



## CULTURAL KNOWLEDGE REPORT

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### (U) Local Shuras and Governance in Afghanistan

**(U//FOUO)** This report examines the constitutional role of local *shuras*, asking whether these organizations can influence provincial and district governments. Research tends to indicate that the effectiveness of local *shuras* must be examined at the local level, as these groups have no official governmental role and multiple factors can influence their effectiveness.

#### (U) Bottom Line Up Front

- District governors have utilized *shuras* as a means of passing down directives or gathering opinions on local issues.
- While a *shura* can have a role in local government, they lack any constitutional authority.
- The role *shuras* play in local government often varies by district. *Shuras* are not necessarily representative of a given constituency and may not have enough credibility of their own to lend any legitimacy to district administrations.

#### (U) Introduction

**(U)** *Shura* is originally an Arabic word meaning “council,” and is often used synonymously with the Pashto word *jirga*.<sup>1</sup> The term *shura* came into usage in Central Asia during the Arab invasions of the 7-8<sup>th</sup> centuries A.D. The principle of *shura*, or consultation between the ruler and the ruled, is articulated in the Quran. The Prophet recited a Quranic exhortation to consult with his followers before making decisions. The usage of this term in Afghanistan expanded greatly in the 1980s, when many mujahidin groups convened *shuras* to interact with the local populace and their outside support groups.<sup>1</sup>

**(U)** Historically, a *shura* serves as an advisory body which issues consensus derived, non-binding resolutions to an authority figure or group. The membership composition of a *shura* varies according to the purpose of the council. However a combination of “tribal leaders, elders, *ulema* (clerical elites – i.e., *mullahs* and *mulawis*), and militia commanders or other strongmen” can be found in most district level *shuras*.<sup>2</sup> A *shura* can be convened at any administrative level (tribal, village, district, provincial) for multiple purposes.<sup>3</sup>

**(U)** Since the fall of the Taliban, *shuras* have frequently served as a bridge between the local population and Government of the Islamic Republic of Afghanistan (GIROA) officials. *Shuras* are commonly held by district governors in order to pass down directives or receive advice on local issues.<sup>4</sup> Non-Governmental Organization (NGO) representatives have also utilized *shuras* in order to gain local consent and support for development projects.<sup>5</sup> A paper published by the RAND Corporation notes that “Afghans everywhere—but particularly in rural areas—look more favorably on [*shuras*] as sources of justice than they do formal state courts.”<sup>6</sup> Despite their widespread use the influence and legitimacy of *shuras* as an informal source of local authority varies across districts.

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<sup>1</sup> “*Jirgas* are classically open forums for discussion at the village level in which, most often, older, respected men gather to make decisions that affect the community, including arbitrating disputes in conformity with local customs – variants of the Pashtun code of conduct (*pashtunwali*) among ethnic Pashtuns but also other customs in other communities.” **(U)** Shurkin, Michael Robert. 2011. “Subnational Government in Afghanistan.” RAND National Defense Research Institute. 12-13 **(U)** Document classified **(U)**.

**(U) Lack of Constitutional Authority**

**(U)** *Shuras* are informal institutions not explicitly mentioned in the Constitution of Afghanistan and thus lack constitutional authority. Furthermore *shuras* lack legislative authority and their decisions are non-binding officially; however this does not prevent the government judiciary from deferring to informal means of dispute resolutions. Criminal cases deferred to *shuras* are “in violation of legislation, which bestows legal authority over criminal cases to the government judiciary, whereas civil cases may enjoy non-state local remedies if the court permits.”<sup>7</sup>

**(U) Shura Effectiveness**

Measuring the effectiveness of a single *shura* is a difficult task. An observer must know the following:<sup>8</sup>

- Who called the meeting? (i.e., was it called by an elder, or was it called by external groups?)
- Why was the meeting called? (i.e., was it in response to an incident, or was it a preplanned meeting?)
- Is this an isolated *shura* or part of a larger series of *shuras*?
- Who attended, and why did they attend?
- Who did not attend, and why did they not attend?
- What is the relationship between the meeting participants?
- What organization sponsored the meeting? (i.e., is it the government, an NGO, or a village *shura*?)
- What was discussed in the meeting?
- Were all members free to participate?
- What was the tone of the meeting?

**(U)** If the observer is able to answer all of these questions, then one may be able to develop a methodology for measuring effectiveness. In general, the more local and organic to Afghan village life the *shura* is, the more likely it is to be effective.<sup>9</sup>

**(U)** As a number of NGOs have learned, one *shura* does not necessarily solve a problem conclusively. Depending upon the topic of discussion, it may take months of *shuras* to resolve a particular issue.<sup>10</sup> For this reason, *shuras* should be viewed in the context in which they occur. Local perceptions of *shuras* should be examined in order to measure their effectiveness.

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*The information contained in the report has been compiled by the Human Terrain System (HTS) Reachback Research Center (RRC) at Fort Leavenworth, KS and /or Oyster Point, VA. This report is based on analysis of available open-source material. Products generated within 24-72 hours of the original request should not be considered fully vetted or comprehensive analyses. This report is approved for release by 71c.*

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<sup>1</sup> **(U)** Wardak, Ali. 2003. “Jirga – A Traditional Mechanism of Conflict Resolution in Afghanistan,” *Un.org* (2003), 13. <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan017434.pdf> (accessed 4 APR 2012). **(U)** Document classified **(U)**.

<sup>2</sup> **(U)** Shurkin, Michael Robert. 2011. “Subnational Government in Afghanistan.” RAND National Defense Research Institute. 12-13 **(U)** Document classified **(U)**.

<sup>3</sup> **(U)** Shurkin, Michael Robert. 2011. “Subnational Government in Afghanistan.” RAND National Defense Research Institute. 12-13 **(U)** Document classified **(U)**.

<sup>4</sup> **(U)** Shurkin, Michael Robert. 2011. “Subnational Government in Afghanistan.” RAND National Defense Research Institute. 12-13 **(U)** Document classified **(U)**.

<sup>5</sup> **(U)** The Asia Foundation. April 2007. “An Assessment of Sub-National Governance in Afghanistan.” 22-23. **(U)** Document classified **(U)**.

<sup>6</sup> **(U)** Shurkin, Michael Robert. 2011. “Subnational Government in Afghanistan.” RAND National Defense Research Institute. 12-13 **(U)** Document classified **(U)**.

<sup>7</sup> USAID. 2005. “Afghanistan Rule of Law Project: Field Study of Informal and Customary Justice in Afghanistan and Recommendations on Improving Access To Justice and Relations Between Formal Courts and Informal Bodies.” 12-13. **(U)** Document classified **(U)**.

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- <sup>8</sup> (U) HTS RRC. March 30, 2009. "RRC-AF5-09-0034 Call to Shura." (U) Document classified (U).  
<sup>9</sup> (U) HTS RRC. March 30, 2009. "RRC-AF5-09-0034 Call to Shura." (U) Document classified (U).  
<sup>10</sup> (U) HTS RRC. March 30, 2009. "RRC-AF5-09-0034 Call to Shura." (U) Document classified (U).