



# The Role of the Afghan State in Managing Nomadism and Nomad-Settler Conflict

Dr. Antonio Giustozzi

December 2018





Afghanistan Research and Evaluation Unit  
Issues Paper

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Editor: Toby Miller

ISBN ISBN 978-9936-641-18-1

Publication Code 1822 E

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## About the Afghanistan Research and Evaluation Unit

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In 2018, AREU was awarded Best International Social Think Tank by Prospect Magazine.



## About the Author:

Dr. Antonio Giustozzi has researched and published extensively on Afghanistan. For AREU he has released ‘Thirty years of conflict’ (2012), ‘The Resilient Oligopoly: A Political-Economy of Northern Afghanistan 2001 and Onwards’ (2012), ‘The Afghan National Army: Sustainability Challenges beyond Financial Aspects’ (2014), ‘The Politicisation of Afghanistan’s High Schools’ (2015), ‘Reaching Boiling Point: High School Activism in Afghanistan’ (2015), and ‘The Afghan National Army After ISAF’ (2016).

Dr. Giustozzi holds a PhD from the London School of Economics in International Relations and a BA in Contemporary History from the University of Bologna.

## Foreword

The Afghanistan Research and Evaluation Unit (AREU) is pleased to present a new evidence-based research paper “The Role of the Afghan State in Managing Nomadism and Nomad-Settler Conflict” by AREU researcher Dr Antonio Giustozzi and with the generous financial support of the European Union in Afghanistan. This research paper is part of a larger EU-funded AREU project: Three-pronged research effort into essential area of Natural Resources Management (NRM).

This paper is part of the third component of the project. While in earlier sections the study focused on typologies of nomad-settler conflicts and analyses of area-based contexts in which such conflicts emerge, this paper highlights the historical perspective and role of the Afghan state.

Nomad and settler conflicts have remained a prominent occurrence for decades across the country and this paper briefly discusses the role of the state before the commencement of the ongoing war in 1978. The paper then focuses on the role of the Afghan state today in managing conflict between nomads and settlers, as well as the evolution of that role in the future. This informative paper briefly surveys the relevant legislation and the debates around this issue before discussing in more detail the role of the state in dispute and conflict resolution.

Here at AREU, we are of the view that through evidence-based research and open dialogues with the participation of key stakeholders in policy engagements at the national level we would expand the research, reach the root of the problem and come up with specific recommendations to address this decades-old problem.

I hope this paper serves as a resource and helps policymakers address the issue based on the recommendations made at the end of this study.



Dr Orzala Nemat, Director AREU

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## Introduction

In December 2016, AREU launched a European Union-funded, three-pronged research project on natural resources management that has a component about nomad-settler conflict. The project will unfold over 3 years and is organised in stages. This paper is part of the output of the second stage, which involved following up on eight case studies of nomad-settler conflict (the first stage), along with interviews with government officials, community leaders and other conflict observers in Kabul, Bamyan, Khost, Ghazni, Farah, Logar and Wardak provinces. This paper illustrates the findings of stages 1 and 2 with regard to the role of the Afghan state in managing this conflict.

The paper discusses the role the state before the on-going series of wars in Afghanistan started in 1978. The main focus of the paper, however, is on the role of the Afghan state today in managing conflict between nomads and settlers, and on how that role could evolve. Thus, the report briefly surveys the relevant legislation, before discussing in detail the role of the state in dispute and conflict resolution.

Inevitably, the persistent conflict in Afghanistan affects the ability of the state to mediate nomad-settler disputes, and, indeed, can exacerbate them. In turn, these largely unmanaged local disputes contribute to the wider conflict and weaken state legitimacy. This means that the Afghan state can ill afford to leave the issue unmanaged.

Along with 46 interviews conducted in eight case study locations where conflict between nomads and settlers occurred at one point or another, another 15 were conducted with elders of nomad and settler communities, along with four with MPs linked to the communities affected by the conflict, six with mediators in conflict resolution efforts or their close collaborators and 14 with government officials. In total, 85 interviews were carried out as of mid-June 2018.<sup>1</sup>

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<sup>1</sup> For more on the methodology, see “Mapping Nomad-Farmer Conflict in Afghanistan” (Kabul: Afghanistan Research and Evaluation Unit, July 2017). A full discussion of the methodology and a detailed description of the interviewing process will be in the issue paper that will conclude this series of papers in 2019.

## The role of the state in history

Before the long series of still-ongoing wars started in 1978, groups of Afghan nomads migrated seasonally more or less seamlessly, often throughout Afghanistan and (except for long periods of border closure) even beyond the Pakistan border.<sup>2</sup> Pastureland was only defined as “state land” in the 1987 and 1990 constitutions, both of which have been repealed. The laws of the 1960s and 1970s defined pastureland as public property. There is often nostalgia for those years, especially, but not only, among nomads, and for the strong and effective government believed to be managing things at that time.<sup>3</sup>

What role the Afghan state really played in making nomadism work before 1978 is, however, somewhat controversial. The Afghan state provided a legislative framework with the Pastures Law, the implementation of which was supervised by “heads of land” at the provincial level and “managers of land” at the district level, in turn responding to the Ministry of Agriculture (MoA).<sup>4</sup> However, the Law is today widely criticised for its vague definition of village pastures, as even some government officials accept.<sup>5</sup>

*If they precisely defined the village pastures and the common pastures, then we would see a halving of these conflicts and conflict resolution would become easier too.*<sup>6</sup>

Two different types of pastureland were identified: public and private, with the latter being for the exclusive use of the adjacent communities. Private pasturelands were defined as “the area from where the loud voice of someone standing at the edge of the village can still be heard.”<sup>7</sup> Public pastures are in principle defined as being available to whoever has animals to feed, except those that are meant to be reserved for specific nomadic communities by customary practice or royal decrees, often dating back decades and even to the late 19th century. Inevitably, the validity of customs and old royal decrees have come to be increasingly questioned after such a long time and the social, demographic and political dislocation caused by the wars that started in 1978.

Although government officials would not openly question the pre-1978 system, such vagueness of the Pastures Law must have been a source of conflict before 1978, too. Although violent conflict between nomads and settlers was rare after Abdur Rahman and before the start of the war in 1978, friction did occur. Disputes between nomads and settlers would be brought to the police, district and provincial governors and, sometimes, to the courts, but the expectation of the state effectively righting wrongs was low. Mostly the state appeared keen to stay away from local disputes, unless they escalated into violence. Settlers, particularly Hazaras, say today that they felt the state was mostly aligned with the nomads, and that it would only occasionally take

2 On the impact of the border closures, see L. Dupree, “Pashtunistan”, Part II, *AUFS Reports Service*, South Asia Series 5, no. 3 (1961).

3 Interview with MIB, tribal elder, Farah Province, June 2017; Interview with Elder SAN, nomad, Farah Province, June 2017; Interview with elder NNN, Nurzai tribe, Farah Province, settler; Interview with IB, tribal elder and nomad, Farah Province, June 2017; Interview with MKB, nomad elder, Farah Province, June 2017; Interview with Adviser to the Director General of Independent General Directorate of Kuchi, October 2017.

4 Interview with Adviser to the Director General of Independent General Directorate of Kuchi, October 2017.

5 Interview with officer of the Kuchi Directorate in Khost Province, February 2018; Interview with Engineer Fazal Ahmad Noorzai, director of Kuchi/nomads department in Farah Province, February 2018; Interview with Zamarud Khan Mangal, chief/head of Jirga’s economic and accommodation department in Kabul, Kuchi Directorate, March 2018; Interview with Adviser to the Director General of Independent General Directorate of Kuchi, October 2017; Interview with Barakzai Mukhlisyar, director of the Kuchi department in Kunduz Province, February 2018.

6 Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018.

7 Conor Foley, *A Guide to Property Law in Afghanistan* (NRC/UNHCR, 2005).

settlers' complaints seriously.<sup>8</sup> To what extent this matches the historical record is unclear; there are contrasting accounts that indicate how the state often supported settlers vs nomads.<sup>9</sup> The situation appears in any case to have changed. From the 1980s onward, some groups of settlers, and especially Hazaras, started becoming more assertive, and violent conflict started, especially in Hazarajat.

Another implicit limitation of the Pastures Law of 1971 was that settlements would eventually expand into the pastures. The contradiction between the definition of the public pastures as "public land" and the royal decrees assigning specific pastures to groups of nomads would eventually come back to haunt the Afghan authorities.<sup>10</sup>

There is little sign of any more proactive role of the pre-1978 governments in managing nomadism. None of this project's nomad and settler interviewees recalled

or had heard of a specific direct state intervention. Although some interviewees hinted at a state role in setting up schedules for the nomads (in such a way for them to enter new areas only after the harvest),<sup>11</sup> others have dismissed this, insisting that the schedules, when they existed, were set by the nomads themselves.<sup>12</sup> One source explained that only some nomadic tribes (the weakest) negotiated schedules and respected them, because they could not afford to confront the settlers.<sup>13</sup>

8 Interview with Hazara notable from Nawur, 8 May 2018; Interview with Hazara elder from Bamyan Province, May 2018; Interview with Hazara elder from Daikundi Province, June 2018.

9 See, for example, L. Dupree, "The Green and the Black" *AUFS Reports Service*, South Asia Series 7, no. 5: 16, 1963.

10 Interview with Hazara elder from Waras district of Bamyan Province, May 2018.

11 Interview with Kuchi elder from Aladdin Khel community, Maydan Wardak, May 2018; Interview with elder NN, Nurzai tribe, Farah Province, settler, June 2018; Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018.

12 Interview with AJ, Osan Khel Kuchi elder from Maydan Wardak, May 2018; Interview with group of elders from Hazarajat (Dai Mirdad, Behsud 2), Kabul, May 2018; Interview with Hazara elder Haji HA, Waras district of Bamyan Province, May 2018; Interview with elder Haji RA, Panchaw district of Bamyan Province, May 2018; Interview with GH, Hazara elder from Daikundi Province, June 2018.

13 Interview with Hazara notable from Nawur, May 2018.

## The role of the state today

### Structures and laws

The current structure differs from the pre-war one in that a dedicated Kuchi Directorate was established in 2006, tasked with assessing any conflict or dispute arising and then passing on the file to the governors and other government departments and ministries. With 373 total employees countrywide as of early 2018, the Directorate itself does not have resources to do more than meet nomads and settlers and talk to them.<sup>14</sup> The Directorate maintains contact with the nomads through its provincial offices and the 3,000 appointed Sarkhil elders who can produce 200 IDs belonging to nomads and as a result participate in the elections each year.<sup>15</sup> In addition to the Kuchi Directorate, the MoA is still responsible for the pastures and has a department for Kuchis.<sup>16</sup>

After 2001, what Liz Alden Wily described as the “opaque” status of rangelands remained a problem.<sup>17</sup> At the MoA, government officials consider the Pasture Law of 1971 as the basis for their operations. As a senior official in the Pastures department put it, “according the law of the grasslands, the grasslands are belonging to government and every Afghan citizen who has sheep can use the grassland.”<sup>18</sup>

The post-2001 Afghan government itself has sometimes flirted with the idea of distinguishing more clearly between private, community and public pastures. Around 2010, however, settlers and some external observers had the feeling that the nomads’ lobby was still influencing policy, and was pushing for the new Rangeland Law to reflect their interests.<sup>19</sup> This new Land Law is stuck at the draft stage as different lobbies have been objecting to specific aspects and reconciling views is proving hard.<sup>20</sup>

In practice, nomads and settlers often see pastureland as “theirs” (as opposed to the state’s). In the case of the settlers, this is usually because of geographical proximity. The nomads, by contrast, will identify pastures where they used to bring their herds to graze before the war as “theirs” too. There was often some customary arrangement (usually backed by the royal decrees mentioned above), on the basis of which, for example, different nomad tribes marked with stones their temporary settlements along their migration routes.<sup>21</sup>

14 Interview with Musa Popal, Director of the Kuchi office/department in Logar Province, February 2018.

15 Interview with Zamarud Khan Mangal, chief/head of Jirga’s economic and accommodation department in Kabul, Kuchi Directorate, March 2018; Interview with Adviser to the Director General of Independent General Directorate of Kuchi, October 2017.

16 Interview with Engineer Mirkhail, water specialist from MRRD, 9 October 2017.

17 Liz Alden Wily, “The Battle over Pastures: The Hidden War in Afghanistan,” *Revue des Mondes Musulmans et de la Méditerranée* (2003): 133.

18 Interview with staff of Grassland Dept., Kabul, September 2017.

19 Wily, “The Battle over Pastures”.

20 Interview with Mr. Faizan, Head of Kuchi Directorate, Kabul, May 2018.

21 Interview with AJ, nomad Osan Khel elder from Maydan Wardak, 8 May 2018.

Such ownership claims have resulted in nomads settling illegally in several locations, or in nomads and settlers using pastures that had earlier been used by others, who often are even pre-empted from accessing the pastures at all. While settlement on public pastureland is clearly illegal, grazing rights are a more complex issue: on the one hand, public pastures are supposed to be available to all who have animals that need feeding, while on the other hand, as discussed above, decrees dating back to the monarchy assign specific pastures to specific nomad tribes.<sup>22</sup>

Building a few new houses at the outer limit of one village can extend its pastures by a few hundred meters, at the expense of public pastures. Indeed, Hazara settlers in the central highlands have framed their demands in terms of enforcement of rights over village pastures, which, according to them, were largely ignored before the war. Because new Hazara settlements have expanded to exploit the little land available, much land that would have been considered public is now technically village pastures; however, the settlers are afraid that the Kuchis would contest their old pastures being used by somebody else now.<sup>23</sup> The settlers will often claim that even public pastures near their villages are for their animals only, especially when they have many that need feeding. In some areas of Afghanistan, like Hazarajat, settlers have in recent years dramatically expanded the number of animals they keep, in order to diversify an otherwise extremely poor local economy.<sup>24</sup>

The legal and customary framework that was in place before the war has therefore been falling apart and, given the asymmetric relations between different communities, it is extremely unlikely to be revived. That framework needs to be replaced, as discussed below. Another debate has been between supporters of state and community management of grassland.<sup>25</sup> In practice, the community management of the grasslands that took place before 1978 was dependent on remote state back-up, and it is not at all clear that all communities were equally involved. Virtually all Hazara settlers interviewed, for example, denied having ever been consulted on schedules and routes. If state back-up has always been necessary, the laws of the Afghan state were, on the other hand, often been ignored by both local authorities and communities before the war. Not only were customary practices at odds with national laws, but it was also common to have agreements and concessions registered by the local authorities, which were obviously at odds with national laws.<sup>26</sup>

22 Interview with AJ, nomad Osan Khel elder from Maydan Wardak, 8 May 2018.

23 Interview with member of Commission for Resolving Disputes between Kuchi and Hazara Commission, December 2016.

24 Interview with Hazara elder Haji HA, Waras district of Bamyan Province, May 2018; Interview with Haji RA, elder from Bamyan Province, May 2018.

25 David Stanfield et al., "Rangeland Administration in (Post) Conflict Conditions: The Case of Afghanistan," in *Innovations in Land Rights Recognition, Administration, and Governance*, ed. Klaus Deininger et al. (World Bank, 2010).

26 Wily, "The Battle over Pastures".

## The state as arbiter

The difference between the pre-1978 and the post-2001 environments is that, in the latter case, even the remote presence of the state and its coercive power has essentially disappeared from many rural areas, creating a situation where latent conflicts could rise unrestrained. It is remarkable that some of these disputes might have been going on for several years, with parties both arguing that they had the right to use the same land, often in an exclusive way.<sup>27</sup>

In reality, the reduced reach of the state is only one aspect of the problem. As one government official mentioned, even in areas still under government influence, state institutions are usually powerless to help, or unwilling to. In these cases, local strongmen might openly challenge government officials.<sup>28</sup> Almost all nomad and settler interviewees viewed the government and even the state as a tangle of rival factions, unable to take coherent action in either direction.

The 40 nomads and settlers who were interviewed for this project's case studies provided strikingly similar answers regarding the involvement of the authorities in conflict and dispute resolution (see Table). Of both nomads and settlers, 40 percent mentioned having appealed to the authorities for help; none reported the authorities having been of any help. Some government officials claimed successes in resolving disputes involving nomads, always indirectly (through reliance on third-party mediation; see below).<sup>29</sup> However, government officials mostly confirm a dismal picture of extreme state weakness; the authorities are usually only able to resolve minor disputes about the seizure of animals and limited damage to crops.<sup>30</sup>

External actors also tend to confirm the negligible role played by the authorities.<sup>31</sup> The Kuchi Directorate has since 2006 been the most proactive government department in dealing with nomad-settler conflict, but its role is primarily monitoring and reporting, and mobilising other government agencies. Officials in the Directorate, however, often complain about other government departments (such as the MoA, police, the Land Authority, education, ID department, etc.) not responding to their requests for support.<sup>32</sup>

Still, despite this lack of faith in the state, the authorities remain often the first port of call for help when disputes arise:

*First of all, we are trying with the government to solve our conflict; if the government does not resolve our conflict, then we are in need to go to local people.<sup>33</sup>*

27 Interview with Elder of Adramzai Community in Awbazak Village, Azra (Logar), December 2016.

28 Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018; Interview with officer of the Kuchi Directorate in Khost Province, February 2018; Interview with Mohammad Hamayoun Azizi, Kuchi Department in Wardak Province.

29 Interview with Engineer Fazal Ahmad Noorzai, director of Kuchi/nomads department in Farah Province.

30 Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018; Interview with Adviser to the Director General of Independent General Directorate of Kuchi, October 2017.

31 Interview with Haji Mohammad Rahim Terakhel, one of his close associates, assistants and a personal advisor; Interview with Abdul Mobeen Bik, close associate and secretary of Abdul Rauf Ibrahim.

32 Interview with officer of the Kuchi Directorate in Khost Province, February 2018; Interview with Engineer Fazal Ahmad Noorzai, director of Kuchi/nomads department in Farah Province; Interview with Barakzai Mukhlisyar, director for the Kuchi department in Kunduz Province.

33 Interview with MIB, tribal elder in Farah Province, June 2017.

Government officials agree, or at least pay lip service to the idea, that they should do more in dispute resolution.<sup>34</sup> In some cases, they called for the deployment of armed force to end the conflicts.<sup>35</sup> Less obviously, despite all the criticism of the state and of its infiltration by lobbies and factions, there is still an expectation (and not only among nomads) that the authorities should find pastures for the nomads and then protect/manage them.<sup>36</sup>

*First of all, pastures must be found for nomads. Second, the government must arrange schedules for the nomads, so that they must not go to people's crops. Third, the main pasture area of nomads is Hazarajat and the government must solve their problems between nomads and Hazaras there.*<sup>37</sup>

The nomad and settler interviewees might in fact be underestimating state actors' role in dispute resolution. Government institutions often mobilise third parties from neighbouring communities, such as the Kuchi Directorate, to mediate. The latter often avoids getting directly involved, as settlers tend to suspect it of being biased in the nomads' favour.<sup>38</sup>

*All the cost of travelling and meetings were covered by the Regional Kuchi Affairs Department Director Engineer Fazal Ahmad Noorzai. The Kuchi department was responsible for arranging transportation and meals...they have done a great job.*<sup>39</sup>

In this regard, our findings are similar to those of Coburn's 2011 paper.<sup>40</sup>

None of the interviewees admitted having sought external support from non-state actors, although most of them accused their rivals of having done so. Clearly there is a fear of being viewed as associated with non-state actors such as warlords, insurgents and others, probably in the assumption that one's cause might lose legitimacy.

There were some differences between the two groups of our case study interviewees with regard to how often mediation was sought from non-state sources. Nomads answered in 80% of the cases that they did seek mediation, although with limited success (only a quarter of those answering positively confirmed that the mediation achieved something). Settlers instead answered positively to whether they had sought non-state mediation in 60% of the cases, but seem to have been on average more successful than nomads in gaining something out of the mediation efforts, with more than half of those confirming positive results.

34 Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018; Interview with officer of the Kuchi Directorate in Khost Province, February 2018.

35 Interview with Mohammad Hamayoun Azizi, Kuchi Department in Wardak Province, February 2018.

36 Interview with nomad elder IB, Farah Province, June 2017.

37 Interview with elder settler elder NN, Nurzai tribe, Farah Province, June 2017.

38 Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018; Interview with officer of the Kuchi Directorate in Khost Province, February 2018; Interview with Engineer Fazal Ahmad Noorzai, director of Kuchi/nomads department in Farah Province, February 2018; Interview with Barakzai Mukhlislar, director here for the Kuchi department in Kunduz Province, February 2018; Interview with Zamarud Khan Mangal, chief/head of Jirga's economic and accommodation department in Kabul, Kuchi Directorate, March 2018; Interview with MDB, chief and elder (Malik) of a Barakzai community in Farah Province; Interview with Mawlawi Abdul Rahman, Ulema Shura of Farah, mediator, April 2018.

39 Interview with Mawlawi Abdul Rahman, Ulema Shura of Farah, Mediator, April 2018.

40 Noah Coburn, "The Politics of Dispute: Resolution and Continued Instability in Afghanistan," Washington: USIP (2011).

Even when mediation comes from neighbouring communities, local authorities might well play the role of guarantor in the implementation of any agreement.<sup>41</sup> The drawback of the authorities relying on non-state actors is that the disputing parties might not acknowledge the role of the state, as the survey showed. In other words, there is in such cases no positive fallout for the state in terms of strengthened legitimacy. Another drawback is that any agreement reached might not hold for long in the absence of a state/institutional back-up:

*We alongside the other tribal shuras have once reached a conditions-based agreement between the conflict parties, but that was not stable and after a month the agreement was dismissed and neither side accepted that anymore. [...] The main reason for not reaching a stable agreement in this conflict is that behind the conflict there are the hands of some external actors and government officials....<sup>42</sup>*

Finally, local mediators might not be impartial:

*Generally, I think it is preferable to have mediation by the government because if we give chance for mediation to neighbouring tribes, then clearly they will be not impartial among involved sides in these kinds of conflicts.<sup>43</sup>*

In addition to mobilising local mediators, the state since 2001 has been dispatching delegations and commissions from the centre, usually made up of political representatives (or assumed such) of the different communities involved in the conflict. Our nomad and settler interviewees were in complete agreement about the frequency of intervention of commissions sent by the central government to investigate the matter (25% of positive answers for both groups). There was, however, a slight difference in the assessment of the work of the commissions, with 40% of settlers and 20% of nomads (who had answered yes to the question about the intervention of the commissions) saying that they saw some results. Overall, as a result, the impact of these commissions and delegation was close to negligible:

*The government sends delegation after delegation, but decisions and agreements are not implemented.<sup>44</sup>*

Being unable to resolve conflicts and disputes weakens state legitimacy, as mentioned above. A measure of this is the extent to which settlers and nomads involved in conflicts admit having directly appealed to politicians and strongmen for help (70 percent and 75 percent, respectively), thereby bypassing the central authorities.

The perception of the state as not being impartial is another blow to its legitimacy. Since most interviewees saw few results of the state's intervention in their disputes and conflicts, they often had no views about its impartiality. Only 20% of settlers and 15% of nomads believed the state was favouring the other side. From the interviews, however, it is clear that, within the state apparatus too, there are strong prejudices toward both nomads and at least some categories of settlers, such as Hazaras. For example, one government official admitted that, in the ANP and ALP, nomads are seen with strong suspicion, as they are believed to have links to the insurgents. Another example is frequent claims that Hazaras were supported by the Islamic Republic of Iran. Hazaras occupying government positions are also presumed to be always siding

41 Interview with Mr. Amiri, Ministry of Tribes and Nationalities, Kabul, May 2018, concerning an agreement in Khost Province.

42 Interview with Malik Haider-gul Mangal, Khost Province, mediator, April 2018.

43 Interview with AHN, elder for a Niazi nomad community in Khost Province, Lakan area, May 2018.

44 Interview with Hazara member of local council for Hazara-Kuchi disputes, May 2018.



with fellow Hazara settlers.<sup>45</sup> It is clear that government officials engaging in this kind of accusation tarnishes the Afghan state's image.

Table: Assessment of the role of sources of support and mediation in nomad-settler conflicts, according to project interviewees (in %)

	Settlers	Nomads	All
Appealed to government	40	40	40
With positive results	0	0	0
Appealed to politicians	75	70	72.5
With positive results	30	25	27.5
Appealed to external actors	0	0	0
With positive results	0	0	0
Sought mediation	60	80	70
With positive results	35	20	27.5
Commission/delegation involved	25	25	25
With positive results	10	5	7.5
Government seen as partial	20	15	17.5
n=	20	20	40

Source: Authors.

<sup>45</sup> Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018; Interview with Mohammad Hamayoun Azizi, Kuchi Department in Wardak Province, February 2018.

## The possible role of the state in the future

It might be just an idle threat, but interviewees often referred to the possibility of asking for help from the Taliban because of the state's failure to resolve disputes.<sup>46</sup>

*If the conflict is small and related to the laws, then [local community mediators] are able to find solution for it. But if the conflict is complicated and big, perhaps related to claims over lands or other factors, then we take serious measures for resolving it [emphasis added].<sup>47</sup>*

In fact, allegations of nomad and settler communities alike seeking the support of anti-government elements emerged several times during the project; in some cases, it was the interviewees themselves who claimed having sought the help of the insurgents in the past, either to mediate a dispute, or to take their side. In reality, the Taliban appears to have been reluctant to get involved in these kind of disputes, perhaps knowing full well that they could make as many enemies as friends in doing so, and that they lacked the resources for addressing the roots of the conflicts. But whatever the real extent of the insurgents driving a wedge between the state and communities, the damage done to state legitimacy by the failure to address nomad-settler conflicts has emerged clearly.

### Recommendations

During the research effort, it became clear that the Afghan authorities were aware of what was going on between nomads and settlers, but lacked a precise picture. Different officials and politicians sided with one or other community, but objective evidence of the factors driving the conflict was scant. Take, for example, Hazara claims that most households in Hazarajat now have many more animals and need wider access to pastures. It is unlikely that issues like this might be successfully addressed without an accurate survey, detailing the extent of the changes that have taken place over the last 40 years.

Officials of the Kuchi Directorate admit that they do not have enough resources to effectively monitor all the conflicts between nomads and settlers. This is partly an access issue, as many areas are beyond government control, but the Directorate has insufficient transportation even for monitoring accessible areas.<sup>48</sup> The Khost branch of the Kuchi Directorate had an operational expenses budget of US\$1,000 for 2018, and a dozen employees, including support staff, dealing with about 60 cases of nomad-settler conflict throughout the province.<sup>49</sup> In Wardak, despite being one of the provinces most affected by nomad-settler conflict, the branch of the Kuchi Directorate had just four staff members in early 2018, including one guard.<sup>50</sup> The Farah provincial branch had a \$145 operational budget for expenses in 2018 and no transport, despite having 82,300 nomads registered in the province.<sup>51</sup> The Kunduz branch had five members of staff (including a cleaner and a guard) to deal with 22,243 nomad families.<sup>52</sup>

46 Interview with MIB, tribal elder in Farah Province, June 2017; Interview with nomad elder SAN, Farah Province, June 2017; Interview with elder NN, Nurzai tribe, Farah Province, settler, June 2017; Interview with IB, tribal elder and Nomad, Farah Province, June 2017; Interview with MKB, nomad, Farah, June 2017; Interview with AHN, elder of a nomad community in Khost Province, Lakan area, May 2018.

47 Interview with Zamarud Khan Mangal, chief/head of Jirga's economic and accommodation department in Kabul, Kuchi Directorate, March 2018.

48 Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018.

49 Interview with officer of the Kuchi Directorate in Khost Province, February 2018.

50 Interview with Mohammad Hamayoun Azizi, Kuchi department in Wardak Province, February 2018.

51 Interview with Engineer Fazal Ahmad Noorzai, director of Kuchi/nomads department in Farah Province, February 2018; Interview with Mawlavi Abdul Rahman Ulema Shura of Farah, Mediator, April 2018.

52 Interview with Barakzai Mukhlislar, director of the Kuchi department in Kunduz Province, February 2018.

Similarly, the map of public pastures needs to be updated. Continued reliance on royal decrees, issued long before the war even started, is unlikely to ever be a viable option for determining whose pastures are which, not least because many pastures have disappeared or have shrunk. At least some government officials accept this, implicitly or explicitly.<sup>53</sup> There are, however, no present resources for this task.

An accurate survey of the nomads would also be necessary for the development of nomad schedules, an idea that gets significant support among government officials:

*If these plans and schedules were enforced all over the country, I guarantee that almost 80% of the conflicts will be resolved.*<sup>54</sup>

Schedules for the nomads should be developed with state support, and through consultation with settler communities as well. The needs of the settlers in terms of feeding their own animals should also be included in the survey. Given the present ill feelings between many nomadic and settler communities, it is not likely that arbitrary decisions by only one of the parties involved would be acceptable to the other side, nor that the schedules could be managed at the community level. Monitoring of the implementation of schedules will have to be in place.<sup>55</sup>

Indeed, the Kuchi Directorate is already working on the schedules, with the support of foreign advisers.<sup>56</sup>

*For creating these schedules, we need to monitor and survey the situation of a nomad's life, like in which time nomads should go to a specific province. We must gather more information regarding their seasonal movement of nomads throughout Afghanistan.... If we properly create and organize a migration plan for the nomads, we will prevent most conflicts before happening. The nomads at this time do not have a specific migration schedule; whenever they want to migrate they do it without any prohibitions.*<sup>57</sup>

In some local contexts, the Kuchi Directorate have helped produce schedules for the nomads already, reportedly contributing to defusing conflict.

*The conflict which was over pastures, we created migration schedules for the migrating community of the nomads and by this way we solved the problems among the settled nomads and the nomads who are migrating and coming back in a specific season to this province. I think the entire problem was in migration schedules....*<sup>58</sup>

Such an undertaking as developing schedules for the nomads requires assistance from other government departments, in particular the MoA, which would have to identify the pastures.<sup>59</sup> The rehabilitation of pastures, which is also being considered, will also involve the Ministry of Rural Rehabilitation and Development.<sup>60</sup> The Kuchi Directorate demands more powers vis-à-vis other government agencies, in order to address nomad-settler conflicts.<sup>61</sup>

53 Interview with officer of the Kuchi Directorate in Khost Province, February 2018.

54 Interview with Engineer Fazal Ahmad Noorzai, director of Kuchi/nomads department in Farah Province, February 2018.

55 Interview with elder MAA, Alakozay tribe, Koh Dana Area, Farah, June 2017; Interview with officer of the Kuchi Directorate in Khost Province, February 2018.

56 Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018.

57 Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018.

58 Interview with Engineer Fazal Ahmad Noorzai, director of Kuchi/nomads department in Farah Province, February 2018.

59 Interview with officer of the Kuchi Directorate in Khost Province, February 2018.

60 Interview with Engineer Mirkhail, water specialist from MRRD, Kabul, 9 October 2017.

61 Interview with Musa Popal, Director for Kuchi office/department in Logar Province, February 2018.

Another strategy being considered to ease nomad-settler conflict is the fencing of agricultural fields. Some officials also see some role for government departments such as the MoA in promoting the fencing.

*If we see the conflicts among the nomad's community and farmers, it's based on damaging of the crops and fields by nomads. So, I think it's the responsibility of the Ministry of Agriculture to help and provide farmers with support in fencing their farms. I think the problems will be resolved by doing so, but the government does not have enough budget for this.<sup>62</sup>*

The idea of introducing schedules for the nomads is probably the most feasible of those being considered. Fencing will be more expensive and would not address pasture usage by non-nomads, who keep their herds locally.

A persistent line of thinking, especially among government officials and settlers, is that, in the longer term, nomad-settler conflicts can only be addressed through the sedentarisation of the former. Sedentarisation can mean many different things, not just conversion into agriculturalists.<sup>63</sup> The Kuchi Department is working at three different types of settlements for nomads:

- Nomad townships near the cities, where nomads could settle and urbanise;
- Nomad farms in remote areas, with 10 acres of land to each family for building a house, engaging in agriculture and keeping livestock;
- Service centres around the seasonal settlements of the nomads (health, education, etc.).

As of early 2018, one such scheme was already in place in Khwash (Badakhshan), and more are planned for Balkh, Logar and Farah, among others.<sup>64</sup>

In fact, there were already a few experiments at settling nomads before the new scheme was designed. These were developed in accordance with article 14 of the Afghan constitution, which states that nomads should be settled based on the ability of the government to do so. The nomads should be offered land where they are to settle. One such experiment in identifying settlement areas was the Bari Kaw area in Deh Sabz. The authorities were, in fact, unable to enforce its decision.<sup>65</sup> Other experiments, such as in Logar (Dasht-e Khakka and Dasht Zarghoun), were implemented, but failed, as the nomads soon moved on. Among the reasons why the latter experiment failed, the lack of careful planning and a poorly chosen location are mentioned. The lack of services comparable to what the rest of the population receives is likely to have contributed to the nomads settling in their new villages.<sup>66</sup>

62 Interview with Engineer Fazal Ahmad Noorzai, director of Kuchi/nomads department in Farah Province, February 2018.

63 Interview with officer of the Kuchi Directorate in Khost Province, February 2018; Interview with Barakzai Mukhlisyar, director of the Kuchi department in Kunduz Province, February 2018.

64 Interview with Zamarud Khan Mangal, chief/head of Jirga's economic and accommodation department in Kabul, Kuchi Directorate, March 2018; Interview with Engineer Fazal Ahmad Noorzai, director of Kuchi/nomads department in Farah Province, February 2018.

65 Interview with Kuchi elder of Tarakhel tribe in Dehsaz District of Kabul Province, January 2017.

66 Interview with staff of the grassland department, Kabul, September 2017.

The failure of previous experiments is a warning that settling the nomads through a scheme engineered from above might not work. Nonetheless, many nomads have been giving up the nomadic life after 2001 and even before that, mostly because of force majeure, so it cannot be argued that none would like, or need, to settle. Any new settlement plan would have to be carefully weighed, as the risk is that settlements might increase conflict, not reduce it (as happened in Logar).

The Kuchi Directorate plans for developing an integrated economy, where settlers would work in food-processing factories and nomads would provide the necessary raw meat, are not popular in Hazarajat, where households now have many animals of their own and see little need for the nomads to be involved at all.<sup>67</sup>

In conclusion, the Afghan authorities accept that nomad-settler conflicts have been festering for too long and need to be addressed. Nomad-settler conflict is not only disrupting the Afghan economy through damaging agricultural activities and the livestock sector, but it is also undermining the legitimacy of the Afghan state. The authorities are drawing up plans and, in some cases, starting some low-scale implementation of new policies, aimed at easing if not resolving nomad-settler conflict. Some of these policies seem to be easier to implement than others, but all face major hurdles due to lack of funding and insufficient background information.

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<sup>67</sup> Interview with Hazara elder Haji HA, from Waras district of Bamyan Province, May 2018; Interview with Haji RA, Hazara elder from Bamyan Province, May 2018.

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ISBN 978-9936-641-18-1



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