

e Afghan Protocol

A Field Guide to the Afghan Cultural & Political Model for International Professionals (draft version)



Photo: GoogleEarth

Illustration: The Helmand Valley

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The Afghan Way

International development professionals can approach many countries in the world prepared by a light cultural/demographic briefing that bears little relevance to the development projects implemented in the area. However, there are countries, or rather cultures, which necessitate thorough familiarity with the local cultural model, as well as conscious practice of local customs if international development professionals are to achieve success in their work.

Unlike many world cultures, the Afghan culture has retained an ancient, remarkably organized system of

developed hierarchies, structure and procedures. This customary system has persisted over centuries. It has recurrently served as the single stable source of authority and order, in times of war and famine, as well as a social safety net in the vast rural areas in this prevalently stateless society. As to the rooted loyalty of Afghans to their customary law, one can review the the last centuries of Afghan history and recognize that each attempt to westernize or modernize the country, or to implement any societal change incompatible with the local customs, has been met so far with fierce, rapid and concordant resistance from the rural (tribal) areas, usually escalating in bloodshed and regime change.

Afghanistan is a country where local customs and practices carry more authority than state laws, or, even further, more bearing than the laws of efficiency and rationality characteristic of the Western cultural paradigm. The Afghan customary laws express a system of values, a specific hierarchical order in the community and a set of behavioral rules that regulate the daily life of both locals and internationals in Afghanistan. The customary laws are the means by which the chaos of decades of war and/or absence of central government has been regulated into a specific form of order. This order-creating paradigm must be understood in its intrinsic values, and rules of societal interaction must be appropriated for international professionals to become knowledgeable players in the complex world of Afghan politics.

Why a “Protocol”

For international professionals operating in Afghanistan, it is relevant to know that for any social activity in the country there is a definite sequence of customary procedures to follow. In terms of project planning and implementation, one may acknowledge that doing things “the Afghan way” increases the probability of project success even in remote and dangerous districts.

The Afghan Protocol is designed to facilitate project implementation in Afghanistan, and it is advisable to be considered within the category of Standard Operating Procedures (SOPs). The Protocol certainly does not offer solutions to all possible problems or answers to all questions.. Instead, it outlines the dynamics of interaction that can enable international professionals to find and create solutions and answers in various situations. The Protocol describes a series of procedures into the specific sequence of protocolary meetings and negotiations with various power-holders.

It attempts to answer why, when, how, with whom and in which order to meet so as to elicit community acceptance and local ownership which should potentially guarantee the final success of the project.



The Afghan Protocol remains a set of fluid guidelines when dealing with the local power politics, and not a universal prescription for success. Its aim is to communicate a spirit, a relational mentality of non-Western origin, out of which societal rules of propriety stem. I hope that this text will offer its reader deeper understanding of a complex underlying system of sometimes contradictory values and norms, which each culture is based on.

Terms and Definitions

International Organization (IO) – Any organization or company managed by expatriate staff, in this text, development companies or UN agencies.

Politics - In this text, the notion of politics is used not in terms of formal institutional arrangements, but in an older sense, that of *relational power systems* within communities, their regulations, modifications and balance. The phrase “Afghan politics” will thus mean relational awareness and sometimes subtle and seemingly symbolic interventions. However, such interventions may bring significant changes with

desirable outcome within the working environment.

Elders – Heads of families. Afghan families may refer to any blood-related community between 2 and 100 members. Each family is headed by the oldest or one of the oldest male family members. The head represents the family at community meetings and in the local council (shura), he regulates the behavior of other family members and bears responsibility for the behavior of his family members. The head of the family makes the decisions for all family members, can judge, reward and punish, and bears the shame and the honor for his family members' acts.

Shura – Local councils comprised of family heads and religious leaders (mullahs). Each village has its shura. The shura represents the village community at inter-village meetings, at district level and in negotiations with governmental officials. The shura regulates the behavior of its villagers through its representative elders/family heads; it makes decisions that bind all villagers; it can form councils for conflict resolution and local courts; it can reward and punish, and it bears the shame and the honor of its villagers' acts.

Shame and honor (haram and halal) vs guilt and innocence – a useful although imperfect distinction between Western and Afghan cardinal values. Shame means that the close environment perceives the actor in an absolutely negative fashion. Guilt means that the actor perceives him/herself in an absolutely negative fashion. The worst nightmare for an Afghan is shame, as much guilt would be for a Westerner. Thus, how things are perceived by the community is far more important for Afghans than how things are perceived by the actor. Public honor and dishonor will be taken far more seriously by Afghans than by internationals. Form takes precedence over substance. Reputation takes precedence over ethics.

Culture – a set of implicit, largely unconscious values, norms and expectations embedded into individual and collective consciousness, conditioning real-time behavior and decision making. Value-charged assumptions that regulate conscious and rational thinking and interactions.

Protocol – a set of procedures and guidelines aiming to give “right” and “appropriate” form to behavior in accordance to accepted customs.

Corruption – appropriation of power in any form by an individual or a group of individuals. Power may include power over information flows, asset distribution or decision-making processes.

Benevolent conditionality – a clause in formal or informal contract which does not punish a contractor for not fulfilling his obligations, but nullifies the possibility of any future contracts with the spoiler.

The Afghan Protocol (SOP)

A common misperception of the fundamental kernels of the war-ridden Afghan society is that the force of arms and/or money lies at the bottom of every arrangement and is a problem/solution to every crisis. As much as this easy explanation seems attractive, another mechanism, Afghan politics, may override, alleviate or even avoid the use of economic or military persuasion. Theoretical and practical studies of Afghanistan conclude that *sophisticated societal power relations are in the heart of Afghan culture*. Security, financial exchange, and human management, as well as the progress of most societal changes rely directly on the negotiated power arrangements.

Errors, Omissions and Lessons Learned

Without proper cultural sensitization, many international workers practice a Western efficiency-driven system of management, unaware of the implicit Western system of cultural values and expectation embedded in it. Although in many countries the Western management style is likely to produce results, some aspects of this model can show rather disastrous in Afghanistan. The following are just a few examples of seemingly “normal” actions quite unacceptable in Afghanistan:

1. *Error:* To plan and implement projects without informing/consulting the provincial governor.
Omission: A provincial governor in his province is similar to a viceroy in his colony, often having unlimited power over individual fates, direct and unquestionable power over governmental representatives and organs, like the police, for example. Most governors conceive of their position as of one of ultimate power without the accountability to the public or to the central government a Westerner might assume.
Effect: If not sought approval from, the governor may be insulted, openly protest, covertly impede or endanger the project or its staff, or simply prevent the project implementation.
Lesson: Communicate with the governor.
2. *Error:* To plan and implement projects without informing/consulting the local shura.
Omission: The local shura functionally runs the local community. The Afghan sense of identity is strongly territorial. If “foreigners” (out-of-district Afghans and expatriates) come without meeting the shura, the community feels that their territory has been trespassed and their sense of identity endangered.
Effect: The local community may grow hostile toward foreigners on their own land, openly demand financial benefits, such as employment of local people, and if disregarded, they can formulate threats, plant land mines, or sabotage the project to oblivion.
Lesson: Communicate with the shuras.
3. *Error:* To rely on Public Information and mass media campaigns to support project implementation.
Omission: Afghanistan is not a democracy beyond elections. Public opinion does not significantly influence decision-makers. Power relations do.
Effect: wasted funds on costly PI campaigns, with little coverage and low effect.
Lesson: Invest attention and resources into political dealings with key power holders instead.
4. *Error:* If the project does not progress, to push harder, to flex the muscle or to threaten the locals in public.
Omission: Afghans are susceptible to authority and highly sensitive to public insult or shame.
Effect: Afghans may feel dishonored, grow resentful, collectively go on strike, resign, or be motivated for violent repercussions.
Lesson: Negotiate separately with local elders any conflict resolution that may arise on local level.

Without the support (or at least the tolerance) of the local power holders and the community, project managers are likely to face cultural backlash symptoms: activities “inexplicably” impeded or sabotaged, IEDs planted, people/vehicles carrying large amounts of money (e.g. work wages) robbed, RPGs fired, night-letters posted, people kidnapped or killed.¹

In many such cases, international workers may believe that they have done nothing wrong, or nothing out of the ordinary, and that their way provides the most rational assistance to the local community. Without cultural awareness, expatriates are unlikely to perceive the hidden connection between their own behavior/actions and seemingly disconnected problems in their environment. Understanding local sensitivities may help notice and predict these hidden connections, and use them to their advantage.

¹ Alternatively, the Taliban can be accused of the unpleasant symptoms. This may be true and yet it may be not. The local communities may use the Taliban signature to their own purposes, to pass undesirable responsibility to the official “enemy.”

Sequences

As said earlier, the Protocol is about a proper sequence of what to do, in which order and with whom. The number of real-time variations of sequences is incalculable and each project is likely to require adjustments. Afghan high level staff should be consulted before project implementation commences in order to come up with the most appropriate sequence.

The following section refers to one of the common cases, when the project objective lies in a district area where there is no District Governor or Chief of Police. However, in other cases, the procedures referring to the first component (Provincial Governor) and the last component (local shura) of this protocol will remain unchanged, while the players in-between will vary, although the spirit of their approach will not. In some cases, middle players will include the city mayor, chiefs of police, district governors, directors of local branches of Afghan ministries and/or other formal or informal entities.

For example, if the particular project is in the provincial capital, it is sufficient to inform/consult the Provincial Governor and the Mayor. If the protocol requires meetings with Ministry Directorates, chiefs of police, etc., the behavior with governmental officials is kindred to the Western model of inter-institutional collaboration. If the particular project is in the rural areas, consultations with local shura(s) which will be affected by or involved in the project are necessary. It is important to note that much of the in-between meetings are of the informative nature, courtesy calls, and do not include actual negotiating.

A word of caution though: following this Protocol should in no way be taken as an ultimate guarantee of success. There are players whose agenda, power and ways may be beyond negotiations and beyond laws of custom, religion and rationality.

Preparations

1. Security: Assess the security situation in the implementation area with security professionals.
2. Power-holders:
 - a) Identify local key power-holders together with high level Afghan staff and design a schedule who and in which order to meet with.
 - b) Assess individual agenda (needs, interests and connections with formal and informal, legal and illegal elements) and community needs.

Negotiations

3. Meeting with the Provincial Governor, to inform him about the project goal. and to elicit acceptance and support.
4. Upon request, the Provincial Governor will summon local shura from the area of the planned project activity; their gathering can take maximum 2-3 days. The venue of the meeting must be approved by security and accessible to the shura. The Provincial Governor can request to be present, otherwise the meeting is between the IO staff and the village elders.
5. Meeting with the shura.
 - a) Introduce international and national project staff.
 - b) It is considered polite to start the conversation with inquiry about local problems.
 - c) Present your work/project outline as a response to identified local needs. *Do not make any promises at this stage.* Elicit acceptance of project goal.
 - d) Propose contact points in IO office.

- e) Elicit a word of promise from elders to guarantee security and movement for foreign (Afghan out-of-district and expatriate) staff presence on local territory.
- 6. Send local IO staff to area to gather detailed information required for project design.
- 7. Plan maximum local recruitment: unskilled workforce (villagers), security (arbakai, traditional local police) and supervisors/monitors (local elders) teamed up with IO professionals. Teaming up national IO professionals with local supervisors/monitors will guarantee quality of implementation, whereas local supervisors/monitors will take responsibility of the foreigners' security while they are in their area.
- 8. If the project includes short-term low-skill training, prefer to train locals instead of bringing in foreign staff. Local recruitment will elicit local responsibility, increase security, community acceptance and higher benefits for local community.
- 9. Meeting with shura – negotiating conditions for MoU.
 - a) Give preliminary specifics of the project: what, when, how long, for what purpose.
 - b) Offer specific benefits (material output, assets, wages, etc.) from the project and announce local recruitment, in exchange for elders taking responsibility of successful and timely project implementation.
 - c) Introduce “benevolent conditionality”: inform the shura that persons who do not fulfill their part of the bargain (e.g. They plant poppy on land contracted for wheat, with seed and fertilizer donated by the IO), will not be “punished” in any way (by having fertilizer taken back or by being required to pay for the donation), but their names will be put on a “black list” and this list will be shared with other IOs operating in the area, so that these persons would not be eligible to participate in any other future project.
 - d) Require local shura to assume full responsibility for on-site security, quality local recruitment pool, problem solving and mediation, and security for out-of-district national IO professionals.
 - e) Require written guarantee from local shura in form of MoU.
- 10. Meeting with shura - auspicious occasion.
 - a) Signing of the MoU.
 - b) Ask the local elders to hand a copy of the MoU to the Provincial Governor. This would make their pledge with you visible to the much revered Governor, and demotivate further ideas to break the contract.
- 11. If any problems arise on-site during project implementation, request local shura to resolve the problem as agreed in the MoU.

Troubleshooting

1. Sometimes problems appear as unclear and disconnected symptoms, like night-letters posted on doors {“Do not work for foreigners,” signed by “the Taliban”) or anonymous IEDs on project sites. These are merely symptoms. Assume that there is an underlying problem: often, it is a local stakeholder’s private interest. Locate the stakeholder who creates the problem with the assistance of the IO Afghan senior staff, local dignitaries, governmental officials and/or elders. More than often, *the person who approaches you with an offer to solve the problem is the one who creates it.* For example, a building site is sabotaged by IEDs and the local subcontractor X cannot finish the project. A person owning another construction company Y may approach you saying, “X cannot fulfill the contract. Give the project to Y, they can handle security problems and will finish the project.” This statement might be technically true, as it is likely that the Y construction company owner will arrange on-site security incidents until he takes over the building contract from X.
2. It is not within the Afghan spirit to confront “unfriendly” persons directly. Send **intermediaries** (locally powerful persons or elders) to open talks with problem-person(s). The intermediaries will go back and forth until an agreement/arrangement is reached.
3. Unacceptable demands, if ultimatums, can be settled by side-negotiations with problem-person(s)’ protectors, family or allies. If negotiations through intermediaries fail, check who the problem-person is connected to – identify a **mediator**: a person who has power over the problem-person or is allied to him. Meet with the identified mediator and state your problem.

The mediator can persuade the problem-person to cooperate. You may be asked (directly or through an intermediary) to do something else for the mediator, or you might reach your goal as his gesture of courtesy or expression of power.

Some DO's and DON'Ts for Communications

1. Exercising pressure or saying 'No' is never done directly, and absolutely not in public – unless insult is actually your goal. If for example, one pressures or threatens a district governor in front of his bodyguards, colleagues or local council, the governor will be considered publicly insulted and he will have no choice but to retaliate in order to clear his face. This includes even people who are sincerely friendly: the code of honor may dictate retaliation regardless to their personal sentiments. Retaliation can be slow or quick, signed or unsigned.
2. Act with dignity, but never with arrogance. Many internationals act with arrogance and without dignity, to find themselves without respect and authority amongst local staff and local power holders.
3. "Make no promises, tell no lies." A word said is considered a promise. For example, "Activity X will be implemented," is a promise. Budget cuts or change in funding policy are mere words for Afghans and are not an excuse for breaking one's word. Keep your word. A person's word is his or her honor. If you cannot fulfill your promise, inform the involved parties promptly and if they require, open new round of consultations/negotiations.
4. If in process of negotiations you've been offered a gift, material present or a gesture of good will (like disciplining a problem person), you are expected to return with equal gift. If you don't, you are considered in debt, or a barbarian.
5. In the process of negotiations with a shura, if you hear the phrase, "we cannot guarantee security for X," that literally means that X will be threatened on their territory: the person may be murdered, attacked or forcefully banished, either by the *shura's* police, the *arbakai*, or by combatants cooperating with the local *shura*. This phrase is considered as a more or less direct threat to life.
6. When you start a conversation, it is not agreeable to go directly to the subject. Long greetings are usually exchanged, and then it is advisable to inquire about any problems in the locality the interlocutor is connected to. It is also advisable to read Afghan history and be able to point out to great moments in it. Afghans are proud of themselves and of their history, especially the fact that they have never been conquered for too long, and even then the resistance has been outstanding. Courage and honor are words that are gladly heard by Afghans.
7. Never raise your voice or shout. Never interrupt or show impatience while an Afghan is speaking, even if it takes an hour to listen – it sometimes does. Never use words that can be interpreted as insults. Black is not "black," but "it happens to be not-entirely-white." Be friendly and honest in your speech, but careful with your wording.
8. Don't repeat many times what you have offered.
9. Use simple English when talking to locals.

10. Use metaphors and stories to explain abstract concepts when talking to shuras, if appropriate.
11. Learn from your surroundings. Watch how people move and talk. When you are not sure what is appropriate, ask a local what to do, or do what the locals do.
12. Do not make the error of treating Afghans as non-civilized people. They are civilized in their own way, where civilization is not represented by technology and infrastructure, but by highly developed relational networks. One can learn a lot about communication & relating from Afghans. Manipulating relations is an art many Afghans have perfected.

Field Experiences

In the past, internationals operating without compliance to local customary law have faced project failure, financial losses and even loss of staff members. But complete stories are hard to get in Afghanistan. For example, an Afghan told me of a field case where lack of cultural awareness has resulted with project failure: the construction of a cobblestone road in one of the volatile provinces of Afghanistan in 2006. After the road was built, so the story goes, the local populace declined to use it. The cobblestone, they claimed, harmed their camels' soft feet. The road, otherwise financially a highly desirable option, was built by foreign engineers who do not have camels in their home countries and therefore think in terms of hoofed domestic animals and people wearing shoes. They did not ask the locals about their needs. A communication failure seems to have resulted with an immense waste of resources. On the other hand, an international professional involved in the process told me that the Afghan person had not been telling the truth: it had been a tribal squabble that had driven the locals away from the road. I cannot tell which story is true.



However, other projects, managed with high cultural sensitivity, prove to become success. A multi-million project, an Agro-industrial Park, was successfully implemented in a middle of a war zone, after a series of high-level meetings with Afghan governmental officials, private investors, local traditional leaders, and power-brokers, in a carefully designed sequence, which ensured the presence and the support of all parties who may be influenced or influence the functioning of the Park. This project was managed by an international development professional well aware of the intricate power of Afghan politics. The common practice in such success stories includes a series of meetings held with the local stakeholders, extensive consultations on what activities to implement, community “wish lists” and international staff making a selection from these lists in accordance to their company/organization's strategic objectives.

The Afghan Protocol defines cooperation with target communities on terms set by an international agency and in a manner set by the local value system. Its practice aims to elicit voluntary and responsible initiative amongst local stakeholders, including village elders as main target group, local governmental representatives, local partners (NGOs or subcontractors) and international facilitators. Eliciting a sense of local ownership of internationally managed projects means eliciting local responsibility for the security of non-local project staff, as well as responsibility for successful implementation of the project and its sustainability.

PREVENTING CORRUPTION Monitoring Protocol

Corruption is a part of a wider phenomenon called “war economy” and its heir, the “post-conflict

economy”: largely informal, prevalently illicit economic networks, partially dependent on international assistance and largely entering into the zones of black and gray economy. Regarding corruption, the mechanisms of profiteering on international organizations (IOs) are relevant to the project management. For correct estimation of the need that drives IO-related corruption, it should be considered that entire families and settlements may become financially dependent on high income from IO salaries or illicit profit from international assistance. As post-conflict zones offer very little of licit livelihoods, the choice of many is between extreme law-abiding poverty and extreme law-eluding wealth.

The international community has been present in Afghanistan in form of humanitarian and development assistance for the last 3 decades. In other words, Afghans have had 30 years to learn the ways, the strengths and especially the weaknesses of international organizations. As many volatile and “unruly” countries, many Afghans use this knowledge to tap into international value flows, and often to profit on it. Illicit profiteering, in general, consists of privatizing assets, resources and services made available by international organizations, unmonitored or passively tolerated by the IO management.

The usual monitoring and reporting methods of international organizations are limited by their inability to travel to insecure areas. Instead of direct monitoring, receipts, figures and photos from national staff, local subcontractors and clients are required. However, networks of corruption can produce perfect reports, receipts and photos for reporting purposes. In numerous cases, international officers have received regular, well-written reports with abundance of data, high degree of consistency and handsome pictures, with bulks of receipts attached - only to find the data to be well calculated fake, activities entirely imaginary, the photos old, from other projects and locations, or from other IOs, receipts issued by providers that do not offer similar services or goods, and so on. After 30 years of training, rouge reporting is not the hardest skill to perfect. Meanwhile, humanitarian aid is sold on markets, fake NGOs (Afghans call them “Nedzebi” – “in the pocket”) design and report on non-existent implementation of imaginary projects, fictitious companies win bids, international equipment is sold, bribes are exchanged – the list seems to be endless. How to recognize and prevent corruption?

It may sound strange, but it is wise to assume that there is corruption going on in an internationally managed project. Many interested scholars and practitioners have tried to find a crook-proof system of running projects in post-conflict zones, and the lesson learned can be summarized as: “It is impossible to prevent corruption.” However, it is possible to set systems that decrease the possibility of corruption. Such systems aim to make profiteering efforts so exhaustingly full of checkpoints, that many a local would find it easier to simply abide by the rules.

Such systems are necessarily complex and require a lot of input from management. With a touch of humor, it may be helpful to remember the police methods of investigation and “think with a mind of a criminal” in order to foresee and prevent possible corruption networks attachable to a project. In effect, the best developed anti-corruption systems resemble the very corruption systems in their flexibility, strategy, scope and controlled information flows. It might be even said that the anti-corruption systems are kindred to secret intelligence services – certainly, short of detention and physical violence.

The Making of Corruption

Power stems from institutional position, decision-making right, control of information flows and control over asset distribution. As systems theory teaches, the element in the system that makes itself un-expandable is the element of power which governs a segment or the whole of the system. “Un-expandability” means that without that element a certain systemic process cannot take place. For

example, area information cannot pass to other areas, assets cannot be distributed or decisions cannot be made without the specific element. "Corruption," in this context, means inappropriate acquisition and use of systemic power. If one wants to find corrupted elements within a system, un-expandable elements should be identified.

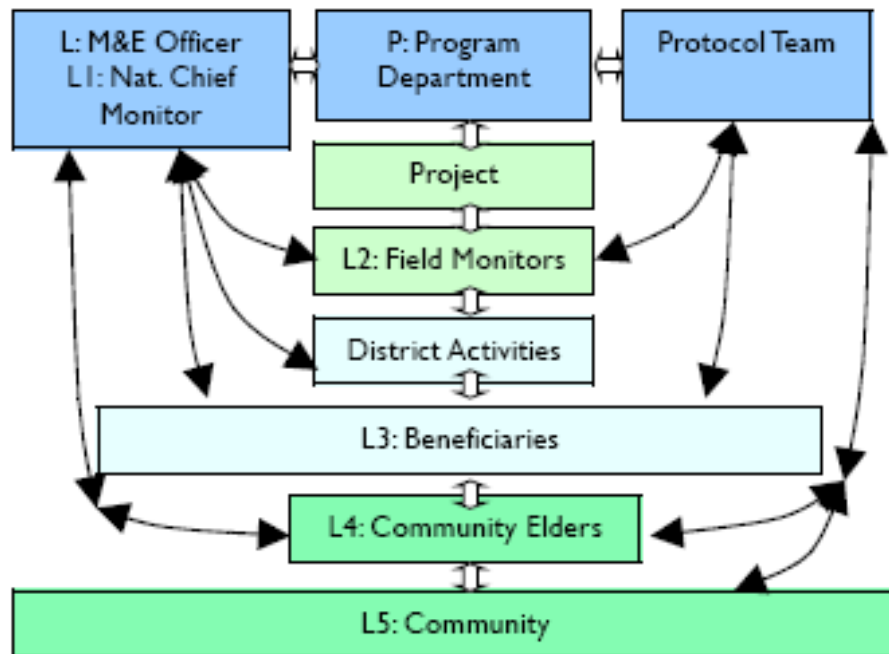
In practice, corruption is likely to take place when a single person is in charge of decision-making processes and when a single person is the sole contact point between community and expatriate staff. In these cases, such person would find it easy to misrepresent / repress relevant information and prevent expatriate staff from insight in the hidden dealings of IO-empowered persons. Having control over information, decisions based on private agendas can be misrepresented as either legitimate or necessary. One example of false necessary decision can be rationalized with "We have no other choice," a statement often used to cover manipulative choice. In another example, a shura may have complaints against a corrupted local IO's or subcontracted staff in their district. If the same corrupted person is their single communication point, he will prevent the shura from communicating with other IO staff, misrepresent or repress their complaints, and his corruption will go on unnoticed.

IOs cannot allow their staff on any position to gain monopoly over information and over private/privatized decision-making processes which are enabled by isolated, non-transparent information exchanges. They need to provide alternative presence in such communications, in order to ensure multiple alternative information channels between communities, various levels of collaborators and expatriate staff, as well as maximum transparency and peer-to-peer monitoring among local staff.

In IO field missions, local corruption can be best detected by Reporting and Monitoring Units or any correspondent departments that have information-gathering channels established on the ground. However, action taken after corruption is uncovered belongs to the management level, which presumably has clear procedures and strong will to put an end to corruption as soon as evidence is available. The following section is a management tool for preventing corruption.

Monitoring Protocol

The following chart depicts the structure of internal and external monitoring recommendable to be set prior to or as project activities begin.



Roles of Monitors

- Community Elders directly supervise and monitor local activities. In terms of status and payment, Local Elders:
 1. can be hired under the program
 2. can be paid only for expenses (transport, top up cards, food)
 3. can be encouraged to give feedback for free (see Outreach & Communication Principle below)
- Field Monitors, hired under the project and stationed either in the Field Office HQ or in its sub-office in the region, directly monitor Community Elders and monitor local activities. Depending on the scope and the spread of the activities, their monitoring can be direct or indirect, and regular or irregular. The higher the number and the wider the spread of the project activities, the more indirect and irregular is their monitoring, and the lower the information input they can acquire and process. The decline in quality control of information can be amended by the **Random Rotation Principle** – see below.
- Chief Monitor, a national employee of the international M&E team in the Field Office HQ, directly monitors the L2: Field Monitors, and indirectly/irregularly monitor L4: Community Elders and L3: Beneficiaries, at level of local activities.
- Expatriate M&E team directly monitors the Chief Monitor, and indirectly/irregularly monitors Field Monitors, Community Elders and project activities.

Application Principles

In a nutshell, monitoring should be:

- regular, on a wider time scale (monthly/biweekly): e.g. at least once in two weeks
- irregular, within the regular time frame set: spot checks performed within two weeks, but at unannounced date, at random time, random location, random activity and performed by a random monitor (L, LI and/or L2).

- cross-contextual (each level monitors all levels below)
- whistleblower-safe (bilateral communication channels should be systematically established and periodically renewed throughout levels)

Rotation and randomness. Corruption requires *permanent* networks of exchange. Corruption systems emerge when individuals stay in positions of control over resource and/or information flow for a longer period. Rotation, as explained below, displaces individuals from permanent positions, and thus disrupt or prevent illicit exchange networks. Rotation and a controlled degree of randomness should be applied systematically in recruitment, deployment and tasking of monitors.

1. *Random recruitment and rotation* (only on L4 level): a local shura offers ADP/S a list of recommended local elders for potential hires as supervisors/monitors. The list should include at least a dozen names; the ADP/S assigned professional (preferably an expatriate) can randomly select, for example, three names from that list (number depending on the activities) of elders who will be temporarily hired as activity monitors. The selected group should be hired for a short time, when it is superseded by another group of elders randomly formed from the same list submitted by the local shura. In this way, income and prestige are equally distributed through all listed elders, without giving special preference or power to any.
2. *Random time* in task schedule (only at levels L1-L2). Chief Monitor and Field Monitors receive the time plan of their tasks as late as possible. No one should know in advance *when* the next monitoring takes place, so that no prior deals or fabricated reporting materials can be produced.
3. *Random location* of monitoring (only at levels L1-L2). No one should know in advance *where* monitors would go next, so that no prior deals or fabricated reporting materials can be produced.
4. *Rotating monitors*: No one should know in advance *which monitor* will go where and when. Field Monitors should be deployed to an area for a maximum of two months. After that, monitors swap areas of work in areas randomly chosen by M&E.
5. *Random sample*: The ADP/S M&E Validation Protocol prescribes 10% sample data; within this 10%, the choice of *which object/process/person* exactly is to be monitored is selected entirely at random by the M&E team.
6. *Random field of monitoring*. It is advisable to train monitors to be able to monitor various activities (horticulture, livestock, infrastructure, etc.). If this can be done, a greater degree of controlled randomness can be achieved, by varying monitors across random activities: no one should know in advance *which department activity* will be monitored.

Outreach and Communication:

1. Apply the Afghan Protocol (see the previous segment of the document set) to establish good relationship of trust with local communities and establish bilateral and multiple communication channels.
2. Establish direct communication channels between all levels (e.g. L5, L4, L3 and L2 have contact data on international Monitoring & Evaluation Officer, Public Information Specialist, Department Director, Deputy Chief of Party and/or National Senior Advisor) to report malpractices.
3. Establishing contact between L1/NSA and L5 is highly important. L5: Community is the entity most harmed by malpractices, so they report to ADP/S on any malpractices taking place in their area, without being paid or prompted to do so. An invitation and contact data suffices.

4. Troubleshooting: see the Afghan Protocol. If suspicion of malpractice arises, the FO person who receives the information notifies simultaneously the Director/Manager of the project, the Director of M&E and the Protocol Team. M&E, Protocol and involved staff investigate and report on alleged malpractice to Project Director/Manager, and if alleged malpractice is confirmed, a full report is submitted to Chief of Party and Deputy Chief of Party.
5. Information on malpractices need to be double-checked whether they are greed or grievance-motivated. *False* negative information may be propagated by a local(s) to obtain someone's position/salary, or to remove an incorruptible person from a post. *True* negative reports are confirmed in a M&E report, based on information obtained from the Chief Monitor, the NSA and levels L5, L4, L3 and/or L2. Physical evidence of malpractice is desirable, but not explicitly necessary. Management action follows to mend, amend and prevent malpractice.

Afghan Culture

Although recent general analyses have approached Afghanistan as a recovering failed state and society, a system of governance has not been entirely lacking throughout its years of crisis. A network of local institutions outside the purview of the state provided some system of governance, even as the state has collapsed or struggled under the weight of wars and political violence. This traditional network of civil society developed over centuries, and to some degree it has always been at least as strong as the formal institutions of government. The traditional Afghan civil society offers a model that is different from the western one of formally organized institutions outside the purview of state authority. It is rather one of autonomous, locally based structures of community authority. It is a longstanding characteristic of the Afghan polity, noted by historians, anthropologists, and political scientists alike, that the exercise of central government's power is dependent upon an arm's length relationship and equilibrium with local structures of community authority.²

A. Definition and Characteristics

The "informal justice sector" or "customary law sector" covers a wide variety of cluster of norms and practices, often uncodified and orally transmitted, usually combined together in varying mixes. This includes customary law (such as the Pashtun code known as "Pashtunwali"), local understanding of Islamic legal traditions (including their sectarian variants and their particular ethnic manifestations), and even some modern laws. It includes both rule-based and more pragmatic approaches to a wide range of legal arrangements (i.e. signing contracts, resolving disputes, developing social relations) and includes various mixes of punitive and restorative justice, as well as varied emphases on maintenance of community cohesion and exclusion of offenders. These are applied in a variety of institutional settings, through a variety of mechanisms, by a variety of types of litigants and decision-makers (sometimes quasi-judicial authorities, sometimes local political or community leaders). The methods include dispute settlement via negotiation, mediation, arbitration, and to a certain extent adjudication of legal cases. The only thing these methods have in common is that they reflect a level of fairness and justice broadly accepted by the majority of the population and they are all outside the scope of the formal state justice system. Whereas the authoritative purveyors of this decision making and dispute resolution system may enjoy some degree of state endorsement of their authority, including the enforcement of their judgments by the state, the sources of their authority are invariably based in their communities

2 Tapper, Richard (ed.), *The Conflict of Tribe and State in Iran and Afghanistan* (St. Martins, London, 1985). Kakar, M. Hassan, *Afghanistan The Soviet Invasion and the Afghan Response*, (University of California Press, Berkeley, 1995).

Key Terms

The Afghan customary laws are based on representation, government by discussion and vote, peace missions, special councils, national assembly, and differentiated instruments of legitimate use of force, which guarantee security and observance of contracts within and in-between communities. Several key terms that may serve as a basis for understanding the local systems of organization in Afghanistan:

1. **Shura** - Each family (2-100 members) is headed by the oldest man or the oldest brother in the extended family. Family heads represent their families in the village council, a *shura*, which makes the community decisions, mediates in internal and external disputes and defines the village relations to other villages and tribes. Some regions have female *shuras* consisting of women only and dealing with women's issues, but these have mostly nominal existence in the rural areas.

“*Shura*” is a word of Arabic origin, used in the Afghan society to denote a “council”; it can refer to village or tribal council. Its literal translation is “consultation,” which, same like its English counterpart, defines the function of the organ: by means of consultation, a decision is gradually reached. *Shuras* also regulate the relationships between the individuals, communities and the state. For any community issue under the jurisprudence of the *shura*, the council summons its members, who discuss the issue at length. *Shura* members have equal rights and treatment in the discussion, regardless to the social standing (wealth, military power) of the member. When several opinions are present, the final decision is made by individual vote amongst *shura* members, all votes counted as equal. If the votes draw a tie, a coin is tossed – higher forces are prompted to make the decision.

2. **Arbakai** - The decisions of the *shura* are considered final. The *shura* does not implement its decisions, but it delegates its authority to the *arbakai*, who implement it. *Arbakai* are an informal institution kindred to local militia, consisting of respected community members who have the right to wear arms at all times and have the duty to protect the village.

Dispute settlement is done by a mandatory meeting of the conflicting parties under auspices of a common authority (a special council formed by *shura* members from all concerned villages), by discussion, mediation and delegated power of implementation. If a disputing party does not agree with the *shura* decision, he can ask another *shura* to be formed. This can be repeated up to three times; after that, the unsatisfied party must either comply with the third decision, or move out of the tribal territory. If a settlement is reached, its observance is monitored and enforced again by the *arbakai*.³

3. **Jirga** - The term *shura* is related to the term *jirga*, another notion essential to understanding the Afghan society. *Jirga*, a word of Pashto and Baluchi origin, is translated literally as a “peace mission.” *Loya Jirga* is a grand assembly on national level, a top-level meeting of all local representatives, originally with the responsibility to appoint, but in practice to merely legitimize, national leaders (e.g. kings and presidents), decide on national strategies for response to foreign interventions, national politics and government, constitutions, etc. The act of convening a *Loya Jirga* ensures the legitimacy and the implementation of the decisions made at the assembly. *Jirgas* are highly representative, ensuring each district to send several representatives, including women.
4. **Mullahs and maliks** - the institutionalization of Islam in Afghanistan includes *mullahs* (those who have been educated in madrassas to know ritualistic parts of the Kuran by heart, or to

³*Arbakai* also were the guarantors of security for peaceful conduction of the UN-run Afghan elections in their areas, in 2004 and 2005, where they were given the role of deputized policemen.

read it), and *maliks* (powerbrokers on village level). These are highly respected members of the local communities, and are often members of the local *shuras*. Unlike the Christian religious organization, the mullahs are not bound within a centralized clerical hierarchy and have no formal relationship with each other.

5. **Qawm:** the human bonding primarily follows the bloodline and, secondarily, profession. The key term describing the bond and the alliance is *qawm*, which can be translated as a “solidarity/loyalty group.” Societal groups tend to maintain internal cohesion and unity. Loyalty to one’s *qawm*-bonds permeates all aspects of life.⁴
6. **Qadi courts:** The rules and the mixture by which informal justice is served in Afghanistan were mentioned before. Comparing the traditional Qadi courts and the state courts of justice, USIP (2001) recommends: “In most of Afghanistan, customary systems have long regulated the vast majority of disputes and served the needs of most aspects of both civil and criminal justice. These systems... have continued to function reasonably well and maintain some legal order even as the formal system of justice effectively was stalled during the last twenty-five years of war. The formal, Kabul-based legal system has historically been difficult to implement in these areas. Indeed, even when in effect in the 1970s, the laws and jurisdiction of the formal system of justice did not command nearly the same level of respect or adherence in the rural areas as did the traditional systems such as the ‘Qadi courts’ and arbitration by respected local members of the community. *As a consequence, no attempt should be made to impose any other legal system or structure on the rural areas of the country. It is not evident that it is needed, and it would not work*[italics added].”

Authority Sources

There are four sources of local authority in Afghanistan: the customary laws, the religious laws (Sharia), the law of force, and that of the state. The state holds the least authority; state institutions are more than often appropriated by the first three sources of authority – these in turn are organically interwoven, almost par default.

The international community in the country relies on developmental concepts stemming from a Western state-oriented paradigm. One of the assumptions of this paradigm is that where there is no state, there is anarchy. This, however, is misleading. In absence of a state, there are fluctuating networks of local and regional power, which can be finely structured, well organized and can perform many if not all state functions (protection of person, property and contract, provision of a social safety net, democratic decision-making, enforcement of communal acts, collective delegation of authority, etc.)

Afghanistan has never had a strong state. At its best, the state power historically has extended to the regional capitals. The rural areas have barely ever had significant relations with the state, benefits from it or reasons to have positive sentiments to such an abstract concept. On the contrary, the history of Afghan fallen rulers follows the pattern of top-down attempt for modernization and change, cut short by a bottom-up rebellion, a bloody and successful one.

Throughout the centuries of state-less existence, rural Afghans (tribal areas) have ruled themselves by a surprisingly sophisticated set of customary laws.⁵ The customary laws predominant in Afghanistan, in

⁴Simonsen (2004:708) observes: “The community is so tightly knit on horizontal and on vertical level that any movement away from the traditional ways of interaction seems to tear the fabric of the community.”

⁵ Khuram (2004:4) observes that “the formal legal system is simply not the norm governing the lives of the majority of the population.” He

combination with the Hanafi branch of the Islamic jurisprudence (the Sharia), have been practiced through generations, and this is still the predominant form of dispute settlement. The Afghan community is organized in a largely homogeneous way, with merely technical variations (different fees for a particular crime) throughout the region.

The customary laws are often mistakenly confused with the Sharia law. Pashtoons take the credit for the origin of the customary laws and call them *Pashtowali*, or *The Way of the Pashtoons*. There may be some truth in this attribution, as the words signifying various crimes and taxes used in other ethnic communities derive from Pashto (for example, Nerk, a fee to be paid for a crime, is a word of Pashto origin used throughout the country).

The Pashtowali is a code of behavior based on **honor**, with **relationships** as cross-contextual basic “unit of measurement”. For example, **power**, in Afghan terms, means *power over people*, and not power over possessions (funds, arms or territory). The latter goods can derive from and follow “power over people,” but material goods are not necessary for a person to be considered powerful. For example, a respected mullah can be termed as “powerful” even though he may be extremely poor: his address can move people to action. His relations are powerful. His power lies in creating and manipulating relations.

Political Model

The Afghan culture has developed and sustained a set of informal but revered institutions which regulate the collective decision-making procedures (community leadership), conflict resolution/dispute settlement, peace/war (army), public order (police), judicial system (double: traditional and Sharia), financial (loans) and banking system (hawala), professional/guild networks (qawm), and so on. It is important to note that this system has been the factual provider of order for centuries, and for Afghans it represents the collective sentiment, the archetype of “order,” of “how things should be” in the community, in terms of leadership, propriety, balance, security and justice. Although Westerners may call it conservative, it is a system designed to maintain balance in highly unpredictable environment and mainly to avoid bloodshed in a traditionally warrior-culture. It is even more important to note that any top-down approach disregarding the deep sentiment in which Afghans hold “their way”, would probably result in transient or zero project outcomes. However, the Afghan way is applicable to internationally managed project implementation.

The Afghan way has been the safety net of war times as well as the instrument of peace. It is likely that it will remain a major authority principle and source of connecting values for Afghan communities, with minor and merely external adjustments influenced by the techno-civilization.

Present-day warlords *and* high officers of the state emerged from within this system, as a hyper-amplified function of a previously balanced social function of defense and dispute-settlement. Most of them recognize and follow, at least to a degree, the customary laws. It is compliance with these laws that gives a person a face and a name, that is, honor.

Values

It is important to note that Afghans, like many traditional tribal societies, hold the human bond as a cardinal value, and evaluate interrelations in terms of honor, **solidarity and loyalty**. On a deeper level, the traditional model describes different degrees of quality of these bonds in terms of *responsibility* and *power*, unlike the classic Western qualifiers of individualistic liberalism - *liberty* and *rights*. Although these four values can be taken as indivisible, Western appeals fall short if promoted as “freedom and rights” due to their low resonance in the Afghan cultural model. Culturally insensitive communication can have a self-sabotaging effect: freedom and rights may be perceived as “absence of responsibility,” and individual liberty may be taken as destructive for the family bonds.

It is sufficient to translate the wording of Western ideas into Afghan values to pass the desired message:

and other international experts recommend the customary laws to be fully recognized by the new government and the legal system to incorporate them.

for example, “fighting for freedom and rights” has low resonance, while “fighting out of responsibility for one’s family and name” will resonate much better and will mobilize more respondents.

Name and Game

In Afghanistan, there is no caste system, slavery has never been practiced, and there is no belief in inborn inequality except in gender issues. There is high competition over land, water resources, trade routes and military technology. Traditionally, the right and the power to rule belong to the one with prestige, or with honor. There are families with traditionally more prestige than others. However, honor and prestige can be gained and lost quickly. Prestige in Afghanistan is obtained by individual quality, that is, by **name and game**. Game measures how much gain one can provide for others. Power and wealth usually follow prestige. Education usually follows a long-term wealth.

A person of a “good name” would be treated with more respect in the community and their opinion would bear more weight on societal decisions. They would be also entitled to larger share in common gain. Prestige is often based on personal merit: persons who gain fame by wise mediation of conflicts are highly influential in the tribal *shuras* regardless of their wealth, social position or age. Military power is also a means to obtain prestige; however, a military leader is bound to bestow gifts, to provide and share the spoils of war with his combatants and lieges. Material remuneration is a part of every value system: loyalty goes to the highest bidder, the one who is most likely to provide the richest gain. Another example: instead of vendetta, a person’s life can be traded for goods - if honor is not critically at stake.

Shifting Alliances

An expressive feature of the Afghan world is shifting and often multiple alliances: loyalty, power and people can shift sides quickly as the tide of reputation and incentives shifts. This is the mechanism of keeping maintenance costs of military alliances permanently high: the costs rise as the power of a person rises. In order to minimize effort and costs, a military leader typically would not interfere with the traditional local councils which rule the villages – so long as the village pledges loyalty, sends combatants under his command, and so long as the military leader provides incentives for the council and the combatants.

Although a fiercely independent society, to accept incentives for loyalty is a part of the Afghan cultural model. In some cases, there is no linguistic differentiation between “salary” and “bribe” – it translates as “payment” or “gift.”

Regulation of Violence

Ever-hovering poverty and possibility of violent death plays a significant role in Afghan society: it is often the case that if a person does not ally his family to a power figure or refuses his incentives to do what the authority requires, he puts his and his family’s lives at stake. As personal power and wealth grow, the more heads and families the person is responsible to, the higher the number of challengers to subdue the person and appropriate his wealth. The competition is tough. The necessity of violent means in everyday life is perceived as normal and essential, to protect one’s name (honor), bonds (*qawm*), life, property and contracts.

The traditional balance between legitimacy and military power has been based on simple formulae: the wiser the *shura*, the better off its families, the better equipped its *arbakai*, the more power the

community has to maintain peace, settle disputes in a satisfactory way, ally with the winners, defend its community and obtain spoils for them; hence, the wiser the *shura*.

Violence is an integral part of the Afghan culture, restrained and regulated by a specific code of honor. Carrying a gun is both a part of the tradition and a means of daily survival in Afghanistan, in protection of land, water-sources or fending off criminal and militant groups. Fighting in minor disputes is traditionally done by mostly symbolic shots, because to kill one enemy, again by the code of honor, dictates vengeance on behalf of the victim's family. This would open up a cycle of violence, where both parties would be further harmed. The *jirga* system, as its name (peace mission, a gathering to resolve conflicts) suggests, is conceptualized in such a way as to minimize violence. Mostly, peace missions make arrangements for blood money, and if life must be paid with life, it is done in a ritualized way, so as to mark the end of a cycle of bloodshed.

The customary system of violence- and conflict-management broke down during the Cold War, when foreign military and financial aid bestowed selected militant factions with unprecedented quantity and quality of military and financial resources. The militant factions thus gained independence from their communities and disproportionate power to deliver violence. The leaders of these selected factions, consequently, were able to corrupt the traditional ruling councils with exorbitant payments or ultimate violence. Their incomparable military power challenged the traditional authorities in delivering justice and managing violence in accordance to customary laws. The surviving leaders of these factions are the present-day warlords of Afghanistan.

- for more on Afghan culture and politics, refer to my MA Thesis, "Afghanistan: Creation of a warlord democracy" (2006): www.anapejcinova.org/theses/