THE KUCHI & HAZARA LAND DISPUTE & CONFLICT
An Endless Struggle for Land Ownership

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Abstract

This paper explores the different dimensions of the land dispute and conflict between the Hazaras, a minority ethnic group, and Pashtun Kuchis, nomadic pastoralists, in Afghanistan. The land dispute between the two groups has erupted sporadically for almost a century and caused bloodshed and several conflicts amongst the two groups. Unlike the existing literature, which suggests that both the dispute and conflict have roots mostly due to resources, the author analyses it from the perspective of identity or ethnic conflict, and has tried to present a fresh perspective at not only understanding but also resolving the conflict.

Glossary

1. Amir          Emir or Kinglet, Leader of Muslims
2. *Ashura*      (Lit.) Tenth, 10th Day of *Muharam-ul-Haram*, the first month in the solar calendar
3. Begs          Hazara feudal landlords
4. Caliph        The most pious Muslim leader of a caliphate
5. Caliphate     An Islamic confederation led by the most pious Muslim
6. *Chadari*     An all-encompassing external garment worn by women mainly in Afghanistan. It is mistakenly called *burqa*, which is only a head and face covering.
7. *Hazrat*      (Holiness or Excellency) Title of respect used before the names of Muslim religious figures
8. *Ibn* (Arabic)  Son
9. Imam          Leader, prayer leader
10. *Jihad*      (literal) Struggle, (political) War on the basis of Islamic religious beliefs against a group that is thought to be irreligious
11. Kuchi        Nomadic pastoralist or nomad
12. *Muharam*    Chaperon
13. Shiism  
   Islamic religious school of thought followed by followers of Prophet Ali.

14. Shiite (or Shia)  
   Followers of Shiism or Prophet Ali

**Abbreviations**

1. CSO  
   Central Statistics Organization

2. MP  
   Member of Parliament

3. NRVA  
   National Risk & Vulnerability Assessment
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This paper will explore the different dimensions of the land dispute and conflict between the Hazaras, a minority ethnic group, and Pashtun Kuchis, nomadic pastoralists, in Afghanistan. The land dispute between the two groups has erupted sporadically for almost a century and caused several conflicts and bloodshed among the two groups (Ibrahimi, 2009). Different regimes have dealt with the grievances and issues of both groups temporarily with questionable fairness (Rassul, 2010). However, more importantly, the main causes of the dispute and conflict have remained unaddressed (Wily, 2004). Both the Hazaras and Kuchis are of importance politically, socially and economically in Afghanistan, which will be discussed thoroughly in the next section. Informed research on the nature of the dispute and conflict that delivers long-term solutions is critically required to permanently address the concerns of the two groups, the Afghan government and the International Community (ibid). As such, looking at the Hazara-Kuchi conflict in such depth is beyond the scope of this paper. However, this paper will pinpoint the key causes of the dispute and conflict.

A brief history of the conflict will put the causes and associated factors of the dispute and conflict into historical perspective. In an effort to expand his realm, Afghan monarch Amir Abdul Rahman Khan (1880 – 1901) sent an army of 30,000 to 40,000 into the Hazarajat (Wardak, Bamyan, Ghazni and Ghor provinces) to subjugate the Hazaras (Wily, 2009). Khan had cited the “irreligiousness” of the Hazaras based on their Shiite beliefs as the reason (ibid). Upon victory, Khan snatched Hazara lands and gifted them to Kuchis, who had partaken prominently in Khan’s Jihad (ibid). With the passage of time, the Kuchis also purchased some Hazara land (Rassul, 2010). The Kuchis’ domination of Hazarajat continued until 1919 when Khan’s grandson, Amanullah Khan, was enthroned. Amanullah Khan reinstated the Hazaras’ land and only recognized the Kuchis’ user-rights of the pastureland (Wily, 2009). The subsequent monarchs and regimes that came into power acknowledged Amanullah Khan’s decision and their oversight minimized conflicts until the communist regime took over in 1978 (ibid). From the rule of the communist regime in 1979 to the ensuing Islamic regime of the Mujahideen until the
Taliban came into power in 1996, the Hazaras enjoyed unprecedented power by forming pro-Mujahideen ethnic political parties and arming themselves against the Soviet regime (Ibrahimi, 2012). As a result, the Hazara warlords would not allow Kuchis to access the latter’s land or pastureland in the Hazarajat for the following 20 years (1979 – 1998) (ibid). The Hazaras even distributed the Kuchis’ purchased land among their kin or followers (Rassul, 2010). When the Taliban occupied Bamyan in 1998, Naim Koochi, a Kuchi and a Taliban fighter, retaliated by ransacking Hazara homes and lands (Wily, 2004).

After the establishment of the Karzai-led regime, the Hazaras achieved great political clout while the Kuchis’ political representation also increased (Katzman, 2013). When the Kuchis ventured into the pasturelands in Behsud I, Behsud II and Daimirdad districts of Wardak province, a violent conflict erupted twice between the two groups in 2008 and 2009 ((Rassul, 2010 and Land Info, 2012). President Hamid Karzai assigned two separate commissions to resolve and report on the conflict on both occasions (ibid). The commissions, however, only made perfunctory attempts at solving the conflict and prescribed temporary and kneejerk measures to end the conflict (Rassul, 2010). Based on evaluation of a Kuchi’s testimony recorded by Rassul, the commissions sought ambiguous and short-lived measures that only temporarily ended the conflict (ibid). It may be fair to conclude that the government has failed to commit to a mechanism to thoroughly understand the problems of each group and end violence.

As a result, this paper is aiming at answering the following question: What are the causes, and associated factors to the Hazara-Kuchi dispute and conflict? The current literature suggests that it is a battle for resources – land and pastureland to be precise. However, based on the analysis of the aforementioned history and the ethnic exploitation by political elites from both sides, which will be discussed in the identity subsection, this paper argues that it is a struggle for the survival of identity and then resource domination. The author also sees poor land tenure and the government’s contemplation of Kuchi settlement as peripheral issues to the dispute and conflict that hinder the prospect of any long-term resolution.
Identity for Afghans is an amalgamation of religious beliefs (Sunni or Shiite) and ethnicity (Pashtun, Tajik, Hazara, Uzbek…) (Monsutti, 2012). Since Afghanistan has been at war for more than four decades, ethnic groups have formed both intra- and inter-ethnic identities. In other words, every ethnic group has an understanding of who they are amongst themselves and other ethnic groups whom they either share good or bad rapport with based on their affable or antagonistic history (Simonsen, 2004). In the Hazara-Kuchi dispute and conflict, the antagonistic history between them spanning from the late 19th century till the present day revolves around how they see themselves as a group against one another (ibid). One of the backlashes of not addressing identity factors is that the Hazaras always associate the Kuchis with the Taliban because of their Pashtun connections while Kuchis still doubt the religious correctness of Hazaras (Wily, 2009). The recent political achievements have turned Hazaras from a minority group to the third ethnic “majority group” in the country (Simonsen, 2004). On the other hand, Kuchis have solidified their identity and claims after the Afghan government’s Kuchi recognition and allotment of ten seats in the National Assembly (Tapper, 2008). The Hazaras and Kuchis see fighting against one other as the struggle for survival of self and ethnic identity (Monsutti, 2012). The Afghan government\(^1\) is subconsciously playing a major role in the conflict and ‘ethnicization of Afghanistan’ as it is distributing the cabinet ministries, governorships (provincial and district), municipalities, police commanderies and other political appointees based on ethnic population (ibid). Such political treatment has resulted in dividing the ethnic groups into voting blocs and the birth of ethnic elites, who use ethnicity to further their political agenda, in Afghanistan (ibid). Moreover, it has incentivized identification and relation to ethnic groups and fighting for ethnic causes more than national causes (ibid).

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\(^1\)The push for an “ethnically-balanced” cabinet and political appointees came from the International Community and donors.
As stated before, land or resource is the second source of dispute and conflict. Both the Hazaras and Kuchis need land for survival as land\(^2\) is a valuable commodity. Kuchis need to access the pasturelands of Wardak province and Hazarajat, in general, so that their livestock of mostly sheep and goats can survive, nurture and grow in numbers (Ferdinand, 2006). On the other hand, the Hazaras believe that the Kuchis should not use their pastureland (freely) as the latter were awarded their lands unfairly (Wily, 2009). The other problem that indirectly affects the dispute and prolongs both the dispute and conflict is poor land tenure (ibid). The Afghanistan government has never registered all of its land (ibid). As a result, the powerful warlords and civil servants have usurped (or tried to usurp) public land, especially pastureland, and appropriated it for cultivation and/or other personal use (ibid). The indetermination of pastureland boundaries and its public or communal use is amongst other ambiguities that has been caused by poor land tenure (ibid). Lastly, the Afghan government’s stance to settling Kuchis as an option indicates the lack of appreciation and understanding of Kuchi lifestyle and their economic contribution to the nascent Afghan economy (Wily, 2009 and Barfield, 2004).

The author’s interest in the study of the conflict between the two groups lies in the effect the conflict between the two groups will have on the political, economical, social and cultural spheres in Afghanistan if it remains unresolved. Since the author is a poverty student, his engagement in the subject has also stemmed from the high poverty rates of both groups and the economic contribution potential of the Kuchis. Being a young Afghan who is educated and lived abroad for most of his life, the author is more interested in exploring how the issues and grievances can be addressed permanently. Since the author is neither Kuchi nor Hazara, but Pashtun, he has religiously tried to be neutral and look at the dispute and conflict from a critical standpoint. However, since he feels that the Kuchis’ plight and economic capabilities have received the least understanding and recognition, he has tried to explain the Kuchis stance at length, which may be construed as biased towards Kuchis. The fact that the author is from Afghanistan will give this paper’s readers an Afghan perspective of the conflict. This paper will add to

\(^2\)Afghanistan’s total land area is only 652,000 square kilometers out of which 12 percent is arable, 3 percent is considered forests, 46 percent is pastureland while 39 percent is mountainous and uncultivable (NRVA, 2007/8).
the knowledge on Hazara-Kuchi dispute and conflict with its stance on identity and nomadic pastoralism in Afghanistan.

In order to understand the dispute and conflict fully, it is very important to understand who the Hazaras and Kuchis are, the history of the conflict, see how identity factors in conflict and look at the legal issues pertaining to land. Therefore, the first section of this paper will include a literature review and discuss the research methodology and analytical framework. The second section will introduce the Hazaras and Kuchis separately. Then, it will analyze the overlapping history between the two groups as objectively as possible. The third section will identify the root causes of the conflict, which are identity, the legal issues pertaining to land in Afghanistan and the Afghanistan government’s stance on settling Kuchis. Finally, the fourth section of the paper will provide conclusion and identify areas for further research.
Section I: Methodology, Review of Literature & Analytical Framework

1.1. Methodology:

Following is the discussion on the philosophical standpoint, approach and methods adopted in this research project. It will also discuss literature review and research limitations.

1.1.1. Philosophical Standpoint:

This paper will adopt a social constructionist philosophical standpoint. ‘Social constructionism insists that we take a critical stance toward our taken-for-granted ways of understanding the world’ (Burr, 2003, p.2). It claims that our understanding of the world socially-constructed, limits to our surroundings, and ‘common sense’ as a result of it (ibid, p.28). Therefore, it advises us to critically assess knowledge presented to us as ‘objective’ and ‘unbiased’ and to doubt ‘our assumptions about how the world appears to be’ (ibid, p.3).

In relation to ethnicity this means that ‘ethnic groups’ are not real; they are perceived as being real. Therefore, we have to challenge our assumptions of what is ‘objective’ and/or ‘unbiased’ (ibid, p.28). With a social constructionist standpoint, this paper will challenge the dominate discourse on Hazara and Kuchi identity and their relational identity and the way each group has formed and persisted with their socially-constructed realities vis-à-vis one another. For example, the Hazaras are fed to believe that the atrocities committed by Pashtun Kuchis and leader is a constant reality that leaves no room for any peaceful coexistence, so they have to ward off Pashtun Kuchis and bargain political clout with Pashtun leaders for survival. Conversely, the Kuchis are fed to believe that only a strong central Pashtun government can restore their “God-given” right of accessing Hazarajat pastureland (Foschini, 2010). Therefore, until such government is established, they have to fight for their “God-given” right and can even utilize the Tablian support (Wily, 2009).
Section 2.3, which is on the Hazara and Kuchi joint history, will discuss these “social realities” at length.

1.1.2. Research Approach and Methods:
Taking into consideration the social constructionist standpoint, this paper will adopt an interpretive approach to analysis, which is both historical and ethnographic in nature. An interpretive approach asserts that an individual’s reality is socially-constructed or based on what he or she sees as the reality in his or her surroundings (Orlikowski and Baroudi, 1991). Therefore, in order to understand the “reality”, that certain meaning has to be sought (ibid). The historical approach will be used to interpret the historical construction of the dispute between the Hazaras and the Kuchis. On the other hand, the ethnographic approach will be utilized to understand in depth the different perspectives held by each group. The advantage of ethnographic approach is that it studies the culture and subcultures while historical approach establishes cause and effect and analyzes past facts (Davies, 2008). The limitation of an interpretive approach is that the interpreter’s realities are shaped by his/her realities, which are socially constructed, too. All the historical and ethnographic understanding will be drawn from only the literature review and analysis based upon it.

1.1.3. Data Collection Process:
The literature review will be the only source of data collection and analysis.

1.1.3.1. Literature Review:
The data collection process involved an extensive review of the literature. The author reviewed a number of different bodies of literature, which included both general theoretical and empirical literature relating to the formation of ethnicity and ethnic conflict, and nomadic pastoralism. In addition, the author consulted historical sources to understand the construction of the Hazara-Kuchi dispute and conflict from the late 19th century to the present day. As such, both theoretical and empirical theories were drawn upon in the literature review.
1.1.4. Research Limitation:
Using and referencing literature on the respective history of the conflict due to their questionable neutrality was a dilemma. Therefore, the author largely focused on Wily’s (2009) work, which has strived to provide an unbiased account and analysis of the land dispute and conflict after studying the former literature on the issue. While much has been written on Hazara identity, the author found little literature on Kuchi identity and what values formed the core of their identity. Lastly, undertaking writing an academic paper on Hazara-Kuchi relationship should have been ideally based on primary research or field work. However, due to security, time and financial constraints, the author had to settle with a desk study.

1.2. Review of Literature:
Underpinning any understanding of ethnic conflict is a particular theory of ethnicity. Primordial theories of ethnicity claim ethnicity is fixed and unchangeable (Kaufmann, 1996 and Jenkins, 2008). These theories also state that the “irreconcilable differences due to cultural gaps cause fear and conflict that beget violence” (Sambanis, 2001, p.8). On the other hand, instrumental theories of ethnic conflict maintain that there are no primordial differences between fixed ethnic groups and that these groups are fluid and always changing (Cordell and Wolff, 2010). Cordell and Wolff (2010) also see ethnic conflict as circumstances in which ethnic groups resort to violence for ‘strategic purposes’ (p.5). On the other hand, Blagojevic (2009, p.1) sees the key causes of conflict as following:

... ethnic conflict occurs when a particular set of factors and conditions converge: a major structural crisis; presence of historical memories of inter-ethnic grievances; institutional factors that promote ethnic intolerance; manipulation of historical memories by political entrepreneurs to evoke emotions such as fear, resentment and hate toward the "other"; and an interethnic competition over resources and rights.

Rassul (2006) claims that there are ‘tangible’ and ‘intangible’ causes of inter-ethnic conflict (p.8). While the tangible factors could be land, water and resources, the intangible factors are ‘fears, myths and threats’ (ibid). Therefore, an ethnic group may use an offensive measure—such as conflict—as a defensive mechanism against another
ethnic group, when the former fears the latter may harm them and/or are capable of resorting to conflict (Caselli and Coleman, 2006). The people in conflict talk about tangible causes of the conflict and seek solutions to them, yet solutions are hard to materialize if the immaterial causes of conflict are not addressed (Rassul, 2006).

Conversely, Kaufmann (1996) argues that if a conflict is staged on the ethnic identities of the offensive or the defensive group, the ethnic identity becomes ‘hardened’ (p.139). In other words, both groups start relating and identifying more with their respective ethnic groups and their values (ibid). The more intense the conflict gets, the more extreme the intra-ethnic relation grows, which in turn results in promotion of strong hatred against the opposing ethnic group (Kauffman, 1996, Wolff and Cordell, 2010). Establishing an intra-ethnic union at the expense of inter-ethnic divide is a bubble surrounded by fears, threats and myths (Kaufmann, 2001). Every ethnic group in conflict has leaders, elite groups and free-riders. While leaders and elite groups maneuver the conflict, the free-riders are ready to jump on the bandwagon and exploit the situation (Wily, 2009). Therefore, while some of the intangible causes (fears and threats) are genuine, others can be falsely spread so that the leaders, elite groups and free-riders can benefit from them (ibid).

Ethnic conflicts usually involve ‘language, culture and religion’, which for some ethnicity is fixed and unchangeable (Kaufmann , 1996, p.141). The fixation to identity by followers and its politicization by leaders, elite groups and free-riders create extremists who are willing to do anything for identity preservation or supremacy (ibid). Usually, dramatization and sensationalization of true stories and fabrication of false stories about acts of violence committed against one’s ethnic group is enough grounds for preempted conflicts, aggression, threats and myths (ibid).

In conclusion, to base the Hazara-Kuchi conflict in the above contexts, one is able to understand that the motive behind the dispute and conflict for both groups is to gain control of land, which is a scarce resource in Afghanistan. Kuchis need to use the pastureland to feed their cattle while the Hazaras need the land for farming and are, more importantly, fed to believe that Kuchis should never use their land as it is a sole Hazara
property. The dispute and conflict was originally staged on identity: For Hazaras, their religion was targeted while their lands were hijacked. However, for Kuchis, they had abided by their Pashtun leader, fought a holy war and were given the right to own and use the land in Hazarajat. As a result, now, the Kuchis want to use the land that was ‘royally’ theirs. Hazaras, on the other hand, have to execute justice by disallowing Kuchis to enter their lands, at all. Both groups have leaders, elite groups and free-riders that instigate fear and myths against the other group for their own gains (Wily, 2009).

1.3. Analytical Framework:
This paper will be using instrumentalism as its analytical framework. Unlike Kaufmann (1996), who argues that identity is fixed, instrumentalism states that identity is a tool that leaders use to instigate their followers to act in a way that will advance the formers’ agenda and political, economic and security goals (Cordell and Wolff, 2010). In other words, the manipulation of identity by political elites for competition over scarce resources causes so-called “ethnic conflict”. It is, in fact, not ethnic conflict, but conflict between so-called ethnic groups (ibid). One common definition of ethnic conflict this paper will use to set up the backdrop of the Hazara-Kuchi conflict is by Cordell and Wolff (2010):

"Ethnic conflicts are conflicts] in which the goals of at least one party are defined in (exclusively) ethnic terms, and in which the primary fault line of the confrontation is one of the ethnic distinctions. Whatever the concrete issues may be over which conflicts erupts, at least one of the parties will explain its dissatisfaction in ethnic terms. That is, one party to the conflict will claim that its distinct ethnic identity is the reason why its members cannot realize their interests, why they do not have the same rights, or why their claims are not satisfied. Thus, ethnic conflicts are a form of group conflict in which at least one of the parties involved interprets the conflict, its causes and potential remedies along an actually existing or perceived discriminating ethnic divide. (p.5)

This paper also draws on Rassul’s (2010) ‘tangible’ and ‘intangible factors’ of the Hazara-Kuchi conflict (p. 8 & 9). Rassul sees ‘poverty, economic marginalization and lack of viable coping strategies’ as the ‘tangible factors’ of conflict while he sees ‘social divisions, alienation and prejudice’ as the ‘intangible factors’ (ibid, p.11)."
Section II: The Kuchis & Hazaras: Who Are They?

2.1. Who are the Kuchis?

The word *Kuchi* (کوچی) is derived from the word *Kuch* (کوچ), which, if used as a verb, means *to migrate* or *decamp*, and, as a noun, means *migration*, *displacement* (Barfield, 2004). Kuchis are the nomadic pastoralists or the transhumant population of Afghanistan (de Weijer, 2005a). It also refers to ‘a lifestyle (migratory), a production mode (livestock dependent), and a cultural identity’ (ibid, p.3). Providing accurate statistics on the Kuchi population or any population for that matter will be a cumbersome task as Afghanistan has not carried out a census since 1979 (NRVA, 2007/8). Moreover, the Afghanistan Central Statistics Organization (CSO) has always struggled with providing the right statistics for Kuchis because of their ambulatory cross-country and even cross-border lifestyle (de Weijer, 2005a). Barfield (2004) and Wily (2004), who have researched and written on Kuchis extensively, maintain that the Kuchi population is between one to two million as compared to CSO’s claim of 1.5 million (5.6%) in a country of 26.5 million people (CSO, 2011/2). de Weijer (2005a), on the other hand, estimates the Kuchi population to be around 2.5 million (9.4%). Regardless, they have the highest level of poverty (54 percent) and lowest literacy (8 percent) and access to health facilities (37 percent) rates compared to the national poverty (36 percent), literacy (Male: 39 percent, Female: 12 percent), and access to health facilities rates (85 percent) (NRVA, 2007/8).

While the ethnicity of the majority of Kuchis is Pashtun, Kuchis are also Baluch, Baraui, Arab, Kirghiz, Turkman, Uzbek and Aimaq (Barfield, 2004). They speak Pashto, Dari, Turkish and Uzbeki and predominantly follow the Sunni sect or religious school of thought (Tapper, 2008). Kuchis have a three-hundred year old history of living and migration in Afghanistan although their presence became prominent in the era of monarch Amir Abdul Rahman Khan in the 1880s, which will be discussed expansively later in the section.
Before the establishment of the Karzai-led administration, the Kuchi’s political representation in government was almost limited to a ministry that overlooked tribal affairs (Rassul, 2010). Otherwise, they were isolated and had to settle disputes with settled communities in fear of drawing the government’s anger, especially during the reigns of King Zahir Shah (1933 – 73) and President Daud (1973 – 78) (Rassul, 2010).

Presently, the Kuchis’ political representation has increased to ten seats in the Lower House\(^3\) (\textit{Wolesi Jirga}), two seats in the Upper House\(^4\) (\textit{Meshrano Jirga}) and a directorate in the Ministry of Border, Tribal and Ethnic Affairs (Tapper, 2008).

Contrary to the popular belief, Kuchi is neither an ethnic group, nor a subgroup of the Pashtun ethnic group, so labeling all Kuchis as Pashtun is misleading (Tapper, 2008). However, the aforementioned stereotyping puts them in the center of Pashtun attention and sympathy and exposes them to antagonism of other groups that do not share a cordial relationship with the Pashtuns\(^5\) (ibid). Pashtun Kuchis hold a distinct culture from other Pashtuns. A major distinction is that Pashtun Kuchi marriages are strictly inter-tribal (ibid). Marriage of a quintessential Pashtun Kuchi to even a settled Pashtun Kuchi is not remembered with fondness while marriage out of Pashtun Kuchis is almost unheard of (ibid). One of Herold’s (p.5, 2005) interviewees raises this point: “\textit{we never used to let our daughters marry people from the city because if they settled they would be like a bird in a cage}.” Such distinctions are, however, disregarded by anti-Kuchis or pro-Kuchis (even Kuchis for that matter), depending on who benefits for the disregard (Herold, 2005). The anti-Kuchis can easily stereotype Kuchis as Pashtuns and blame them for “atrocities’ committed by Pashtuns while the Pashtuns (pro-Kuchis) find Pashtunism a common ground with the Kuchis as a result of the stereotypes.

2.1.1. Lifestyle:

Quintessential Kuchis raise cattle such as sheep and goats in large numbers and pack animals such as horses, donkeys and camels to transport goods and belongings (Barfield, 2005).

\(^3\) Lowe House (\textit{Wolesi Jirga}): 249 (Total number of seats): Male (180 Seats), Female (69 Seats)

\(^4\) Upper House (\textit{Meshrano Jirga}): 102 (Total number of seats): Male (80 Seats), Female (22 Seats)

\(^5\) Apart from two brief and frail stints by Tajiks, another ethnic group, only Pashtuns have led Afghanistan from its foundation in 1747 (Ibrahimi, 2009). As a result, although debatable, Pashtuns can be counted the dominant ethnic group in the country (ibid).
They live in tents and make a scheduled migration using their pack animals and travelling with their cattle “between warm and cold areas or between dry and wet seasons” (Wily, p.6, 2009). Their ambulatory lifestyle is for the sake of available pasture and water resources on their migration routes and destinations (ibid). Although they migrate through spring, summer and autumn seasons, Kuchis generally have summer and winter pastures (de Weijer, 2005a). The migration starts with the advent of spring as they move to their upland summer pastures and ends in the winter as they return to their lowland winter pastures (Wily, 2004). The migration takes between one and twelve weeks and the same amount of time upon return (ibid).

Based on their lifestyle, Kuchis can be divided in four categories: ‘nomadic’, ‘semi-nomadic’, ‘semi-sedentary’ and ‘sedentary’ (Wily, 2004, p.49). A common feature among the groups is the preservation of their general culture practices (ibid). For instance, the members of all the four groups identify themselves as Kuchis regardless of whether they kuch (migrate) or not (ibid). The table below illustrates the characteristics of each group.

<table>
<thead>
<tr>
<th>No</th>
<th>Type</th>
<th>Migration</th>
<th>Type of Housing</th>
<th>Land</th>
<th>Cattle</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Nomadic</td>
<td>They migrate between winter and summer pastures</td>
<td>Only live in tents year-round</td>
<td>Do not own farms</td>
<td>They own livestock in small and large numbers. They herd their own cattle.</td>
</tr>
<tr>
<td>2</td>
<td>Semi-Nomadic</td>
<td>They migrate in the summer as a unit</td>
<td>Houses and tents. They live in the houses in the winter and in the tents in the summer</td>
<td>Own farms</td>
<td>They own livestock in small and large numbers. They herd their own cattle.</td>
</tr>
<tr>
<td>3</td>
<td>Semi-sedentary</td>
<td>Only part of the family migrates in the summer</td>
<td>Houses and tents (part of the family that migrates)</td>
<td>Own farms</td>
<td>They own livestock in small and large numbers. The group that migrates herds the cattle.</td>
</tr>
<tr>
<td>4</td>
<td>Sedentary</td>
<td>Do not migrate at all</td>
<td>Houses: They settle in houses (mostly in villages)</td>
<td>May own land</td>
<td>Hire shepherds to herd their cattle to summer pastures</td>
</tr>
</tbody>
</table>

*Table 1 – Kuchi Specifications*  
*Source: (Wily, 2004, p.49)*
2.1.2. Migration:
Kuchis, unless settled, have short- and long-range migration arrangements (de Weijer, 2005a). Pashtun Kuchis are known for their long-range cross-country or inter-provincial migration between their summer and winter pastures, which may take them up to six months (with each leg of the trip lasting up to 3 months) (Wily, 2004). On the other hand, other Kuchis and some Pashtun Kuchis migrate intra-provincially, which takes them between one to three weeks (ibid). The map below shows the migration route of Kuchis in Afghanistan.
Afghanistan Provincial Map

Source: (Jacobs, 2012)
2.2. Who are the Hazaras?

Hazaras (هزاره), an ethnic minority, have a larger population of 2.8 million, or 10 percent of the total population (Simonsen, 2004). The word Hazara is believed to have been direct translation of the Mongolian word ‘mingann’ (or ming), which means a thousand or Hazar (هزار) in Persian (Monsutti, 2007, p.175). Hazar refers to the thousand-solider units in Gengis Khan’s Mongol army (ibid). Temirkhanov (1980,) elucidates on the Hazara heritage as follows:

*The Hazaras are the descendants of the intermarriage of Mongol soldiers and the dominant native groups, the Tajiks, the Turks who had inhabited Afghanistan before the Mongol invasion and to some extent, the Pashtuns or Afghans and possibly Indo-Iranians, though not to the extent of Mongols and Tajiks* (p. 110-111).

The Hazara poverty rate has been estimated at 53 percent (Mongaby, 2003). Most Hazaras follow the Shi’ite (Shi’a) Islamic sect or religious school of thought, which is also followed in Iran, Iraq, Pakistan and in the rest of the Arab and Muslim world (Blanchard, 2009)⁶. Hazaras speak a Persian dialect called Hazaragi, which is a mix of Persian, Mongolian and Turkish (Emadi, 1997). In spite of being a minority group, Hazaras have established strong influence in the Karzai-leg regime as the second vice president (Karim Khalili), ministers, governors and some other political appointees are Hazara (Katzman, 2013).

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⁶ Shi’ites comprise between ten to fifteen percent of the total Muslims population (Blanchard, 2009).
Location of Central Highlands Region in Afghanistan

Source: (Jacobs, 2012)
2.3. Joint History of Hazara & Kuchis – An Analysis:

Discussing the historical origins of both Hazaras and Kuchis is out of the scope of this paper. Therefore, it will look at the historical period from when these two groups first came into contact with one another. According to historians, the British were in favour of a buffer zone between British India and Tsarist Russia in the late 19th century (Wily, 2009). As a result, they persuaded and supported Amir Abdul Rahman Khan, the Afghan monarch, to expand his realm to the north until the Amu River (ibid). This required the occupation of the Central Highlands of Afghanistan or Hazarajat. Khan used this opportunity for two purposes: One, he forced some 8,000 Ghilzai Pashtuns, a rival Pashtun group in his capital Kandahar, to settle in Hazarajat and the north of Afghanistan (ibid). Two, by doing so, he found a foothold in the Hazarajat and the north paving the way for their subsequent occupation.

Khan first persuaded and bribed the Hazara elders to ensure a smooth resettlement of Ghilzais in the Hazarajat (Wily, 2009). However, the Hazaras subsequently rose up against Khan due to ‘atrocities’ committed and ‘multiple taxes’ levied on them in 1891 (ibid, p.23). Their uprising drew Khan’s anger and he, in turn, issued a statement calling his people to perform Jihad against what he called the ‘irreligious' (Shia) Hazara’ (ibid). As a result, ‘30,000 to 40,000 responded to his call for Jihad’ most of whom were Kuchis of Ahmadzai and Mohmand tribes (ibid). Khan used ethnic and linguistic coloring and economic motivations apart from religious grounds for the so-called “Jihad” against the Hazaras (Rassul, 2010). After Khan’s “Jihad” was victorious, he dispossessed the Hazaras of their lands and instead allotted them to the Kuchis, (Wily, 2009). The Hazaras staged several revolts in ‘1903, 1908, 1909 and 1914’ during Amir Abdul Rahman Khan and his son Habibullah Khan’s reign, but their efforts were unsuccessful and resulted in

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7Pashtuns have two main competing tribes, Durani and Ghilzai. Since Khan was a Durrani, he constantly found the Ghilzai Pashtuns vying for power (Rassul, 2010). Resettlement of the Ghilzai Pashtuns far from the by-then capital Kandahar meant weakening the Ghilzai Pashtun clout and prolonging the power of Khan or Durranis (ibid).

8When a Muslim state’s leader calls on Jihad, then, every Muslim citizen becomes obligated to respond to take part in the Jihad. Tribal Analysis Center (2010) states that Abdul Rahman Khan even called Hazaras ‘kafir (infidel)’ (p.3)
deportation of the ‘Begs’ (‘Hazara feudal landlords’) and the distribution of their lands to the Kuchis (ibid, p.23).

Life for the Hazaras was tough, but with the passage of time, Amir Abdul Rahman Khan allowed the Hazaras the right to farm in their lands (Wily, 2009). However, in 1919 when Khan’s grandson, Amanullah Khan, was enthroned, he reinstated Hazaras’ land rights and restricted the Kuchis’ ‘tenure to the highest pasture’ in the central highlands only (ibid, 23). Although inequality favouring Kuchis remained, the Hazaras managed to develop a “peaceful” relationship with the Kuchis (Allan, 2003). Up until 1978 when Daud Khan, the first president of Afghanistan, was overthrown, the relationship between Hazaras and the Kuchi was peaceful due to the central government’s strong influence and the traditional conflict resolution agreements of the two groups (ibid and Rassul, 2010).

Furthermore, the Kuchis traded with the Hazaras and sold the latter (even on credit) commodities they needed. In the process, the Kuchis also purchased some farming land from the Hazaras, too (Rassul, 2010). The business transaction in itself brought them closer and they even started to make merrymaking and mourn together, too (ibid). However, it is worth-mentioning that Kuchis are accused of offering credit to Hazaras with unreasonable interest rates (Allan, 2003). If the Hazaras could not repay the loan in time, the Kuchis would seize their land and hire them as farmers or sharecroppers on their own land (ibid).

The relationship between the two groups deteriorated during the Soviet occupation of 1979 (Rassul, 2010). Migration to the central highlands was fraught with insecurity and thievery, which made it impossible for the Kuchis to venture to the central highlands for more than a decade (ibid). During this time, Hazaras took up arms against the Soviet forces, formed resistance political parties based on ethnicity (Hazara) and religious beliefs (Shi’ism) that were supported by Iran (Ibrahimi, 2012). On the other hand, Saudi Arabia supported the Sunni resistance, especially the Pashtuns, against Soviet occupation (Rassul, 2010). The support of two rivals, such as Saudi Arabia and Iran, on ethnic and religious grounds, surfaced and reinforced the same ethnic and religious split that Amir Abdul Rahman Khan used to stage *Jihad* against the Hazaras (ibid). The aftermath of
directing funds and support to ethnic and religious groups was seen when a civil war between different political parties broke from 1992 to 1996 (ibid). The most significant incident in the conflict, in relation to Pashtuns and the Hazaras, was the killing of influential Hazara leader, Abdul Ali Mazari⁹, by the Taliban in 1995. Every year, the Hazaras celebrate Mazari’s death anniversary not only in Afghanistan but also around the world and subconsciously rehash and remind themselves of the atrocities committed against them by the Taliban, and the “Pashtuns”, in general.

The effect of resistance against the Soviet invasion and subsequent civil war in the relationship between Hazaras and Kuchis was threefold: Firstly, there was a communication void created between the two groups for 19 years (1979 – 1998) (Rassul, 2010). The Hazara and Kuchi elders who had undertaken to look after each other’s interests had either passed away or been replaced (ibid). The new Hazara leaders had come to power with the arms provided by Iran (ibid). Secondly, the Hazaras had taken over the purchased or, otherwise, “seized” lands of Kuchis for their own benefits (ibid). Thirdly, the ethnicization and religious standpoint of the political parties reignited the memory of atrocities committed by Amir Abdul Rahman Khan, which restored the animosity against Kuchis (Simonsen, 2004). These three factors left little room for rekindling the relationship between the two groups for the Hazaras. In other words, the Hazaras had little-to-no-gain (even loss of the occupied land of Kuchis) from any dealings with the Kuchis that would guarantee the latter’s return to the central highlands.

However, the tables turned as the Taliban came in power in 1996 and established control in the central highlands in 1998 (Wily, 2004). They disarmed the Hazaras while the Kuchis were allowed to keep weapons as they had told the Taliban they feared thieves and wild animals on their migration routes (Rassul, 2010). Naim Koochi, a Kuchi and a ‘senior Taliban commander’, went to disarm the residents of Panjao District of Bamyan

⁹Abdul Ali Mazari was killed when the Taliban captured Kabul for the first time (Mousavi, 1998). Mazari had brokered a peace deal with the Taliban, which the Taliban did not honor (Mousavi, 1998). So influential was Mazari that the Hazaras gave him the title of ‘Baba’ (father) (ibid). Mazari died after the Taliban threw him out of a helicopter in Ghazni following his capture (ibid). The helicopter was supposed to fly him to the Taliban headquarter, Kandahar. Some Hazaras walked with his body from Ghazni to Bamyan, which is a journey of almost 80 miles on rough and rugged terrain (ibid).
province and in the process looted the ‘homes, farms and animals’ of Hazaras (Wily, 2004, p.54). Koochi also asked the residents to pay the sharecropping debt for the years the Kuchis could not return to the central highlands (ibid). Hazarajat was under the Taliban control until their regime fall in 2001. During the Taliban reign, killing, looting and the burning of Hazara houses has been recorded (ibid).

The post-2001 Afghanistan’s politics was based on division of power between ethnic groups so that everyone’s “voice” was heard (Simonsen, 2004). However, it ended up in ‘ethnicization of Afghanistan’ and division of ethnicities to eventually voting blocs (ibid). Since the Hazaras are the third majority with 10 percent of the total population (after ‘Pashtuns: 44% and Tajiks: 25%’) despite being a minority group, they achieved great political clout (ibid, p.708).

The Kuchis have tried to access the pastureland and revisit their purchased and seized land in the central highlands a number of times. However, two of their visits in 2008 and 2009 to the Behsud I, Behsud II and Daimirdad districts of the Wardak province ended in violent conflict (de Weijer, 2005b). The conflict resulted in loss of lives and assets on both sides (Rassul, 2010). In both instances, President Karzai assigned an intergovernmental commission to resolve the conflict. The commission, although accused of favouring the Kuchis, only strived to end the conflict immediately without looking at the root causes of the conflict for permanent resolution (ibid). On both occasions, the Kuchis had to withdraw from the Hazarajat to return at another time (ibid).

2008 was an important year for President Karzai as Afghanistan was holding its presidential elections for the second time in 2009. Karzai could not win without the support of the Hazaras (Rassul, 2010). The Hazara supporters of President Karzai in the likes of MP Mohammad Mohaqiq had threatened that Hazaras would boycott the election and not support the President if the latter did not urge the Kuchis to withdraw from the three Wardak districts (Foschini, 2010). Since the President needed Hazara votes desperately to win elections, he had to support them, and allegedly, bribed a key Kuchi leader $2 million USD to yield (Land Info, 2012).
The significant event associated with 2010 conflict was when Karim Khalili, the Second Vice President, was assigned as the head of commission to resolve the conflict for the second time (ibid). Instead of resolving the conflict disinterestedly, Khalili, a Hazara from Wardak, erected a tent in Hazarajat in support of his people and demanded the immediate withdrawal and non-return of the Kuchis to the Hazarajat (Foschini, 2010). This time around, Mohaqiq went on a hunger strike. The commission once again decided that Kuchis should withdraw from the Hazarajat and promised economic assistance and pastureland elsewhere in the country with little to no heed to the human and material losses from both sides (ibid). The Kuchis did not take the withdrawal well. Their MP, Alam Gul Kuchi, voiced his opinion by saying, ‘They [the Hazaras] started the dispute and now that they are defeated they are complaining. I will reclaim the [land] as it is a right given by God’ (Foschini, 2010). However, it was a different story for Hazaras. The author, who was in Kabul, saw a vehicle rally that had several posters of Khalili and Mohaqeq on them, which signified their victory over the Kuchis. This show of Hazara power restored the heroic status of the aforementioned Hazara figures.

The conflict between the Kuchis and Hazaras is temporarily at a standstill due to non-communication between Kuchis and Hazaras and the self-professed Hazara victory in the 2010 standoff (Land Info, 2012). However, it is worth-noting that the arrangements made by the current government only favour Hazaras and do not meet the Kuchis’ needs. As a result, the eruption of a third conflict may be imminent (ibid).
Location of Wardak and Behsud I, II and Day Mirdad Districts

Source: (Esmaty, 2013)
Section III: Root Causes of Conflict

Conflict resolution requires: the willingness of the warring parties to end conflict, an understanding of the root causes of conflict, and an acceptable and positive course of action to address the roots of the conflict (Rassul, 2010). In the Hazara-Kuchi conflict, both Hazaras and Kuchis point out how they have been wronged by the other on several instances and at several levels (Rassul, 2010). However, when both groups were involved in peace building training programmes, the ordinary Kuchis and Hazaras showed keenness to see a permanent end to the conflict by recognizing one another’s rights and making compromises (Rassul, 2010, de Weijer, 2005a & b, Jacobs, 2010 and Wily, 2004). Both groups have realized that such a deal would require great compromise and practical steps to ensuring peaceful coexistence (ibid). Surprisingly, both groups understand that their leaders are not representative of their will or plight (Wily, 2004).

Since there is willingness to resolve dispute and conflict permanently at least at the bottom level, identifying the root causes of the dispute and conflict will be the next step. Therefore, this section will first discuss how identity plays a major role in both the dispute and conflict. Then, it will discuss the Afghanistan land tenure ambiguities and problematize the Afghanistan government’s consideration of Kuchisedentarisation as a dispute and conflict resolution measure.

3.1. Identity:

The formation of identity is relational. Therefore, it is about understanding the Hazara and Kuchi identities and their respective version of the other’s identity. A lot has been written on the Hazara identity while little on Kuchi identity. Therefore, I will present on the Hazara identity more. While tracing the history of the Hazara-Kuchi conflict, you will see that Amir Abdul Rahman Khan used two things - Hazara ethnicity and Shi’ite beliefs – to stage a war against them (Wily, 2009). Both instrumentations form the core of the Hazara identity, which are valuable to them. As a result, both Hazaras and Kuchis see the conflict as the battle for survival, retention and redemption of their identity more than land. Ironically, Khan and Kuchis, his Jihadi fighters, were only pursuing their dreams of
expansionism and land entitlements respectively (ibid). Khan laid the basis of this more
than a century-long conflict by giving it ethnic and more importantly religious-coloring\(^{10}\)
to further his political ambitions. Since Afghanistan has always been a religiously-
sensitive country, assembling an army as big as 30,000 to 40,000 soldiers to fight against
an “irreligious” group in 1892 should not be surprising (ibid). However, when the
majority of the soldiers come from a group (Kuchis) that needed the land the Hazarajat
offered them in abundance and which they eventually got, it modifies and adds to the
“just religious motivation” for the Kuchis, at least.

A simplistic yet naïve approach to seeing Amir Abdul Rahman Khan’s war is: The Sunni
Pashtuns occupied the Hazarajat as the former saw the latter inferior to them based on
their ethnicity (Hazara) and their religious beliefs (Shiism) and judged them as
irreligious. In the process, they not only killed and looted the Hazaras but also seized
their lands by Khan’s orders and through wrongful business practices\(^{11}\). As a result, it is
justifiable for Hazaras to disallow Kuchis to access their land. However, the question
rises whether the Hazaras’ persecution would have been any different had they been
Sunni and Pashtun. The answer lies in what Khan did to his rival Ghilzai tribesmen. After
all, Khan was known as a hungry expansionist, who forcefully relocated 8,000 Ghilzai
Pashtuns, people of a rival tribal group, to an area that did not constitute part of his realm
(Hazarajat and the north) to strengthen and prolong his rule. As a result, would the
Hazara ethnicity and religious practices be the only factors for their persecution? The
answer, though debated, is not too difficult to infer.

On another note, when the issue of Hazara persecution is raised, only Amir Abdul
Rahman Khan (1890 – 1901), who is the bad guy in the whole equation, is mentioned.
However, King Amanullah Khan (1919 – 1928), Khan’s grandson and again a Pashtun,
who reinstated the Hazaras’ land rights and only recognized the Kuchi’s grazing rights in
the equation is hardly ever mentioned (Wily, 2009). Is it because mentioning Amanullah

\(^{10}\)Even today, we see how extremists twist Islamic teachings to stage insurgency and war against
different groups and nations. This conflict is not any different.

\(^{11}\) Rassul (2010) claims that the Kuchis would trade with Hazaras, who owned land, by selling them
commodities expensively on credit and would then seize their land in case they could not pay.
Khan will fade away the ethnic- and religious-coloring of the conflict and divert attention on the other aspects of the conflict? Amir Abdul Rahman Khan’s war against the Hazaras is usually seen through the Hazaras’ standpoint. Looking at it from the Kuchis’ standpoint may also put things into a new perspective. Kuchis are known to fight for their people and causes that they believe in (Tapper, 2008). Looking at the results of Khan’s Jihad against Hazaras, one conclusion could be drawn that the fight against Hazaras for Kuchis was more for land (resource) than the ethnicity and religious background of Hazaras. While the aforementioned explanation does not justify the participation of Kuchis in the so-called Jihad against Hazaras, it at least puts a new perspective to the war against Hazaras and lessens the severity of conflict causes. In other words, resolving a conflict based on greed for resource can be solved with less difficulty than the conflict based on identity because the former can be quantified and relinquished while an identity cannot be relinquished or changed for as long as a group lingers on to it like the Hazaras do (Kaufmann, 2001).

Another reason why the Kuchis’ case has always been given Pashtun-coloring is because the Kuchis have committed atrocities against the Hazaras during the reign of two Pashtun leaders, one being Amir Abdul Rahman Khan and the other Mullah Mohammad Omar Mujahid, the Taliban leader (Wily, 2009). Both instances have been discussed earlier. The claims that the Pashtun leaders used the Kuchis to further their political ambitions or that all Kuchis are Taliban is looking at one side of the coin only. On the flip side, an argument could be made that under the reign of the aforementioned leaders, the Kuchis grabbed the opportunities presented to them with both hands to access their lands and pastureland without paying much heed to furthering the agenda of either Khan or Mujahid. The gains that Kuchis had after Hazarajat fell in absolute rule of Khan speak volumes for it. Moreover, the Kuchi women’s dress code is a testimony to the fact that the Kuchis had little regard for Mujahid’s version of Islam or Talibanism. During the Taliban era, women had to wear chadari as an absolute rule (Rawa, nd). This was part of what they called their “reform process”. They not only took pride in it but also implemented it indiscriminately everywhere they established rule (ibid). If a woman did not wear chadari, not only she but also her muhrams(chaperons) would face the terrible
consequences the least of which was being beaten up (ibid). However, the Kuchi women did not have to follow the Taliban’s rule. Their dress code was not different prior to or after the Taliban’s rule\textsuperscript{12} (McGirk, 2001).

Another argument that refutes the Pashtun claim to the Kuchi-Hazara conflict is the inability of Kuchis to access the Hazarajat during the communist regime that spanned more than a decade (1979 – 1992)\textsuperscript{13} (Rassul, 2010). Three out of four presidents in the communist regime, namely Nur Muhammad Taraki (1978 - 1979), Hafizullah Amin (Mar 27 - Dec 27, 1979), Mohammad Najibullah (1987 – 1992) were Pashtuns (Evsikov, 2009). Even the current president, Hamid Karzai, is Pashtun and comes from the same province (Kandahar) that both Khan and Mujahid were from, but the Kuchis have not been able to achieve the status they had during Khan and Mujahid eras. Hypothetically speaking, if in the 2014 elections, a Tajik, the second majority ethnic group, becomes the president of the country and wants to repeat the sophisticated, politicized and polished version of Amir Abdul Rahman Khan, will he or she look at the option of using the Kuchis? The materialization of such marriage of convenience should not be far from reality. However, by then, the Pashtun element or factor of this conflict will not hold much weight and will need to be dropped for resource. Now that the conflict is given a Pashtun tag and not seen as the conflict for resource, it has not only intensified the already complicated dispute but also bought the Kuchis free Pashtun sympathy in the government and civil society of Afghanistan as the Pashtuns are the majority and dominant ethnic group in the country (Ibrahimi, 2009).

As stated before, the Hazaras have reinvigorated their identity through politicization of the Hazara ethnicity and Shiism (Ibrahimi, 2009). In order to get a grasp of the politicization, we will need to look at the history of Shiism, which dates back to the tenth of Muharam-ul-Haram, the first month of the solar calendar, also known as Ashura in year 680. On this day, Yazid killed Hussain, Prophet Mohammad’s (PBUH) grandson, for

\textsuperscript{12}“The Taliban never forced Kuchi women to wear a chadari and even allowed them to sell wares in the marketplace” (Putnam, nd)

\textsuperscript{13}The Soviet army was present from 1979 to 1989 during that regime
not swearing allegiance to him. After this day, Muslims who hold Yazid and Muslims allied with him responsible for Hussain’s assassination formed separate groups calling themselves *Shi’a* (Shiite) Ali or the followers of Ali Ibn-e-Abi Talib while the rest of the Muslims are known as *Ahl-e-Tasanun* (followers of the sayings and acts of Prophet Mohammad (PBUH)) or shortly known as Sunni(s) (ibid). Hussain’s assassination marks a dark day in the history of Islam. Every year *Ashura* is celebrated as the black day in the history of Islam (ibid). Both Sunnis and Shiites mourn Hussain’s assassination or martyrdom. However, the Shiites mourn harder by even beating themselves in a specific way that they even bleed (ibid).

Shiites have been subject to many atrocities throughout the history, especially, in Afghanistan, Iraq and Pakistan (ibid). In Afghanistan, for example, Hazaras were counted as second class citizens (Dorronsoro, 2005). Therefore, they were not even recruited in the army or police, nor were they allowed to enjoy any political power (ibid). Hazaras were said to have only been good doing hardcore yet menial and inferior\(^\text{14}\) jobs. In the recent past, the Shiite scholars unabashedly call the past injustices and atrocities committed against the Hazaras or Shiites in Iraq, Pakistan and Afghanistan right from Yazid to Amir Abdul Rahman Khan to the Taliban’s era and even now with the Kuchis, the continuation of atrocities on Hussain and his family (Monsutti, Naef and Sabahi, 2007). Some even equate the assassination of Hazara leader, Abdul Ali Mazari, to Hussain’s and see fighting for Hazara’s reestablishment of their rights as serving justice that Hussain had started advocating for them (ibid). Such scholars compare the efforts for Hazara reemergence to power and enjoying rights as that of the Hussain’s uncompromising companions, who were killed with Hussain (ibid). Such exalted status for Abdul Ali Mazari, under whose leadership a stream of human rights abuses have been recorded during the civil war in Kabul in the 90’s, and the status of Hussain’s companions for uncompromising ordinary Hazara, makes the task of striking a peaceful deal between Hazaras and Kuchis an even more grueling challenge. The Iranian clergymen travel to Bamyan regularly, especially, on the occasion of *Ashura* and offer

\(^\text{14}\)Jobs such as porterage and carrying water (human water carriers)
sermons to the Hazaras/Bamyanis to ensure that the Shiite sentiments remain stirred up and the hatred developed out of exalted status is never shaken (ibid).

As if the politicization of Shiism is not enough, the Hazara political leaders echo their religious scholars’ claims verbatim for two reasons: one, it helps the cause of Afghanistan’s neighbors\(^{15}\) (Iran) who they have allegiance to (Simonsen, 2004). Two, the divide and rule policy furthers their personal and political agenda\(^{16}\). The atrocities committed during Amir Abdul Rahman Khan and the Taliban are too nightmarish for the Hazaras to forget, yet provides solid grounds for the Hazara politicians and leaders to conduct their scaremongering activities (Rassul, 2010). The scaremongering acts will forbid the two groups to contemplate a compromise that will allow Kuchis to access the three districts of Wardak or any part of Hazarajat again.

In conclusion, identity plays a subliminal role in this dispute and conflict (Tapper, 2008). Land or the laws that have governed Afghanistan from the advent of this conflict till date are secondary. In order to find any long-term solution, the issues of identity have to be unpacked layer by layer until issues surrounding identity do not hinder talks to neutralize and resolve the dispute and conflict. The politicized religious beliefs and ideologies of Hazaras at the hands of their politicians and Iran is a brick wall impeding any progress (Rassul, 2011 and Simonsen, 2004). Therefore, it has to be fought with the rightful religious teachings since the war of beliefs can only be neutralized and won through the same weapon it was initiated with (Dobrot, 2007). Since both groups give their plight, conflict and demands religious bases, it is very important that they are exposed to the side of religion that condemns usurpation of land, conflicts, looting, killing and feeling of hatred and supremacy (Dobrot, 2007 and Rassul, 2011).

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\(^{15}\)Iran has greater political interest in Afghanistan due to America and NATO’s presence and an Afghanistan post-2014, after their withdrawal (Mishra, 2007).

\(^{16}\)Remember the author’s observation about the reemerging status of Khalili and Mohaqiq as heroes.
3.2. Land Regulation & Laws:

After the matters and issues pertaining identity and Kuchi lifestyle are addressed, looking at laws that govern and regulate land in Afghanistan is very important as the ambiguities surrounding different land definitions, ownership and boundary or periphery have hindered the prospects of conflict resolution a great deal (de Weijer, 2005b). It is worth-noting that Afghanistan initiated land registration only in 1960, but registered just 10 percent land as either ‘private or public land’ until 1978 when the security situation got worse in the country (Wily, 2009, p.24). This newly-introduced registration system first regarded ‘naturally collective land assets like pastures, forests and wetlands’ ‘ownerless or public land’ and then assigned the ownership, as compared to trusteeship, to the government (ibid, p.25). The pasturelands that were not counted as ‘public land’ were the ones for which ‘documented evidence’ and ‘affidavit of common usage” were presented (ibid). However, in 1970, Afghanistan introduced its first pasture law, which recognized only the rights of use of the pasturelands and called them ‘public land’ or ‘government land’ (ibid). They banned the lease or sale of public land by anyone but the government for the commercial or public purposes (ibid). The only change that was introduced during the Taliban era was in the article 3 of the law, which broadened the definition of private pasture by ‘including community land’ that could only be ‘used by adjacent communities’ (ibid). Other than that, the law remains intact even today.

After the establishment of the Afghanistan’s Interim Administration in 2001, the pasturelands caught the attention of a lot of northern warlords who wanted to seize them and use them for farming (Wily, 2009). As a result, President Karzai ratified the Land Management Law 2000, which labeled the pasturelands ‘public property’ (ibid). However, within a year, Karzai’s administration revised the law to allow the government to lease pasturelands for commercial purposes (ibid). In July 2008, during the parliamentary recess, Karzai signed off Law on Managing Land Affairs, the purpose of which was to ‘enable non-private lands to be readily available to investors’ (Wily, 2009, p.26). The major problem with this law is that it does not abolish the other laws on land affairs or management on top of trying to commercialize pastureland (ibid). Moreover,
this law fails to adequately define and delineate the boundaries or parameters of community pastureland (ibid). In brief, this law is “out-dated and unworkable and its paradigms are hotly contested on the ground” (de Weijer, 2005b, p.3). The only endeavor it makes is to determine and delineate the boundaries and extension of community pasture to the traditional ‘hailing distance’ or ‘as far as a loud voice may carry’ (Wily, 2009, p.10 and p.26). Efforts are underway through the introduction of instruments such as national land policy and rangeland management policy, which modify the role of the government from ‘possessory and all controlling position to one of regulator and as the technical adviser, facilitator and watchdog of community-led management’ (ibid, 27).

Additionally, the documentations pertaining to ownership or user rights of the pastureland by the Kuchis bring forth a challenge in the Hazara-Kuchi dispute. The Kuchis use these documents, which have been issued by ‘royal decrees’, ‘administrative allocations’, and ‘traditional/customary arrangements’ to make their claims (de Weijer, 2005b, p.12). However, their documents are said to be ‘forged’, unspecific and ‘do not clearly delineate boundaries’ (ibid, p.13).

The aforementioned ambiguities about the role of the government and how it treats the pastureland is a reminder that the Afghan government needs to analyze the situation thoroughly before resolving the Hazara-Kuchi dispute on pasturelands. The government has to decide whether it is the owner or the trustee of the natural lands, such as pastureland. While the government’s role as a trustee is ideal and the one that many countries follow, the ownership status may lead to an abysmal situation for two reasons: Firstly, in the Kuchi-Hazara conflict, the government will become a potential third party as it negates the individual and community ownership of all of the pastureland, which the Hazaras are already fighting for (Wily, 2003). Secondly, the government will set a dismal precedence for the future governments to commercialize and distribute the pastureland to the government supporters or use it for their own benefits (ibid). Authentication of either Kuchi or Hazara documentation is another hassle that Afghanistan government needs to find a solution for.
3.3. Kuchi Sedentarisation:

Another problem that has diverted the attention from resolving the dispute and conflict is the Afghan government’s efforts to sedentarize Kuchis (Wily, 2009). Although (forced) settlement or sedentary of Kuchis is not a root cause of the dispute or conflict, seeing sedentarisation of Kuchis as the solution to the Hazara-Kuchi dispute and conflict hinders the prospects of a peaceful settlement acceptable to the Kuchis. President Karzai and his team were seriously considering settling Kuchis as a “sensible” option when a violent conflict erupted between Hazaras and Kuchis in 2008 (Wily, 2009). Such stance indicates that the Afghan government not only lacks the understanding of Kuchi lifestyle but also fails to appreciate the Kuchis’ (potential) contributions to the Afghan economy (Tapper, 2008 and Barfield, 2004). While poor Kuchis who have either lost their livestock or are very poor have already settled down, settling down Kuchis who have a large number of cattle (60 – 100) is unfeasible (Ferdinand, 2006). The migration routes and destinations provide the large amount of fodder and water sources that can feed the large cattle (ibid). Migration maximizes the number of cattle they can raise (ibid). They can raise only a small fraction of the number if they stay in one place and even claim their cattle will die due to inadequacy of fodder and water resources (ibid). Moreover, if Kuchis remain in one place and use the same pasture, they can damage its fertility by not allowing it the needed time to re-grow fodder (de Weijer, 2005b).

Considering that Afghanistan has four seasons and isn’t green year-round, such an arrangement is not feasible, nor do the Kuchis stay in a pastureland after the grass and fodder are gone (ibid). Badakhshan17, a north-eastern province of 44,059 square kilometers, is the only province where the Kuchis are involved in the intra-provincial migration or migration from one corner of the province to the other (Patterson, 2004). Other than that, Afghanistan, being the size of California, does not have a “single province” that can meet the needs of Kuchis throughout the four seasons of the year, especially summer and winter (Tapper, 2008). Therefore, settling Kuchis, especially the

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17Afghanistan’s total land area is only 652,000 square kilometers out of which 12 percent is arable, 3 percent is considered forests, 46 percent is pastureland while 39 percent is mountainous and uncultivable (NRVA, 2007/8).
large-cattle owners, may ease the worries and grievances of the settled population but will cause new grievances for Kuchis when their cattle will die because of lack of water and fodder (Ferdinand, 2006). In other words, settling them will strip them off their capital (cattle) with the gradual passage of time. Kuchis with large cattle only know how to raise livestock. If the government does not provide the means to ensure that pastoralism continues, such Kuchis will fall below the poverty line and add to the already 36 percent national poverty rate (NRVA 2007/8).

Nomads, in general, have rugged looks, live under tents, cannot usually go to school or universities and do a host of other things differently than settled populations, so their lifestyle is considered “uncultured” and the one that should be changed (Howard-Wagner, 2007). At times, their migration is seen as a sign of poverty when migration is a means for livestock reproduction, not because they are homeless (Tapper, 2008). The Afghanistan government is not the only government that fails to understand Kuchi lifestyle or nomads. Barth (1961) maintains the monarch of Iran, Mohammad Reza Pahlavi, had deliberated to settle the Iranian nomads as he thought they were poor and homeless. Another reason for settling nomads stems from the fact that governments do not like people who constantly move because they cannot tax them and fear their military potential to challenge governments (Tapper, 2008).

The other downside to the notion of Kuchi settlement is framing them as liability when they can productively contribute in the economy of Afghanistan (Barfield, 2004). Kuchis are the highest producers of meat, milk, yogurt, cheese and quroot (dried curd rich in protein) (ibid). They also produce quality export items like carpets, ‘hand-spun wool’ and karakul skins that compete in the international markets and constituted 30 percent of the exports in the 70’s (de Weijer, 2005b, p.8 and Barfield, 2004). Considering sedentarising Kuchis, which means changing their 300-year-old lifestyle to the government’s bliss despite their (potential) economic contribution, is not only

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18According to carpet and wool traders, there is a high demand for good quality hand-spun wool. Hand spinning of wool adds characteristics to the wool, which cannot be obtained through machine spinning (e.g. the density of the wool in the thread, and the slight variations in thickness which creates a lively effect after dyeing) (de Weijer, 2005b, p.8)
unconstitutional but detrimental to the national economy of the country, too. Settling Kuchis that do not want to settle is a clear violation of Article 14 that obligates the State to ‘design and implement effective programmes to develop agriculture and animal husbandry, improve economic, social and living conditions of farmers, herders and settlers as well as the nomads’ livelihood’ (Afghan Constitution, 2004). It also negates Articles 22 and 24 that forbids all kinds of discrimination and fosters civil liberty and human dignity of all Afghans (ibid).

Again, hypothetically speaking, if the government even manages to sedentarise Kuchis, they will probably settle them down in the rural areas since most of the pastureland is located in the rural areas and life in the urban areas is expensive (Wily, 2004). If we look at the National Risk & Vulnerability Report of 2007, we will realize that the government will not be able to provide any services for Kuchis considering the unemployment (7%), health (53%), access to electricity (32.5%) and poverty (36.4%) ratios in the rural areas (NRVA, 2007/8). However, if the Afghanistan government supports pastoralism and sheepherding by the peaceful and just resolution of their land disputes, the Kuchis will be empowered to contribute to the export products of the country even more.\footnote{Currently, meat is a very expensive food item in Afghanistan, a country that hosts 1.5 to 2 million Kuchis for two reasons: One, the demand for meat is higher than Afghan currently produces. Two, meat is mostly imported from Pakistan. A kilo of meat costs around 330 Afs (~£4.30) while the average salary of a government official is roughly £63 a month. A productive pastoral economy can contribute in the supply and decline of meat prices.}

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In conclusion, the dispute and conflict have roots in identity and resource while land tenure ambiguities and treating the notion of settling and sedentarising Kuchis as a solution serve as peripheral issues. The base of the dispute and conflict was laid when the Hazaras’ ethnicity and religious beliefs were targeted to occupy Hazarajat. Today, the same identity is used as a tool to turn down the possibility of a peaceful resolution, which if carried out from bottom-up may produce favourable results (de Weijer, 2005b). The only difference is that in the 1880’s a Pashtun leader used it as an instrument for his expansionist ambitions while today the Hazara political elites have embraced the Pashtun leader’s instrument as “innocent victims” and are using it against the Kuchis to further their own political ambitions and survival. Using identity as an instrument, the Hazara political elites create a bubble of myths and fears that causes Hazaras to fear committing to put an end to the dispute and conflict. On the other hand, the Kuchi elites treat Hazarajat as the booty their forefathers were awarded for fighting a “holy war” against the Hazaras. They consider the use of Hazarajat lands as their God-given right and can instigate conflicts for as long as there is no peaceful and permanent settlement. In a nutshell, at the core of it, the dispute and conflict is armed and fought with faith, which has shaped into an integral part of both the Hazara and Kuchi identities.

When a Kuchi political elite makes 2 million USD from a conflict he loses nothing in, he has little to gain from the permanent resolution of the dispute and conflict and risks the loss of the future opportunities of pocketing 2 million USD. Also, the Hazara political elites maintain their heroic status by standing against the Kuchis. In such circumstances, there is little hope and room for any peaceful settlement between the two group from a top-down approach (Land Info, 2012 and Foschini, 2011). Based on how the political elites take advantage of the dispute and conflict, one conclusion can be drawn that it is them who spread the intangible factors of myths, fears and threats more than they exist. The tangible (or resource) factor of the conflict is genuine. Land is a rare and expensive commodity for both groups because of their high poverty rates and needs. The average Hazaras and Kuchis are the ones who are in the receiving end of suffering in the dispute
and conflict. Since the conflicts are staged in Hazarajat, the Hazaras lose their property, assets and family members while the Kuchis lose family members and denied access to their pastureland and purchased land, which is part of their lifestyle and identity. Both groups have realized that their political elites are taking advantage of their plight. This realization can, therefore, be worked on for a bottom-up dispute and conflict resolution.

On the other hand, the ambiguities in definition of land titles, use and boundaries create a legal vacuum that hinders the prospects of a dispute resolution even if both parties put their identity issues aside. The existence of different and multiple documents and accounts of ownership make the resolution even more challenging. Moreover, when the government assigns itself the ownership status of the pastureland, it makes the government an interested party in the dispute and conflict when ideally the government should be playing the role of a trustee. The ownership status can lead the way for commercialization, usurpation and agricultural use of the pastureland, which Afghanistan has experienced.

Afghanistan is not alone in not comprehending the nomadic/Kuchi lifestyle. However, if Afghanistan, which has a large Kuchi population, decides to sedentarise Kuchis, it will be acting on its ignorance and changing the three century-old lifestyle, is unconstitutional as it violates their civil liberties and freedom promised in the constitution. Moreover, it labels them as a liability that needs to be taken care of when they are actually an asset and have the potential of contributing productively to the economy (Barfield, 2004). While sedentarising Kuchis may settle the worries of Hazaras, it will be unacceptable to the Kuchis and will result in Kuchi resentment and lack of support for the government.

More importantly, if the dispute, the conflict, issues and grievances of both sides are not studied thoroughly and responded to accordingly and justly, the Government of Afghanistan may witness the eruption of recurrent violence (Wily, 2009). Afghanistan has already seen the aftermath of neglecting minority groups in the destructive inter-ethnic conflict that destroyed Kabul (Goodson, 2001). Since two major events, namely the presidential and parliamentary elections and the withdrawal of NATO and other
international forces, are taking place in 2014, the dispute and conflict between the Hazaras and Kuchis is very fragile, disorderly and costly to remain unresolved. Lastly, the author would like to suggest an in-depth study on Kuchi identity and a further and in-depth field research on the issues that this paper has touched upon.


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Appendix #1: Brief History of Shiism:

Four individuals, namely Hazrat Ali Ibn-e-Abi-Talib, Imam Hussain, Amir Muawiyah and Yazeed Bin Muawiyah play important roles. Ali was the cousin and son-in-law of Prophet Mohammad (PBUH), the youngest and amongst the first to have accepted Islam, the fourth Islamic and a brave and honest leader (Blanchard, 2009). According to Shiites, Ali should have been the first caliphate of Islam as he was more deserving than the other three caliphs, namely Abu Bakr ibn-e-Abi Quhafa, Umar ibn-e-Khetab and Othman ibn-e-Affan (ibid). During Ali’s reign or tenure as the caliph, there was a lot of resistance against his rule, especially from Amir Muawiyah, who would eventually succeed him, after the former was assassinated after having ruled for only five years (ibid). Initially, Ali’s elder son, Hasan, resisted succession of Amir Muawiyah but had to relinquish in favour of Muawiyah for the sake of keeping peace in the Muslims world (ibid).

Before Muawiyah passed away, he made Yazeed Bin Muawiah, his son, the caliphate of Islam, which was vehemently resisted by Imam Hussain, Ali’s second son, for two reasons: One, it is claimed that Muawiyah had promised Hasan, Hussain’s elder brother, to return power to the Prophet Mohammad’s (PBUH) lineage meaning to Hazara Ali’s family, which Muawiyah did not honor (ibid). Secondly, Yazid’s accession of power would change the caliphate, a consultative appointment, to hereditary succession, which the caliphates prior to Muawiyah were strongly against20 (ibid).

Hussain was based in Kufa, Iraq, while the caliphate was based out of Mecca, Saudi Arabia, the birthplace of Islam (ibid). Hussain had traveled to Medina, Saudi Arabia, when Yazid had sent his envoy to make Hussain swear allegiance to him by will or force. (ibid). Hussain denied allegiance to Yazid and headed back to Kufa with 71 of his companions. Yazid’s army followed them and assassinated Hussain and his companions.

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20For example, when Umar bin-e-Khetab, the second caliphate of Islam was sick, he had advised that anyone but his son, Abdullah bin-e-Umar, could become the caliph after him.
Hussain’s assassination marks a dark day in the history of Islam. Every year the tenth of Muharam-ul-Haram, the first month of the solar calendar, is celebrated as the black day in the history of Islam (ibid). This day is also called *Ashura*, which means the tenth day (ibid). After this day, Muslims who hold Yazid and Muslims allied with him responsible for Hussain’s assassination formed separate groups calling themselves Shi’a Ali or the followers of Ali Ibn-e-Abi Talib (Shiite) while the rest of the Muslims are known as *Ahl-e-Tasanun* (followers of the sayings and acts of Prophet Mohammad (PBUH)) or shortly known as Sunni(s) (ibid). Both Sunnis and Shiites mourn Hussain’s assassination or martyrdom. However, the Shiites mourn harder by even beating themselves in a specific way that they even bleed (ibid).

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21 Shiites are also under the impression that Muawiyah had poisoned Ali’s eldest son, Hassan (Blanchard, 2009)