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Beyond kinship and tribe: New forms of solidarity and interest representation in Nangarhar province, Afghanistan

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1. Introduction: New forms of solidarity beyond the tribe

Afghanistan has long been viewed as ‘the inward-looking society’ (Dupree 1973) resistant to change because of influential social institutions such as tribe, *khan*² and *malik*³. Researchers have argued that institutions of traditional organization and leadership based on kinship are the most important source for solidarity, justice, and interest representation. For instance, Glatzer says, “Pashtons use their tribal order to mark lines of conflict and solidarity” (2002: 7). The two types of tribal leaders are described as heading an assembly (*jirga*), which is portrayed as the main consultation, arbitration and decision-making body in Pashtun society. “According to the *Pashto Descriptive Dictionary* (1978: 1272) *jirga* is an original Pashto word, which in its common usage refers to the gathering of a few, or a large number of people; it also means consultation according to this source” (Wardak 2004: 3). Researchers have thus displayed a propensity to essentialize the tribal mode of organization as traditional and to naturalize tribal leadership institutions as objective and just means of interest representation within the social community. This logic rests on the much-stated claim that Pashtuns and Afghans in general always rely on kinship ties: “In both Pakistan [or in another country] and on return, [Afghans] have been surrounded by relatives (*khpilwan*) and kinspeople (*qaum*) who have provided much social support” (Habibi/Hunte 2006: 1).

In contrast to such generalizations, Monsutti has pointed out that “kinship is an important source of support to Afghans in exile as well as returnees, but it does not account for all ties of solidarity” (Monsutti 2006: 2). Rather his work showed that kinship has come to be replaced by other solidarity mechanisms such as “[t]rust, friendship and transversal ties of cooperation among Afghans” (Monsutti 2013). His findings contrast the conventional portrayal of solidarity mechanisms among Pashtuns and in Afghan society at large and raise important questions: Which forms of solidarity mechanisms have replaced kinship, and how did this happen? What has been the effect on institutions of leadership, interest representation and conflict resolution, and which are the underlying practices?

In this paper, I show that the establishment of unauthorized settlements⁴ on government land in the newly urbanizing peripheries of Jalalabad – the second-fastest growing city of Afghanistan⁵ –

² The word *khan* (of Turkic linguistic background) means “lord” or “chief” of a tribe or subtribe. In Afghanistan, the term *khan* refers to “big men who are economically and politically prominent in their community” (Anderson 1978: 168f.).

³ *Malik* is a person who has the responsibility to transmit issues between the villagers and the civil authority of the government. Having a head for each village, a *malik*, was the policy of Amir Abdur Rahman in order to control the community and to reduce the influence of the *khans* (Giustozzi 2010).

⁴ In this paper, the term ‘unauthorized’ settlement/s is interchangeably used with ‘unplanned’ settlement and preferred to the rather broad term ‘informal’ settlement/s. The latter is used by UN HABITAT to encompass “both unplanned and illegally occupied areas” (World Bank/UNHCR 2011:12). However, since the question of (il)legality is contentious, the term ‘informal settlement’ will be avoided.

⁵ “Although accurate and reliable data on urbanization is not currently available, estimates indicate that Afghan cities are growing at a rapid rate of around 4% per year, one of the highest rates of urbanization in the world. Within the next 35 years the country’s urban population is projected to triple to 24 million [...]. It is estimated that although the natural population growth rate will slowly decline over the next 35 years, Afghanistan’s urban population is expected to grow at an average of 3.14% up to 2050 - still one of the fastest rates in the world.” (UNHABITA 2015:10).

corresponded with the emergence of a new type of interest representation manifest in locally established inclusive interest representation bodies (*shura*). Taking the example of two evolving settlements, I aim to illustrate how two newly established *shuras*, based on inclusive social – albeit not tribal or kinship-based – representation of all resident households, present a new mode of solidarity mechanism in urbanizing Pashtun society.

The argument will be made in three main steps: After a few methodological remarks on data access, collection and analysis (Section 2), I introduce the two newly evolved settlements investigated for this paper – Koz Sheikh Mesri and Bar Daman – in a first step (Section 3). Secondly, I discuss the formation and aims of the two settlement representation and consultation bodies (*shura*) in Section 4.1 and point out three fields of activity to describe the *shura*-members' practical work (Section 4.2) that includes mediation, lobbying and negotiation of intra-community (settlement) interests and external representation. In a third step, I highlight the differences between the newly detected solidarity and interest representation mechanism and traditional tribal modes of leadership and representation (Section 5). This allows the conclusion that traditional leadership and interest representation institutions in Pashtun society increasingly lose influence in contexts where rapid urbanization takes place.

2. Methodological remarks

The analysis in this paper relies on qualitative empirical research. The primary data was collected during fieldwork in Koz Sheikh Mesri and Bar Daman from March to July 2015. I have conducted eleven semi-structured interviews with respondents inside and outside the settlements, among them members of the two representation bodies, ordinary settlers, but also employees of aid organizations. Further original data had been collected during earlier visits to one of the settlements in 2014 (see Kandiwal 2014). At that time, I interviewed several members of the Koz Sheikh Mesri *shura* and the director of the Directorate of Refugees and Repatriation for Nangarhar province. The data base was complemented by secondary literature from academic and grey sources. Especially the comparative discussion in Section 5 relies on secondary literature.

The site selection for the research was guided by practical considerations of accessibility for me as a native of Nangarhar province with work experience in different parts of the province, particularly in Jalalabad. I had visited one of the two settlements on an earlier occasion. In both settlements, I found the *shuras* of the new type to be the most important and active organizations keeping the residents of the settlements united in order to protect them against any threat, and addressing the problems of the respective area and population. There are other similar unauthorized settlements in semi-urban areas of Nangarhar province, but firstly I would not have been able to cover all of them in this paper, and secondly, the security situation for conducting interviews was best in these two settlements.

3. Overview of Bar Daman and Koz Sheikh Mesri settlements

Jalalabad is the capital of Nangarhar province of Afghanistan. Located on the juncture of the Kunar and Kabul rivers, the city serves as the hub of the eastern region of the country. Kabul is linked with Peshawar through a very important transit road which passes by Jalalabad city. After Kabul, the

fastest growing city in the region, the Nangarhar province has the second fastest growth rate. Beside its fast natural growth, a large number of (mostly economic) migrants have come to Jalalabad city from neighbouring provinces, and the largest number of refugees, after Kabul, returned to Nangarhar⁶ (Beall/Esser 2005, Kandiwai 2014). The newly established, unplanned and unauthorized settlements of Koz Sheikh Mesri and Bar Daman are situated on the outskirts of Jalalabad city, but close enough for access to employment in the city.

Settlement history, population, and current challenges

Bar Daman is located within the official confines of Behsud district at a distance of four to five kilometres from the core of Jalalabad city. According to the figures given by members of the *shura* there are about 1,800 families in Bar Daman.⁷ The population of Bar Daman belongs to several provinces and tribes. For instance, tribal-wise, there are people from the Safi, Jabarkhel, Pashai, Sahak, Shinwari, Khogiyani, etc. They are originally from the provinces of Kunar, Nuristan, Laghman, Nangarhar, Kabul and Logar. Almost all of them are returnees from Pakistan, except for a few internally displaced persons (IDPs) and urban poor who together make up no more than ten families. As one informant says, "all the families living in Bar Daman have returned from Pakistan, except two or three families who returned from Iran. They have settled here more than a decade ago."⁸ The land of Bar Daman is state-owned, but it is not related to any specific department within the government body. The lands were not used for any purpose before the returnees occupied them, because they were drylands (*dashta*) and a hazardous area. As a wasteland located on the edge of the hills, the area is prone to floods after rainfall and was considered inadequate for any usage.

Koz Sheikh Mesri is located within the confines of the Surkh Rud district, approximately at the same distance from Jalalabad city as Bar Daman.⁹ Between 3,300 and 3,500 families are settled there, the majority of which (about 2,000) are returnees from Pakistan who arrived almost a decade ago.¹⁰ First

⁶ Almost six million Afghans have returned in the past two decades. The first wave of return took place from 1991 to 1992 when the communist regime led by Najibullah collapsed. The second major wave of return started after the US-led invasion of Afghanistan in late 2001 when the government of the Taliban was toppled. More than half of the returnees did not return to their areas of origin, either because they could not or did not want to. Instead, many settled around major cities in so-called informal settlements (Solution Strategy for Afghan Refugees [SSAR] by UNHCR 2012). The number of inhabitants of informal settlements furthermore increased because of growing numbers of internally displaced persons, economic migrants, as well as urban poor. Moving from one part of the country to another or crossing the border of neighbouring countries as part of seasonal migration had been part of the lives and livelihoods of many Afghans for centuries (Monsutti 2006). Such migration included "Kuchi nomads moving between better pasture lands, mountain and rural people going to cities in search of jobs and education, religious pilgrimage inside Afghanistan or to Mecca for *hajj* etc." (Schmeidl 2014:13). However, another type of mobility became an important survival factor in 1979s, when conflict started with the coup of the affiliates of the communist regime supported by the Soviet Union. This trend increased after the occupation of Afghanistan by the Soviet Union. Millions of Afghans sought refuge abroad, and this created the largest refugee population after World War II (ibid).

⁷ Interview 7.03.2015.

⁸ Interview 13.03.2015.

⁹ In Pas Sheikh Mesri, which is located close to Koz Sheikh Mesri, there is a shrine which people call *Sheikh Mesri Ziarat* ('The shrine of Sheikh Mesri').

¹⁰ Interview 10.04.2015.

these returnees settled down in the area and then other people, namely IDPs, economic migrants, and urban poor, joined them.¹¹ Originally, the settlers of Koz Sheikh Mesri hail from six provinces: Nangarhar, Kunar, Nuristan, Laghman, Paktia, and Kabul. Tribal-wise they belong to eight to ten different tribes or sub-tribes, including the Sulaimankhel Kuchi, Khogyani, Safi, Taghar, and Pashai. The environs of Koz Sheikh Mesri are also a dryland but not a hazard-prone area. The land belongs to the governmental department called Nangarhar Valley Development Authority (NVDA) (Giovacchini 2013). There is a canal next to Koz Sheikh Mesri through which some of NVDA's land is irrigated, but the settlers of Koz Sheikh Mesri cannot use its water for irrigation because the canal is lower than their land. Despite the land lying fallow, the NVDA does not allow the returnees to build even a single-room dwelling¹², claiming that the government plans to construct an electricity juncture there.¹³ Initially, the current settlers of Koz Sheikh Mesri had settled in the Hesar Shahi Dasht.¹⁴ Those lands were already allocated for an industrial park named Hesar-e Shahi Industrial Park,¹⁵ but they were not yet distributed at that time. When the implementation of the Hesar-e Shahi Industrial Park neared, the provincial government asked the returnees to relocate to some other place. As one member of the *shura* reported:

"A joint delegation consisting of government representatives and the representative of the returnees selected Koz Sheikh Mesri for relocation. The provincial governor Gul Agha Shirzai promised us that we would be settled there forever. So, if the government had planned to build an electricity juncture here, why did the governor bring the returnees to this area?"¹⁶

Many tribes and communities grabbed governmental land located in their vicinity. Although there is no legal basis for land-grabbing, it has become common practice across the country over the past decade as the price of the lands is increasing by the day. The most famous example of land conflict arising from land-grabbing was the so-called Shinwari conflict in Nangarhar province.¹⁷

The people from outside the region, returnees and IDPs who are now settled in Koz Sheikh Mesri and Bar Daman, were afraid of possible conflicts with neighbouring communities; especially in Bar Daman they did not have any agreement with the government at the time when they settled there.

¹¹ Interview 17.04.2015.

¹² Interview 22.04.2015.

¹³ Interview with the Director of Refugee Repatriation, 25.06.2014.

¹⁴ Hesar-e-Shahi Dashta is located in the southeast of Jalalabad city within the official border to the Hesar –e-Shahi district of Nangarhar province.

¹⁵ "The layout of Hesar-e-Shahi Industrial Park (HIP) is in two phases. Phase 1 plans 107 hectares plotted to host about 100 enterprises. Jointly, the two phases would add up to 1,100 *jerib* (220 ha) and 295 industrial lots. Twenty hectares more might have been allocated for a treatment plant of industrial wastewater and solid waste" (Giovacchini 2013: 51).

¹⁶ Interview 10.04.2015

¹⁷ The conflict unfolded in the Achin district of Nangarhar province. Two sub-tribes (Alisherkhel and Sepai) of the Shinwari tribe fought for almost two years (2010/2012) over some governmental land, each of them trying to occupy it, see <http://tkg.af/english/reports/political/509-land-dispute-in-nangarhar>. Reportedly, the conflict of these two sub-tribes was "over a 15 square-kilometre strip of desert land. Although worthless as agricultural land, the influx of migrants and increasing population makes it ideal for construction", see <http://www.ipsnews.net/2011/12/afghanistan-land-triggers-new-conflicts/>.

Examples like the above mentioned Shinwari conflict can be found in many areas of Nangarhar where drylands are contested among tribes or communities. There were also fears of forced eviction or relocation by the Afghan government to another area,¹⁸ measures which would ultimately result in the loss of access to the job market of Jalalabad. In addition, in Koz Sheikh Mesri people were not allowed to build shelters. When they proceeded anyway to set up dwellings because of urgent need, some settlers were arrested by the Afghan National Police, who are designated to protect the property of the NVDA.¹⁹

Apart from the conflict dimension, the settlers had to live without water, electricity, or sanitation facilities.²⁰ In addition, in particular the hazard-prone condition of Bar Daman exposed the settlers to periodic torrential floods that destroyed houses and proved dangerous for children playing in the streets. As one respondent reported, “See these streets, no one was safe from the floods. Most often floods were destroying these houses after the rain. People were not only worried about their house, but also about their children.”²¹

4. The two consultation and interest representation bodies (*shura*)

This section describes the two *shura* set up in the settlements. Without formal recognition, the *shura* acts as a body of consultation and interest representation for the people living in the respective unauthorized settlement, irrespective of their tribal or regional background. Before I discuss the formation and aims of the two settlement representation and consultation bodies in Section 4.1 and point out three fields of activity to describe the *shura*-members’ practical work (Section 4.2), a few words on the concept of *shura* in Afghan society are in order.

Shura (in its original Arabic understanding) means ‘council’ or ‘consultation’. Today the term can be used for an assembly of representatives who are entitled to consult, make decisions, lobby, represent and negotiate on behalf of their constituency. Among Afghans, the word *shura* came into use particularly during the *jihad* against the Soviet Union: “In order to give the anti-Communist struggles an Islamic touch, the term *shura* was applied exclusively to councils at various levels among the *mujahedeen* and *muhajireen* in Pakistan since 1978” (Taizi 2007: 5). However, the term has by now come to be widely used in combinations such as tribal *shura*, *ulama shura* (council of religious learned men), and even in the terminology of recent development programs – such as the Community Development Council (CDC, *Kaliwalah permakhtiai shura*) of the National Solidarity Program, which established thousands of *shura* across Afghanistan. Most Afghans today are familiar with the term *shura*, which may be one of the main reasons that the two interest representation bodies studied in this paper have been named *shura*.

The two *shura* established in the settlement communities under scrutiny call themselves *Bar Daman shura* and *Koz Sheikh Mesri shura*, respectively.

¹⁸ Interviews 03.04.2015; 13.03.2015.

¹⁹ Interview 10.04.2015.

²⁰ Ibid. For example, the residents of Koz Sheikh Mesri were drinking dirty water from the canal that passed by the settlement.

²¹ Interview 03.04.2015.

4.1 Formation and aims

Each of these two representation bodies has 25 to 30 members with different backgrounds, including the so-called 'white-bearded persons', community elders, and mullahs. Both *shuras* were created almost a decade ago at the time when people in both places were settling down in those areas. The interesting point is that most of the members of the *shuras* are not related to *khan* or *malik* families, and their members do not have a previous experience of functioning or acting as a *malik*.²² The processes of constituting the *shuras* and selecting their membership differed in both settlements. As one respondent explained:

"... all people who settled in Bar Daman had several fears: conflicts with the people of Behsud district who are living in our vicinity and originate from this district. They also feared conflicts within the population living in this area because they are from different provinces. We started the discussion first among ourselves in this area, and then we shared the idea with others. Initially, everyone was in favour of having a representative body because everybody has the same problems. Thus it was not very difficult to establish a *shura*."²³

In order to select the members for the *shura*, one interviewee stated, "... the elders, white-bearded persons and mullahs came together from all over of this area and decided that we would have one representative per 20 houses."²⁴ The process of selection went as follows: "The elders grouped together 20 houses, asking them to select one person as their representative for the *shura*."²⁵ And that is what they did."²⁶ Later on, the 90 persons identified by the people selected among themselves 30 members for the *shura* because they thought that 90 people were too many and it would not be feasible to assemble for an issue. The selection process also shows that the focus was on achieving social or household representation of all residents of the settlement, independent of tribal belonging. "We [the people of that area who had presence] started counting from one end, so it was not a matter of who belonged to which tribe, but we grouped 20 families together and asked them to select one representative."²⁷

In contrast, the process of constituting the *shura* and selecting its members unfolded very differently in Koz Sheikh Mesri, as the following quote illustrates:

"At the beginning when we settled in this area, we all believed that the government was going to distribute land to us. However, there were also some rumours here and there that the government was not going to distribute these lands at all, or that we might be relocated to

²² Interviews 07.05.2015; 07.03.2015.

²³ Interviews 07.03.2015; 13.04.2015.

²⁴ Ibid.

²⁵ One may think that the selection of representative bodies for the Bar Daman shura (one person for 20 houses) seems very close to NSP approach and it might be inspired by NSP. However, what has to be kept in mind is that NSP shura had not been created yet in Bar Daman, and secondly, the numbers of the representatives have reduced from 90 to 30, which is completely different from the NSP approach. However, in general, it is difficult to prove whether the selection of representative bodies based on family numbers had started before the NSP or afterwards.

²⁶ Ibid.

²⁷ Interviews 07.03.2015; 13.04.2015.

another place which could be far away from the city. Thus, people [elected representatives] – so as not to miss the chance of getting land plots, or in order to have someone strong to fight for their rights – started to approach those people [elders and white bearded persons] whom they trusted, or people who were more active in social life, and they submitted their refugee documents to them [so that they might] be their representatives."²⁸

After the submission of documents, "all those who had the documents of the people gathered and established the *shura*".²⁹ It was further explained that although among the chosen members of the *shura* one person might have received more documents than another, which meant that more individuals/heads of families supported him, this did not grant the chosen representative any extra power or value. Respondents made a point of emphasizing that indeed all members of the *shura* agreed on equal authority and responsibility.³⁰ Importantly, the representatives were favoured on the basis of their activeness, not their tribal affiliation. As one member of the *shura* stated, "I am a good example to prove this. I am from the Khogiyani tribe, but I have supporters who are originally from the Kunar province, [and still] they have submitted their documents to me."³¹

The evidence provided above raises the question of why the settlers did not approach their previous family or tribal network for help and support. Keeping in mind the gravity of the problems of the population, and the financial situation of many Afghans,³² it is clearly far beyond the possibilities of any Afghan to provide for the needs of all members. In this regard it is important to remember the traditional basis of tribal power: In the words of an ordinary resident from Koz Sheikh Mesri, the power of any single tribe relies on two elements, "First, *merona* (young boys) who can fight for their tribe, and second, *mashran* (elders) who can talk on behalf of the tribe in order to get whatever their tribe is arguing for."³³ He went on explaining that in the current urban context, both of these traditional power resources were outdated and not of use anymore because,

"We do not need *merona* to fight for us, as we are not going to fight anyone anyway. In fact, fighting does not solve our problems. Second, if we choose to resolve all issues through our own tribal elders and networks, then we need to invite our tribal elders from our own provinces, districts, and villages, and because of the distance it is not feasible to bring the elders from all different provinces any time you need them."³⁴

In addition, the entire population living in these two settlements is exposed to the same problems and challenges. That is why it does not make sense to lobby only for one tribe and not for others.³⁵ Moreover, according to the Constitution of Afghanistan no one should be discriminated by tribe, ethnicity, and so on. So if any tribe goes separately and asks the government for assistance, the

²⁸ Interview 10.04.2015.

²⁹ Ibid.

³⁰ Ibid.

³¹ Interview 07.04.2015

³² In spite of the millions of dollars in aid that have come to Afghanistan over the past one and a half decades, 36 % of Afghans still live below the poverty line (UNDP 2015).

³³ Interview 10.04.2015.

³⁴ Ibid.

³⁵ Interview 10.04.2015.

government may easily reject the request. In such a context, getting support from previous networks is not only impossible for the reasons named above, but seeking such support may even invite an excuse for government departments to deny their help.

The aims of both *shuras* are very clear among their members although they are not codified in written form. In the words of the *shura* members, the *shuras* have been created to respond to the challenges and to reduce the sufferings of the people living in Bar Daman and Koz Sheikh Mesri. In particular, the aims were summarized as follows:

- "The population of this area should be protected against any threat.
- The shura should 'represent' the rights of 'the residents'."³⁶

Although the two aims look simple, they encompass a host of challenges and their enforcement very much depends on the wider socio-political and economic context in Afghanistan.

In terms of leadership and structure, the Bar Daman and Koz Sheikh Mesri *shuras* differ slightly from each other. While the Bar Daman *shura* has a head and a deputy, and both of them were elected by the members of the *shura*, the Koz Sheikh Mesri *shura* had abandoned the functions of head and deputy at the time of fieldwork in June 2015. Reportedly, after having had both for the past five to six years, the members of the *shura* finally decided to abandon the functions in order to level out hierarchies and guarantee overall mutual respect and unity: "It is better that all members should have the same authority and there has to be no hierarchy among the members of *shura*".³⁷ However, in another interview it was found that the person who had been selected as head of the *shura* was not able to live up to the expectations of the people he represented. For example, the distribution of assistance coming from humanitarian organizations or the introduction of settlers to some short term projects implemented in Koz Sheikh Mesri were not transparent. Therefore, some members of the *shura* decided not to have a head or a deputy any longer. Instead, all members were supposed to have the same authority and responsibility. In the *shura* of Bar Daman, which has written principles, the issue of mutual respect among the members was emphasized: "All members of the *shura* must respect one another."³⁸ Another principle says that decisions should be made by all members of the *shura* and only be applied if approved unanimously by all members.³⁹ In fact, all members of the two *shuras* enjoy the same prestige, which reportedly helped to avoid attempts of rivalry and to keep the *shura* cohesive.

The two *shuras* have to some extent succeeded in attracting the attention and securing the support of governmental authorities, especially the Directorate of Refugees and Repatriation (DoRR). NVDA has for years been attempting to evict the settlers from Koz Sheikh Mesri, so far in vain. Instead, the *shuras* even convinced organizations to implement projects in the area. In Bar Daman, besides successfully inviting non-governmental organizations to implement their projects there, the *shura* managed to convince the government that the population will stay until a decision is made by the central government concerning all inhabitants of unauthorized settlements.

³⁶ Interviews 10.04.2015; 13.04.2015.

³⁷ Interview 07.05.2015

³⁸ Translated from the Pashto version of the principles received from the Bar Dama *shura*.

³⁹ Interview 13.04.2015.

4.2 Interest representation in practice

It is interesting to look at the representational practices these two *shuras* rely on in their attempts to address immediate challenges. Although the *shura* members may not know the exact rights of returnees or IDPs, they use the terminology of rights with great confidence.⁴⁰ The two *shuras* have taken on matters of defending settlers' interests and addressing perceived injustice, and the resolution of disputes. For instance, they are involved in efforts to lobby the government and their own settler constituency to convince the government to allocate land for housing and formalize their occupancies. Moreover, the *shura* members facilitate the implementation of projects by aid workers and NGOs in the two areas.

Members of the *shuras* receive no reward, neither from the government nor from the settlers; they claim to merely serve their community. However, it is also important to note that members of the two *shuras* do collect money from each family when it is needed, for example, for transportation or other expenses.⁴¹ The members of the two *shuras* live in the same situation as all other settlers and they have the same problems, so that by addressing the problems of other settlers, they are in fact addressing their own problems, too. This might be the greatest reward for the members of the *shura*.

4.2.1 Convincing the government to allocate land

Land distribution and documentation is one of the most critical issues throughout Afghanistan and the *shuras* of Bar Daman and Koz Sheikh Mesri have played an important role in uniting the people beyond tribal allegiances and affiliation in order to protect them against impending threats. The people of Bar Daman and Koz Sheikh Mesri occupy land that is formally owned by the Afghan government. However, the cases differ. Koz Sheikh Mesri is located on land belonging to the NVDA. This department has been attempting to evict the people from that location by force. As one respondent noted, "the government asked us to relocate several times; we did not accept."⁴² The government's eviction efforts were successful in the neighbouring community of Farm-e Hada, where 200 families were evicted in 2012 (Giovacchini 2013). At the time of fieldwork, the *shura* of Koz Sheikh Mesri was still urging the government to formally allocate that land to the occupants, regularize tenancy, and turn it into a township. In order to pressure the government, the *shura* started to employ innovative practices. For example, it organized several protests: Residents blocked the roads, invited the media to cover their protest and spread their message throughout the country to generate sympathy towards the landless settlers. During the protest, people urged the government to allocate them the lands they were occupying at that time.

The land of Bar Daman belongs to the Afghan state but not to a specific department within the government. Thus, there was no strong reaction from the government compared to the case of Koz Sheikh Mesri. In Bar Daman, the government did not arrest the settlers when they were constructing houses. Reportedly, the *shura* of Bar Daman cut a deal with the local administration, so that

⁴⁰ The words *haq* 'right' and *hoquq* 'rights' are frequently used among Afghans in different contexts including the honour codes of businessmen, shopkeepers and so on.

⁴¹ The members of the *shura* sometimes need to go to the city or to travel even to Kabul to talk to deputies in the parliament or other government officials to find the solution for their problems. The arising travel expenditures are collected from the settlers (Interview 10.04.2015).

⁴² Ibid.

"... the people of Bar Daman will accept any decision of the central government of Afghanistan, such as being relocated to another place, paying the price of the land, or any other decision, under the condition that the decision is valid for the whole country, not only for one area. After all, it is not only the people of Bar Daman who have built their houses on governmental lands; there are hundreds of thousands of other Afghans throughout the country squatting on governmental land."⁴³

In return, the local government promised that it would not trouble the population of Bar Daman but would permit them to stay there until a solution would be found in Kabul.⁴⁴ The deal indicates that the community has found a smart strategy for the population to avoid the risk of forced eviction and to extend their stay in that place. It also helped to avoid conflict between the population and the local government.

4.2.2 Communal dispute mediation and negotiation with government authorities

Most of the local disputes in the two settlements relate to family issues or to border contentions⁴⁵ between neighbours.⁴⁶ The two *shuras* have been playing a very important role in mediating disputes in order to keep the inhabitants united. For instance, the *shura* of Bar Daman has the following unwritten principle: "If there is any issue between two parties, before informing the government the parties should approach the *shura*; if the *shura* is not able to resolve the issue, it will be taken to the district governor."⁴⁷ The *shura* has principles for how decisions should be taken and when they can be considered valid and final. Based on the interviews and research conducted in both settlements, it seems, however, that the two *shuras* fare better at delivering justice and addressing challenges manifest in conflicts than the so-called traditional justice system based on *jirga* decisions, precisely because the composition of the respective *shura* is based on a social or household representation accounting for all resident families in the settlement, independent of tribal identities (as explained in 3.1).

The traditional justice system based on *jirga* decisions is commonly featured as egalitarian and consensus-oriented. This portrayal includes the message that each male member of Pashtun society has access to justice without making use of the official state justice system. However, there are several reasons to argue that the *jirga* system does not necessarily deliver justice – not only due to the competition between *khan* and *malik*; "the tribe was ridden by blood feuds, rivalry, and animosities" (Giustozzi 2010: 243). Especially problematic is, first of all, that those who implement the *jirga* (*jirgamar*) and make decisions are usually men from powerful tribes. In reality, the right to membership in the *jirga* is restricted to representatives from powerful tribes, and within the tribe, to powerful men. Thus the system cannot provide justice to the poor; in most cases it favours the richer or more influential party (Mariam 2012). Secondly, a family may have 30 to 40 households and each

⁴³ Interview 07.04.2015.

⁴⁴ Ibid.

⁴⁵ When these people settled in the two settlements, each family was trying to take more, generating more disputes among the settlers.

⁴⁶ Interview 10.04.2015.

⁴⁷ Translated from the Pashto text received from Bar Daman *shura*.

of them will be affected by the decision of the *jirga*, although a given decision may have been accepted by only one member of the family representing them in the *jirga*.

The *shuras* of Bar Daman and Koz Sheikh Mesri do not only mediate disputes among the members of the community, but also liaise between the government – which usually exerts pressure – and the settlers to avoid any potential escalation of conflict. The case of Koz Sheikh Mesri provides a good example; its residents regularly have to be bailed out by the *shura* after they have been arrested caught trying to build new houses on NVDA property.⁴⁸ In these cases, the *shura* negotiates with the local chapter of the Afghan National Police and other authorities to release the persons.

4.2.3 Facilitating the activities of aid organizations

Although to date the problem surrounding the access to land in these two settlements is not resolved, the two *shuras* encourage governmental and non-governmental organizations to implement their projects in the communities. For instance, along with projects implemented by non-governmental organizations, Bar Daman was covered by the National Solidarity Program (NSP), which is a governmental development program run by the Ministry of Rural Rehabilitation and Development.⁴⁹ In the first phase of the program, they constructed a sidewall to prevent the floods which usually followed heavy rainfalls. By doing so they saved a significant number of families from the flood risk.

In Koz Sheikh Mesri, although the NVDA department is trying its best not to allow governmental and non-governmental organizations to implement any projects there, the *shura* is constantly soliciting projects for Koz Sheikh Mesri. Over the past decade, organizations have implemented projects such as digging wells, providing health care facilities, distributing schoolbooks for students, paying the salaries of some teachers, and promoting income generating activities.⁵⁰ And given that almost all national and international organizations are in need of survey data and basic facilities for implementing their projects, "we are the ones who help these organizations when they are conducting interviews and surveys or vaccinating in the area."⁵¹ It seems that the two *shuras* played a very important role in all activities because they facilitate communication between the organizations and the population. In addition, "we are encouraging people to actively participate in such programs, and we identify the *mostahiqq* (eligible persons) for the projects and for the distribution of aid."⁵²

Although according to the self-representation of several *shura*-members, the two *shuras* worked effectively and in the interest of their local constituencies, the youths of Koz Sheikh Mesri were in the

⁴⁸ Such cases are frequent because, with the time of occupancy progressing, many people got married and started families, while others are just renewing aging house constructions. Interview 29.05.2015.

⁴⁹ In order to meet the requirement of the NSP program, three NSP *shuras* were created in Bar Daman, while the Bar Daman *shura* remains active. The NSP *shuras* were created only for the NSP program, while the Bar Daman *shura* was widely involved in resolving the problems of the residents of Bar Daman related to land, social and political issues, etc. (Interview 7.03.2015).

⁵⁰ Interview 22.04.2015.

⁵¹ Interview 17.04.2015.

⁵² Ibid.

end not convinced by the work of their *shura*.⁵³ They blamed the *shura* for negligence and for its inability to address the problems of the settlers meaningfully. As a consequence, some youths established another *shura* called "*shura* of the youth of Koz Sheikh Mesri" in 2012. However, the youth *shura* merged into the Koz Sheikh Mesri *shura* one year later; by the time of fieldwork, the youths were part of that *shura*.

5. How the shuras differ from traditional interest representation

Based on the above, the research revealed several differences of the *shura*-mode of interest representation and addressing residents' problems versus the traditional mode of interest representation based on tribal institutions.

The differences can be summarized in the following four points:

- **Regarding role and function – *shura* members versus *malik* and *khan*:**

In both cases, Sheikh Mesri and Bar Daman, each member of the *shura* plays the same role within the *shura* and as a representative of it in relation to the outside. In traditional leadership based on the tribal mode of organization, the *jirga* played an important role in dispute resolution and decision-making regarding important social issues (Wardak 2004). As opposed to the *shura* mode, while all tribesmen are gathering for talks and consultations in the *jirga*, this organ is clearly dominated by the *khan* and *malik*, the traditional leaders of the tribes. Since they provided patronage to their tribes, *khans* were traditionally able to "convert their own surplus, mostly agricultural wealth, into social relations through hospitality, providing employment and other less clear-cut patronage of their fellows" (Anderson 2002). *Maliks* in turn had access to government services that could be used in social relations. Depending on their power resources, each *khan* and *malik* could monopolise the debate or influence the decision making process according to their own interest or in the interest of their *gundimar* (followers).

The domination of the *jirga*, and taking the side of one or the other party creates many issues and even conflicts not only within the traditional leadership, but also among the members of local tribal society. These conflicts then turn into long-term rivalries among communities, villages and tribes. Thus, society becomes divided into several *gunday* (factions). This social pattern existed for centuries in what is today Afghanistan and could be considered the starting point of the destruction of society. It is difficult to confirm that justice can be achieved through the decisions of a *jirga* (see above), and it would remain this way unless the domination of the elders in the *jirga* ends. In contrast, in the case of the two *shuras* where there is no more domination of elders it is very difficult to dominate the decision-making process – be it from inside or from outside. Influencing the *shura* is neither in the authority of a single person, nor is the government involved.

⁵³ There might be other complaints against the two *shuras*, but they were either difficult to detect and not noticeable during the time of fieldwork, or I was not able to access the people with more information about them.

- **Regarding the relationship of community leaders with the government**

The two *shuras* have not been officially recognized by the government authorities, nor have they registered with the government yet. Furthermore, none of the individual *shura* members has official recognition from the government as a representative of the resident community. In addition, the members are neither wealthy businessmen nor rich land owners in a position to influence social relationships within the community or between community and government. One might think of them as the most powerless among all types of leaders because they neither have an official recognition, nor are they wealthy. However, they are informally acknowledged by the government as representatives of these communities and they have enough influence and power to go to the district office or other government institutions to speak on behalf of their communities.⁵⁴ They also have enough credibility with the government to have someone released from the police by guarantee. In fact, the power of these two *shuras* rests on the two communities which support the *shura* and lend it legitimacy respectively.

If the government does not accept the representatives' demand, the latter can mobilize the population to block the roads and protest. Thus, the relationship of the *shura* with the government depends on the demand of the people, not on the personal demand of the *shura* member. This is clearly different in the relationship between the traditional leaders and the governmental administration because that one is dominated by the interest of the *khan* or *malik*. Given that the central administration also entered in interdependencies with traditional tribal leaders by recognizing some individuals versus others, a considerable part of the legitimacy of a respective *khan* and *malik* was not derived from the bottom-up but rather top-down by the government (Giustozzi 2009, 2010; Ahmad/Mohyudding 2013). Thus, the *shura* representatives are much more vulnerable to losing their legitimacy than the traditional leaders if they fail to represent community interests. The need for gaining grassroots-legitimacy entails a new quality in the relationship between government and local representatives.

- **Regarding the use of new techniques and means**

It could be observed that the two *shuras* are using new techniques and means in order to get what they are asking for. Through those means and techniques, they are challenging decisions of the government if they find them not in the favour of the community. They take to the streets, block the roads, and shout against the government. By so doing, they are not only showing their disagreement, but they also articulate their claims. In order to spread their message across the country or even beyond and to put pressure on the government, they do their best to invite the media to cover the protest and broadcast their disagreement and their demands. For example, thousands of returnees of Koz Sheikh Mesri protested on February 11, 2013. They came out, blocked the bypass road, and asked the Afghan government to meet their needs including access to permanent houses. This protest was covered by national media (Kandiwal 2014), which can potentially attract the attention of politicians and government. Using the media to lobby the government for local issues is quite a new practice in Afghanistan and was never of relevance for tribal leaders.

⁵⁴ Interviews 13.04.2015; 10.04.2015.

- **Regarding mutual dependency and solidarity among the settlers**

The inhabitants of the two settlements are suffering from similar problems independent of tribal affiliation, wealth, *shura* membership etc. For instance, when the *shura* of Bar Daman strikes a deal with the government on the land issue, this affects each and every settler of the Bar Daman, whether he hails from Nangarhar or Kunar, is related to the Shinwari or the Safi tribe, rich or poor, member of the *shura* or not. The same applies in Koz Sheikh Mesri: When the government urges local settlers to not build new housing, or forces them to leave the area, the decision is the same for each and every settler and there is no exception based on tribe, place of origin, and so on. Therefore, the population of each settlement is asking for one solution for the whole settlement. The problems they have and the context in which they live have generated a high degree of interdependence among each other. There is no way of mitigating the obstacles at hand without supporting each other strongly. Thus, members of the *shura*, who are likewise residents and face the same challenges, work to improve their own condition when they support the population.

This situation has changed the focus from tribal affiliation and related allegiances to solidarity based on settlement residence and belonging to the respective community of landless or occupant settlers. This means that the tribe does not matter anymore for these communities. They can respond to their challenges only if they support each other, not on a tribal basis – since they are not united by tribal affiliation –, but as they live in one concrete *mantiqa*⁵⁵ (place) and share the same problems.⁵⁶ Thus, looking to the examples of these two settlements, Favre is very right in saying that, “*manteqa* is an element shaping identity and solidarity in Afghanistan” (Favre 2006). Defining a *mantiqa* and its geographical borders is still difficult (Mielke/Schetter 2007) and likely subject to change over time.

Mutual dependency can be found among *khan / malik* and their respective tribesmen but the way they get support from each other follows rather patron-client logic of social organization. It entails scope for inequalities in representation.

6. Conclusion: Weakening traditional leadership and representation

The discussion of revitalizing the tribal structure and traditional leadership has resurfaced after 2005, as the Afghan government was losing control not only over rural areas, and the security situation deteriorated. Some scholars suggest that, to bring the local communities under government control, the best option would be to rebuild the tribal structure and strengthen the traditional leadership of the *khan* and *malik* type, which had prevailed in the area for a long time (Johnson/Mason 2008). They argue that the government of Afghanistan should be decentralized and a provincial governor should be elected by the people of the province because the Pashtuns do not accept leaders coming from outside (ibid).

The evidence presented in this paper shows that the change in leadership takes on a more multi-dimensional character in the Nangarhar province today. The traditional leadership of first *khan* and

⁵⁵ "The *mantiqa* does not have administrative recognition, although traditional structures/committees exist at the *mantiqa* level (*shura-e manteqa, namayandagan-e manteqa* [...]) (Favre 2006: 1).

⁵⁶ Interview 10.04.2015.

then *khan* and *malik* has been affected by different factors, and many new types of elites have replaced the traditional leadership, of which the Bar Daman and Koz Sheikh Mesri *shura* members and leaders appear to be the latest step in an ongoing but not linear process.⁵⁷ The criteria for joining an interest representation body have also changed, from co-optation on the non-merit basis of affiliation to tribe and family to a merit-based election. The new interest representation bodies use new strategies and new means of mobilizing the community in order to further their interests. The focus of the new type of solidarity and interest representation body relies on inclusive community representation, not on tribal or kinship affiliation. In other words, the area of residence is the criterion for belonging or not-belonging to the community and belonging to the community is a precondition for becoming a *shura* member and being represented by him. On the other hand, the land issue is the central problem around which the *shura* activities revolve. In addition, the two *shuras* have a transparent structure and clearer aims and principles. Nevertheless, traditional solidarity mechanisms based on kinship and traditional leadership such as *khan* and *malik* remain helpful in some contexts, even though not in all contexts. In this paper, I have presented two settlements as an example for others which can be found throughout Afghanistan and that indicate that "rebuilding" traditional leadership in recently constituted settlements seems not to bode well for addressing people's needs.

⁵⁷ A look back in history shows how much the traditional leaders, first *khan* and later *malik*, have been affected by internal and external factors over time. The demotion of the traditional *khans* had started with the reign of Amir Abdur Rahman (1880-1901). In order to control the tribes and communities, he created a new leadership position called *malik*. This had a very strong negative effect on traditional leadership and, for example, in eastern Afghanistan led to the Shinwari tribe being divided into two. One group supported the *khan*, while the other supported the *malik*. This caused and strengthened the rivalry within and between the tribes (ibid.). While it reduced the influence of the *khan*, *khans* did remain in power along with the new *maliks*. In parallel, given a change in technologies and subsequently in livelihoods and income, Anderson (1978) observed a similar decrease of influence of traditional leaders in the 1970s, prominently coined in the phrase that there were "no *khans* anymore". The next step in the decline of traditional leadership came after the communist coup d'état of 1978 in Kabul, which was followed by millions of Afghans fleeing abroad and settling in camps, particularly in Pakistan and Iran. The traditional social structures and types of leadership which had evolved over time were severely affected because the camps came to be controlled by *mujahideen* parties (Schetter 2012). At the same time, the Marxist Afghan government of that time was strongly opposed to the traditional leadership mode, particularly to the power of the *khans* and in some provinces even distributed the lands of *khans* to poor or landless citizens as part of the land reform. During the resistance fighting (*jihad*) against the Soviet Union and onwards, several new types of actors appeared, who came to struggle for power with the previous traditional leaders. For example, Misdaq (1990) introduces four types of leaders: besides *khan/malik*, he mentions *ulama*, *ruhaniyan* and *jihadi* commanders, who gained power during the *jihad* and had the support of their respective tribes. Related to this discussion, Abou Zahab (2012) explains how *kashars* (juniors) turned against the *mashars* (senior) in the tribal areas: The migration of Afghans to different parts of the world (especially to the Gulf), access to US dollars during the *jihad*, and the smuggling of drugs and guns were the sources of income which made many individuals rich, allowing them to own houses, lands, weapons, etc. This process changed the power hierarchy: the *kashars* of yesterday became *mashars* of today, or at least the *kashar* is positioned against the traditional *mashar* (*khan* or *malik*).

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Information on the competence network Crossroads Asia

The competence network Crossroads Asia was established in 2011 to generate novel perspectives on inter-disciplinary Area Studies research. Comprised of six research institutions with regional expertise covering Afghanistan, Iran, Kazakhstan, Kyrgyzstan, Nepal, Northern India, Pakistan, Tajikistan, Uzbekistan and Xinjiang, the network aims to further an understanding of the interactions of individuals with a connection to places from eastern Iran to western China and from the Aral Sea to northern India. In doing so, it intends to contribute to overcoming the neglect of non-‘Western’ epistemologies, insights and forms of knowledge generation, as well as to close certain gaps between systematic disciplines and Area Studies.

The research within the network has centered on figurations, defined as specific causal and functional connections making up constellations (e.g., familial, religious, or economic networks). During the first funding phase of the project (2011-14), micro-level empirical research focused on figurations related to three thematic concepts: conflict, migration and development. Since early 2015, the network has begun a second funding phase in which there is a synthesizing of earlier research. We are beginning in-depth analyses of how spatial realities are constructed by the movement of people, goods and ideas, as well as how these emerging constructions – with their limiting borders and boundaries – enable and constrain mobility. Physical and social mobility, as well as imagined/mental mobility, are all considered in this context. Our overarching research questions include: What, in particular movement, makes borders and boundaries take on significance? In turn, what causes their meaning to be altered or even lost? Within and across limiting components (e.g., geographic, political, socio-cultural and/or ethnic borders and boundaries), which factors contribute to im(mobility)?

Based on this extensive research and diverse analyses thereof, we are aiming to collectively elaborate a Crossroads Perspective for understanding complex webs of ties and their spatial dimensions. This non-prescriptive selection of conceptual and methodological tools for rethinking how to conduct research on fluid, dynamic and complex phenomena will be articulated at our conferences and workshops, in publications including an Area Studies textbook, and in teaching, including at the new ‘Global and Area Studies’ graduate program at the Humboldt Universität Berlin, one of the network institutes. The Crossroads Perspective will consist of a methodological approach (‘Follow the Figuration’), as well as an ethical component, to guide Area Studies researchers in reflecting on their position in relation to their subjects, as well as the tangible impacts of the research they conduct. The Crossroads Perspective will also contain a tool-kit of concepts which have proven resilient in our empirical analysis of, for example, bordering processes in Kashmir; cross-border bazaar trade between Kyrgyzstan, Kazakhstan and China; and Baloch networks rooted in Afghanistan, Pakistan and Iran.

The competence network understands itself as a mediator between the academic study of Crossroads Asia and efforts to meet the high demand for information on this area in politics and the public. Findings of the project will feed back into academic teaching, research outside the limits of the competence network, and public relations efforts. Further information on Crossroads Asia is available at www.crossroads-asia.de.

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