

Report of the Regional CCM: January, 2013



Regional CCM Meeting in Kabul

Justice & Governance in Eastern Afghanistan (JGEA)
(Logar, Khost, Paktia)

Meeting Report

First Regional Commission on Conflict Mediation

Participants

Members of Provincial CCMs:

- Hajji Mohd. Rasool Tanai (Khost)
- Hajji Shah Khan (Khost)
- Mufti Habiburrahman(Khost)
- Hajji Haidar Gul (Khost)
- Maulavi Burjan (Khost)
- Hajji Wali (Khost)
- Mir Zaman(Khost)
- Mohd. Laiq Mangal (Paktia)
- Maulavi Mohd. Hanif (Paktia)
- Hajji Gulam Khan (Paktia)
- Abdullah Mujahid (Paktia)
- Azimullah (Paktia)
- Abdul Malik(Paktia)
- Hajji Sangeen(Paktia)
- Zareen Khail (Logar)
- Hajji Mohd. Dawud Milma (Logar)
- Mohd. Riza Jawadi (Logar)
- Hajji Mohd. Qaseem (Logar)
- Maulavi Ahmad Nabi (Logar)
- Mohammad Deen (Logar)
- Hajji Abdul Rahman (Logar)

Guests of Provincial CCM Members:

- Malik Matakhan (tribal elder of Chamkani district, Paktia province)
- Dr. Alamir (Paktia Provincial Council member)
- Jawadi (Prominent Shia Mullah, Logar)

Overview

The RCCM meeting was held on Tuesday 29th of January 2013 in TLO's CCM guesthouse in Kabul. Twenty-one persons from provincial CCMs took part in the meeting, in addition to provincial Liaison Officers, two Paktia dispute resolution leaders and one Logar religious leader not CCM members themselves (24 persons total, not counting TLO staff). The meeting began at 9:20 am and proceeded as follows:

- RCCM members briefly introduced themselves
- Short reports of provincial CCMs' activities were presented
- RCCM-specific topics were introduced, followed by discussion
- RCCM members developed additional suggestions for further action.

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Reports of Provincial CCM Activity

Liaison officers went briefly through their activities and shared the following points/information.

Khost Office

Khost CCM member Hajji Mohammad Rasool Tani briefly explained the accomplished activities since the establishment of first CCM in 1385 (2007). Since then the Khost CCM has been able in successfully resolving fifty small and major conflicts. Currently the Khost has given priority to work on and focus more on the conflict of Gurbuz district between the Bori Khail and Nasrudeen tribes over mountains and land. A decision was made by local authority and local people in 1310 (1932 CE), but unfortunately the decision was rejected. Now the Khost CCM has been working on this conflict for four months and has achieved some development. The CCM began by studying and reviewing relevant documents, then visited the conflict site. The Khost CCM was also able to take *wak*¹ from the dispute parties, after extensive discussion.

Haji Rasool Tani then further elaborated on the importance of this conflict:

- I. After the resolution of the conflict between Bori Khail and Nasrudeen tribes, issues between both parties within the district will be eliminated, blood feuds will be prevented and the parties can resume good and mutually beneficial relations.
- II. Political importance: a part of the conflict site is connected with the border and some people across the border have prevented the conflict from being resolved in order to extract personal benefit from the conflict. Thus if the conflict is resolved, these designs will be frustrated and peace within the area will be promoted.
- III. Gurbuz is a border district. There is a distance of 484 km from Karachi to Khost, which has become the economic hub of the southeast. Thus the district has an economic importance as well, especially as the conflict is preventing Gurbuz's customs checkpoint from being used, and the Japanese government from constructing a transit road in the district.

Finally, Haji Rasool added some details about the methods used by the Khost CCM in conflict resolution:

- I. Discussing issues with local religious scholars, *spingerees*², and government officials to hear their suggestions
- II. Use of Pashtun cultures and customs, and *nirkh*³
- III. Making sure all parties are sworn in before giving evidence

Logar Office

Mawla Gul Neiazi, Logar Liaison Officer, shed some light on the activities of the CCM

¹ Decision-making authority.

² "White-beard" elders.

³ Specific, quasi-precedential rules by which disputes might be resolved (typically, each tribe or sub-tribe will have its own *nirkh*, though, within the Paktia context, for example, Mangal and Zadran *nirkh* are generally thought to be highly compatible)

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- After extensive efforts and coordination with relevant departments we have been able to establish the first CCM in Logar province.
- A survey of major conflicts has been undertaken, with 31 such conflicts identified and investigated.
- The CCM has conducted three meetings
- Four major conflicts and five small conflicts have been resolved
- A Women's Engagement Strategy has been developed, as have good working relationships with women's institutions in the province

Ongoing conflicts

- Conflict over Khaki *dasht* (desert land) between Kuchis and residents of Barak-i- Barak district. This provincial government has referred the conflict to the CCM and the CCM has been able to prevent both parties from doing further damage until the government specifies a land for Kuchis to settle on.
- Conflict over Altamur *dasht* (desert land) between residents of Altamur area and Yousaf Kala. This conflict has also been referred by the provincial government and a ceasefire was announced after the CCM intervened.

Paktia Office

Hajji Aminullah, Paktia Liaison Officer, briefly went through the activities of the Paktia CCM:

- Conducting of five bi-weekly meetings:
- Four major conflicts have been resolved
- Currently the Paktia CCM is working on seven major conflicts (making very significant progress in some cases)

Discussion of New Issues

Project Liaison Officers briefly went through the selected topics by provincial CCMs to regional CCM. After hearing the topics, all the members gave their opinions and expressed suggestions

Logar office

Hajji Qaseem on behalf of Logar province explained briefly several topics raised by Logar CCM members.

- He talked about land grabbing in Logar province which has two aspects, one internal and one external. External aspect was moving of Kuchis from Behsud district of Nangarhar to Logar province, while the internal aspect is that people within Logar have strongly resisted this government decision. He added that people of Logar do not have issues with Kuchis in general, but the government should not issue decrees transferring private lands from one party to another.

Participants' discussion of this issue:

- *Hajji Mohammad Daud from Logar CCM*

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Currently the land grabbing commission is working on identifying government and private lands and then they will make a decision whether to take lands back from land grabbers or leave them.

- *Hajji Abdul Rahman from Logar CCM*

The fire has been burning in southeast and the whole area is affected by political crisis thus we need to prevent any harmful acts. People of Logar feel that are ignored by Loya Paktia so we need to make the whole area like a chain to prevent outsiders' intervention.

- *Hajji Gulam Khan from Paktia CCM*

The decree issued by Karzai by settling in Kuchis from Behsud district in Logar province is wrong and gives birth to so many issues in Logar province. He added that people of Loya were against this act of Karzai, because Karzai could also give them land somewhere else in the country. He further added that the issue is going to be resolved by the government after they identify and specify land for Kuchis and suggested they should be given land either in Hazarajat⁴ or any other place. However, Logar CCM members did not concur with this latter suggestion.

- *Pacha Zarin Khail from Logar CCM*

People of Logar have legal documents for these lands in Logar province. Issuing such a decree of giving lands to Kuchis has given to so many other issues (conflicts) in the province

- *Mawlawi Mohammad Nabi from Logar CCM*

Kuchis should be given their rights either in Logar province or somewhere else. Currently the commission for land grabbing is working on identifying lands and once their work is completed after identifying government and private lands. Thus the government will make their decision where to give lands to Kuchis or bring such lands under its control.

Thus the RCCM decided to withhold direct intervention at least until the land-grabbing commission has had a chance to sort out land for use by the Kuchis.

Paktia Province

The Paktia CCM had selected three topics for regional CCM, presented sequentially below. Hajji Aminullah, Paktia Liaison Officer, briefly explained the first topic:

- Whenever a car accidents occur in Logar province by a driver from Paktia, the driver faces difficulties and suffer harassment

⁴ That part of Afghanistan inhabited primarily by persons of the Hazara ethnic group. Traditionally, Kuchis have pastured their herds during winter in low-lying areas (Khost, Nangarhar) and during summer in areas with high elevation, such as the Hazarajat. Conflict between Kuchis and Hazaras in these areas has flared up periodically over the decades, if not centuries. In the last few years, many power-holders in the Hazarajat have blocked Kuchis from using traditional summer pastures, which in part seems to be retribution for Kuchi abuse of the Hazara population during the Taliban regime.

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RCCM Discussion

- *Pacha Zarin Khail from Logar CCM*

We the CCM members are ready to help in such accidents

- *Hajji Abdul Rahman from Logar CCM*

We the CCM members cannot forgive a driver on behalf of affected person/s or his family in such cases, but we can help the drivers get rid of problems in such cases.

Conclusion

The RCCM members reached an agreement that the contact numbers of all the provincial CCM members should be shared among the three provincial CCMs to enable them to help each other in case of traffic accidents happening on the highway from Kabul to Gardez/Khost. They also agreed that public awareness activities should be undertaken in each province, to enable drivers to contact CCM members in case of traffic accidents.

Second topic from the Paktia CCM

Conflict of Banozai Township for refugees and Askari family with the government in Gardez city

RCCM Discussion

- *Senator Laiq Mangal from Paktia CCM*

First: coordination between the CCM members should be increased and should work together on conflict resolution

Secondly: contact list of the RCCM members should be shared with all participants

Thirdly: Three meetings should be held including members from provincial CCMs. One meeting should be held in Logar, second meeting should be held in Paktia and third meeting should be held in Khost in order to find solution for major conflicts which are hard to resolve and find a proper solution for such conflict jointly.

He added that one or two meetings are not enough to achieve very much so that is why we demand from the TLO office to pave the way for expanding meetings.

- *Abdullah Mujahid*

Another issue in Banozai Township is that 200 government employees and teachers have paid the money for building their houses as well as they have built walls but have been demolished by government and the issue remains unresolved.

- *Gulam Khan, Paktia CCM*

Every provincial CCM should make efforts to resolve their issues within the province. If they are not able to do so, then representatives from three provincial CCMs should work on such issues/conflicts

- *Hajji Qaseem, Khost CCM*

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For every selected topic approval or rejection of the CCM members should be taken and must be written so that the CCM members work on those approved topics

- *Rasool Mohammad Tani, Khost CCM*

Those conflicts which are between government and people are difficult to resolve by CCM. First people should resolve their issues with the government. If the government agrees to the intervention of the CCM, and then the CCM should intervene.

- *Wakil Abdul Malik, Paktia CCM*

Since the time and duration of RCCM is short so it would be hard to resolve such issues here in the RCCM meetings and it would be much better to resolve such issues within the province. RCCM should make a decision first about some major issues and then they should share the issues with the relevant institutions

Conclusion

Thus the RCCM members emphasized resolving conflicts first within their home provinces. If provincial CCM members prove unable to resolve the issue, then the RCCM may take up the matter with relevant institutions. This is especially true for conflicts involving provincial governments. In such cases, CCMs (including the RCCM) must coordinate carefully with the relevant government before intervening.

Khost Province

Topics of Khost province were presented by Hajji Mohammad Ali, provincial Liaison Officer.

- Conflict between Mangal and Muqbil tribes over forest and mountain. He further noted that repeated government attempts at resolving the conflict have thus far failed.
- Conflict between two major tribes, Bali Khail and Subari of the Paktia and Khost border region over mountain still remain unresolved. In this case provincial governors and peace-makers from both provinces have made a decision, which, however, the Subari tribe rejected.
- Conflict between Bori Khail and Nasrdin tribes of Gurbuz district over mountain which was resolved in 1310 (1932 CE) by the local authority, but the decision was rejected. The provincial government has already referred this conflict to the CCM.

RCCM Discussion

- *Rasool Tani, Khost CCM*

The Khost CCM has made developments in Gurbuz conflict and has also taken *wak* from both parties and the CCM has been trying hard to give an end to the conflict. But, if the Khost CCM need assistance from the members of Logar and Paktia CCMs, so a joint committee consisting representatives from three provincial CCM should be made in order to resolve the long lasting conflict.

- *Hajji Gulam Khan, Paktia CCM*

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In order to resolve the conflict between two tribes Subari and Bali Khail, better relations should be built with both parties and for this he suggested two persons, one from Khost CCM Mir Zaman and Senator Liaq Mangal from Paktia. However, most of the members insisted on building cooperation and coordination meetings between the three provincial CCMs to become reliable for people and government which will create foundation of CCMs activities and then the RCCM can approach to such conflicts.

Conclusion

Thus each CCM should travel from province to province holding meetings, and building trust with both provincial governments and the people. In turn, a more-or-less permanent committee from all three provincial CCMs should be developed.

Conclusion: Recommendations of the RCCM

After further discussion, RCCM members further developed the following recommendations.

- I. MoU should be signed with the government institutions of Afghanistan related to the topics recommended to the RCCM
- II. Negative customs and traditions such as dowry price, giving of a girl in *baad*⁵ etc. should be eliminated by adopting an appropriate policy or procedures/guidelines.
- III. TLO should facilitate expansion of the RCCM, so that it can meet more frequently and involve more provinces.
- IV. RCCM should not work only for a specific group of people, but should consider equal rights for all ethnicities including women, and should work under one goal and objective.
- V. A committee of RCCM members should be appointed to address major inter-provincial conflicts in each target province.
- VI. Increase cooperation between the three provincial CCMs in resolving conflicts related to traffic accidents on main road from Kabul to Khost
- VII. Increase coordination with the provincial governments in resolving conflicts related to land disputes (e.g. pave the way for the government to conduct land clearance to make sure that the government land is not grabbed in the target provinces)

At the end of the meeting, Abdullah Mujahid (Paktia CCM) asked TLO staff to share these points with higher government authorities. In response, Daud Shah Neiazi, Kabul Liaison Officer, assured them that such topics will be shared with relevant government institutions.

⁵ The customary practice of “giving” women as compensation for injury.