Conflict Arenas and Conflict Processing Institutions in Badakhshan Province (northeastern Afghanistan)

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In the present paper I shall examine local and regional conflicts in the northeastern Afghan province of Badakhshan and ways how people try to manage and resolve these conflicts. The empirical material presented in this paper is based on research that was funded by the German Technical Cooperation (GTZ) and carried out by the Aga Khan Development Network (AKDN) in cooperation with the Berlin-based consultancy firm Analysis Research Consulting (ARC). The research was carried out from mid-September until the end of October 2003 and focused on six sub-districts of Badakhshan province, located in the North-East of Afghanistan. In accordance with the general strategic goals of the GTZ Food Security Programme, the aim of the research was to gain an understanding of ongoing project activities in relation to the local conflict context. By better understanding the local conflict setting, project implementation can: (a) ensure that it avoids creating new conflicts or fuelling old ones ('doing harm');[1] and (b) modify its activities to consciously support more effective conflict regulation at a local and even regional level and thus strengthen stability and contribute to peace building in Afghanistan.

The six-week GTZ/AKDN/ARC conflict research has uncovered a number of surprising results. Firstly, the state (which is the most powerful conflict management framework in most contemporary societies) appears to have emerged in Badakhshan as an important actor on the scene. It does not yet have a monopoly of power or force (and it is questionable whether such a stage will be reached in the near future) but it has become a player that significantly shapes events. Moreover, government structures can now definitely be considered an important partner for any project activities aiming at strengthening constructive, non-violent conflict management.

Secondly, among the identified and currently most salient and active conflict arenas, the gravest conflicts were observed in connection with state building and power struggles among the regionally strong. State building becomes conflictual when it begins to impinge upon the position of powerful non-state actors, such as commanders.[2] Further important conflict arenas relate to resource conflicts, discrimination, religious issues, drug trafficking, various conflicts around the border with Tajikistan, etc. As in most other conflict zones, there were also some conflicts created by NGO activities. Interestingly, all conflicts appear to be graver in those areas that are controlled by commanders and where the state has only little or no influence. In contrast, in areas firmly under state control, conflicts tend to be more manageable and less violent. This is once again a strong sign of the positive conflict resolution impact of the state.

Third, a number of conflict arenas that were suspected of being significant were confirmed to be, at least currently, dormant or less prominent. E.g. even though the proliferation of small arms still retains a significant conflict escalation potential, the current trend in conflicts is that of decreasing violence with firearms being less frequently used in the course of local disputes. A further potential source of serious conflict, Islamic extremism, did not appear to be a significant problem in the research area. Contrary to expectations, the opium economy seems to have had a positive effect on local conflicts as it has eased pressure on local resources and thus reduced violent competition for them. In connection with state building, however, drug trafficking did emerge as a potentially grave conflict arena in one research area. This conflict is over the control of a narrow strip of borderland where, until recently, intense drug smuggling was taking place.

Fourth, turning to conflict processing institutions, we found a diversity of institutions dealing with conflicts. These range on the local level from various traditional and 'NGO-established' *shuras* (councils) to government officials, commanders and local notables on the district level. Decisions made at the local level by various *shuras* are usually negotiated compromise solutions without any real binding power. If binding decisions are needed, local parties to a conflict usually turn to a higher instance – commanders and increasingly also to government officials. While at this level binding decisions can be made, the compromise principle still frequently dominates the verdicts thus reinforcing the local balance of power. While in the short run such conflict management can resolve conflicts, in the longer term it tends to encourage the use and abuse of relative power in conflicts as decisions are not based on law, but instead sanction the status quo. Finally, there are hardly any viable institutional venues for local complaints against abuse by the hierarchically superior, i.e. commanders or government officials abusing the rights of the subordinate and weaker local population.

In the following I first will give an outline of the main and currently most relevant conflict arenas that the study identified in the research area. Subsequently, I will present a case study using the GTZ methodology of conflict analysis as defined in the GTZ manual 'Conflict Analysis for Project Planning and Management'.[3] In the final conclusions I will offer an analysis of the conflict management and conflict resolution systems that were identified by the research in Badakhshan.

1. The Main Conflict Arenas in the Research Area

The starting point for the further analysis of the empirical results is the concept of *conflict arenas*. We understand the term conflict arenas to mean clusters of conflict that share certain common and dominant features, e.g. resource conflicts, conflicts about discrimination, etc. These conflict clusters or arenas were developed in a participatory manner in the initial training workshop and adjusted empirically during fieldwork and in the final workshop.

The empirical research has identified nine main conflict arenas in the six research locations (see Table 1). Please note that the conflict arenas are not listed according to prominence:

1. **Natural Resources:** The research identified conflicts about arable land and pastures, forest use and water (more precisely the use of the water for irrigation channels). Two factors play a role in these conflicts: the severely depleted natural resources and ecological degradation in the region on the one hand and the insufficient institutional control of resource distribution on the other. During more than twenty years of war, traditional institutions of conflict management and resource distribution have lost a lot of their power. Instead, brute force or 'the logic of the gun' have frequently overruled the decisions of these institutions.

2. **Poppy/Opium:** This conflict arena actually refers to two different sets of conflicts: (a) about opium consumption – this mostly affects Ismaili villages and frequently has a generation and a religious conflict aspect; (b) about poppy/opium production and smuggling.

3. **Border:** The conflict 'border' is comprised of two different types of conflicts: (a) One is related to all kinds of clashes between Russian border guards on the Tajik side of the border and the local Afghan population on the other. The Afghans perceive a creeping occupation of small pieces of land by the Tajik side through the redirection of the Panj River, which means it erodes more land on the Afghan side. Interestingly, research in Tajikistan has shown that the Tajik side perceives the Afghans to be the main aggressors in the border disputes. On the Afghan side again, informants reported occasional incidents in which people were shot, apparently without reason, by Russian border guards. (b) The second type of border conflict is related to drug trafficking.

4. **NGO Activity:** Assets brought by NGO projects can represent the most significant economic resources in impoverished regions.[4] It is therefore no surprise that the distribution of NGO-project assets can trigger intense conflicts within communities. Naturally, the well-off and the powerful are best positioned to appropriate these assets. In addition, in the changing environment of post-war Badakhshan, commanders appear to be in greater need of legitimising their positions. Taking undeserved credit for NGO activities is one such legitimising strategy that was observed. Additionally, commanders also tend to misuse NGO projects running in their area to reward their clients (e.g. soldiers or relatives) by manipulating the projects so as to give them jobs or additional benefits.

5. **Youth and Generation conflicts:** Though by no means the most crucial conflict type, in a number of locations the research teams observed a generational aspect to ongoing conflicts. Most notably, these conflicts can be subdivided into conflicts (a) about opium consumption (usually affecting Ismaili villages) whereby the younger generation opposes the opium habit of their parents; (b) about accepting or rejecting the traditional Ismaili authorities (*shahs*). The younger generation tends to reject the authority of the *shahs*. Once again this conflict type affects Ismaili villages. (c) In Wardooj a conflict was observed between certain *mullahs* and the changing lifestyles of some of the young people.

6. **State Building:** One of the key and most explosive conflict arenas; in the course of the peace process the Afghan Transitional Administration (ATA) slowly tries to extend its reach into the provinces and comes thereby into conflict with commanders and other local power holders who are not willing to cede power to the government or who attempt to take over or co-opt the state.

7. **Key Positions:** This conflict arena summarises struggles that are fought for positions of power in a certain region. Locally it appears as the most prominent field of conflict. In principle it can designate conflicts that are fought for state positions, i.e. who will be the next governor, *wolliswol* etc., or outside of the framework of the state, for positions of traditional authority such as the khan, the local commander, etc. On occasion it can take place between a state position and a non-state authority – in such a case it might overlap with the conflict arena of 'state building'.

8. **Discrimination:** Three manifestations of conflict were observed in this arena: (a) between Ismailis and Sunnis whereby the respective majority tended to discriminate against the respective minority. Occasionally (b) these conflicts overlapped with ethnic discrimination (e.g. Wakhan). Lastly, (c) the discrimination of women is a pervasive fact of life in Afghanistan and of course in Badakhshan, too.

9. **Religion:** Two subsets of conflicts were observed in this broader arena. (a) On the one hand, the *farman* of the Aga Khan that abolished the traditional authority of Ismaili *shahs* in the region and established new councils instead has led to significant local conflict between adherents of the new councils and the devoted followers of the traditional *shahs*. (b) On occasion, conflicts around religion could also be observed among Sunnis, e.g. between followers of Wahabi and Hanafi interpretations of Islam.

In addition to the identification of the relevant conflict arenas in the research locations, the research teams were also asked to rank the conflicts according to their local 'importance' and 'disruptiveness'. In order not to confuse this ranking with the numbering of the conflict arenas, we used capital letters (A, B and C) to indicate the status of a certain conflict arena in a given research location. 'A' therefore designates the most prominent and 'C' the least prominent conflict identified. On occasion, teams found more than three relevant conflicts. We usually made a note of these conflicts, but due to time constraints during the evaluation and lacking capacities, we did not analyse them in detail.

A further aspect of the identified conflict arenas was their multi-dimensionality. Often conflicts do not just simply belong to one conflict arena or another, but have aspects of both. A case in point is 'conflict A' in the *mantaqa* (subdistrict) of Ghuaran in which the renegade commander Karil Adbul Kariwadud keeps the villages of this area outside the reach of the Ishkashim district administration (*wolliswoli*). He needs this border strip as a drugs smuggling route to Tajikistan. Accordingly, the conflict has been classified as belonging equally to the conflict arenas 'border', 'poppy' and 'state building'. Such multi-dimensionality of a conflict has been marked in Table 1 by putting a reference in square brackets '[…]'. Other conflicts might not be fully multi-dimensional in the sense of referring equally to more than one conflict arena. They might nevertheless show aspects of other ongoing conflicts in the region or are in some way intertwined with them. Frequently higher level or more general conflicts in a *mantaqa* tended to manifest themselves also in lower level or more local conflicts. The conflict between the Shah of Painja and the commander of Wakhan also influenced a local resource conflict by these two men taking different positions with regard to the conflict and by the local factions seeking the support of either the *shah* or the commander. If conflicts showed such an interconnection, this was indicated in the table using braces '{…}'.

Given these initial remarks about conflict ranking and about the multi-dimensionality and multifaceted nature of conflicts a first few observations with regard to the empirically observed conflict structures are due. First, regionally the most severe (in terms of local importance and disruptiveness) conflict we found to be in the arena of 'key positions'. Three out of the six 'A'-rated conflicts (Wakhan, Yakh Duroo and Khoustak) and one 'B'-rated conflict (Ishkashim) are power struggles of this category. With two 'A'-ratings the second most prominent type of conflict centred around 'state building' – one in dual combination with a struggle about 'key positions' (Khoustak) and the other also a multi-dimensional conflict of 'border'/'poppy'/'state building' (Ghuaran). The other two 'A'-type conflicts relate to a 'resource conflict' (Wardooj), and a conflict about 'discrimination' (Ishkashim).

Secondly, examining the level of violence and the potential for conflict escalation help estimate the objective severity of conflicts as opposed to their local relevance as discussed in the previous paragraph. Conflicts with a history of violence or with a significant potential for escalation have been marked with a double frame in Table 1. The results are fascinating. From this perspective two clusters of conflicts emerge as most serious: 'resource conflicts' and conflicts about 'key positions' and 'state building' with the latter two arenas having the greatest escalation potential. A further and crucially important observation refers to the location of this more severe set of conflicts. They are located in areas that are controlled by uncooperative and self-seeking commanders (see Table 2).

The reasons why conflicts about 'key positions' and 'state building' appear to be locally the most prominent conflict arena and why in areas dominated by self-seeking commanders conflicts tend to be generally more severe are twofold. First, conflicts about 'key positions' and 'state building' tend to affect wider areas – an entire *mantaqa* or even a district – than the frequently localised 'resource conflicts'. Moreover, competitors locked in power struggles for 'key positions' have resources at hand and draw on a wide array of clientelist networks that have the potential to affect the lives of most people in their region. Secondly, in areas dominated by powerful self-seeking commanders, the control of these men over the use of violence exacerbates existing conflicts. In addition, in order to legitimise their positions as the main conflict brokers in their area and to gain economic or power benefits, commanders tend to get involved in a number of conflicts that are only indirectly related to their power position.[5] This way, ordinary conflicts can acquire an additional feature of power struggle, spin out of control and escalate far beyond the original weight and importance they had.

Nevertheless, in general, conflicts tend to become less violent in terms of weapons used and subsequent casualties. The last significant factional fight in Badakhshan, i.e. a battle between militant factions armed with firearms, took place in the summer of 2003 in Argo and was quelled by a police contingent from Faisabad.[6] Within the narrower research area the last such battle occurred some two years ago as the Khoustak commander Qudbuddin and the Farghamiru commander Aslam escalated a localised dispute into a battle. The weapons used in local conflicts, e.g. about natural resources, are now more typically sticks and stones and not the Kalashnikov. Though the scale of the research (six case studies) does not allow us to draw definite conclusions, the escalation of conflicts to the level of violence is probably becoming less common nowadays. Instead more peaceful ways of conflict management are gaining in importance. It seems 'the logic of the gun' is in decline.

Lastly, several of the current conflicts are in many respects still a legacy of the past period of civil war and lawlessness, in which institutionalised forms of resource allocation and conflict management were frequently put out force by the 'logic of the gun'.

Table 1

2. Case Study: Resource Conflict (Wardooj-e Bala)

The first case study is about a resource conflict that illustrates changing conflict resolution patterns and the interwoven nature of traditional-informal and governmental modes of conflict decision-making. The dispute in question broke out between two villages in the *mantaqa* of Wardooj-e Bala over the use of a forest. This conflict was identified by the research team in Wardooj as the gravest conflict in their area (i.e. 'Conflict A'-classification). Due to the somewhat complex nature of the conflict and its embeddedness in a number of other ongoing conflicts as well as the general political context of the wider region, an overview of recent historical events in the *mantaqa* is given first.

2.1 Historical Context

The Mantaqa

The villages in question, Dehqalot and Sarask, are located in the *mantaqa* of Wardooj-e Bala – a narrow valley at around 1500–2000m altitude, through the middle of which runs the Wardooj River (see). According to an AKDN survey conducted in 1998 and 2002 the *mantaqa* consists of 521 households living in 12 villages. Its population was 3,918 in 1998. This number increased, mostly as a result of return migration, to 4,506 in 2002. The population is ethnic Tajik but is comprised of both Sunni and Ismaili branches of Islam. Previously, relations between the groups appeared to be good. However, even though Sunnis and Ismailis mostly still live in mixed villages, contacts between the two groups appeared to have significantly cooled in recent years. Intermarriages, formerly common, do not take place anymore, and there are frequent allegations of unfair treatment and discrimination by one group against the other.

In spite of strong mujahedin activity in most parts of Badakhshan Province, a Soviet garrison was allegedly stationed in nearby Zebak until 1992.[7] During the Taliban period, as Badakhshan became a key supply route for the beleaguered Northern Alliance forces, Zebak and Wardooj came to play a crucial role. The Taliban repeatedly attempted to take Zebak and Wardooj by advancing northwards along the Pakistani border, thus hoping to cut off one of the few remaining roads connecting Massoud's landlocked territories in the Panjshir Valley with the outside world. It was again and again the Wardooji commander Ashur Beg who stopped these Taliban advances – the last time in 2000. Following the Taliban defeat and the establishment of Karzai's Transitional Government and apparently on instructions from the Defence Ministry, in 2002 Ashur Beg conducted a disarmament and demobilisation campaign in his area of responsibility. As a result, the Wardooj-Zebak area is now mostly free of weapons. He is left with a standing force of 15 armed men, occasionally described as bodyguards, one of the main responsibilities of whom is to guard the weapons gathered during the disarmament process. As a result of the disarmament, the security situation has doubtless improved. As a 40 year old widow from Sarask village put it: „Thankfully now the commanders are disarmed and we can breath freely".[8]

Table 2: Commanders and Violence

	Characterisation of commander subjective assessment based on qualitative data	Level of Violence
Wakhan	Self-seeking commander, local political ambitions, well-known for his brutality	Assassination attempts by commander against Shah of Panja; beatings as punishment by commander; occasional violence in local conflicts
Yakh Duroo	No commander	Little violence
Wardooj	Commander but apparently without political ambitions	Occasional violence in local conflicts; known to have beaten opium addicts
Khoustak	Ambitious commander seeking a new role for himself in the post-war context	Armed factional fights with fatalities (last battle two years ago); occasional beatings
Ishkashim	No commander	Little violence
Ghuaran	A renegade Hezb-e Islami commander who uses the area for drug-trafficking	Severe beatings by commander; no state authority established; serious possibility of armed escalation if state attempts to assert control

The Villages

In the 'forest-conflict', the village of Sarask is mixed Ismaili-Sunni, Kazdeh is mainly Ismaili, while Dehqalat is mostly Sunni. Dehqalat is the largest village consisting of 65 households with a population of 523, followed by Kazdeh, 44 households and 390 inhabitants; the smallest village of the three is Sarask with 18 households and 194 inhabitants.[9] The villages are marred by a number of conflicts with each other, with other neighbouring villages and internally.

There is still an ongoing conflict between Sarask and Dehqalat about irrigation water and a pasture, and an ongoing one between Dehqalat and Kazdeh, also about an irrigation channel. Moreover, there also appears to be a conflict about the forest between Sarask and Tirgaran and probably also Alezhgerew. The latter two villages occasionally collect firewood and cut trees in a forest claimed by Sarask to be its territory. Village internal conflicts centre on the wheat and barley harvest of the former commander of Sarask, which was burnt, allegedly by people from his own village – possibly as an act of vengeance. Further internal conflicts are over alleged discrimination against Ismailis by Sunnis and a number of land disputes sometimes also including an aspect of discrimination between the religious groups. Turning to the conflict profile of the specific conflict around forest usage, it appears to be obvious that the 'forest-conflict' has to be viewed in the context of a number of other ongoing conflicts among the villages.

2.2 Conflict Profile

The conflict under examination broke out between the villages of Sarask and Dehqalat about the use of a forest located between the two villages. The forest is mostly used to gather firewood. The conflict broke out during autumn 2002 as people from Dehqalat village went to collect wood from this forest. Upon receiving information about this incursion, people in Sarask gathered in their mosque to debate the issue. The elders decided to send out a group of young men to stop the Dehqalat people. The young men of Sarask succeeded and took the gathered firewood from the Dehqalat people. After this event a village council *(shura)* gathered at the Dehqalat mosque to discuss how to react to the attack. It was decided that people should still go to the same forest to gather wood, but that they should be accompanied by young men. The situation soon escalated and it came to a fight between the young men of two villages. Four or five people from both sides were injured in this fight.

It is not entirely clear to whom the forest actually belonged, but two facts seem to suggest that the village of Sarask was indeed its original owner/user: (1) Since Sarask is significantly smaller than Dehqalat (18–27 households vs. 65–75 households), it appears unlikely that they would have initiated violence to take over the forest. (2) Even after a government decision that gave equal access to the forest by both villages (see below), the villagers of Sarask maintained that it was actually their forest. Probably a similar

Map 1: Wardooj-e Bala with the conflict area between Sarask and Dehqalat indicated

expansion by the villagers of Dehqalat took place with regard to some pastures located close by to the forest. Following the fight at the forest, the relations between the two villages, even though they are in very close proximity, all but ceased. Insults were exchanged and no marriages took place.

First, Sarask turned to the commander of the region, Ashur Beg, who, however, refused to deal with the issue, stating that in peacetime he had no authority concerning such matters. Finally, the Sarask villagers went to the *wolliswol* of the district who decided that both villages, both Sarask and Dehqalat, should use the pasture and the forest jointly. Even though the people of Sarask were not happy, they abided by the decision. Technically the conflict stopped, but relations continued to be bad, with Sarask villagers still emphasising that the forest and the pasture were in fact theirs. In the end, elders of the village of Kazdeh invited the elders of Sarask and Dehqalat to their mosque for a meeting (a *shura)* to mediate in the still simmering conflict. The joint *shura* of elders came to the conclusion that it was better to solve the conflict conclusively. In the end, while the people Sarask still maintained that they did not agree with the decision of the *wolliswol*, they nevertheless accepted that there was no more conflict between the two villages. With this, a certain degree of reconciliation has also taken place, probably providing a more lasting depth to the resolution of the conflict.[10]

Geographical and Chronological Summary

Geographically, the conflict centred on a forest and a pasture located on the mountains above the villages of Sarask and Dehqalat (see Map). The mosques of the two villages in conflict as well as the Kazdeh mosque, as important locations of decision-making, negotiations and mediation also play an important role in the conflict. The seat of the *wolliswol* (the district governor) is the last key location of the conflict in question.

The conflict broke out in the autumn of 2002. The two villages in dispute experienced a breakdown of relationships for most of 2003. The *wolliswol* decision was made in summer 2003 and the final reconciliation took place in autumn 2003 during the AKDN/GTZ field research. Currently the conflict is in a phase of resolution and reconciliation.

2.3 Stakeholder/Strategic Group Analysis

A number of strategic groups/main actors of the 'forest-pasture' conflict can be identified. On the level of primary stakeholders one can identify the two directly involved villages, Dehqalat and Sarask. Within these villages a further differentiation according to age groups appears to be necessary. On the one hand, it was the young men of both villages that carried out the fighting. In fact, the unemployed and frustrated young men of the two villages might have even played a significant role in the escalation of the conflict.[11] On the other hand, it was the elders who

gave the initial orders to fight and it was in the end also the elders who negotiated a resolution to the conflict.

On the level of secondary stakeholders the most notable was the village of Kazdeh. The village is connected to the two other villages through their geographic proximity and through a conflict over an irrigation channel. The village of Kazdeh is the first in line along an irrigation channel and in the critical agricultural seasons frequently refuses to let water pass through to Dehqalat and subsequently to Sarask. These conflicts are currently being managed through negotiations by *shuras*.

As the main external stakeholder the *wolliswol* of the region also needs to be mentioned, as it successfully arbitraged the conflict. In a wider sense of course also AKDN and GTZ belong to this category as the villages in dispute belong to their programme areas. None of these organisations are involved directly in the conflict. However, by way of their engagement in the area, they have clear interests in the peaceful and constructive management of conflicts.[12] The mere existence of the present report is an obvious indication of the strong commitment of GTZ and AKDN to conflict transformation.

Textbox 1: Stakeholder Analysis

For the purposes of conflict analysis, the term stakeholders is taken to mean all those groups which share a common interest in the conflict or which are affected by the conflict in a similar way. These groups are also the most important actors in a peace process – even if at the time in question they are not interested in a peaceful resolution to the conflict. Stakeholder analysis is intended to help understand conflict-ridden relationships and alliances between the stakeholders, as well as the central conflict issues. The aim is to find starting points and partners for peace-building measures. Stakeholders can be divided into three categories in conflicts:

a) Primary stakeholders are the parties engaged in the conflict and their active (political or armed, for example) associations or units. Also, the groups that are particularly significant from the development-policy standpoint are those whose lives are directly affected by the conflict.

b) Secondary stakeholders play the part of intermediaries and have various means of influencing the course of the conflict.

c) External stakeholders are not involved directly in the conflict but do have certain interests (for example the central government, donor governments, multinational companies, neighbouring states).

Source: GTZ, August 2001. Conflict Analysis for Project Planning and Management. P. 18–19.

2.4 Conflict Processing Institutions

There are significant changes taking place recently in Wardooj and in the entire research area in general concerning conflict processing institutions. The probably most important conflict processing institution of the anarchic war period were local and regional commanders with various forms of local *shuras* or councils also playing an important role (see also Textbox 1). Now there appears to be a shift away from these commanders towards state institutions, most prominently to the *wolliswol* (district governor). It is not entirely clear, but nevertheless quite probable, that local *shuras* now also play a greater role in resolving local disputes. The reason might be that local commanders had an interest in monopolising conflict resolution, since they regularly took a fee for their judgements from the parties to a conflict that turned to them. Now with the gradually weakening grip of commanders in most areas on the local population, people are freer to chose those conflict resolution mechanisms that they deem most efficient in dealing with their conflicts.

Formal State Institutions

Of the institutions that have processed the conflict, the most important formal institution and the one that finally resolved the 'forest-pasture' conflict is the government institution of the *wolliswol*. Although we do not have information on the precise decision making process of the *wolliswol*, it appears to have been a simple rule of thumb (both villages should use the pasture and the forest) without serious investigation of past ownership and usage patterns. Probably, the decision even took into consideration the local power constellations, i.e. that in numerical terms Dehqalat was approximately three times stronger than Sarask. In spite of the success of the *wolliswol* with his conclusive ruling, people in Wardooj (and elsewhere in the research area) generally expressed strong reservations about turning to either commanders or to government institutions in cases of conflict, because these authorities were said to impose heavy fines on all parties and only then make a decision about the issue of dispute.

Formal Non-State Institutions

The most important formal non-state institution in the conflict, the 'NGO-*shuras*', have played no significant role in either escalating or managing the conflict. Formal institution is understood in the sense of having a written constitution respectively rules of procedures and being less grounded in tradition or habit. NGO *shuras*, often also called agricultural *shuras*, have been established by NGOs and IOs to serve as points of contact when dealing with

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Textbox 2: Shuras

Until recently, a confusing array of *shuras* existed in the research area: traditional *shuras*, *shuras* established by NGOs and most recently, secretly elected *shuras* established in the course of the National Solidarity Program (NSP).

Traditional *shuras*, as characterised by an ICG report (Peacebuilding in Afghanistan, September 2003) appear be ad hoc in their composition and strongly dominated by the locally powerful. As part of the their community mobilisation efforts several NGOs, including AKDN, have also motivated the establishment of new *shuras*. These were somewhat more independent of local power structures and thus more in the service of the people than the previous ad hoc *shuras*.

Finally, with the inception of the National Solidarity Program, a new set of *shuras* is now being established. The NSP is a programme of the World Bank in co-operation with the ATA, in which the GTZ is also a partner. It is being implemented by NGOs, in Badakhshan by AKDN. Secretly elected village *shuras* (Village Development Councils) will have the responsibility to plan and allocate village development funds provided by the World Bank. Recently AKDN has made these *shuras* the main focal point when approaching villages thus absorbing all other 'NGO *shuras*' in it.

In general, as instruments of conflict management, *shuras* have to be evaluated positively. The more democratic and transparent they are, the more independent they also seem to be from local power structures and the influence of commanders and thus the more efficiently can they represent their community's interests. They are of course not free from attempts at external influence. However, even in Khoustak, a *mantaqa* that is still quite firmly under the control of a relatively independent commander, the research teams suggested that while the commander might be able to misuse some of the funds allocated to *shuras*, he can not misuse it all. With the stricter procedures of the recently elected NSP *shuras* such misappropriation might become even more difficult. Previously, the Khoustak commander has suspended several of AKDN's 'NGO *shuras*' if their membership did not seem to be sufficiently loyal to him. It is questionable, however, whether he will also be able to thwart the NSP elections. Thus in the long term, the new NSP *shuras* could prove to be a powerful tool against commanders and against the abuse of other non-legal power structures or claims against communities in all but the most lawless areas.

local communities (e.g. as help for beneficiary selection, etc.). In addition to their function as contact points they were usually also entrusted with conflict resolutionary tasks. It is thus stunning that the local NGO *shura* did not play any meaningful role in resolving the 'forest conflict'. There might be several reasons for this. Firstly, the NGO *shura*, composed of some five semi-democratically elected members[13] might simply not have the authority to decide on a case of 'war' or peace against a neighbouring village. This was done by a 'general assembly' of the male members of the villages. Secondly, since once the conflict had turned violent, relatively deprived young men of the villages became major stakeholders in it and thus had to be reigned in. Once again, it seems that the authority of the NGO did not suffice to control young the young men. Instead it was the elders, the 'white beards' *(oqsaqol),* who could achieve this. Partly because social control as generational control is still mostly functioning in the Badakhshan research area;[14] the prominent role of the elders in attaining reconciliation, however, also appears to be connected to role expectations: It is simply more appropriate for elders to forgive and support reconciliation than for young men.

Lastly, there appears to be a large variance throughout the AKDN project area, with regard to the effectiveness of the NGO established agricultural *shuras* depending on the motivation, legitimacy and the capabilities of their members.

Informal Institutions

Two informal institutions, in the sense of traditional non-state institutions, exist on the local level with the capacity to manage and resolve conflicts: traditional *shuras* (councils) and the insititution of the local commander. The informal institution of the traditional *shura*, once as a general assembly, once as a meeting of the elders, played a prominent role both in escalating and resolving the conflict. Interestingly, it was not the 'NGO *shuras*' who decided about the initial violence in the conflict, but a general gathering at the mosque. It is equally interesting that in the end once again it was not the NGO *shuras*, but the elders that participated in the final reconciliation. As has been mentioned, the reason might be that they were the only source of authority that could definitely reign in the group of young men who seemed to have developed their own stake in the conflict. The fact that the government officials, most notably the *wolliswol*, tend to impose fines on or at least demand heavy fees from those seeking their decisions in conflicts, has had an unintended effect: It seems to strengthen local, semi-formal institutions in negotiating solutions to local conflicts. The ongoing irrigation-water debate between Sarask, Dehqalat and Kazdeh is now being negotiated by such institutions: „Thankfully now this conflict [i.e. the water conflict] is being managed by negotiations between Arbobs, the commanders[15] and *Shuras* and there is no record of violence in recent years.“[16] While this is very positive, these local institutions do not seem to have the capacity to bring about *binding* decisions, partly because their authority is

limited to one village (with the new NSP *shuras* this might partially change) and partly because they simply lack the authority and the enforcement capacity to make such decisions binding.

While traditional *shuras* did play an important role in the development of the conflict, the other informal local institution, the local commander, did not play any significant role. The wartime local commanders have been disarmed and lost most of their power, while the still powerful regional commander, Ashur Beg, refused to deal with the problem and referred it instead to the *wolliswol.*

Networks

Three networks seem to have played a role in this conflict: the network of young men that escalated the conflict, the network of elders who, from the the village of Kazdeh, brought together the elders of the other villages in conflict, Sarask and Dehqalat. In a wider sense, of course, also the three villages themselves can be considered as networks.[17] Beginning with the villages, they can be considered as dense and highly cohesive network clusters (many connections within the network of the village), but with only relatively fewer and weaker linkages (bridges) between the networks of the different villages. The density of network links within the villages can be explained through the proximity of habitation, frequenting the same mosque on Fridays and festivities, kinship ties, common ownership and usage titles (e.g. to forests or pastures) and strong common identity. The weaker linkages (bridges) between the villages are constructed through kinship (marriages)[18], occasionally friendships, religious ties or common belonging to a social or socio-economic group, etc.

The high density of the network within the villages can partly explain the functioning of social control and why the villages frequently appear as collective social actors within Badakhshan. Even though various different levels of regional identities could be observed in the programme area, i.e. household, village, *mantaqa*, district (*wolliswoli*) and province, the household and the village were those most frequently encountered as still discernible collective actors. Collective action on the *mantaqa* or even district level seems to be very rare.

This is the setting, within which the two other networks, those of young men and those of the elders, were functioning. The high density within the networks of young men – with probably low connectedness beyond their respective villages – helps partially explain the escalation of violence: within dense social networks social sanctions are particularly effective. Members that deviate from network internal norms can be swiftly and comprehensively punished – through shaming and exclusion from reciprocal exchange. In fact, dense social networks with the capability of delivering severe social sanctions are one of the key precondititions of collective violence.

Contrary to the dense network of the young, the network of 'conciliation' of the elders had to rely on weaker ties.

These were, however, ones that bridged the gaps between the internally dense, but externally not communicating networks between the two hostile villages. They contacted those prominent elders of the two villages in conflict whom they knew. Lastly, the dense networks within the villages enabled the elders to control and reign in the violent young men. This leads to the last aspect of conflict processing institutions: social control.

Social Control

Functioning social control, especially in connection with dense network structures, appears to have played an important role first in the escalation of the conflict to violence (in fact informally organised violence must frequently rely on social control to mobilise fighters) and later in its control through the elders. As has been mentioned in the section on youth, the social control of elders over the younger is still mostly intact in Badakhshan. However, this control seems to be mostly restricted to within the village. It is also a sign of functioning social control that for violence to be initiated (in the case of Sarask in defense of their forest, in the case of Dehqalat in defense of those collecting wood in the forest) this was decided on the general assembly of the villages at the mosque.

It has to be emphasised that strong and functioning social control is mostly related to the village. One can speculate that there might be some forms of social control functioning within networks bridging the dense networks between the villages, e.g. among the elders who know each other or between networks of kin not belonging to the same village. This social control, however, does not seem to be particularly strong. Though strictly speaking not relevant to the current topic commanders appear to have been acting rather independent of the traditional social control of their villages. The loss of power of several of the commanders

in the Wardooj area (through the disarmament conducted by Ashur Beg) and the apparently voluntary partial withdrawal of Ashur Beg from everyday politics makes this group of actors currently less relevant.

2.5 Analysis of the Sources of Conflict

Economic and Ecological Factors

A number of separate causes have to be distinguished with regard to the conflict. One set relates to the resource side of the conflict. The Wardooj Valley, as several other parts of the country, is characterised by severe environmental degradation. Quoting a 2001 Strategic Monitoring Unit (SMU)[19] report on Badakhshan: „The reduction in tree cover has resulted in the search for fuelwood becoming a major undertaking and villagers reported spending an extraordinary amount of time in this activity.“[20] The drought and general environmental degradation have also put additional pressure on pastures, which now tend to be overgrazed and so more reduced in quality. In addition to the increasing environmental problems, the return of refugees has put further strain on local resources. Obviously, survival is therefore difficult in the region. For example, an interviewee from Kazdeh reported a large number of men having agricultural or some other occupation for only 3–4 months a year.[21]

Security Factors

The second set of conflict causes explains (1) why the dispute turned violent, and (2) also sheds light on the only (limited) violent course that the conflict took. This set of causes relates first and foremost to the lack of a physically and legally secure environment. There is no firm monopoly of violence of the state. In such a vacuum, Dehqalat, the numerically strongest of the cluster of villages in the dispute, appears to be slowly encroaching on the resources
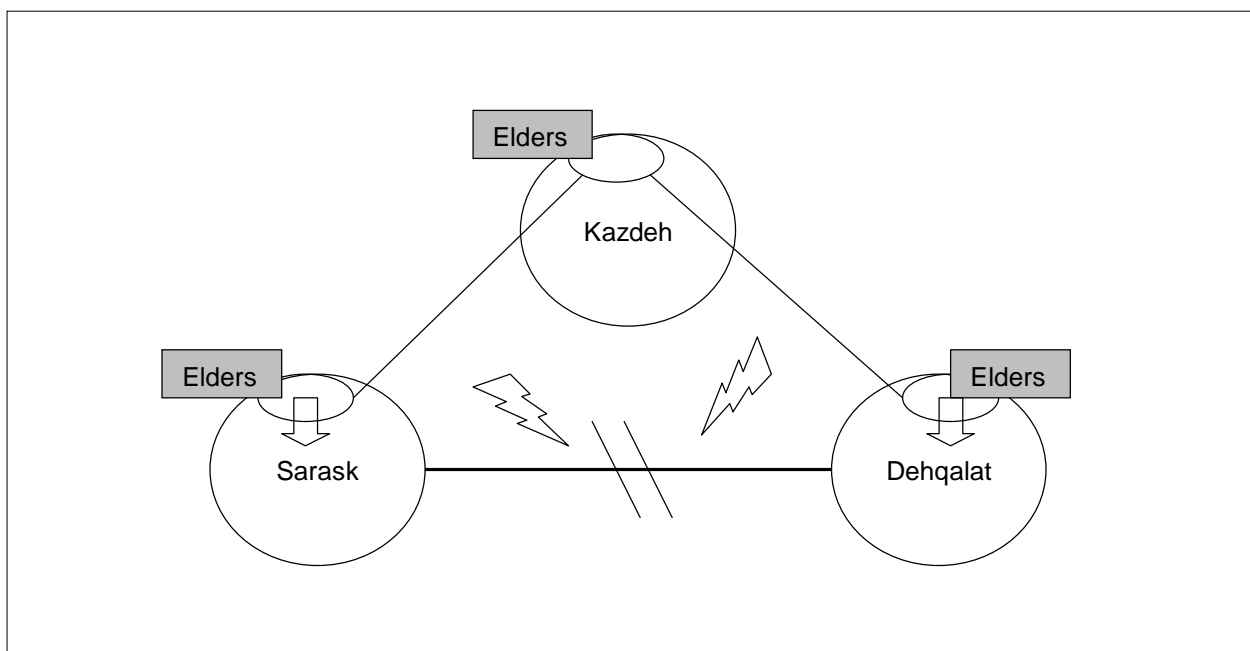
of its weaker neighbours. Kazdeh, only about 25 % smaller then Dehqalat, seems to be in a better position to resist these encroachments than the much weaker Sarask (about 60 % fewer inhabitants than in Dehqalat). There are, however, also positive aspects to be emphasised. The disarmament of the local commanders must have contributed significantly to the relatively controlled degree of violence experienced in the conflict (only sticks and stones were used in the fighting, and no firearms). In conclusion, the picture that offers itself for the Wardooj Valley is that of an area where self-help through violence is still possible and feasible. Due to the disarmament of the area by its supreme commander Ashur Beg, limits have been set to the violent escalation of such conflicts. The fact that with disarmament the commanders of the villages have lost most of their power, contributes probably also to the only reduced level of violence.

Legal and Institutional Factors

The general lack of a firm legal institutional structure can be considered to be a major cause of the Wardooj forest conflict in particular and of several other conflicts in the region in general. The lack of a firm monopoly of force by the state motivates non-state actors to use violence to achieve their aims. Similarly the lack of adequate legal institutional remedies might force people or groups (families, villages, etc.) to seek solutions to their disputes through violent self-help and not through institutional avenues. Finally, the lack of a clear institutional structure to deal with disputes that arise and the related lack of clear and coherent legal regulations might also encourage a predatory manipulation by individuals or groups: if there are no clear rules „anything goes".

The regulatory vacuum and/or incoherent set of regulations in Afghanistan is particularly pronounced with regard to land rights. As the very thoroughly researched paper of AREU on land rights rightly points out:

„At this point in time, multiple claims, each with its own historical legitimacy, may exist over the same land. The law, and the documents or testimony it generates, is plural, complex, uncertain, incomplete and currently unenforceable."[22]

Given the wide-ranging lack of regulation with regard to land tenure, rural areas that are currently still managing their issues in the relative absence of the state, frequently revert back to customary law. This is considered by the AREU report to be a practical intermediate solution:

„With instability and coercion by warlords over the last decade, land rights management and dispute resolution has lost credibility in many areas. Most rural Afghans regulate their land ownership relations customarily, without using officials or courts. Customary sector management offers a strong foundation, but is rife with practices that favour wealthier elites, men and dominant ethnic groups."[23]

A further major problem in connection with customary law is that it seems open to challenge by force. Thus while it appears to be rather clear that under customary conditions a common, village based ownership of pasture or forest does exist,[24] this is frequently being challenged by force by stronger neighbouring villages or coalitions of villages. In other words, even customary rules of ownership require enforcement – preferably from the state. Non-state formal or informal institutions could partly fill this gap, providing judicial and executive services for land disputes. There are, however, few such institutions available in the research and programme area: the *shah* in Ismaili areas, the local commander or the *arbob* or *khan* – all these institutions have lost a lot of their traditional power. Moreover, from a perspective of development and respect for human rights and democratic values it does not seem recommendable to revive these institutions. In conclusion, for most practical purposes there is no other viable institution to adjudicate above the village level than the state.

Thus, the existence of a higher legal instance in the person of the *wolliswol*, who has the capacity to make binding decisions above the village level, has to be evaluated positively from the perspective of conflict management. This capacity offers parties to a dispute an alternative to the escalation of violence. The impression that the decision was not based on a thorough investigation of the legal claims together with the fact that regularly high fines or fees by *wolliswols* were imposed does, however, make villagers less likely to turn to the government for help in conflict situations. The crucial conclusions of this section have to be emphasised once again: It appears that within the villages customary law based decisions can be made by some formal, but mostly by informal, traditional institutions *(shura* of the elders, general assembly of the village). In disputes between the villages such law based decisions are much less likely. Instead disputes are negotiated with the aim of reaching compromise solutions. Compromise solutions, however, can have a tendency to encourage the predatory use of violence or other irregulated means of acquiring wealth and thus to promote conflict. In this sense lack of firm and efficient law based regulation of disputes between villages has to be understood as a main facilitating cause of conflict cause of conflicts.

Factors that Perpetuated the Conflict

A significant factor contributing to the escalation and later to the perpetuation of the conflict were the groups of relatively disadvantaged young men in the two villages who discovered a stake for themselves in the conflict. This is no peculiarity to Afghanistan or Badakhshan; the engagement particularly of young men in organised violence has been repeatedly observed in conflict areas.

2.6 Dynamics/Scenarios

A possible positive scenario is conditioned on two factors: Firstly, on further increasing state capacities in the region that can provide physical and legal security and effectively bring existing disputes to a close. The second factor relates

to finding a solution to the environmental and livelihood problems the people in the area face. NGOs can play a significant role here. In cases where the two preconditions of a positive scenario are fulfilled, more regulated conduct of conflicts as well as fewer resource conflicts in general are likely to occur in the area.

Negative scenarios are subject to the two conditions of increasing state capacities and solutions to environmental and livelihood problems not being fulfilled. In this case, a further increasing reliance upon the poppy as the main commercial crop as well as continuing, probably increasing, violence in the acting out of resource conflicts can be expected.

3. Conflict Management/ Conflict Resolution Systems

For identifying ways of how GTZ/AKDN project activity could contribute to stabilisation and strengthening peace potentials, this must build on existing conflict management techniques and institutions. Dealing with conflicts in the region is on the one hand characterised by unilateral action in carrying out a conflict and by avoidance and acquiescence, but also by various forms of conflict management including negotiations, mediation, reference to a third party for arbitrage or a binding ruling. In general, traditional conflict management and conflict resolution patterns appear to be remarkably sophisticated and, given the quasi-stateless context of the area, very efficient.

Social Values and Conflict Culture

As a general remark with regard to social values surrounding conflict culture, the high value of forgiveness, e.g. in cases of murder, has to be positively emphasised. Moreover, there is no strongly developed weapons culture.[25] Both these features contrast sharply with cultural traits from other parts of Afghanistan like the Pashtun tribal belt. On the more negative side, honour values do frequently call for violent retribution, e.g. where the integrity of the women of a family is perceived to have been be violated. Even within the province and the narrower research area, differences can identify social structural characteristics that nurture violence, apart from cultural dispositions towards violence. In this vein, the Ismaili areas of Yakh Duroo and Wakhan appear more peaceful than Jurm or other central Badakhshani areas. In fact, during the research we frequently noted the following self-description of Ismailis: „We don't wash blood with blood like others in Afghanistan [presumably Sunnis or Shiites].“[26] While there might be some truth in the saying, the teams nevertheless also noted fights and killings among Ismailis.[27] Therefore, this saying might partly express the lower, discriminated against and thus relatively powerless position of Ismailis in disputes with non-Ismaili neighbours.

Institutions of Conflict Resolution

Given this cultural embedding of violence and conflict, the main conflict resolution institutions appear to be *shuras* and commanders on the local level with the emphasis currently shifting towards the *shuras* – more precisely those recently established by NGOs or, even more recently, by the National Solidarity Programme (NSP). Other local institutions might be the elders of a community[28], a more traditional form of *shura* that is open to all men of a community (frequently meeting in the local mosque, etc.). In principle, local notables, such as the *arbob* or *khan,* might also serve as a local conflict resolution institution. Moreover, in Ismaili areas the traditional religious leader, the *shah*, also served as an institution of conflict resolution, though usually of a higher order than the local *shura*. Currently, as in many other aspects of life, they seem to be losing influence. Local *shuras* are routinely dealing with a number of distribution issues connected with agricultural and other economic and social activities and can on occasion mediate and negotiate in more complex and more consequential problems, such as land disputes between families or villages, etc.

Basically there appears to be a strong preference for disputes within a village and between villages to be solved by *shuras*. The reason for this is the fees or bribes government officials or commanders impose upon the disputants:

65-year old man, Sarask village, Wardooj-e Bala:

„The people are less [frequently] referring to the district government to solve their conflicts because the governor mostly imposes big fines on both sides.“[29]

55-year old man, Fitoor village, Wakhan:

„If a conflict happens in our village, at first we try to solve it by our selves, if we could not do it we go to the government or the commander. We bribe the commander with two to three livestock and then he solves our problem.“[30]

It seems that these fees can become an important source of income for commanders or district government officials, like *wolliswols*. In addition, to whom people turn to for legal rulings might also be understood by commanders and government officials as a symbol of authority and sovereignty over a certain territory. For these two reasons, i.e. fees as income and sovereignty, some commanders invest significant energies in forcing or compelling people to turn to them with their disputes:

E.g. a man of unspecified age from Ughan village, Khoustak:

„If we refer [our conflicts] to the Jurm government, the commander here [i.e. Qudbuddin] imposes big fines on us.“[31]

In some cases our teams even suspected a vested interest of commanders in keeping conflicts alive or even in escalating them.

Local *shuras* appear to be the first option for solving conflicts that have reached a level where fighting the conflict out or avoiding it altogether no longer seem

appropriate to the communities involved. If the *shuras* fail to find a solution, as already mentioned, they refer the issue higher – unilaterally or in agreement with the other party to the conflict. As mentioned above, this higher level is increasingly often no longer the commander but a government official and it usually only takes place if the costs of keeping the conflict local become unacceptable for the communities, i.e. this is something like a „state on demand".[32]

The system of local level *shuras* and its higher instance, the arbitrage of commanders or *wolliswols*, function with a degree of efficiency in local level disputes where the given higher authority is not a priori involved. In cases such as the Khoustak 'discrimination' conflict or the 'Khandud clinic construction dispute', there is no real institutional avenue and solution open to the wronged local parties as the main authorities of the *mantaqa*, the commanders and/or the *wolliswol* were involved in the alleged incident. Rarely, people or villages are known to complain to higher levels of a hierarchy, i.e. to a superior commander, such as Sardar Khan, or to the Provincial Governor. However, we are only aware of one case in which a trader, whom Wakhan commander Jan Mohammad intended to tax, directly threatened the commander that he would complain to the provincial Governor. As a result of the threat, Jan Mohammad allegedly dropped his request.[33] With regard to NGO projects, complaining to the NGOs themselves should, in principle, be an available institutional venue to process grievances. With state building, new institutional mechanisms are also slowly becoming available to people to state their cases. One such institution is the Independent Human Rights Commission that also has an office in Faisabad.[34] Though no complaints are known of in our narrow research area, some communities are known to have complained to the commission about human rights abuses by commanders or alleged unfair treatment by authorities or international organisations and NGOs.[35] Unfortunately, so far only very few cases have been solved by the commission.

Principles of Conflict Resolution Decision-Making

On the local level, conflict resolution between *shuras* appears to be based on compromise, rather than on any firm legal[36] principle. Apart from negotiation based compromise, *shuras* only seem to have binding decision-making power within their own villages. Possibly such an instance is recounted in the Wardooj-e Bala case study (see Section 2) when the elders of the affected villages decided to settle the conflict and to reconcile the villages in conflict. Their authority might have been necessary to keep the young people of the villages from continuing the fight. A similar case of binding decision-making power of shuras was noted in Valij, Yakh Duroo *mantaqa*, when, due to the large number of addicts in the village, the village *shura* decided to ban the sale of opium.[37] It is social control that enables decisions to be binding on the local level. In conclusion,

the observed conflict resolution systems in Badakhshan are quite efficient in dealing with conflicts **within** villages, but suffer of a definiciency when dealing with conflicts **between** villages. Here they can only negotiate solutions usually leading to compromises. Rule and (traditional/ customary law) based decisions are thus very unlikely in conflicts between villages. Unfortunately, however, compromise based systems tend to encourage the breaking of rules (e.g. by violent means) because rules are not the basis of solutions but power and connections. Thus above this village-internal level, the available formalised (NGO and NSP *shuras*) and traditional institutions relying on social control to function are insufficient to effectively manage conflict. Effective conflict management would require enforcement. This service at the moment can only be provided by the state or by commanders.

Above the level of local conflict management institutions, commanders and government officials are in principle capable of delivering binding verdicts. Usually, they claim to follow sharia laws or customary local law respectively. In practical terms, several of their decisions seem to amount to nothing more than compromise solutions based on the balance of power of the parties to the conflict. An example is the Wardooj-e Bala case study in which the forest in question was simply allocated to both villages. Another mixed case, in which a higher level authority, in this case the local *khan,* made a decision together with the *shura* is briefly recounted by an interview:

55-year-old man, Dogor Gunt village, Wakhan:

„Two people fought with each other for a garden, the community *Shura* could not solve this problem, they referred it to Hakim Bik. Together with Hakim Bik the *Shura* solved the conflict by giving the trees to one person and the land of the garden to another."[38]

It was probably the more binding authoritative word of Hakim Bik that made his participation necessary for the ruling to stick. Moreover, as has been hinted at already, these higher authorities, i.e. *wolliswols*, commanders and traditional notables, are often corrupt:

25-year old women, Ilue village, Khoustak:

„Sometimes conflicts happen around the paying back of the debts. We usually refer such cases to the commander for a solution. [But then it also happens that] the money lender bribes the commander with some money and the money borrower will lose some of his assets and has to pay back his debts [because he is forced by the commander]."[39]

In conclusion, despite the fact that the decisions made at the superior instance of conflict management are often flawed and are based on mere compromises, and that these decisions are often influenced by bribes, their binding character can, at least temporarily, halt conflicts and thus fulfil an important social regulatory function. Though government decision-making currently also appears to be only a suboptimal solution to local conflicts, it seems to be nevertheless superior to the 'justice' of commanders.

One last comment is necessary with regard to the pervasive use of 'compromise' as a principle of conflict management. While frequently compromises can offer positive solutions to conflicts, in some types of disputes this principle of conflict management also seems to include a serious downside. This downside becomes relevant in conflicts that break out not because of some ambiguity of rules, e.g. of property or usage rights of land or water, but because one party breaks the existing rules and encroaches on the rights of the other. In the case studies two such examples were recounted. Neither the 'Khoustak discrimination' nor the 'Wardooj resource conflict' appear to be 'mere misunderstandings' about property and usage rights. Instead, stronger villages[40] and coalitions were systematically impinging upon the rights of weaker villages. The aggressors in Wardooj enjoyed a roughly 3:1, in Khoustak even a 5:1 numerical superiority over the people whose property and usage rights they were violating. To illustrate the intricate link between disputes and the real balance of power:

42-year old man, Urgund village, Wakhan:

„We had a conflict with Dogor Gunt village over a forest. Before the forest used to be ours but we became weak and the Dogor Gunt villagers captured the forest."[41]

Compromise solutions to such conflicts, i.e. acquiescing in the takeover of land by one side or giving equal rights to forest usage where previously none existed, simply confirm the aggression and reward the aggressor instead of reinstating the *status quo ante*. In the long run it thus encourages the use of violence in achieving economic, political, etc. goals rather than its elimination. The opposite is, however, also possible: the full adherence to legal procedures and the delivery of a more impartial justice. As an example the *wolliswol* of Jurm recounted, how he followed a full legal sharia procedure through in a murder case Khoustak.[42]

In summary, the prospects for Badakhshan province are not discouraging. After more than twenty years of civil war, the province is still far away from a situation that could be characterised as 'rule of law' or any higher degree of legal or physical security. Nevertheless, conflict intensity and the level of violence in conflicts appears to be decreasing. Parallel to these developments modes of conflict management and resolution are also changing. Even though the conflict resolution and management systems are still characterised by significant legal pluralism, peaceful, local conflict management systems (traditional *shuras*, 'NGO-*shuras*') appear to be gaining in importance. Similarly, legal conflict management systems offered by the state also seem to gain in significance. Both developments correspond to a decrease in power and political authority of the war-time custodians of political and legal rule: the local commanders. This is a very positive development, as, despite their significant shortcomings, both the local, informal conflict management institutions *(shuras)* as well as the rudimentary legal services offered by the state appear to be more impartial and more in the service of long-term stability than the justice offered by commanders and warlords.

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[1] The Do No Harm principle as developed by Mary B. Anderson has become part of the current development dogma (See Anderson, Mary B. (1999) Do No Harm. How Aid Can Support Peace – or War. Boulder/London.

[2] 'Commander' (in Dari: *khomandon*) is the generic term in Afghanistan for self-styled military leaders. The meaning is occasionally used in the sense the Western Press uses the term 'Warlord', referring to major politico-military leaders like Abdurrashid Dostum from the northern Afghan provinces around Mazar-i Sharif or Ismail Khan from Herat. At the same time, the term 'commander' also refers to small, sometimes subordinate, frequently semi-independent militia leaders of the Afghan provinces.

[3] Manuela Leonhardt (2001). Conflict Analysis for Project Planning and Management. GTZ: Eschborn, http://www.gtz.de/crisisprevention/download/conflictanalysis.pdf.

[4] See also Anderson, Mary B. (1999), ibid.

[5] Commanders tend to take fees for mediating or arbitrating in conflicts. Being the responsible judge for conflicts in an area also symbolically confirms the power of a certain commander and is accordingly expected by them. E.g. the commander of Khoustak reportedly dissuaded people from going to the district capital Jurm. Moreover, commanders frequently use local conflicts as opportunities to attack rivals. In a recent report, ICG has also emphasised the manipulation of local conflicts by commanders (The International Crisis Group (ICG) 2003. Peacebuilding in Afghanistan).

[6] In fact, according to a recent news item, a very similar battle broke out again in Argo claiming some 20 lives (RFE/RL News Summary Southwestern Asia & The Middle East, 9 February 2004. 20 Die in Clashes Between Warlords in Northern Afghanistan).

[7] SMU Area Reports. Badakhshan. May 2001, p. 3.

[8] Fahima, Sarask village, 7 October 2003.

[9] During the research in September/October 2003 the Wardooj Team counted 27 households for Sarask and 85 households for Dehqalat. Since they did not conduct a formal household survey, these figures are not listed in the main body of the text.

[10] Recent research increasingly suggests that reconciliation and forgiveness (not necessarily in the religious sense of the word) are integral parts of lasting conflict resolution (e.g. Lederach, John Paul (1997) Building peace. Sustainable reconciliation in divided societies. Washington D.C.; Long, Wiliam J. and Brecke, Peter (2002) War and Reconciliation: Reason and Emotion in Conflict Resolution. Cambridge.

[11] Marc Theuss, MER Unit: Field Report. 19 October 2003.

[12] See definition of 'stakeholdership' (textbox).

[13] Usually a Head of the *Shura* and his deputy *(Rais-e Shura)*, a treasurer and two additional members.

[14] This is in stark contrast to some parts of Kyrgyzstan as the conflict research there showed.

[15] Both commanders are now disarmed and have lost most of their power.

[16] Kazim, Sarask village, 14 October 2003.

[17] Under the term network we understand a structure of regular interaction between a larger number of individuals or collective actors.

[18] In fact, arranging marriages between formerly hostile families is a frequent tool of conflict resolution throughout Afghanistan (e.g. ICG September 2003, Peacebuilding in Afghanistan).

[19] The SMU is the predecessor of the Afghanistan Research and Evaluation Unit (AREU), an independent research organisation that conducts and facilitates action-oriented research and learning that informs and influences policy and practice.

[20] SMU. Badakhshan, SMU Area Reports, May 2001, p. ii.

[21] „Most of the men have work only for 3 to 4 months a year; after that they don't have anything to do", Fahima, Kazdeh village, Wardooj-e Bala, 6 October 2003.

[22] Wily, Liz Alden (2003) Land Rights in Crisis: Restoring Tenure Security in Afghanistan. Issue Paper Series. Afghanistan Research and Evaluation Unit: Kabul and Islamabad, p.1.

[23] Ibid. p.3.

[24] To quote another example, a the village of Pular in Khoustak entered an agreement with a nearby village in Wardooj valley to use the forest in Wardooj for collecting wood. In exchange the Wardoojis can use the pasture of Pular (Romin Fararoon, 28 March 2004).

[25] At least nothing compared to what is reported from the Pashtun tribal belt (e.g. Bernt Glatzer, 'Schwert und Verantwortung: Paschtunische Männlichkeitsideale' and Erwin Orywal, 'Die Ehre der Gewalt: Recht und Rache in Belutschistan.' In: Erwin Orywal, Arparna Rao and Michael Bollig, eds. (1996) Krieg und Kampf – Die Gewalt in unseren Köpfen. Berlin. Also most of our interview partners commented very positively on a possible future disarmament conducted by the government: *Question*: What do you think about disarmament, is there any one in the village who has a gun? *Answer*: It will be very good if the government collects the weapons. (Interview by Mahboob Shah, rich man of unknown age, Shafchan Village, Khoustak, 8 October 2003.)

[26] E.g. Khandud, Wakhan, 27 September 2003.

[27] E.g. interview by Nawrooz, Eshmorgh village, Wakhan, 14 October 2003.

[28] See e.g. the Wardooj-e Bala case study.

[29] Interview by Alim Bik, 14 October 2003.

[30] Interview by Kako, 21 October 2003.

[31] Interview by Mahbub, 8 October 2003.

[32] Quoting Jan Koehler.

[33] Debriefing with Wakhan research team, close to Qazideh village, Wakhan, 21 October 2003.

[34] Unfortunately, and in spite of repeated requests, they were unavailable for a meeting with the conflict research team.

[35] Interview with Independent Human Rights Commission, Kabul, 8 December 2003.

[36] The term 'legal' should not exclusively be understood in the sense of state law, but also of customary law.

[37] Valij, 8 October 2003.

[38] Interview by Nawrooz, 19 October 2003.

[39] Interview by Shakila, 12 October 2003.

[40] It must be emphasised that it is the village that appears to be the principle unit of collective action – not networks, family, clan, tribe and the like.

[41] Interview by Nawrooz, 17 October 2003.

[42] This case is also remarkable because it was the first such case from Khoustak that was forwarded to the Jurm *wolliswol* and not to the local commander (interview, Baharak, 24 October 2003).

SABINE FISCHER

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