

## Report of the Regional CCM: April, 2013



Regional CCM Meeting in Kabul

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

## Meeting Report

### Second Regional Commission on Conflict Mediation

#### Attendees

Members of Provincial CCMs:

- Hajji Mohd. Rasool Tanai (Khost)
- Hajji Shah Khan(Khost)
- Fazil Rahim(Khost)
- Hajji Haidar Gul (Khost)
- Maulavi Burjan (Khost)
- Wakeel Murad Khan (Khost)
- Nawab Khan Sabarai(Khost)
- Mohd. Ayoub Kuchi (Paktia)
- Maulavi Mohd. Hanif (Paktia)
- Hajji Gulam Khan (Paktia)
- Abdullah Mujahid (Paktia)
- Azimullah (Paktia)
- Abdul Malik(Paktia)
- Hajji Sangeen (Paktia)
- Pacha 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)

#### Overview

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The second RCCM meeting was held on Tuesday April 29, 2013 at TLO's CCM guesthouse Kabul. Twenty one CCM members from three provincial CCMs, as well as the project's three Liaison Officers, participated in the meeting (24 persons total ) The RCCM meeting began at 9:30 am and proceeded as follows:

- Short reports of provincial CCMs' activities and achievements presented to date
- RCCM-specific topics were introduced, followed by discussion
- The RCCM offered advice/developed suggestions re: discussion topics
- The RCCM developed additional recommendations for further action.

#### Reports of Provincial CCM Activity

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The Liaison Officers went briefly through project activities in their various provinces, and shared the following points/information.

#### **Khost office**

The Liaison officer briefly went through nine resolved conflicts the CCM

1. Conflict between two tribes of Gurbuz district
2. Traffic incident took place in Wach a Khwara between Sahrudin and Hameed Khan
3. Dispute over shop between Hajji Dawlat and Fawas Khan in Zani Khail village of Musa Khail district
4. Dispute over 0.85 hectare of land between Noorzali and Ghafur Khan in Sher Bazaar area of Lakan district
5. Criminal issue between Syal Khan and Hajji Zar Khan, in which one person was killed, in Tarshi village of Ali Sher district
6. Dispute over house and land between Mohammad Zaman and Kamil in Arkhail village of Ismail Khail Mandozai district
7. Dispute between Babrak Khan Zadran and Dakhi tribe over irrigated and rain-fed land in Nadir Shah Kot district
8. Dispute over forest and mountain between Shakhal and Tangi villages of Jani Khail district Paktia province
9. Dispute over rain-fed land between Hazrat Gul and Guldad Khan in Matun area of Khost provincial centre

#### **Paktia office**

In the same way, the Paktia CCM presented its activities and achievements, noting the following resolved disputes:

1. Conflict over 8 hectare of land in Hassan Khail village of Ahmad Khail district between three sub-tribes of Zazi
2. Conflict over 20 hectare of land, in Chargoti village of Ali Sher district of Khost province, between the two main families of Halim Khail (Kuchi tribal section).
3. Conflict over forest in Watch Arkadi village of Chamkani district
4. Conflict over 20 hectare of rain-fed land in Rabat Wiala area of Ali Sher district between three families (Saidu Jan, Khanan and Khwazak)
5. Conflict over installation of micro-hydro power project in Ali Sangi village of Zazi Aryub district.
6. Conflict in which two persons wounded in Gardez city
7. Conflict over land and installation of micro-hydro power project in Drey Khwoley village of Zazi Aryub district
8. Conflict over inherited land and houses between the heirs of Akhar Mohammad Khan's family
9. Conflict over land between Iqbal, Nek Mohammad and Juma Khan from Bayan Khail tribe of Zazi Aryub district

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10. Conflict over the street of district bazaar in Wazi Zadran district
11. Conflict over 7.4 hectare of land between Shah Barat and Mohammad Hussain in Chargoti area of Babrak Tana area of Ali Sher district Khost province

#### Logar office

The Logar CCM also briefly went through their up activities and resolved conflicts to date

1. Conflict over 0.4 hectare of land and street between Sayed Zamarud Shah and Sayed Ali Ahmad of Mirtaki Shah Kala of Kulangar area
2. Conflict over 1.4 hectare of inherited land between Sayed Ali Ahmad and Sayed Nisar Ali of Mirtaki Shah Kala of Kulangar area
3. Conflict over the use of street between Najmudin and Hajji Abdul Manan of Payan Deh village of Khushi district
4. Family conflict between the families of Abdullah and Mohammad Zahir of Azra district
5. Conflict over 1 hectare of land between Mohammad Wali and Sher Alam of Mazgin village of Surkhab area Mohammad Agha district
6. Family conflict between Mohammad Daud and Zuhra of Hesarak village of Pul-e-Alm
7. Conflict over land between Zabit Munawar Shah and Mohammad Zekriya of Pingram village of Charkh district
8. Conflict over the use of street between Mohammad Daud and Abdul of Kulangar area
9. Conflict over 20 hectare of land of Bala Deh village of Khushi district
10. Conflict over 12.5 million AFN between two business partners of Baraki Barak district
11. Conflict over 0.4 hectare of inherited land between Salima and Ezatullah of Mohammad Agha district

#### Discussion and suggestions of RCCM members on the topics recommended by each provincial CCM

##### Khost CCM Topics

- Conflict between two major tribes Moqbil and Mangal over forest. The Khost provincial administration and the CCM have been working together on the conflict, and have made progress in getting *waak* from both parties; the conflict will be hopefully resolved in the near future.
- Conflict between the two sub-tribes Bori Khail and Nasrudeen of Gurbuz, in which the CCM has made its utmost efforts. Currently the conflict is “60% solved”, with final resolution awaiting action by other parties, in particular the Khost provincial government.

The CCM decided that the government should conduct a survey of the land: If it proves that the land is the property of either (or both) of the two conflict parties, then construction of the road may proceed so long as the Afghan government distributes to the conflict parties an equal amount of land in compensation. If, however, the land survey reveals that the land is the property of the government, then the conflict parties shall not proceed with their claims of ownership. Both parties and the provincial

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government were convinced and agreed with the CCM decision. The parties have now ceased fighting, and allowed the land survey to proceed. However, the survey has not yet finished, and thus the conflict remains at a standstill – but as yet unresolved.

In response to the above mentioned topics, the RCCM decided that the provincial CCM should first make efforts to resolve the conflicts. If there was a need to Logar and Paktia CCMs, they will also take part together with Khost CCM for the resolutions of the above mentioned conflicts in close coordination of the provincial government.

#### **Paktia CCM Topics**

Hajji Aminullah, Paktia Liaison Officer, laid out the Paktia CCM's topics:

- To the north of Gardez and Ghazni highway and also to the north of Ittefaq Mina there is an area known as Parao and *Familie* (township) where 1,000 families reside, who have conflict with government and Salo Khail tribe over the area.
- There is mountain located between Logar and Paktia province, which borders the Tara and Spinghar mountains. Here, specifically in the Bani Chagh area, two Paktia Ahmadzai subtribes (Zandi Khail and Khani Khail) and two Ahmadzai subtribes from Logar (Taghar and Awchakan) are currently in a conflict over land.

Mohammad Rasool Tani, on behalf of Khost CCM, Hajji Gulam Khan, on behalf of the Paktia CCM and Mohammad Qasim, on behalf of the Logar CCM, discussed these topics from different angles. The RCCM members decided that, since government is involved in the aforementioned conflicts, so the Paktia CCM should share these issues with the Paktia provincial government in order to find a better solution to the conflicts.

They also mentioned that the authority of this conflict is with the judicial system of the government and can be resolved by them. But, if the Paktia CCM was not able to deal with the conflict and, if there was a need to Logar and Khost CCM, then both CCMs should help the Paktia CCM in this resolution of the aforementioned conflict.

As to the Paktia-Logar border conflict, the RCCM decided that both CCMs should inform tribal elders who reside along the border areas that they should make contacts with Shia tribal elders, who reside across the border, and make efforts to make sure that the border remains open permanently.

In turn, the RCCM decided that both Paktia and Logar CCMs should meet with conflict parties in their provinces in order to find better ways of resolving the conflict by a joint effort of the CCMs.

#### **Logar CCM Topics:**

- Land grabbing

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- Corruption

The RCCM members decided all members of Logar CCM should meet with provincial governor Mr. Arsala Jamal in consideration of preserving the rights of the people of Logar province and a plan/scheme should be developed to prevent grabbing of government lands and decrease corruption. In addition to Logar CCM members, the Khost CCM will also send a delegation to meet with Gov. Arsala on these issues (Gov. Arsala was last year transferred from Khost to Logar province).

After these topics, the RCCM further discussed three major topics recommended by the provincial CCMs, involving large tribal conflicts in Paktia and Khost and land-grabbing in Logar. After the discussion, and going through the opinions of every member, they have reached the following decisions:

- Arrange meeting between the transportation heads of the three target provinces and RCCM members to address conflicts over traffic accidents on the main road from Kabul to Khost. In the meeting the RCCM members will make an effort to specify the speed limit for the drivers in close coordination and communication with the provincial traffic departments in each of these provinces.
- Increase cooperation between the three provincial CCMs in resolving inter-provincial conflicts in each province.
- Increase coordination and communication 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)
- The RCCM shall make their efforts in reducing or even eliminating of “*Baad*” or “*Badal*” practices in the remotest areas in the southeast. Each provincial CCM shall consider rights of women (e.g. inheritance, and *mahr*, dowry to which women are entitled as property under Islamic law) during conflict resolution according to the Afghan Sharia law and other civil laws in the country.

As a first step, each provincial CCM will first make their efforts to resolve the aforementioned issues within its province. If not possible, then the RCCM will appoint a delegation to work on such topics in close coordination with each provincial government.

Finally, after discussion, the RCCM developed the following further recommendations:

- I. The expansion of CCM formation to neighboring provinces, such as Maidan Wardak, Ghazni, and Paktika and even to areas in Afghanistan’s north (where southeastern populations have tribal links)
- II. Making contacts between the RCCM and some local shuras in the north to share their experiences as a model in conflict resolution



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- III. The RCCM is also able to mediate between the insurgent and Government of Afghanistan in the southeast , if it is supported by the government and International communities
  
- IV. More capacity building programmes for the CCMs in Afghan statutory and Sharia Law

At the end of the meeting, the RCCM members asked the TLO staff share these points with relevant stakeholders for their future planning. In response, Daud Shah Niazi, Kabul Liaison Officer, assured them that such recommendation of the RCCM will be definitely shared with those who seriously pay attention to your recommendations.