

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1567
Land:	Afghanistan
Kilde:	Afghanistan Analysts Network (AAN)
Titel:	The Pastures of Heaven: An update of Kuchi-Hazara disputes as spring approaches
Udgivet:	8. marts 2024
Optaget på baggrundsmaterialet:	24. maj 2024



Document #2106857

Foschini, Fabrizio, Mirzada,
Rama (Author), published by AAN –
Afghanistan Analysts Network

The Pastures of Heaven: An update of Kuchi-Hazara disputes as spring approaches

Original link (please quote from the original source directly):

<https://www.afghanistan-analysts.org/en/reports/political-landscape/the-pastures-of-heaven-an-update-of-kuchi-hazara-disputes-as-spring-approaches/>

Fabrizio Foschini • Rama Mirzada

The central highlands of the Hazarajat are gearing up for a third year of the Islamic Emirate of Afghanistan (IEA) managing one of the most polarising land conflicts in the country, that between Hazara villagers and Pashtun nomads, the Kuchis. The re-establishment of the IEA in 2021 allowed the Kuchis to return, after 40 years, to what they regard as their summer pastures and to revive claims to property and land. There began a process of adjudicating claims and ruling on compensation for alleged losses. While major outbreaks of violence were prevented last year, abuses and intimidation of individuals and communities, mostly by Kuchis against Hazaras, still occur. Winter has offered the occasion for Fabrizio Foschini (with Rama Mirzada's help) to recap the developments of last year and reflect on where Kuchi-Hazara land disputes might go in 2024.

The Kuchi-Hazara dispute flares up every spring when the nomads travel from lower altitude provinces like Khost and Nangrahar to spend the summer in the central highlands, which are inhabited year-round by Hazaras (and also Sadat, more on whom below). This, they have been able to do for the past two years, after having been prevented from accessing

most parts of it by the war and the armed opposition of locals almost continuously since 1978. With their newly found access to the region, they have vigorously renewed claims on lands they used to own and pastures they had been granted rights to, historically, helped by the political turnover that Afghanistan experienced, which completely reversed the balance of power in Hazarajat.

Many Pashtun Kuchi households and clans have, throughout the years, supported the Taleban insurgency and have thus found themselves on the 'winning side' of the war – unlike the Hazaras. In the 1990s, some of the Hazara mujahedin factions fought the Taleban as part of the Northern Alliance, with the Taleban retaliating with collective punishments against civilians in the Hazarajat. After 2001, Hazaras turned out to be broadly supportive of the new institutions. Hardly a privileged socio-economic group under the Republican government, the Hazara villagers of the central highlands had at least seen members of their community in government and parliament. They had also, largely, been able to prevent the return of their former landlords, the Pashtun Kuchi nomads, who had enjoyed politico-economic superiority over them for eighty years before the Soviet invasion stopped their seasonal transhumance in the late 1970s. If in other parts of the country the Taleban takeover of August 2021 has resembled a return to the mid-1990s, in Hazarajat it has represented a veritable travel even further back in time, to the monarchic Afghanistan of the early 1970s. And, if this is a distant era that only some among the elders can now recall first-hand, most young Hazaras nurture a radically different idea about it from that of a golden age of peace idealised by some other Afghan groups.

The Kuchis, in turn, lost their affluent and socially prominent status because of the Soviet intervention and the following conflict. This resulted in the loss of their wealth of flocks in war or exile and, while the more prominent families had already started to invest in other business ventures and some eventually emerged as Afghanistan's most prominent businessmen, the majority ended up as an impoverished group, particularly those settling down as returnees in informal settlements around major Afghan cities.

Roughly a year ago, [AAN reported](#) on the first summer in the Hazarajat under the new government. We have now taken a look at what changes the second year of the new era has brought, speaking to twelve key informants from the main provinces affected: Bamyan (three Hazara interviewees and two Kuchis), Ghazni (three Hazaras and two Kuchis) and Maidan Wardak (one Hazara and one Kuchi). Summarising, we have noted in particular that:

- Already in 2022, Kuchis were able to go to most areas of Hazarajat. Compared to the previous year, it was mostly single men who travelled to the innermost parts of the region in Bamyan province, while their families and livestock, for reasons of security and obeying

a government request, stopped their course in parts of Hazarajat which are more accessible and where their claim to the use of pastures had been given the green light by the local authorities.

- Episodes of violence were not as widespread as under the Republic, when the Kuchis' frustrated attempts at pushing into Hazarajat and the polarised political loyalties between the two groups, both of whom had members and supporters in the government and in parliament, caused major casualties and destruction. The IEA has been able to enforce overall security, although this came at the cost of local residents widely perceiving it as supportive of the Kuchis.
- Subtler types of violence and foul play are widely employed, however. Kuchis have been able to intimidate and coax Hazaras, both in day-to-day interactions and in the seats of power, while the latter have resorted to non-cooperation tactics, evading or refusing outright to participate in the institutional mechanisms (joint commissions for dispute resolution) set up by the IEA to solve disagreements.
- Trust and acceptance of the dispute resolution mechanisms available, such as joint commissions and courts, have varied depending on the area, the type of dispute and the profile of the individuals involved, frequently causing the parties to try and have their cases shifted to a different area.
- From a legal point of view, the situation has reached an impasse. While some disputes concerning private land and houses have been adjudicated, implementing the verdicts is proving problematic. More decisions have been made on compensation for past murders and loss of livestock suffered by the Kuchis, putting economic strain on impoverished Hazara communities, while at the same time tempting more destitute Kuchi households to advance further claims. The major issue of the rangeland of inner Hazarajat and the right to its use as pasture is still pending and the Islamic Emirate, despite its reassurances to the Kuchis, seems reluctant to tackle this thorny matter.

Main features of the Kuchi presence in the Hazarajat in 2023

Kuchi access to Hazarajat has changed significantly over the past 50 years. In the 1970s, the nomads enjoyed rights to use the rich summer pastures there as grazing areas for their animals – granted to them from the 1890s onwards after they had helped Afghanistan's rulers quash Hazaras' autonomy. Moreover, acting also as an economically and politically prominent class of traders, who supplied the isolated Hazarajat with much of its needed 'imports', they had progressively bought up many lands, which they then rented to local labourers for cultivation (for more background on this and subsequent developments, read [AAN's 2022 report](#) and also this [longer paper by the author](#)).

Between 1979 and 2021, Kuchis were largely barred from accessing the region, apart from during the few years of the first Islamic Emirate (1999-2001), which, however, saw bitter fighting and widespread destruction. During these four decades, in general, a number of Kuchi landlords were able to receive payments from their tenants in Kabul or by occasionally visiting the region, but for the majority of Kuchis, the region remained off-limits. However, for a number of years between and until the very end of the Republic, they attempted to force their way in, only to clash with the resistance of local Hazara villagers and provoke the intervention of the central government (read AAN reports at the time [here](#) and [here](#)). Besides deploying security forces, the latter would regularly bribe the respective groups' leaders to help defuse the conflict.

The failure of the Republican institutions to seek other than temporary solutions for the issue and the long string of violence contributed to raising the stakes of the confrontation, transforming it into a primary marker of identity for Hazaras even beyond those living in the region and affected by the Kuchi claims, a veritable symbol of their struggle as a disadvantaged group for equal affirmation in Afghan society. Many Kuchis too, by now one of the Afghan communities that lag behind in economy, education and other social indicators, attribute all-encompassing importance to regaining their 'lost rights' in the Hazarajat. Both in terms of household perspectives and as a communal rallying cry, many Kuchis have come to link what they perceive as the long-delayed redress of their loss with the expectations of a return to their pre-war wealth and status.

Now, the balance of power in Hazarajat has been dramatically overturned: the Hazara communities find themselves vanquished and disarmed while the Kuchis, usually on better terms with IEA security and administrative officials who are often fellow ethnic Pashtuns and, like the Kuchis, also come from outside the region, are allowed to carry weapons in self-defence. In 2022, a large number of Kuchis coming from various provinces of the south and east of Afghanistan (when not from their Pakistani exile) took their chance to travel to Hazarajat in order to find grazing opportunities, inspect or reclaim past family properties and exact the payment of many years of arrears of the *ejara* (the rent) from their former Hazara tenants or sharecroppers.

2023 saw the continuation of the overall trends of the previous year. Kuchi households started moving to the highlands in springtime, before the start of the month of Saur (hence by mid-April), many retracing their steps only at the end of Sunbula (late September). The number of Kuchis who travelled to Hazarajat has again been significantly high, although compared to the previous year, some areas reported diminished numbers.

In the vast Nawur district of Ghazni province, for example, one Hazara informant reported that the number of Kuchis was less than that of the

previous year; it was mostly Kuchi families who did actually have a history in the district during the King's time who arrived, unlike 2022, when, he said, many 'alien' Kuchis from northern Afghanistan or Pakistan came. However, he concurred with other interviewees from the same district in saying that these Kuchis had brought big flocks of animals^[1] It is difficult to get precise figures about the number of animals, mostly sheep and goats, that Kuchis brought with them. Hazaras from Nawur would estimate between 500 and 1,000 for each family, but ... Continue reading and that, this year, they let them graze over all the available land in the district, including non-irrigated fields (*lalmi*) planted by local people and pastures also used by locals. According to the Hazara interviewees from Nawur, no pasture at all was left for villagers to use. Local Hazaras had to use crops to feed their own animals, and those who could not afford to do so were forced to sell them. Though this situation did not lead to serious episodes of violence, this was mostly due to the locals' feeling forced to accept it, as Kuchi shepherds were allowed to go armed and displayed a very assertive and predatory attitude towards the local resources.

A Hazara member of the High Shia Commission, originally from Behsud of Maidan Wardak, told AAN that only a minority of the Kuchis who travelled to his district in 2022 were members of families or clans who had used to do so in the King's time. Rather, most were unrelated people who acted as shepherds for livestock they had rented, or which anyway belonged to other people and arrived under the name of 'Kuchi' in order to claim the right to graze. He cited their being utterly unfamiliar with the region's geography as proof. He also said that in Behsud, Kuchi livestock had caused severe shortages of fodder for local livestock.

There is no doubt that, during the warm season, Behsud has come to host a great number of Kuchi households whose original destination would probably have been areas further inside Hazarajat. In the past, it would have been a staging point for many Kuchis on the road to the higher pastures located in the province of Bamyan, particularly in Waras and Panjab districts. However, as Kuchi elders interviewed by AAN related, they were asked by the government not to enter Bamyan province with their families until the issue of the pastures had been solved and so a number of Kuchis aiming to reach Waras and Panjab may have found themselves bottlenecked in neighbouring Behsud.

One of AAN's Kuchi interviewees, currently a member of the commission for the resolution of disputes in Maidan Wardak, but representing a group of 800 families, many of whom claim rights to areas in Panjab district, complained about the government preventing them enjoying these rights. He claimed that some families had actually travelled to Panjab early in the warm season, but after a few days, had been sent back to Behsud by government officials. Most of his tribe eventually settled in Behsud, Jalrez and other highland areas of Wardak for the summer before travelling back to Logar and then to Khost.

Another Kuchi interviewed by AAN, the head of the Commission for Dispute Resolution in Bamyan, stated that there was some variation in government orders: it had given back to Kuchis the right to the use of pastures for which they had the King's *farman* (decree) in some areas, such as Behsud, where they should, in his words, "use pastures jointly with local residents," However, he said this permission had yet to be given in Bamyan because of "some problems still to be solved" over the use of rangelands there.

All the interviewees concurred that it was mostly single men who travelled furthest, into the central part of Hazarajat, in Bamyan province, and that they brought only a fraction of their livestock with them. In Yakawlang district in 2023, Kuchis had also appeared to be mostly men travelling alone, bringing no animals at all except to two areas, Foladi and Kham. Reportedly, most of those going to Yakawlang were mainly interested in 'reclaiming' lost properties, not pasturing their livestock.

In 2023, in Waras district, the Kuchis did not bring their families nor any livestock and their number, albeit greater than the previous year, was still comparatively small. Reportedly, a few dozen individuals travelled to each area where they owned some land. Many did not stay throughout the summer, but rather visited the district twice, at the beginning of spring and then again in October, in order to get rent paid from Hazara tenants. Others, who had disputes over private properties to follow, probably commuted between the central areas of Bamyan province and the district.

An initial influx into Panjab district in 2023 of whole families with livestock was stopped. Thereafter, it was single men without flocks who moved into the district. However, given the high incidence of land disputes in this district, their number was larger than in Waras and their presence extended over a longer period.

Many legal cases raised last year are still awaiting adjudication, and the Kuchis involved arguably returned to follow the proceedings. Moreover, this year, new cases arose, with Kuchis who had not shown up last year coming to claim properties or compensation, while some disputes that had apparently been solved had to be reopened when more heirs of the original Kuchi landlord or creditor appeared and claimed their share of the compensation paid out in 2022. During the summer of 2023, the commissions and the courts took several decisions regarding land ownership and compensation, and their implementation was attempted. We will take a closer look at these developments in selected areas of Bamyan and Ghazni provinces.

A follow-up from 2022: Adjudication of cases, attitudes by the conflicting parties and the authorities

Bamyan province

Panjab is arguably the district of Bamyan where Kuchis have claims to the most and best plots of land, as much as one-third of the district's arable land, according to the claim of a Kuchi elder interviewed by AAN. The amount of property already retaken or still claimed by the Kuchis in the district and the fact that some of them belong to particularly prominent members of the Kuchi community raised the profile of the Kuchi presence and spurred a higher degree of involvement by the provincial authorities. For this purpose, Abdullah Sarhadi, the governor of Bamyan, visited Panjab three times during last year's warm season. The first was on 20 Saur 1402 (10 May 2023), when he arrived with Salim Naeem, son of the late Naeem Kuchi.^[2] Naeem Kuchi, arguably the foremost tribal leader of the nomads during the Republic, had previously been a Taleban commander and Guantanamo inmate. During the brief and bloody Taleban conquest of ... Continue reading As many as 400 armed Kuchis also came, both as delegates of each Kuchi group with interests in the district and as bodyguards to Salim, who, after his father's death in 2020, has risen to a paramount position among the Kuchis wintering in Logar and Loya Paktia.

At the time of this high-profile visit, the Commission for Dispute Resolution was the sole institutional mechanism working on cases in the district, as Panjab did not have a court. Kuchis had been complaining about their lack of representation on the Panjab commission; all its six members were chosen among Hazara residents, as the Kuchis had no accommodation or were unwilling to stay for longer periods in the district. They had instead been regularly referring cases to the Bamyan court, or even, when unsatisfied by this, to the provincial Commission for Dispute Resolution in Bamyan city. In 2023, according to a former member of the Panjab commission, Salim Naeem impressed this complaint upon Governor Sarhadi and it was decided that a court should be set up in Panjab to rule on cases for it and neighbouring Waras.

The court was established in July and was staffed by four judges, Sunni Tajiks from Kahmard and Saighan districts in northern Bamyan. Soon, the situation from the previous year was overturned: if in 2022 the Kuchis were asking that cases from Panjab be sent to the court in Bamyan, this year, they preferred to have all cases adjudicated by the *ad hoc* court in Panjab and refused Hazaras' requests to refer some cases to the Bamyan court. The Commission for Dispute Resolution in Panjab, deemed by the Kuchis too partial to Hazara interests, was eventually disbanded. According to a former member interviewed by AAN, it had at most been able to advocate for a mitigation of the compensation to be paid by Hazaras, for example invoking their past struggles to defend the district, including the lands belonging to the absent Kuchis, during the jihad against the Soviets.

Among the first decisions by the Panjab court were those on the claims by Kuchis to the land in Pushta Ghorghori and a few other areas,^[3] In the

past, Pushta Ghorghori, near the Shato Pass leading from Panjab to Yakawlang, was a major stopping place for Kuchis, as it was located just above the irrigated areas, which was the limit ... Continue reading which it ruled in the Kuchis' favour, ordering the eviction of the people living on the land, which had been left vacant by the Kuchis since 1979 and since developed by local Hazaras. The former member of the disbanded commission summed up the court's decisions:

There are 44 land disputes in Panjab and 16 have been settled. All 16 disputes were resolved by the court. Eight of those were in Pushta Ghorghori, five or six in Dara Mandi and two in Derazqul. The people's houses and lands were given to Kuchis. The value of the houses was also counted and it was decided to be given to the Kuchis as part-payment for the 43 years of back rent [ejara] due to them.... Fifteen houses have been taken in Pushta Ghorghori, as well as land belonging to eight houses in Dara Mandi and another four in Derazqul.

The people in Dara Mandi, Derazqul and Kerman had built the houses themselves. None could believe that the land belonged to Kuchis when they saw how people were living there, how they had built houses and planted many trees.... The Kuchis did not come to Panjab for 43 years, so some of their tenants were using the lands and some tenants had sold the Kuchi land to other villagers and now the sellers were not here.... The people have no option but to accept the court's decision because during the kings' time, the Kuchis were getting the land documents and sharia (ownership) letters from the Hazaras' fathers, mothers, brothers and sisters, and now they still have those documents.... There was no clash or violence because the government warned that if someone started a fight, the security forces would suppress it.

A small protest organised by locals went largely unheard and some of the residents of Pushta Ghorghori have since left their homes, relocated to Kabul or gone abroad, while those in the other areas retaken by the Kuchis have seen only their lands seized. Those who have left seem to have been mostly tenants, while parts of the families of the Hazara owners were still living in Pushta Ghorghori as of February 2024.

Neighbouring districts, such as Waras and Yakawlang, saw an increase in new legal cases where Kuchis claimed private land. In Waras, the outcome of a major land dispute regarding an estate in Band-e Kusa, which includes three schools and a bazaar with around 200 shops, is still unclear at the time of writing: [a first ruling in 2023](#) went in favour of the Kuchis, however, local sources reported to AAN that in February 2024, the district authorities were arguing with the Kuchis that the schools and the bazaar plots were public property. In Yakawlang, a major dispute revolved around plots of lands in Firuz Bahar that were reportedly bought by the Hazaras from the Kuchis some forty years ago, but that the latter claim had simply been usurped. Our Hazara interviewee from Yakawlang, personally involved in this dispute, reported episodes of violence, intimidation and attempted kidnapping suffered by locals at the hands of

Kuchis, which he claimed took place in the provincial administrative centre, Bamyan city:

The court in Bamyan decided that the Firuz Bahar case should be sent for investigation to the Yakawlang court. The Kuchis got angry at this decision, so they attacked us in front of the court and wanted to take us with them by force. They didn't want the case to be sent to Yakawlang because we have documents and witnesses to prove that we bought those lands and they know they will lose the case in Yakawlang.... They attacked us physically in front of the court in Bamyan on 12 September. They attacked us three times. Once it happened in the dispute resolution commission. Then they attacked us in the bazaar and, for a third time, in front of the court.... They wanted to kidnap us and carry us off, so we shouted loudly, the people gathered, the police arrived and they couldn't [take us] in front of the court in Bamyan city. We were eight people and they wanted to kidnap two of us, me and another.... In the bazaar, I was alone. They slapped me three times and wanted to lock me inside a shop, but I escaped. The day they attacked us in front of the court, the Taleban were unable to control them. The Kuchis were using force, they slapped a police officer and wanted to seize the gun of another, until many people gathered and restrained them. On the day when we had a clash with them inside the commission, they drew guns, but the police of PD1 of Bamyan city came and rescued us.

On 9 September, six Hazara members of the central Bamyan Commission for Dispute Resolution [resigned](#), to protest at the unilateral decisions made by the Kuchi members of the commission and the pressures and threats they had been subjected to. The head of the commission, a Kuchi, gave AAN a different explanation for their resignation:

*After we [the commission] had checked the deeds and lease documents and wanted to make a decision about the lands whose claimants were known, those six members left the commission and then they didn't come to any more meetings.... They said they'd received threats from different directions. They say they've been threatened with death by Khalili and Mohaqeq.^[4] Karim Khalili, a former vice-President of Afghanistan under Hamid Karzai, is also the leader of one of the factions of Hezb-e Wahdat-e Islami (Party of the Islamic Union), the main Hazara/Shia ... Continue reading *and other Hazara elders who are out of the country. They were told to leave the commission and not to take part in its meetings, or they would be considered enemies. Therefore, they were forced to leave the commission.... Initially, they didn't say anything. They participated in meetings, but were hiding when decisions were made. We asked them many times to attend the meetings and, in their absence, we told the governor about it. Finally, they confessed and said they couldn't attend the meetings because Hazara elders had threatened them.**

Whatever the ultimate reason behind the resignation of the Hazara commissioners, it all looked similar to the strategy resorted to by other Hazaras involved in legal suits with Kuchis – absconding.^[5] Only

occasionally does the tension underlying the new imbalance of power trigger other forms of resistance. Last year, the wheat harvest of Salim Naeem's lands in Panjab district was burned by a ... Continue reading Hazara representatives and defendants have often made themselves absent to avoid being forced to officially sign over lands – in Pushta Ghorghori and other places. Such was eventually the case in Firuz Bahar as well, as related by the interviewee from Yakawlang:

We are eight people who are in dispute with the Kuchis. All have escaped now except for two or three of us. People are escaping because the Kuchis want to get their signatures by force.... They escape because a decision cannot be made in the absence of one of the sides.

The absence of six out of 20 members left the Kuchi head of the dispute resolution commission of Bamyan complaining about decisions not being implemented and the government not giving its support:

Since the beginning of the year, the commission has made approximately 35 decisions.... 14 members of the commission made their decision about those lands, but practically nothing has happened. I mean, the lands have not been given to the Kuchis because the Hazaras don't accept the decisions and the governor doesn't push them either. We didn't have the force to implement the decisions we made. Therefore, we stopped doing our work.

The commission activities had indeed stopped by the end of September 2023, but the local government did actually try to push for the implementation of the decisions made by it and the courts. According to reporting by independent organisations, on 10 September, General Directorate of Intelligence (GDI) officials arrested two Hazaras in Pushta Ghorghori on the grounds that they were preventing Kuchis' access to their farmland. On 3 October, in the administrative centre of Panjab district, IEA security forces arrested nine Hazaras and subjected some of them to a lashing at the district governor's office, with the purpose of forcing them to put their fingerprints on a document stating that they handed over their farmland to the Kuchis (also [reported by Etilaat-e Roz](#)).

As related to AAN by a Hazara interviewee, governor Sarhadi returned to Panjab shortly after this incident to invite the locals to comply with the decisions about lands and houses to be given up and compensation to be paid. He said that if Hazaras did not comply, their prayers would become invalid and they would stop being considered Muslims. This injunction to abide by the decision of an Islamic court and not breach an earlier commitment arguably represents a much milder form of pressure compared to arrest and torture, but it can become easily charged with a more sinister and threatening meaning to members of a religious minority that has often been subjected to stigmatisation and even open persecution.

Ghazni province

Nawur district of Ghazni province sits on the road that Kuchis use to approach the higher areas of Hazarajat. Because of this, it has frequently witnessed armed confrontations between incoming Kuchis and Hazara villagers during the past two decades. Compared to Bamyan, where the Kuchis hold many claims to land ownership, legal cases adjudicated in these districts include a higher proportion of requests for compensation for alleged losses of lives or property during earlier years. As such, cases can date back several decades, specific perpetrators often cannot be found and relatives or indeed whole village communities have been held responsible.

Many cases were raised in 2022, but most were not brought to a close, often because of the inability or unwillingness of local villagers to pay large amounts of money to Kuchis as compensation. In many instances, groups of Hazara villagers have been detained for long periods in order to force the rest of their community to collect the required sum, in what amounted to the taking of hostages and collective punishment. This continued into 2023.

One of the most serious cases left from the previous year regarded the death ten years ago of two Kuchi shepherds, a man and his son, in the area of Jagashew of Nawur. Already in the summer of 2022, as many as 70 Hazara villagers from the area had been detained in a bid to force locals to pay the blood price to the relatives of the victims. This year, according to a Ghazni resident who owns land in Nawur, another 22 villagers were detained in connection with the case. Negotiations on the compensation involved both the amount of money and who should pay it. As the killing occurred in a deserted area – Jagashew, a rangeland area, which is considered a *mel*, a gathering point, by the nomads – it was hard to determine who the perpetrators were and until these were found, the residents of the nearby hamlets have all been held responsible. Then the Kuchis introduced the name of five culprits and local Hazaras added six more. These, according to locals interviewed, were local robbers and armed goons and many have fled the country for Iran. At the time of AAN's field research in November 2023, the agreement stipulated within the parties was that if the culprits did not pay the sum within six weeks, all the local villagers would provide it in the form of a loan, until it could be recovered from the perpetrators. However, local Hazaras wondered why the government did not pressurise the specific individuals indicted or at least their families into paying, by confiscating their assets, and feared the mechanism could be a ruse to extract the money twice, from both the culprits and the other villagers.

As for the sum agreed by the dispute commission, the Kuchis did not accept the 40 lakh afghanis (around USD 53,000) that had been proposed by the Hazara commissioners with the support of local authorities. Eventually, the total amount reached was AFS 55 lakhs (around USD 75,000), 44 lakhs as the blood price for the dead men and another 11

lakhs as compensation for the theft of around 200 sheep the shepherds had with them. Even then, according to a Kuchi member of the commission, the Kuchis accepted this only after much pleading by the Ministry of Border and Tribal Affairs, which argued that the number of past disputes was so great that if nobody accepted a compromise, they would never be solved.

The list of cases is indeed long and only a few seem to have found a durable settlement. While some cases clearly involve serious crimes or acts of violence, though their having happened in the context of a civil war would make one think that they could be included in the amnesty declared by the IEA in the wake of its takeover, other claims for compensation revolve around smaller incidents – some almost trifling – and are nearly impossible to pin down. Nonetheless, the [compensation money obtained](#) by (or promised to) the Kuchis bears proof of the effectiveness of such a ‘claim campaign’ in the context of the economic crisis afflicting Afghans. The situation is adding a burden to the economic plight of the affected villagers and is described as an organised racketeering scheme by some observers.^[6] A recent report by an Afghan news website, Kabul Now, currently based abroad, gives a comprehensive list of cases across Afghanistan and has attempted to estimate the compensation paid by or required ... Continue reading

The unregulated use of pasture by Kuchis is also proving a major problem for residents of Nawur. Already in 2022, the district administration promised locals they would have determined the boundaries of pastures to be used by the respective groups, but have yet to do so. Hazaras interviewed said they would like this to be done quickly, as in the meantime, it is Kuchis who are using most of the pasture available in the district.

Locals interviewed by AAN went on to complain that Kuchis damage their crops when moving through the districts, despite an agreement reached last year between them and the nomads through the mediation of the Minister of Tribal and Border Affairs and the court about which route the Kuchis should follow in order to reach their *mel* without causing damage to crops. Locals claimed that, apart from the central areas close to the district centre, the rule is not enforced by the security forces and added that whenever farmers have tried to prevent damage to their fields, the Kuchis have attacked and beaten them.

The cases of damage to the crops were solved through the Commission for Dispute Resolution and compensation payments ranging from 40,000 and 100,000 Pakistani rupees (USD 143 to 3,575) have been offered to the farmers. However, complained one Hazara from the district, Kuchis have been made to pay compensation only for the damage to the crops, but have never been condemned or fined for the aggression or the injuries caused to farmers. He described the commission as dominated by its

Kuchi members. Indeed, Hazara chances to get redress for wrongdoings^[7]In 2023, Nawur saw at least one major case where a crime perpetrated by Kuchis against a Hazara was addressed. In the summer of 2022, a Hazara man was murdered by some Kuchis. His body had not been ... Continue reading were probably not enhanced by the fact that, until recently, the head judge of the Nawur court was himself a Kuchi from the Niazi tribe. According to locals, he was very mindful of maintaining good relations with other Kuchis and easily swayed in their favour. He has now been replaced by a new judge from Kandahar, whom locals hope will be more independent.

Timid signs of improvement in relations between residents and local government in Nawur were reported by one of the local Hazaras interviewed. In particular, he singled out two developments. The composition of the Commission for Dispute Resolution has changed and the new Hazara members, albeit still in a weaker position, are not as utterly helpless as the previous ones. Moreover, the newly appointed security commander, a Pashtun from Ghazni, with his focus on targeting the real culprits, and not arresting random villagers, and seeking the involvement of tribal leaders and elders in resolving disputes, had made a good impression on him.

Broadly speaking, however, the morale of local villagers is at a low ebb. According to those interviewed by AAN, the oppression and uncertainty brought by the yearly Kuchi inroads are pushing many residents of Nawur to leave the area. Even the landlord from Ghazni complained that, in 2023, it had become difficult to find sharecroppers or labourers to work his lands in the district.

Tangled up in green: complexities of a seemingly schematic confrontation

The temptation to see the situation in Hazarajat as merely the outcome of ethno-religious fault lines is high. Many elements of these have been present since the inception of the dispute and undoubtedly keep contributing to the development of the Kuchi-Hazara conflict. Some of the factors at play, while true, risk being overemphasised. For example, an aspect of organised collective politics is always present in the narratives of the conflicting parties. Hazaras from both Hazarajat and the diaspora speak of 'genocide' and of the continuation of age-old policies aimed at 'Pashtunisation' of Afghanistan, while Kuchis clearly count on aspects of their identity shared with the Taleban authorities (Pashtun even if not the same tribal background, and Sunni) and play on political revanchism and hostility against a group, the Hazaras, considered by many Taleban to have been hostile to their insurgency and supportive of the previous government.

At a closer look, this monolithic vision of the confrontation shows some cracks: behind ethnonationalist postures hide more nuanced and

opportunistic attitudes, which may, in turn, ease or further complicate the solution of disputes.

Not all sedentary Shia inhabitants of Hazarajat identify as Hazaras. Despite being often counted together and sharing most cultural and socio-political aspects of life, Sadat (singular Sayyed) constitute a recognisable minority group in the Hazarajat (as in other regions inhabited by Shias). Traditionally held in great respect because of their claims of descent from the Prophet's family, they are interspersed among Hazaras across the whole region and highly integrated into the same communities, of which they traditionally constituted the cultural and economic elite. Decades of war in Afghanistan saw momentous changes in the society of Hazarajat: not only were the Kuchis denied access, but the Sadat lost some of their previous prominence in the face of a new class of mujahedin religious leaders who were Hazara by ethnicity, had been trained or educated in revolutionary Iran and often opposed to Sadat traditionalism and privileges. Despite a great degree of Shia solidarity between the two groups, some of these fault lines may be reappearing nowadays, resulting in different responses to the new situation. As reported by one interviewee:

In Dara Mandi area, which is located between Ghor province and the Panjab district, some aghayun (term of respect for the Sadat) were the tenants of the Pashtuns and the aghayun themselves are now saying to the Kuchis that the land had been grabbed by their fathers by force.

What may sound like a self-damaging statement could be aimed at showing a higher degree of cooperativeness with the newly powerful to guarantee the survival of the Sadat community. This has by no means been an unknown attitude among vulnerable minorities throughout history and it is often encouraged by the majorities in power. Indeed, one source from Yakawlang, himself a Sayyed, told AAN that he was approached by a Kuchi leader about a land dispute who sought to gain his support, claiming that the Kuchis wanted to "reclaim what the Hazaras had usurped and give back to the Sadat what had legitimately been theirs." The Kuchi head of the Bamyan commission also said that the four Hazara members who remained in the commission after the resignation of the other six are in fact Sadat and they accepted all of the commission's decisions.

Even without invoking these identitarian nuances, in the harsh economic situation of Hazarajat, one of Afghanistan's poorest regions, competition by people for their very survival can emerge among the Hazaras. Interviewees from Panjab reported how some villagers would offer themselves as tenants to the Kuchis who had just reclaimed some lands in exchange for higher rents than what the Hazara families who had, until recently, been tilling the land had been due to pay:

There are other problems as well as disunity. For example, some people tell the Kuchis that the previous tenant was giving them 20 sers of wheat (one ser equates to around seven kg), while they promised they would give the Kuchis 40 sers as ejara for the land. Disunity exists, and from the time that Kuchis started the dispute, they have been using such disunity among the Hazara people.

Local rivalries inside a community also play a role: some local Hazaras proved ready to testify that other Hazaras had not bought the land from the Kuchis. But are only Hazaras permeable to disunity and cooperation with the 'enemy', and are the Kuchis as united as they get portrayed by their opponents? That would definitely go against popular wisdom about Pashtun tribes and indeed a Kuchi elder interviewed by AAN criticised both the IEA and his fellow Kuchis:

The Taleban somehow defend the Hazaras. There is a Hazara who in the past usurped the majority of Kuchi lands in Panjab. He is the closest adviser to the current governor of Bamyan. This person was also in power in the previous government and currently has the support of the governor.... On the other hand, the Taleban always ask us to compromise with the Hazaras. Among the Kuchis, there are some who only consider their own interests. For example, the son of Naeem Kuchi only takes care of his land and the government supports him. The rest of the Kuchis are homeless. We have no representative. There are some people whom no one listens to. Only to solve the problem of Naeem Kuchi's son, this year the governor travelled to Panjab – Hazaras had burned his wheat harvest. The government only addressed the problem of Naeem Kuchi's son, and that was it.

Internal competition for resources among the Kuchis has also started to appear. According to an interviewee from Nawur, the Dafdani Kuchis have now been occupying the pastures of the Kharroti Kuchis in the district for two years. The latter, the Hazara said, are more interested in agriculture and own less livestock; hence, they do not damage Hazara crops as much as the Dafdani do. Quite understandably, the Hazaras would support the Kharroti claim to the pastures were the issue to be addressed by the government.

Even the duality between commissions and courts shows inconsistencies in the IEA's overall political management of the conflict and, sometimes, offers room for manoeuvre to the Hazaras, who typically find themselves on the weaker side. Hazaras interviewed preferred that their cases be sent to a high court (*mahkama marafiya*) such as that in Bamyan and not be adjudicated by hastily set up primary courts (*mahkama ebtedaiya*), such as that in Panjab or by commissions reportedly dominated by Kuchis, as one interviewee said:

We're not happy with the work of the commission. We want the court to solve the disputes. Even the local people who don't have any disputes believe that

the disputes must be settled in court. The marafiya court in Bamyan makes decisions according to the law and based on justice.

The preoccupation of the Emirate with the juridical soundness of its court system – which has in the past earned them some recognition even among non-supportive parts of the Afghan population – emerges in the more impartial attitude ascribed to the high court in Bamyan, as well as in the uneasiness created among the Kuchis by the impossibility to perfect their recent reappropriation of lands by getting the signatures of the absconding Hazara commissioners and disputants.

A recurrent concern of the Hazaras interviewed was the ‘landslide effect’: for each Kuchi claim that gets accepted and satisfied, there will be more or bolder claims in the next year. While possibly not so monolithically united in exploiting their renewed superiority over the Hazaras, it is true that Kuchis are spread far and wide and as news travels, it is probable that more of them will show up year by year. This is adding another layer of complexity to the disputes, even to cases that had apparently been satisfactorily settled, as related by two Hazaras from Bamyan:

(Hazara villagers) had paid the ejara last year, but some other Kuchis came this year and said that the person who was receiving the ejara was only one of the heirs and that they were also heirs, so they should be paid too. Now, one heir has become 30 to 40 heirs.

Last year, some Kuchis had sold the land [they had just successfully reclaimed] to Hazaras, but this year, more [Kuchi] heirs to that land showed up and said the sale was null [because they had not agreed to sell it].

That leads to another issue of fundamental importance: What do the Kuchis mean to do with the land they have reclaimed? Many Hazaras would indeed be interested in buying back some of the lands from which they are being evicted and in 2022, some tried to do so, although this has not proved easy. According to a Kuchi elder who spends his time between Logar and Panjab district, the answer is categorically negative:

Kuchis have made a promise among themselves that they will not sell the land at any price. We just want our lands to be determined and submitted to us. Then, we will rent it to local people again because we Kuchis won't live in those areas all the time. We're on the move. We spend two or three months there and then we move to warmer areas.

His words are identical to those of the other Kuchis interviewed by AAN, showing a common position has been agreed upon, at least for the purpose of communication with the outside world. But Kuchis have travelled along a wide range of paths in life over the last 40 years of displacement and not all prospective heirs will be interested in resuming a

transhumant life or be in a position to visit Hazarajat twice a year to exact rent from tenants.

However, even if Kuchis, looking for quick money, wanted to sell the land they have just reclaimed in the future, that may be more complicated. As the land has recently been confiscated from other Hazara families, it would be considered disputed land locally and few potential buyers from the area could be expected to step forward.

Conclusion: irreconcilable positions and no real solution in sight

The debate goes on over whether IEA's management of the Kuchi-Hazara dispute is part of a broader political strategy or simply the result of the attitude of local IEA officials, often sympathising with and in some cases related to the Kuchis. Still, the main trends arising over the past two years are clear:

- The IEA has permitted the adjudication of claims related to private property, payment of rent arrears and debts and the redress of other losses sustained by the Kuchis over the decades when they were absent from Hazarajat and the years in which they tried in vain to regain access to it. In general, the authorities have accepted the legal ownership documents from Zahir Shah's time. Despite the political and economic imbalance inherent in them from that era, that they are weighted against the Hazaras and have been denounced by a number of Afghan Islamist *tanzims* in the past, they have apparently not been questioned by the IEA.
- The IEA has refrained from addressing the highly contentious and symbolically relevant issue of the right to the exclusive use of the higher mountain rangelands, especially those located in Bamyan province. Rights to graze this land were granted to the Kuchis in various decrees from the time of Abdul Rahman onwards. The IEA, stressing that it is state land and does not belong to any group, seems to be postponing a decision over its use.
- Proceeding from the previous point and hinting at the need for a 'shared use' of those pastures and citing security, the government has prevented the migration of Kuchis *en masse* to the most prized but also more distant grazing area of inner Hazarajat in Panjab and Waras districts.
- Conversely, there has been a strengthening of the seasonal presence and opportunities available for Kuchis in some districts, which form a sort of 'outer belt' of Hazara-inhabited areas. Districts such as Nawur or Behsud, despite not being the main focus of Kuchi property claims, have witnessed a major and more prolonged influx of Kuchis over the past two years. The nomads have consumed massive amounts of local resources, such as pastures, non-irrigated cultivated land and water, to the detriment of locals. If this trend continues, it could turn into a seasonal relief valve for dispossessed Pashtun

communities across the country, whether or not they belong to the original Kuchi clans and families who moved to Hazarajat in the distant past, while making life for local Hazara villagers intolerable.

The IEA has certainly played a major role in the current direction that the Kuchi-Hazara dispute is taking. The Taleban have a previous history of ethnically and religiously polarised conflict with Hazara militias in the late 1990s and of meddling in Kuchi attempts at gaining access during the Republic. Moreover, the IEA has a strongly connotated identity as a Pashtun-dominated government where Kuchis easily have the upper hand on Hazaras in terms of political and military power and *wasita* – connections with the powerful. Thanks to this, the Kuchis' position has been strengthened not only by the active collaboration of local IEA officials related or sympathetic to them but also because they have been able to exploit the feelings of powerlessness and fear among Hazaras that the Taleban takeover has engendered. However, the IEA did not invent the Kuchi-Hazara dispute. Rather, they inherited it from previous Afghan governments all the way back to Abdul Rahman's campaigns of subjugation in the Hazarajat, achieved with the help of the Kuchis in the 1890s. This is not something that needs to be stressed in order to remove responsibility from the IEA leadership for what it does now, but rather to serve as a reminder about where the roots of the conflict lie.

If a national collective take on the Kuchi-Hazara conflict is of any value, it would have to be tackled in terms of historic experience, not of contingent legal suits. A fundamental problem is the diverging perception of whole periods of recent Afghan history and of the value and significance attributed to them. For most Kuchis, such as the head of the Bamyan resolution commission, the last forty years are, legally speaking, a black hole:

All the deeds and documents reviewed were from before 1357 [1978].... We do not make decisions about the deeds distributed after 1978. And we told the Hazaras that they must bring any kind of [ownership] documents they have from before 1978: those we would check. They don't have any such documents. They made fake documents after 1978 when it was a time of wars and Kuchis didn't come to their lands at all.^[8] This rejection of all proceedings made by courts during the years of mujaheddin government in Hazarajat can influence land disputes in many ways: one of the Hazara disputants in the case of Poshta ... Continue reading

For Kuchis, the last four decades of war and turmoil saw them traumatically lose not only their hegemony over the Hazarajat, but their nomadic lifestyle. Yet their rejection of what happened in the past forty-five years mirrors the rejection by Hazaras of the decrees and deeds issued by governments that dispossessed their forefathers and, with few exceptions, largely left the Hazara community discriminated against and marginalised over a timespan of eighty years, from 1893 to 1978. For the

time being, as one Hazara interviewee described it, the upper hand is with the Kuchis:

We asked them why they hadn't come in the past years to make their claim. They said that they were afraid of getting killed by us and that: "At that time, power was yours, now it's the turn for our power."

In the long run, however, without some sort of shared understanding of what has happened in the past, no possible application or interpretation of legal provisions can satisfy both parties. If such a rapprochement does not happen, history will simply keep taking turns of abuse and retaliation in the Hazarajat highlands until they become inhospitable to humans, no matter how rich their beautiful pastures are for the grazing of animals.

Edited by Kate Clark

References[+]

It is difficult to get precise figures about the number of animals, mostly sheep and goats, that Kuchis brought with them. Hazaras from Nawur would estimate between 500 and 1,000 for each family,
↑1 but one Kuchi source from the district gave much wider variations, saying that, depending on the household wealth, a family could own from 70 to as many as 30,000 animals. Sources in Behsud estimated flocks there to be composed of 4-5,000 animals each.

Naeem Kuchi, arguably the foremost tribal leader of the nomads during the Republic, had previously been a Taleban commander and Guantanamo inmate. During the brief and bloody Taleban conquest
↑2 of Hazarajat in 1999-2001, he led Kuchi militias there, before the abuses they committed against Hazara villagers induced the Taleban leadership to recall them.

In the past, Pushta Ghorghori, near the Shato Pass leading from Panjab to Yakawlang, was a major stopping place for Kuchis, as it was located just above the irrigated areas, which was the limit marking the beginning of state-owned rangeland upon which grazing rights had been granted to the Kuchis by the kings' decrees. Of the other
↑3 areas mentioned by the interviewee, Dara Mandi is in western Panjab, Derazqul on the border with Behsud of Maidan Wardak and Kerman is an area split between Ghor's Lal wa Sarjangal district and Panjab. The dispute over land in Pushta Ghorghori has been frequently reported on by some Afghan media outlets, for example [here](#).

↑4 Karim Khalili, a former vice-President of Afghanistan under Hamid Karzai, is also the leader of one of the factions of Hezb-e Wahdat-e Islami (Party of the Islamic Union), the main Hazara/Shia political organisation in Afghanistan; Muhammad Mohaqeq is the leader of another such faction, labelled Hezb-e Wahdat-e Islami Mardom-e

Afghanistan (Party of the Afghan People's Islamic Union). Both are currently living outside Afghanistan.

Only occasionally does the tension underlying the new imbalance of power trigger other forms of resistance. Last year, the wheat harvest of Salim Naeem's lands in Panjab district was burned by a local
↑5 farmer. According to the Kuchi head of the Bamyan dispute commission, Governor Sarhadi hurried there to resolve the issue and a compensation of AFS 200,000 (around USD 2,700) was eventually paid to the perpetrator.

A [recent report](#) by an Afghan news website, Kabul Now, currently based abroad, gives a comprehensive list of cases across Afghanistan and has attempted to estimate the compensation paid by or required from Hazara villagers. It calculates that, up to August 2023, Hazaras
↑6 would have paid, only as compensation for harm done to persons or animals, almost 17 million afghanis and 24 million Pakistani rupees, roughly the equivalent of USD 310,000, while an additional 42.7 million afghanis (USD 570,000) had been fixed by the courts and commissions but remained to be paid.

In 2023, Nawur saw at least one major case where a crime perpetrated by Kuchis against a Hazara was addressed. In the summer of 2022, a Hazara man was murdered by some Kuchis. His
↑7 body had not been recovered and, not knowing his fate, nobody had filed a complaint for murder, until the issue was disclosed one year later by other Kuchis and the matter was investigated. The commission eventually settled for a blood price of 60 lakh Pakistani rupees (around USD 21,500) to be paid to his family.

This rejection of all proceedings made by courts during the years of mujaheddin government in Hazarajat can influence land disputes in many ways: one of the Hazara disputants in the case of Poshta
↑8 Ghorghori claims that some land owned by the Kuchis there was allotted to his family in the 1980s as blood price in compensation for the murder of his grandfather by a group of Kuchis in 1974, which the previous government had failed to prosecute. The IEA, however, has not considered the decision of the mujahedin court valid.

References

Endnotes:

Revisions:

This article was last updated on 8 Mar 2024

ecoi.net description:

Article on resuming land disputes between Hazaras and Kuchis following the latter's return to the Hazarajat mountain region in Bamyan, Daikondi, Ghor, Ghazni, Uruzgan, Parwan and Maidan Wardak provinces

Country:
Afghanistan

Sources:
Foschini, Fabrizio, Mirzada, Rama (Author), published by [AAN – Afghanistan Analysts Network](#)

Published:
8 March 2024

Original link:
<https://www.afghanistan-analysts.org/en/reports/political-landscape/the-pastures-of-heaven-an-update-of-kuchi-hazara-disputes-as-spring-approaches/>

Document type:
Special or Analytical Report

Language:
English

Available on ecoi.net since:
11 April 2024

Document ID:
2106857

Austrian Red Cross	Wiedner Hauptstraße	Contact
Austrian Centre for	32, 1041 Wien	Imprint & Disclaimer
Country of Origin and	T +43 1 589 00 583	F.A.Q.
Asylum Research and	F +43 1 589 00 589	Data Protection Notice
Documentation	info@ecoi.net	
(ACCORD)		

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

