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Village Institutions in the Perception of National and International Actors in Afghanistan

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Introduction

In recent times, Afghanistan has experienced an unprecedented international effort at reconstruction and state building. During the past three years, the international community has watched an impressive transformation unfold. Owing to the successful implementation of the Bonn Agreement, the country has seemingly shed the cloak of medievalism imposed by the Taliban and, by achieving a democratic constitution and presidential elections, has stepped across the threshold of modernity. Now the need to create a linkage with the regions outside of Kabul and to tie them into the enterprise of state building presents the most pressing issue.

This is not a new phenomenon. The modern history of Afghanistan has been characterized by an ongoing tension between centre and periphery. The relationship between these two entities has often been cast in dialectic terms, the rural areas representing the antithesis of the urban setting and its government institutions. This notion of mutual exclusiveness found its expression in the juxtaposition of word pairs like hukumat ("government") and yaghistan ("land of insolence"), as well as sarkar ilaqa ("government area") and ghair ilaqa ("alien territory") (Anderson 1983: 125; Noelle 1997: 162). Twentieth-century efforts at state building attempted to overcome this separation by projecting a continuum of institutions organically linking the village to the central government. In different ways, these competing notions have informed the agendas pursued both by the Muhammadzai government up to 1978 and the agencies providing essential services in the countryside during the periods of Mujahidin and Taliban ascendancy. Most recently, two developmental programmes aiming at creating a link between village institutions on the one hand and the interests of government ministries and international donors on the other reflect a renewed approach towards the tapping or moulding of local structures of governance.

International intervention is thus not only happening in the fields of military engagement and state building but also makes itself felt on the smallest level of local organisation. The effort to reach out to the village is guided by a number of assumptions concerning the nature of local institutions and their adaptability to political and developmental processes. For this reason, it will be useful to take a look at the agendas involved and to place them in perspective by adding a historical survey. With this approach, I hope to give an idea of the functions the local councils have traditionally fulfilled and in which ways they have changed over time. In the context of state building, the nature of the contact between local institutions and state interests is of vital interest. Equally important are the perceptions that have guided the negotiation of this contact. As will be seen below, the discourse on Afghan institutions is characterised by two complementary images, one stressing the immutability and selfcontainedness of the village council, the other constructing it as the nucleus and origin of state institutions.

The National Solidarity Programme (Hambastagi-yi milli)

Funded by grants from the World bank and several of international donors, the National Solidarity Programme (NSP) is implemented by the Ministry of Rural Reconstruction and Development (MRRD) with the assistance of a number of Facilitating Partners covering all the provinces of Afghanistan.[1] Starting in April 2003, the programme initially targeted three districts in each of the 34 provinces but is designed to reach all of Afghanistan's estimated 20,000 villages within a four-year period. An essential ingredient of NSP is its "people-centred" approach empowering local communities to organise themselves and to address their most pressing developmental needs. To this end, each village comprising more than 50 families is assigned a block grant of $200 per family with a limit of $60,000 per community. The decision of how to use these developmental funds rests with local Community Development Committees (CDCs),

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[1] The 22 Facilitating Partners include organisations such as ACTED, Actionaid, Agha Khan Developmental Network (AKDN), CARE International, Concern International, Danish Committee for Aid to Afghan Refugees (DACAAR), German Agro Action (GAA), GOAL (Ireland), International Rescue Committee (IRC), Ockenden International, Sanayee Development Foundation (SDF), Swedish Committee for Afghanistan (SCA), and UN-Habitat

which, contrary to the traditional community councils, are elected by secret ballot and may include women.

The reasoning adopted for the community-based thrust of NSP is guided by two basic assumptions. Of foremost importance is the expressed intention to create institutional linkages between the local communities and the government ministries, thereby enhancing the communication via the intervening district and provincial administrations. This process thus aims both at lessening the "perceptional distance" between Kabul and the regions and rendering government presence more tangible on the ground. Another vital argument concerns the need of rebuilding "social capital and leadership" on the village level, implying that the introduction of democratic conventions and the resulting invigoration of local governance will automatically defuse the power of the warlords (Zakhilwal n.d., n.p.).

The shura (CDC) designed as the local instrument of developmental planning clearly represents a departure from the customary village council, which typically is not a permanent institution and is only called to tackle a specific problem or conflict. The customary council is open to all men who feel concerned about the issue which has occasioned the meeting, but it also accords great weight to the opinion of elders, particularly men distinguished by their experience, rhetoric abilities, social standing and religious knowledge. Given its orientation towards the planning and implementation of developmental projects, the CDC assumes a different profile in terms of composition and length of tenure. Its membership is elected for a longer term, is limited in number and displays a certain amount of specialisation.[2] In this context, younger candidates known for their formal education and their ability to interact with aid agencies enjoy a certain edge over the traditional opinion leaders (Boesen 2004: 43-6; Harpviken et al. 2002: 5-7).

So far, the CDCs have overwhelmingly been accepted by the local population. These "new shuras" carry the promise of new modes of decision making and a strong orientation towards community-based needs. Moreover, their official status facilitating the interaction with government structures and aid agencies is appreciated. Thus the formal incorporation of village institutions into the district and provincial administration is seen as a possible avenue towards contact with the government and thus corresponds to the government interest of achieving a greater local presence. (Boesen 2004: 43) This seems to herald a departure from rural attitudes to government in earlier times, when the interventions by the Muhammadzai and Communist state were mostly seen as hostile acts best to be avoided. Nowadays there is a growing acceptance of and demand for government presence as an alternative and counterweight to the authority forcefully exercised by local commanders.

It should not be overlooked, however, that the introduction of democratic conventions on the village level cannot automatically replace the war-generated power structures with more equitable ones. As the elections for the Emergency Loya Jirga of 2002 have amply demonstrated, the mere promulgation of a pluralistic and democratic system by no means curtailed the ability of the gun-holders to manipulate the political process in their favour. In the same manner, the local elite of commanders, mullahs and landowners have considered the promised NSP block grants too attractive a resource to forego the temptation of imposing themselves on the CDC elections. While the successful challenges advanced by some alternative candidates may have reminded the local power brokers that their accustomed methods of maintaining authority may not work in the long run, it comes as no surprise that the elected CDCs "to some extent reproduced customary structures of local governance", as a survey of the election proceedings politely puts it (Boesen 2004: 39-40, 58).

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[2] Boesen enumerates the following formal posts of the CDC: chairman/chairperson (rais), deputy chairman, secretary or clerk (munshi), and accountant. Apart from deputy or assistant clerks and accountants, the CDC may also include two or three community representatives without function, as well as select committees responsible for project feasibility studies and the collection and evaluation of bids from service providers (Boesen 2004: 42).

Tribal Liaison Offices in Paktia and Khost

Similar to the National Solidarity Programme, this initiative by Swiss Peace aims at the creation of an institutional linkage between tribal structures, the government and international agencies. Yet instead of devising new forms of representation on the village level, the focus is on the strengthening of the existing local councils and their integration within the larger framework of governance. This approach is based on the assumption that the traditional shuras have historically fulfilled vital functions in terms of conflict settlement and the maintenance of law and order in a setting characterized by a marginal or nonexisting government presence. The idea of opening up new fora for tribal elders and facilitating their access to government institutions and aid programmes is also motivated by the need to encourage peaceful segments of the local population vis-à-vis the hierarchies established by force of arms and drug money. The connection between local representatives and government is provided by provincial liaison offices in Paktia and Khost and a main office in Kabul. While the identification and implementation of development and reconstruction needs forms a primary concern of these tribal boards, Swiss Peace also sees potential for the employment of a tribal police (arbakai) for the enhancement of local security. At this point it is difficult to tell whether the invigoration and broadening of traditional governance structures can indeed diminish or soften the power exercised by the wartime elite. But one promising aspect of this project is that, unlike the National Solidarity Programme, it does not represent an instance of democracy imposed "from above" (Boesen 2004: 2) but was generated by the initiative of local tribal representatives.

The two projects portrayed above capture a promising moment in the relationship between centre and periphery. The prospect of developmental aid has opened the door to the rural areas which seemed impenetrable to government policies not too long ago. Presently there is an active local interest in participating in the political process put into motion by the Bonn Agreement. At the same time, the contact with government and international organisations has affected the functions of the local councils and has caused a shift from the administration of customary law to a new range of fiscal and developmental tasks. These modifications are also reflected by the terminology employed. Both the National Solidarity Programme and the Swiss Peace projects refer to the local units of decision-making as shura, a term which has gained currency in the course of the war. The traditional councils were generally known as majlis or jirga, the latter designation being most common among the Pashtuns of eastern Afghanistan. In order to gauge the dimensions of the change reflected by this switch in terminology, it will be useful to investigate the scope of earlier local institutions, their relationship with the government sphere, and the changes they underwent over time. Given the varying density of the available data, this account will move in leaps from the early nineteenth century to the second half of the twentieth century and capture the phenomenon of local decision-making within a number of limited time frames and settings.

Glimpses from the Nineteenth Century

Any attempt to trace nineteenth-century institutions necessarily takes its departure from the detailed account furnished by Mountstuart Elphinstone on the basis of his mission to the Durrani winter residence in Peshawar in 1809. Elphinstone's portrayal of the jirga[3] conveys the difficulty of capturing the relationship between the seemingly irreconcilable and yet interdependent spheres of state and tribe. On the one hand, he describes the village council as the "internal government" of the Pashtun tribes and stresses its egalitarian features. On the other hand, he projects a hierarchy of jirgas reflecting the various levels of tribal organisation and assumes a matching gradation of jurisdiction. While light transgressions are adjudicated on the village level, he assumes the judgment over graver offences to rest with a high ranking jirga consisting of the appointed chiefs of the tribal confederacies (khan), village headmen

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[3] The term jirga is of Mongolian origin and means circle.

(malik) and mullahs. Interestingly, Elphinstone readily concedes that the system he has sketched on the basis of interviews with local informants is an ideal one and does not fully correspond to reality. Particularly the tribes he identifies as "loosely governed", reportedly display no discernable order of subordinate and superordinate jirgas: "[E]very subdivision acts for itself" (Elphinstone 1992 I: 213-215, 222).

At times of external threat, several tribal subdivisions may coalesce into temporary confederacies and coordinate their activities in a correspondingly inclusive jirga (Elphinstone 1992 I: 218). More commonly, however, the jirga is concerned with the arbitration of internal matters on the basis of the pashtunwali, which Elphinstone describes as a "rude system of customary law" based on retaliation. (Elphinstone 1992 I: 220). He notes with surprise that the proceedings of the jirga reflect a sense of justice very different from Western concepts. As the Pashtun complex of honor and revenge offers no incentive for covering up the offence in question, the primary concern of the jirga is to defuse the resulting conflict and to reconcile the parties involved. Therefore, the arbitration focuses on settling a fitting compensation to the aggrieved person or his family rather than punishing the offender. Yet the latter will face dire consequences if he refuses to attend the council or to abide by its judgment (Elphinstone 1992 I: 223-224).[4]

Elphinstone's effort to portray tribal institutions as an integral part of a chain of command within the Durrani state structure draws on the linkages deriving from the tribal origins of the ruling dynasty. At the same time, he assigns a specific space to the administration of tribal law, describing it as a phenomenon most pronounced in the regions beyond royal control. In the urban setting, by contrast, the practice of law and the administration of justice are controlled by the ulama (Elphinstone 1992 I: 282, II: 246). Despite this delineation between the spheres of tribal and religious law, Elphinstone detects a pervasive influence of the pashtunwali, some aspects of which have entered the adjudication on the basis of Islamic law (Elphinstone 1992 II: 262). Later British travellers report that the even the judge (qazi) of the city of Kandahar routinely left the punishment of murderers to the family of the aggrieved (Bellew 1862: 261-263, 281-282).

Until the 1870s the sphere of government remained limited to the immediate environs of the urban centres and the trade routes linking them. Yet the final decades of the nineteenth century witnessed an unprecedented degree of centralisation and administrative permeation. With British backing, the "Iron Amir" Abd al-Rahman Khan (r. 1880-1901) engaged in a process of "internal imperialism" (Dupree 1980: 417) and established a fairly tight grid of district governments including Islamic courts all over the country. This extension of Islamic jurisprudence met with little approval among the local population. Lacking the values and the integrity embodied by the tribal assembly, the Islamic courts enjoyed hardly any public esteem. At trial, the defendants usually denied the charges brought against them and were able to bend the outcome in their favour by committing perjury and buying false witnesses. At the same time, government-sponsored law did not entirely replace customary methods of conflict settlement, and the Islamic judges are reported to have left the settlement of domestic issues to the families concerned (Kakar 1979: 49-53; Katib n.d.: 653, 987; Khan 1980 I: 208-209). The problems besetting the imposition of formal law in the nineteenth century convey a sense of the conceptual distance separating the sphere of government from the rural world. The government agenda of creating a unitary legal system based Islamic law proved impossible to implement in practice. From the village perspective, state law was considered alien and corrupt from the village perspective, whereas the local institution of the jirga continued to stand for equity and selfcontainedness as cornerstones of tribal identity.

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[4] This observation is confirmed by modern authors (Ahmed 1980: 187; Caroe 1958: 355; Carter and Connor 1989: 13; Spain 1985: 71-72). Given the fact that the offender is re-accepted into the tribe with the conclusion of the arbitration, Wardak categorizes the proceedings of the jirga as an act of "re-integrative shaming" as opposed to "disintegrative" shaming which isolates and removes offenders from the community (Wardak 2002: 197).

The Blossoming and Withering of Democracy, 1963-1978

In public memory, the decades prior to the Communist revolution and the outbreak of the war are remembered fondly as an era of stability and political progress. During this time Afghanistan witnessed nine years of democracy under the auspices of Zahir Shah and a five-year republic under the autocratic rule of his cousin Daud. Accompanied by an unprecedented flow in foreign aid, the 1960s were characterized by a substantial growth of centralized government institutions. A major milestone was the Loya Jirga of 1964, which rendered Afghanistan a constitutional monarchy and was followed by parliamentary elections in 1965 and 1969.

The twentieth-century effort at state building was accompanied by the endeavour to root political institutions deep within Afghan society and its past. As part of this agenda, the modern institution of the loya jirga was cast as an archetypal and integral part of the Afghan way of life. According to this view, the jirga and its "grand" version, the loya jirga were introduced to the region by the Aryans and had organically grown along with the nascent Afghan state. Custom tailored to fit local conditions, the jirga was conceived of as a uniquely Afghan institution which by its mere existence magically integrates the various social and regional segments of Afghan society into a meaningful whole. By projecting a continuum of nested jirgas reaching from the village council to the centrally organised loya jirga, the Muhammadzai government effectively tapped the associative content of the rural institution for its own purposes (Noelle-Karimi 2002). The great esteem the loya jirga and its delegates enjoyed in public opinion attests the successful invention of a political tradition. The image of the loya jirga as the ultimate antidote for conflict and the danger of social and political disintegration lingered on throughout the war and explains the enthusiastic response the announcement of an Emergency Loya Jirga initially elicited in 2002.[5]

Attempts at constructing an institutional framework fitting the local jirga into the legal system or other aspects of government were less successful. The constitution of 1964 provided for the creation of an independent judiciary and designated the state as the sole legislator. As a result, the division between Islamic and civil courts which had existed since the 1920s, was abandoned. Nonetheless the ensuing codification of penal law was guided by Hanafi jurisprudence (Kamali 1985: 41-44, 224, 228-229). The introduction of a new legal framework had no tangible effect on the relationship between state bodies and local institutions of conflict resolution, as will be seen further below. Yet several attempts at incorporating jirga-like institutions into the workings of government during the Daud era (1973-1978) deserve mention. Among these were eight "peace councils" (jirga-yi sulh) introduced by the Ministry of Justice in Kabul province in 1974. These councils were intended to settle minor disputes concerning civil, property and family issues. This short-lived endeavour to create a formalised version of the village institution and to use its connotative content for state purposes was not entirely successful. As the peace councils were solely composed of men appointed by the local judges, they were merely perceived as an extension of government and lacked the legitimacy to perform their tasks in an effective manner (Kamali 1985: 197-198). The district councils and the rural development councils created during this period were likewise "packed" with representatives chosen by government and thus failed to provide a meaningful linkage with village institutions (Carter and Connor 1989: 6).

The influx of developmental aid in the 1960s and 1970s coincided with an unprecedented degree of scientific exploration. Particularly scholars from donor countries gained privileged access to the countryside, and the anthropological works produced during this period still represent a valuable source of information concerning rural structures. From the anthropologists' vantage point, local institutions emerge as timeless, resilient, and untainted by the outside world. In this setting, the established methods of conflict resolution create a finely calibrated equilibrium which leaves little scope for government interference. This perspective is exemplified by Steul's study of customary law among the sedentary Pashtun population of Paktia. Drawing on the Gellnerian model of segmentary lineage organisation, Steul portrays the jirga as a self-regulating all-round institution rendering state intervention superfluous:

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[5] For statements concerning the timeless virtues of the jirga and its variants, see Khan 2001, Maiwandi 2000, and Wardak 2002: 189.

"The jirga unites legislative, as well as judiciary and executive authority on all levels of segmentary society. By means of its decisions, the jirga administers law. It adjudicates, resolves conflicts... [and] concludes "government" decisions, e.g. concerning territorial claims. At the same time, the men assembled in the jirga enforce these decisions by means of police action [carried out by tribal militias, arbakai]" (Steul 1981: 123-124).

Interestingly, the case studies presented by Steul partly qualify his projection of the jirga as a self-contained institution operating in a setting devoid of government intervention. The ongoing efforts of tribal elders to prevent members of the community from introducing state agencies into local conflicts point to a steady government presence in the background, which may be tapped and activated by individual actors at will. As soon as large-scale conflicts extending beyond tribal subdivisions or even across the border with Pakistan were concerned, local authorities readily moved in police or soldiers to stop the hostilities but generally relied on a jirga or the mediation of religious leaders to achieve a final settlement. Moreover, they employed jirgas to communicate government policies to the population. (Steul 1981: 193, 204-210, 246, 276-277, Janata and Hassas 1975: 96-7).

In his study of the nomadic Durrani Pashtuns of northwestern Afghanistan, Glatzer observes that daily survival hinges on the ability of the tribesmen to maintain the cohesion of the herding group on the basis of a steadily enacted consensus. With its open-ended discussions, the tribal council (majlis, from Arabic jalasa, "to sit down") embodies the key concepts of egalitarianism and honour. In a setting of general mobility, the emphasis on unanimous decisions also has a practical aspect: Any effort to create hierarchies or to enforce a majority opinion would necessarily alienate the opposing party and risk the disintegration of the community (Glatzer 1977: 165-8). Despite their well-established internal methods of conflict resolution the Durrani nomads were by no means inherently opposed to state intervention. Rather, it was the representatives of the state who were reluctant to get involved in disputes, even if they extended well beyond the bounds of the herding unit. To illustrate this state of affairs, Glatzer quotes the case of the district governor of Jawand, who, by imposing collective fines, forced the contending parties to reach an independent settlement concerning the grazing rights between two neighbouring valleys. (Glatzer 1977: 91-94)

The two studies quoted above allow some insights into the dynamics between local Pashtun patterns of conflict resolution and the scope of government intervention in the late 1960s and early 1970s. Both settings were characterized by a tenuous government presence. Aware of their position as outsiders, government representatives perceived the accustomed local councils as the most appropriate venues for the settlement of disputes and the communication of government policies. The intermittent contact with government institutions notwithstanding, one may observe a growing acceptance of state law and its institutions, which gradually gained currency as additional instruments of adjudication and became part of the local legal repertoire.

The War and its Impact on Local Institutions

The incipient contact between state institutions and rural mechanisms of maintaining order ruptured in the aftermath of the Communist Revolution of 1978. As the countryside broke away from government control, it did not slip back into isolation but became part of a new, international framework negotiated by the mujahidin parties based in Peshawar and their international donors. Particularly the areas exposed to prolonged warfare experienced profound structural change engendered by the destruction of landed property and the influx of weapons. In this environment, the traditional leadership was supplanted by a new elite of commanders who primarily derived their authority from external sources of funding and could afford to challenge local patterns of decision making. This phenomenon was most pronounced in the regions located along the mujahidin supply routes into the country. In Kunar and Nuristan, for example, local resistance movements were hijacked and dominated by Islamist parties like hizb-i islami (Hikmatyar) and jamiat-i islami, as well as Arab movements of Wahhabi orientation (Klimburg 2002: 55-56) In particular, the representatives of hizb-i islami consistently undermined the traditional village

councils and arrogated the right to conduct a religiously legitimated jihad to their own ulama (Edwards 2002: 154; Rubin 2002: 232).

Other regions, by contrast, witnessed the evolution of constructive relationships between the Peshawar-based parties and the local population. In the province of Paktia, where resistance erupted within days after the April Revolution, local tribal institutions retained their viability parallel to the developing infrastructure of war. In this setting, the mahaz-i milli and the hizb-i islami (Khalis) chose not to interfere with the existing patterns of conflict resolution and treated the adjudication of disputes and the employment of the tribal police (arbakai) as an internal tribal matter. In exchange, the party representatives enjoyed the right to mobilise troops among the population and to conduct military operations (Edwards 2002: 260).

In many areas, the prolonged conflict with the Communist government was accompanied by the creation of new and at times more comprehensive units of decision making. Reflecting the Islamist orientation of the resistance, these bodies were generally known as shura (Arabic, "council"), an evocative term associated with the early Islamic institution by that name. As a rule, the shuras resembled the traditional village councils and only met as the need arose to tackle specific issues. On occasion, they served to bring commanders of different resistance parties together and thus functioned in a manner reminiscent of the wartime coalitions already described by Elphinstone (Carter and Connor 1989: 2). In keeping with their monopolistic attitude, Islamist parties like hizb-i islami and jamiat-i islami sought to bolster their organisational framework by creating their own network of shuras designed to coordinate military activities. Rubin also reports the existence of separate councils of commanders and ulama reflecting the emergence of specialised branches of consultation concerned with organisational and legal questions. In certain areas, e.g. the Baraki Barak District in Logar, the local shuras even evolved into miniature governments employing permanent secretaries for military, legal, social and medical affairs (Rubin 2002: 229-230).

With the demise of the Communist regime in 1992 and the rise of the Mujahidin and Taliban, the institution of the shura was elevated to the state level. The application of this term to the sphere of government as such did not imply an innovation. During the pre-war period, the word shura served as a neutral designation for advisory councils (Carter and Connor 1989: 2) and was specifically used for the "National Assembly" (majlis-i shura-yi milli) established by Nadir Shah in 1930, a representative body wielding little real authority. During the democratic period inaugurated by Zahir Shah, the term jirga gained currency as designation for the central government institutions. Thus the parliament (shura) was devised to consist of a Lower House (wolesi jirga) and an Upper House (mishrano jirga) (Noelle-Karimi 2002: 44-45). Under the Taliban, the term shura assumed centrality again but was more strongly tinged with the religious connotations associated with the jihad. The government institutions devised by the Taliban may be stated as rudimentary and decentralized. From their supreme shura in Kandahar, Mullah Omar and his associates supervised a military shura and the Kabul shura consisting of twelve ministers (Rashid 2000: 98).

In keeping with the values imbibed in the course of the jihad and/or in the madrasas of the Pakistani borderlands, the Taliban officially used their regime to reinstitute what they perceived to be proper Islamic procedures. The supreme court based in Kandahar appointed Islamic judges (qazis) and assistant judges to the provinces under Taliban control. Some efforts were made to push back those aspects of the pashtunwali which conflicted with the provisions of Islamic law (shariat) (Rashid 2000: 102-103). The Taliban prohibited the custom of compensating crimes by giving women to the aggrieved party. The forced remarriage of widows to close relatives of the deceased husband was likewise declared to be unlawful. Other aspects of the administration of justice, by contrast, clearly reflect the impact of the pashtunwali. While the execution by stoning as a punishment for adultery conforms with the shariat, the Taliban revealed their adhesion to tribal ideas by dispensing with the necessity of hearing the prescribed number of witnesses before passing this judgment. The tendency to hand over murderers to the family of the victim for execution strongly resembles the prevalence of informal legal practices reported in the nineteenth century. The Taliban effort to impose their version of a pure Islamic state primarily affected the urban setting and in effect blurred the distinction between the legal spheres of centre and periphery. While the institutionalisation of law had emanated from the central government during the pre-war

period, tribal traditions confounded with war-bred notions of Islam returned to haunt the capital in the 1990s.

After the Soviet withdrawal in 1989, a number of international aid agencies based in Peshawar moved across the border into Afghanistan. During the ascendancy of the Mujahidin and Taliban in the 1990s, these organisations continued to perform vital services which would form the domain of government under ordinary circumstances. In order to reach the population, the agencies required local institutions through which they could funnel their assistance. Interestingly, this search for counterparts presupposed the existence of a functioning administration based on shuras. From the perspective of the international actors, the shuras assumed fixed characteristics resembling those noted by Elphinstone for the jirga almost two centuries earlier. They were perceived as quasi-governmental bodies arranged in a hierarchy on the basis of districts and provinces. Some observers even endowed them with the ability to take on administrative functions, such as the designing, implementation and monitoring of humanitarian aid and rehabilitation projects (Carter and Connor 1989: 4). In some cases, this projection of local structures inadvertently caused their creation. In 1990, a UN directive insisting on the allotment of aid through shuras led to the impromptu invention and staging of such assemblies at the order of local commanders.[6] Equally problematic was the equation of the local councils with democracy. While international observers tended to view the shuras as an expression of the inherently egalitarian nature of Afghan society, the Afghans themselves did not share this optimistic assessment. In view of the war-time origins of these councils and the power exercised by the commanders, there was a strong sentiment that the shuras merely reflected and served the clientelistic networks generated by the military elite (Carter and Connor 1989: 4).

Conclusion

The above survey shows that attributes like "traditional" and "customary" applied to local bodies of decision making are relative terms and by no means imply timelessness or immutability. Until recently, local patterns of representation and adjudication have been strongly affected by the dynamics of war and the emergence of new, gun-bearing elites. One striking phenomenon is that village institutions do not readily fit into patterns that would neatly correspond to the interest of the government and international agencies of establishing administrational linkages with the countryside. The existing literature reflects an ongoing effort at capturing local structures both conceptually and practically and placing them within the framework of the state. In this process, there is a noticeable tendency to reify local institutions into quasi-governmental bodies replicating state functions on the village level. This image clashes with the available anthropological accounts, which portray village councils as immediate, spontaneous and of limited reach. While the organisation of the resistance within the framework of parties temporarily enhanced the formalisation of local structures, one may safely say that the emergence of a tiered local administration as that described for Logar formed an exception rather than the rule. At the same time, the example of Paktia illustrates the fact that the traditional councils have displayed a great amount of resilience and viability which enabled them to withstand and adapt to wartime challenges.

The National Solidarity Programme represents the most recent attempt at gaining access to local structures of governance and shaping them according to governmental and developmental interests. Unlike earlier aid efforts, this programme does not assume the existence of local institutions ready to take on administrative tasks but sets out to create them by democratic means. From the perspective of state building, the plan to link the CDCs to the existing governmental institutions at the district and

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[6] This was the case in Baghlan during the UN Crossline Mission concerning locust and sunpest control (Personal communication from Bernt Glatzer, 28 March 2005).

provincial levels represents a second promising ingredient.[7] These differences notwithstanding, NSP displays some conceptual continuities reflecting earlier approaches towards village institutions. Among these is the notion of the shura as the basic unit of organisation within an administrational hierarchy of expanding inclusiveness reaching from the village to the central government. A second phenomenon is the presupposition of the village environment as egalitarian, which entails the idea that the government-initiated elections will enhance a natural disposition for democracy. This view of the village setting overlooks the fact that the Western concept of majority votes is entirely alien to the consensus embodied in the traditional councils. Furthermore, the attempt to revive participatory processes on the village level also makes light of the influence wielded by the war-generated elite. This group has a strong interest in determining the outcome of the CDC elections, which not only stems from the opportunity to reap the economic windfall brought along by NSP but also the need to avoid the stigma attached to an electoral defeat. The assumption that the introduction of democratic procedures will automatically brush aside the local structures of violence presents the gravest pitfall of the programme. In fact, the prevailing lack of information concerning local patterns of authority makes it difficult for the implementing agencies to judge whether they are assisting in the creation of new political mechanisms or are endowing war-grown structures with the garb of democracy. The latter scenario would imply a successful grafting of the existing divisions of power onto the present effort at institution-building and would bring about a different sense of "ownership" than that originally intended by the government and international actors.

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[7] See Zakhilwal on the National Area Based Development Program (NABPD) and Afghanistan Stabilization Programme (ASP), which aim at strengthening the provincial and district administrations respectively (Zakhilwal n.d., n.p.).

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