of them were from Pakhtun ethnic group, five Hazara and the remainder Tajiks. Recently, another *Qarya* was added, one near the gates of the Bagram airbase. It was added because many families from other ethnic groups reside there, those not part of any of the other 99 *Qaryas*. So, now the district of Bagram has a total of 100 *Qaryas*.

In the Gulistan district of Farah province²⁸, the majority people are Pakhtun (also sometimes spelled Pakhtoon) from the Noorzi tribe, but there is a small community of Tajik and Shia who also live in the district. The district of Gulistan is divided into eight *Qabela*. Six *Qabelas* are Pakhtun, one Tajik and one Shia.

The six *Qabelas* of Pakhtun are:

1. Helal Zay

²⁶ Alessandro Monsutti, author of “*Guerres et migrations: réseaux sociaux et stratégies économiques des Hazaras d’Afghanistan*”, Neuchâtel: Faculté des lettres et sciences humaines (thèse de doctorat), Switzerland, 2003.

²⁷ Interview with General Baba Jan of Bagram on 1st June 2007 in Bagram

²⁸ Interview with Abdul Majid Dehate of Gulistan in UNAMA, Kabul Office on 12 June 07

2. Jamal Zay
3. Khuche Zay
4. Bare Zay
5. Khuwaja Zay
6. Barik Zay.

Digging in deeper, there are 22 *Qaryas* in Jamal Zay's *Qabela* and they are:

1. Telekaman
2. Karez Naw
3. Qala-e-Surkh
4. Deyak
5. Toot
6. Khanjaka-e-Oleya
7. Khanjaka-e-Sufla
8. Pushta
9. Saidal
10. Babokhel
11. Lartay
12. Ghalrawe

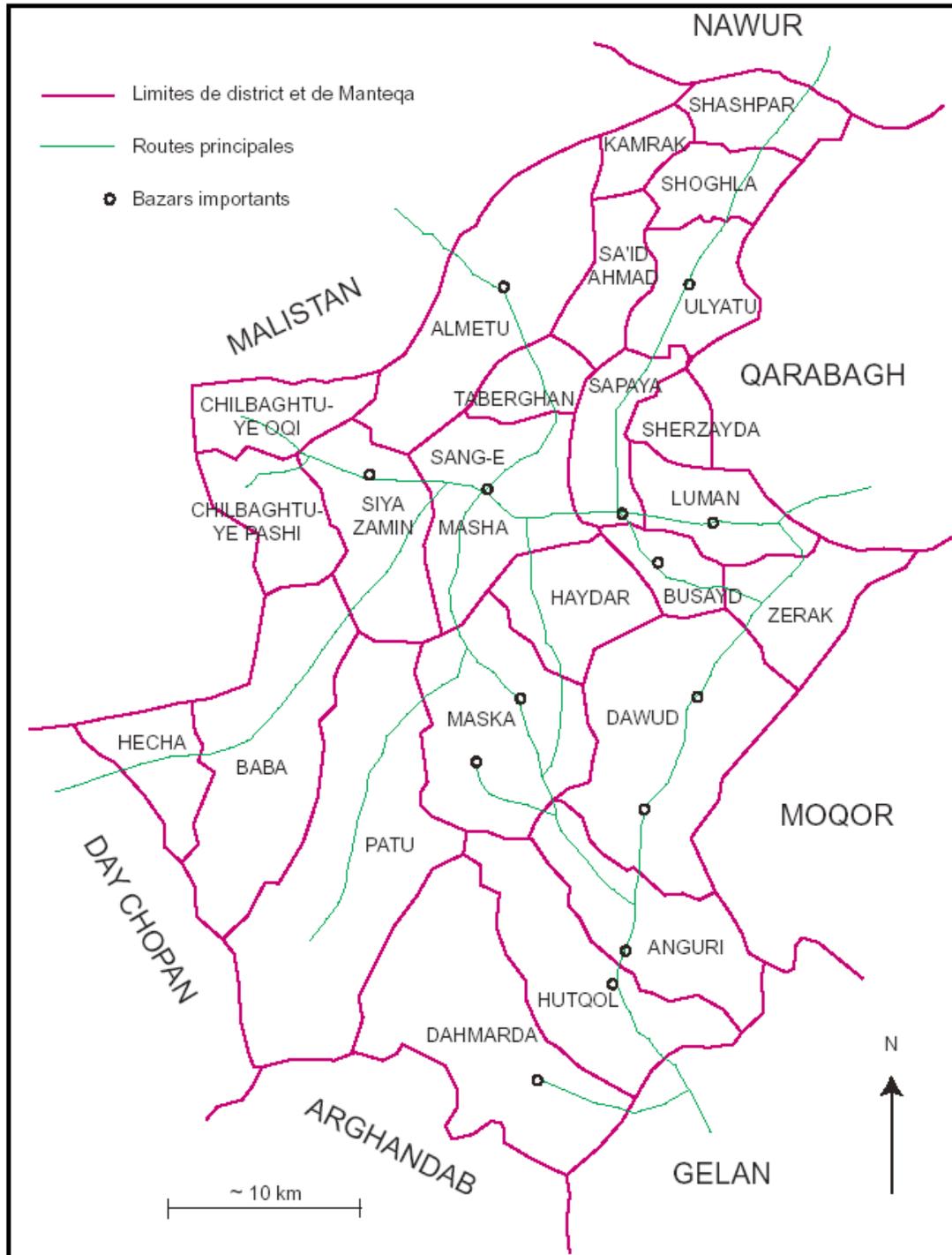
13. Olar, or Pashto La
14. Qala-e-Gam
15. Qala-e-Naw
16. Qala-e-Mia
17. Shewani
18. Esfanj
19. Palway
20. Dahan-e-Palway
21. Orkan
22. Tal



Governmental influence is weak in the Gulistan district. Instead, the people of Gulistan have selected 8 *Shura* members (one member from each *Qabela*) to solve the day to day problems of the district. Currently Haji Ali Jan from Khuwaja Zay Qabela is the head of Shura and Mr. Sarajudin from Jamal Zay Qabela is the deputy of Gulistan Shura.

Looking at the three districts of Ghourmach, Qades and Joyand in Badkhis province, the same structure exists. But instead of calling them *Qarya* or *Manteqa*, the locals called them Hazar Khanagi (thousand families), Zone and Basta, respectively. So, Ghourmach district is divided into three Hazar Khanagi: Tokhi, Achekzai and Zamand. Qades district is divided into twelve Zones and Joyand district is divided into ten Bastas

Figure 1
 Maps of the “manteqa” of Jaghori district (Ghazni province).¹⁷



These areas known as *Manteqa*, *Tagab*, *Qabela*, *Wand*, or *Qarya*, do not have legal administrative recognition. However they represent the actual social and territorial structure of rural Afghanistan and this is what the inhabitants understand and recognize. Using this structure, they select their representatives and participate in all issues, from small to large.

According to Monsutti²⁹, it should take approximately one week to ten days for an experienced team to define (and map) the structure of the various *Manteqa* within a district, through grassroots discussions with the inhabitants.

That hypothesis was verified by my own work in 1994-1995, while with the UNDP/UNOPS program in the south and south-east area of Afghanistan. Our purpose was to establish a District Rehabilitation Shura (DRS) in each district. It would take us one to two weeks to establish a fair, representative Shura after having thoroughly consulting with all segments of the district. Once the people selected their representatives through this process of consultation, they supported their representatives and cooperated on all district issues.

The process we utilized to establish the DRS can be demonstrated by what we did in the Gurbuz district of Khost province. This district was comprised of three sub-tribes, each located geographically far away from one another. One branch of the tribe lived close to the center of the province, but the other two sub-tribes lived far from the center of province, as well as far from the center of the district. The name of the two sub-tribes were Zia-u-din and Ghulam Khan³⁰. It was a 3-4 hours drive from the central of Gurbuz to either of these two locations. In the past, most NGOs who worked in Gurbuz only dealt with the center of the district, ignoring the Zia-u-din and Ghulam-Khan tribes. More often than not, these overlooked two tribes created problems for the NGOs. They would frequently stop vehicles and forcibly take tolls from NGOs.

In contrast, when we went to the Gurbuz district, we visited all three clans. We spoke and consulted with their elders of each sub-tribe, and in doing so, we reached a mutual agreement that they would provide security. They agreed that our vehicles would not be stopped in any part of the district. We made it clear that if a clan stopped our vehicle, we will not work in their district. Additionally, it was agree that the DRS would fine any clan who stopped our vehicles or created any problems for our contractors.

Each clan selected their own representatives for the DRS. The DRS prioritized projects according to their needs. In most cases, we had an allocation of \$30-50,000 US dollars for each district. After the DRS decided upon the projects they wanted, we would draw up plans. Once completed, we would give a copy of the project specification documents to the DRS and it became their responsibility to monitor the construction of the projects. In the end, we had the exceedingly successful project implementation in the Gurbuz district and the people were very cooperative.

This is significant because at that time, the security situation in Gurbuz district, as well as in the rest of the country, was much worse than the present time in Afghanistan.

²⁹ Allensandro Monsutti , op, cit.2003

³⁰ Ghulam Khan was known Khan of Gurbuz tribe. The entry point between Afghanistan and Pakistan in Miram Shah is known as Ghulam Khan.

As mentioned in the case of Khas Kunar, Gurziwan, Bagram, Gulistan and Jaghouri districts, this structure was not only limited to Pashtun tribes. It is commonly understood and accepted throughout Afghanistan. Yet, for the most part, because of their complexity, only the resident of the districts understand them. These structures are seldom comprehended by government or other institutions outside of the district.

It is imperative to understand that the only way that the majority of the people in Afghanistan will participate in security, governance and development is through cooperation with local authorities on the district level.

Considering the complexity of the relationships, it may appear to be difficult to build consensus easily. But once done, you will have the full support of the tribes and villagers. No one will feel left out from participation and decision-making. It ensures fair and equal participation and decision making powers regarding all issues. It is the Afghan form of democracy.

3- Religious Leaders:

Religious leaders have their own networks in Afghanistan. There are two networks of religious leaders in Afghanistan: *Madrassas* and the *Sufi* order.

Sufi *Pirs* (guides) have followers among the tribes and their orders are obeyed. There are four sects of Sufi orders in Afghanistan;

1. *Naqshbandaya*
2. *Qaderiya*
3. *Chushteya and*
4. *Sarwardeya*

Of the above Sufi orders, Naqshbandaya and Qaderiya, have the majority of followers.

The current Chairman of Afghanistan Senate and also leader of National Islamic Front of Afghanistan, Prof. Sebghatullah Mujadedi, is known to be the leader of the Sufi order of Naqshbandeya. The major leader of Qaderiya sect is the family of Naqib Saib³¹, father of Pir Sayed Ahmad Gilani who is the leader of National Islamic Front of Afghanistan, a resistance group formed against the Soviet occupation in Afghanistan.

In addition, there are other independent networks of Sufi Pirs that exist in Afghanistan. In the eastern provinces of Afghanistan, the disciples of Mulla Najmuddin Akhund, known as Hadda saib, a leader who fought against the British, are well known families. They continue to boast a strong role among the tribes. For further information, refer to the books of Professor Edwards: *Heroes of the Age and Before Taliban, Genealogy of Afghan Jihad*).

³¹ Naqib saib was descendent of Ghulam Qader Jelani who was founder of Qaderya Sufi Order and lived in Iraq who moved from Iraq and lived in Surkhrud district of Nagarhar province. Naqib saib family has many followers in Southern provinces.

There are two systems of *Madrassas* in Afghanistan: 1) official Madrassas, supported by the government and 2) non-official Madrassas, supported by contributions from individuals and organizations. The non-official madrassas are usually located in mosques. The role of the non-official Madrassas is much more important among the tribes than the official Madrassas. The non-official Madrassas leaders can mobilize the community very easily because they live among the people and supported by the community. One reason that the religious leaders from the official Madrassas play a less significant role is because most of them are not live among the community and they are not close to the people. Also, many graduates of official Madrassas are appointed as judges and prosecutors and due to rampant corruption in the judicial system, they are viewed by the people as corrupt officials.

4- Government Structure:

Afghanistan has unitary system of government to control all resources and appointments to the district level. Even though there exists the title of President, in reality, the central government is a hybrid of parliamentary and presidential systems. The cabinet must be approved by the parliament and a minister can be removed by a simple majority of the parliamentarians.

The provincial structures, according to the new constitution, neither looks like a federal system nor a unitary system. It is again a hybrid because there are elected Provincial Councils in all 34 provinces. They do not wield power, and are mostly used for consultation. Recently they have been granted a monitoring role by the Provincial Councils but it is not clear what exactly their role will be.

The Constitution envisioned district and village councils but like the Provincial Council, the relationship between the executive and elected councils is unclear. Eventually, it would be good that district council should appoint chief executive (*Wuleswal*) among themselves rather than appointed by central government.

As indicated above, Afghanistan has 34 provinces and 364 districts. Given the current rules for appointment, all districts chiefs, judges and attorneys are to be appointed by the President. That is because all of these positions are considered rank one and two. The President appoints rank one and two civilian, police and military (major general ranks) officials. Including all rank one and two positions at the district, province and central levels, it amounts to around 5000-6000 positions. Given the arcane structure of the government as illustrated above, this is thought to go beyond the capacity and capability of the President office to deal with all these appointments. And more, according to current procedure and law, these positions not only need the President's signature for appointment, it also requires the President's signature for all transfers inside the province or outside in the ministries and provinces. Calculating all of the appointments, transfers and reshuffling in a one year cycle, it amounts to approximately twenty thousand signatures required by the President. This system needs to be changed. Just as the ranks of the military and police have swelled, so have the ranks of the civilian administration, an administration that does not have the trust of the populace. The changes needed only require the political will to do it.

5- Conclusion:

Historically, Afghanistan had always had a weak central government but it has developed a strong district level structure. In the past, successful central rulers have worked with tribal and religious leaders to achieve balance through compromise.

When King Nadir Khan (1929-1933) took power, he gave special privileges to the tribes in Loya Paktia (Khost, Paktia and Paktika provinces) and exempted them from the conscription in the military. He gave honorary ranks to the chief of tribes. In order to please the religious leaders, he established several official Madrassas: Najmul Madares in Jalalabad, Madrasa-e-Asadeya in Mazar and Abu Hanifa in Kabul. Some graduates of these official Madrassas have become known politicians and bureaucrats in Afghanistan.

During the peaceful reign of King Zahir Shah (1933-1973), if a crime occurred in very remote part of the district or on a tribal boundary, the local elders were obliged to hand over the perpetrators to the government. During his forty years of rule, there was peace in Afghanistan because he worked diligently to maintain balance among tribes, religious leaders and the rule of the government. So, despite the fact that even in those years, the central government machinery was weak, it had the full support of the people. King Zahir Shah was the last King of Afghanistan, reigning until he was ousted by a coup in 1973. Following his return from exile he was given the title 'Father of the Nation' by Emergency Loya Jirga in 2002. He died in July 2007.

Whenever a power imbalance occurs among these three pillars of power in Afghanistan, the government has failed and turmoil engulfs Afghanistan.

King Amanullah Khan (1919-1929) wanted to modernize Afghanistan and attempted to implement reform agendas. But due to strong resistance both from religious leaders and tribes, he was forced to abdicate his power and left the country. He could not find the common ground needed to balance the three forces. He lived in exile in Italy until he died on 26 April 1960³². His coffin was brought to Jalalabad and buried to his father, King Amir Habibullah's tomb in Saraj-ul-Emrate Garden.

President Daud (1973-1978), put more focus on the implementation of an ambitious progressive nationalistic agenda. He was overthrown by a Communist coup supported by the Islamic fundamentalists who feared that his foreign policy was distancing him from the Soviet Union and becoming too close to the West.

When the communist regimes (1978-1992) targeted religious and tribal leaders, national resistance (Jihad) started against the communist regimes and they failed to implement their agenda. From 1992-2001, once the Mujahidin government and Taliban began excluding tribal leaders from the power, Afghanistan was drawn in civil war.

³² Afghanistan War of Independence: The forgotten front of Chitral and Kunar by Dr. A.Rahman Zamani, Pashtu, Published by Muska Printing, 2007 page 4.

In conclusion, to have peace and security in Afghanistan, there must be a balancing act between tribal, religious and government structures and the Afghan foreign policy should not pose threats to its neighbors.

For security, governance and development, citizen participation must be at the district level. While consensus building or a “bottom up” approach is a time consuming process, in the end, it saves time, resources and avoids catastrophic mistakes. If more time is spent in planning, including key community leaders in the process to achieve consensus, then the community will support any project.

This process of consensus building is essential in achieving a peaceful, secure, well-governed Afghanistan. It is a democratic process with the support and participation of the people.

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