

Case Studies Series

**LAND RELATIONS  
IN BAMYAN PROVINCE**  
Findings from a  
15 village case study

Afghanistan Research and Evaluation Unit

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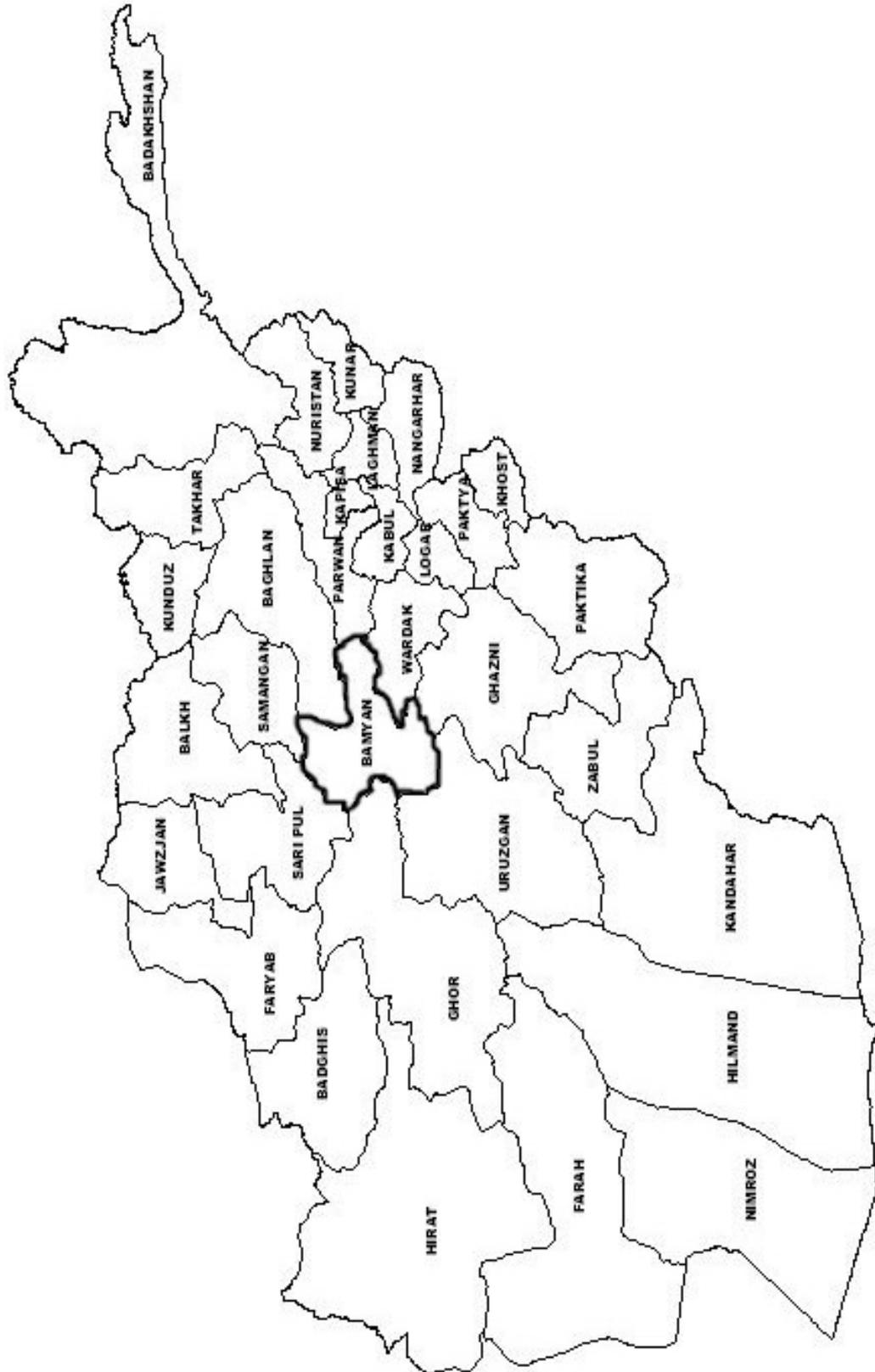
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**PUBLICATIONS FROM AREU**

## MAP OF AFGHANISTAN: LOCATION OF BAMYAN PROVINCE



## GLOSSARY<sup>1</sup>

Abi	irrigated land farming
Afghani (or Af)	the official Afghan currency (one dollar= 48 Afs)
Aigal	customary practice of conservation on hillsides
Ailoq or sargol	upland pasture
Amir	king
Amlak	property (land)
Arbab	appointed local leader
Asha	communal work
Beg	leader, clan head
Chalma	dung cakes, for winter fuel
Char kot	literally “four piles,” sharecropping where farmer gets one-quarter of crop
Daftar	a highly erratic measure used mainly in Panjab District, averaging 60 <i>jeribs</i>
Dara	valley
Dehqan	farmer, farm worker
Ejara	lease, lease arrangement
Ejara Khat	lease agreement
Eslah Khat	mediation finding
Firman	state order
Feudales	landlords, as referred to during communist period
Graw, bai jaez	pawning or mortgage
Graw-dar	the person to whom land is pawned
Habba	donation
Hasre Weraset	legal heir
Hizb	party
Hoquq	law office, Ministry of Justice (right)
Ijaradar	tenant
I'tilaf	alliance, coalition
Jerib	one-fifth of a hectare
Kargar	labourer/worker
Kaghaz e safed	white paper settlements (customary or non Shari'a or legal document)
Keraya	rent
Khan	notable, landowner, landlord
Khas bur	semi-useless land (literally, “tiny wild herb land”)
Khar or Hezum	literally thorns or spikes, thorn bushes collected from mountains for fuel
Koknar	poppy plant
Kulbar	one-quarter of a <i>daftar</i> , around 15 <i>jeribs</i>
Lalmi	rain-fed agriculture, dry land farming
Loya Jirga	grand council
Loy Saranwal	public prosecutor
Mahkema Marafaa	provincial appeals court
Mahr	marriage gift made to wife, can be property
Malik	landlord, owner
Mana or Chapari	summer season shelter on pastures
Maraa	public land
Mawaat	barren land
Mir	leader, commander, tribal chief
Mustofiyat	Finance House (provincial)
Mustakber	landlord or oppressor (as referred to during time of faction)
Mustazaf	the oppressed (as referred to during communist period), also a group of the <i>Hizb-e Wahdat</i>
Nisfa kari	50-50 arrangement of sharecropping

<sup>1</sup> Glossary of either Dari or Hazaragi terms in usage.

Northern Alliance	coalition of anti-Taliban forces
Numanyanda	representative
Palavi	leader, literally “wrestler”
Panj kot	literally “five piles,” sharecropping where farmer gets one-fifth of crop
Qabala-ye-orfi	customary title deed
Qabala-ye-shar’ia	official title deed
Qabalae Jayezi	warranty deeds
Qabalae Qatae	land ownership deeds
Qarya	village
Qasi	judge
Qurut	dried curds
Rahn	temporary purchase, a form of mortgage but where lender takes over use of property until repayment
Sahib zamin	landowner
Sardar	leader, head of clan
Sarad	literally “cold land,” meaning land fed by springs or highland ponds, neither by rain nor irrigation from rivers
Sarqofli	tax or payment made by tenant
Seer	seven kilos of grain
Shari’a	Islamic law
Sherini	tip, bribe, share
Shura	community committee
Shura-i-Nizar	supervisory Council of the North
Sai kot	literally “three piles,” sharecropping farmer received one-third of crop
Taraka Khat	distribution of inherited property among heirs
Takiya khana	meeting place, may also be used as mosque (in Shi’a sect of Islam)
Tamlik Khat	letter of conveyance
Taqsim Khat	division of property document during lifetime of owner
Taryak	opium
Tayefa	clan
Tol	extended family or small group of families
Tuyana	bride price, payment to wife’s father
Ushr	alms or tithing
Wahdat	the dominant Hazara political party
Wakil	governor
Wasayeq Sharia	legal documents
Wasayat Khat	last will and testament
Wuluswali	district
Zamindar or mulkdar	landlord, landowner

Note: the term **household** is used in this report to refer to what are generally extended households living in a single compound. Several nuclear families and several generations may be members of this household.

## I. Introduction

Access to land is at the heartland of agrarian relations, as important to Afghans as to peasant farmers elsewhere around the world.<sup>2</sup> It has also been a public concern; attempts to reform inequitable access to land progressively marked late-royal, republican and especially communist agendas between 1966 and 1986. These efforts contributed significantly to rebellion and the ensuing decades of conflict and misery. Competition for scarce, usable land and deeper issues of inter-ethnic territoriality, aggravated by partisan government policy, have deeply characterised the making and unmaking of the Afghan state this last century.<sup>3</sup>

Despite the above, exploration and analysis of land relations in Afghanistan have been remarkably slight, both historically and in the present “post-conflict” period. To help remedy this, the Afghanistan Research and Evaluation Unit (AREU) has begun to look into the issue. Examination of land tenure issues began in October 2002 with a short scoping exercise by this author. Its objective was simple: to identify the land ownership problems facing Afghans, particularly those in the rural majority.

AREU published this report in March 2003.<sup>4</sup> Although the study had been cursory, an overriding conclusion was inescapable: the land relations of Afghans are in serious disarray. This is both disarray born of two decades of conflict and disarray arising out of chronic and still unresolved inequities and tribal-based dissatisfactions. According to the report, the immediate concern is that real and lasting peace cannot be achieved without the resolution of land conflicts and the ordering of land relations in general.

AREU engaged in a follow-up study in July 2003,<sup>5</sup> which looked to the constitution-making process as a unique opportunity for the national community to be alerted to the very basic tenure decisions that needed to be made and concluded that the exigencies of the situation required the intervention of supreme, constitutional law. A number of other countries had similarly found this to be necessary in recent years; chapters of land rights are increasingly common in modern national constitutions.

Meanwhile, AREU has itself committed to learning more about the realities of land relations on the ground. This paper on Bamyan Province is the first of an immediate series of rapid reconnaissance studies that will be carried out in central, north-western, and north-eastern areas. These studies aim to provide quick, but grounded snapshots of land relations in different parts of the country.

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<sup>2</sup> Although in the past “Afghan” has referred to Pashtun only, it is used in its modern sense here to denote all citizens of Afghanistan.

<sup>3</sup> Refer to Alden Wily, L. *Land Rights in Crisis: Restoring Tenure Security in Afghanistan*. Afghanistan Research and Evaluation Unit: Kabul. March 2003 for details of the 20<sup>th</sup> century context of land relations in Afghanistan. The report is available on the internet: [www.areu.org.pk](http://www.areu.org.pk) and may be acquired in hard copy from the AREU office in Kabul.

<sup>4</sup>Ibid.

<sup>5</sup> Alden Wily, L. *Land and the Constitution*. Afghanistan Research and Evaluation Unit: Kabul. September 2003. The report is available on the internet: [www.areu.org.pk](http://www.areu.org.pk) and may be acquired in hard copy from the AREU office in Kabul.

**Box 1: Bamyan Province: Village Survey Areas**

1. Bamyan District, Folady Valley: Siya Khar Bolaq, Alibeg and Borghaso
2. Bamyan District, Peri-Urban Desert Area: Dasht-e-Borsianas
3. Shibar District, Kalo Valley: Upper Kalo
4. Shibar District, Eraq Valley: Kafshandaz, Ashoor and Khoshkak
5. Panjab District, Gudar and Nargas Valleys: Nargas and Doni Nayab
6. Panjab District, Khdak Takhta Valley: Deh Pioetab and Kachari
7. Panjab District, Ghor Ghori Valley: Bazaar, Joi Hawdz and Rashak

**Methodology**

Bamyan Province lies in the heart of the country (see map). It is also physically and historically central to the area referred to as Hazarajat, populated mainly (but now far from exclusively) by the Hazara people. Bamyan was selected as potentially representative of the central zone mainly on the basis that it is accessible and “secure.” The visit to the area was short, lasting 13 days in June 2003. It focused on eight groupings of villages in three of the seven districts. Around 200 farmers, both landed and landless, participated, talking about the land relations of some 2,000 households in 15 communities (villages or hamlets) (Table 1). Women attended about half of these meetings. The selection of communities was opportunistic and selection of informants was casual; nothing in the village accounts should be construed as founded on rigorous research. Time limitations, which were exacerbated by long distances travelled within this expansive province, meant that the author opted for breadth of coverage at the expense of depth of study. In all areas selected, valleys form the natural socio-spatial framework. Sometimes these represent a single interlinked social formation or social ward (*manteqa*). In the case of larger valleys, villages and hamlets may form a number of such social clusters.

Though the author visited a number of farms, there was no way of knowing whether the information received on farm size and other matters was accurately presented by informants. It became clear, however, that Bamyan Province farmers are considerably less shy than their brothers in many other parts of the world to say how much land they own (or don’t own). “What is the point of lying about my land?” responded one farmer, “My tenants know exactly how much land I have and how much land everyone else has.” Such candidness was not found when discussing livestock, and vague or obviously inaccurate responses were common. Accordingly, the livestock data collected are not provided here. This is a great pity, for livestock ownership, as this study found, is much more widely spread among households than land ownership; indeed, the ownership of sheep in particular represents the single capital asset of many poorer households.

**Table 1: Number of Districts, Valleys/*Manteqa* and Communities Surveyed, Number of Households Surveyed and Number of Direct Interviewees**

District	District Officials Inter-viewed	Valley and/or <i>Manteqa</i> Surveyed	Communities Sampled Within Valley or <i>Manteqa</i>	Total Households Surveyed	Persons Directly Interviewed
Kahmard	0	--	--	0	0
Saighan	0	--	--	0	0
Warras	0	--	--	0	0
Yakawlang	5	--	--	0	0
Bamyan	20 <sup>6</sup>	Folady	Siya Khar Bolaq	78	12
			Alibeg	126	10
			Borghaso	100	11
		Bamyan	Dasht-e-Borsianas	100	15
Shibar	5	Kalo	-	(1,200) <sup>7</sup>	35
		Eraq	Kafshandaz	42	6
			Ashoor	22	4
			Khoshkak	20	11
Panjab	4	Nargas	Sara-e-Nargas	16	5
			Akbar	55	6
		Gudar	Doni Nayab	30	16
		Khdak Takhta	Deh Pioetab	83	13
			Kachari	16	15
		Ghor Ghor	Bazaar	12	12
			Joi Hawdz	11	16
			Rashak	18	11
<b>TOTAL</b>	<b>34</b>	<b>8</b>	<b>15</b>	<b>729 (+1,200)</b>	<b>198</b>

Generically, land relations do not exist in isolation from other social and economic relations. Nor are they isolated in time. Hazara land relations – for the Hazara people are the overwhelming ethnic majority in Bamyan – and the problems Hazaras face today have been very directly shaped by state policy over the last century, including in the very recent Taliban past. Additionally, this is set against a long history in which Hazarajat operated as a largely (but frequently infringed and embattled) series of related autonomous areas, if not a discrete kingdom per se. Writing on the modern history of Hazarajat is limited and mainly indirectly ascertained by commentators. S.A. Mousavi (1998) stands as Afghanistan’s only contemporary scholar on the subject and is a source frequently used here. For the most part, however, it befits the nature of this exercise that the farmers interviewed should speak for themselves, and it is their report on their land relations that dominate this paper.

Sadly, the story they tell is far from happy. They represent a population that has been on the receiving end of vicious depopulation policies, of classical tensions between customary and state-granted rights and legal systems, those between the land uses of settled and nomadic peoples and those between the state and people as to their respective powers over property. As if the external drivers of chaos in land relations were not sufficient, the internal ordering of land relations is inequitable, resulting in landlessness, exploitation and increasing poverty.

<sup>6</sup> Mainly provincial level officials.

<sup>7</sup> This refers to the estimated total households of the valley, the subject of discussion with 35 representatives. However, the information ascertained was very general, and not backed up with on-site visits to any villages in the valley, and the number is therefore placed in parentheses.

## II. Background

### General Information

Bamyan Province lies in central Afghanistan within the Hindu Kush range between 2,000 and 4,000 metres above sea level (and with the dominant Koh-i-Baba mountain ridge rising to 5,000 metres). Administratively, Bamyan officially comprises seven districts with around half a million people in around 2,000 hamlets or villages (see Table 2).

**Table 2: Population Estimates of Bamyan Province**

	District	Est. Villages	Est. Households	Est. Population
1	Bamyan Central	271	14,457	77,473
2	Yakawlang	481	13,948	141,877
3	Shibar	190	4,905	19,002
4	Saighan	83	4,633	27,758
5	Kahmard	41	7,126	42,107
6	Panjab	390	11,580	113,896
7	Warras	553	12,242	88,000
	<b>Total</b>	<b>2,009</b>	<b>68,891</b>	<b>510,113</b>

*Sources: Various: FAO 2003 (using AIMS data of June 2002), Solidarités 2003 and AKDN, pers. comm.*

Accurate demography is hard to come by, both because the population has been in flux over the last decade and because operational agencies tend to use different socio-spatial units to define “villages.”<sup>8</sup> Villagers themselves use diverse bases to define local areas or *manteqa*. In one valley, this may be defined by a socio-physical hamlet, while among persons in another valley, by membership of the local *takiya khana* and in another valley, by clan membership, which may cross-cut rather than coincide with settlement patterns. Religion may also define “community.”<sup>9</sup> Valleys are generally too large to define community or serve as a useful operational basis for social or development management. These variously comprise ten to 60 hamlets. Villages or hamlets may comprise six to 160 or more households. Households tend to vary from nuclear units to large extended families and to households which include client families (see Box 2). In sum, figures for settlements and people need to be viewed with caution, particularly as the population is still in flux as people return from exile.

The vast majority of residents are farmers<sup>10</sup> and towns are few. Artisan skills of spinning and weaving woollen goods and trading of these and *qurut* (dried milk curds) and leather are widely practised supplementary activities.<sup>11</sup> The area is

<sup>8</sup> For example, population estimates for August 2002 given by UNHCR are markedly different from those provided by AIMS for the same period and different again for those provided by operational agencies in the area.

<sup>9</sup> A fascinating insight into the way religion may reconstruct what on the surface looks like a village community is provided by Canfield, R.L. *Faction and Conversion in a Plural Society: Religious Alignments in the Hindu Kush*. Anthropological Press: The University of Michigan - Ann Arbor. 1973, 8-9. In looking at religion in some valleys in Shibar District, he found that while Ismaili and other Shi’a may live together in the same hamlet, they do not intermarry, identify different forefathers, do not graze sheep and goats in the same flock, patronise different mills and use different artisans. They feel no obligation to greet each other on the path, and borrowing, lending, buying and selling seldom crosses sectarian lines.

<sup>10</sup> The FAO estimates 95 percent. FAO. Project Document. *The Development of Sustainable Agricultural Livelihoods in the Eastern Hazarajat, 2003-2007*. 2003.

<sup>11</sup> See Shurmann, H.F. *The Mongols of Afghanistan: An Ethnography of the Moghols and Related Peoples of Afghanistan*. Mouton and Co.: S-Gravenhage. 1962 and Mousavi, S. *The Hazaras of Afghanistan. An Historical, Cultural, Economic and Political History*. Curzon Press: Surrey. 1998 for details of what the latter calls “industry and commerce” among the Hazaras. There is no doubt that Bamyan City itself represented an important trading

famously high and cold and the people poor, eking out a living in long, narrow valleys with limited scope for irrigated agriculture and unusually long winters of six months in the higher zones.

**Box 2: Social Organisation among Bamyan Hazaras**

Khanawadah	Household
Tol (or Tolwar)	Extended family, headed by <i>malik</i>
Tayefa	Clan, headed by <i>khan</i> (and later often an <i>arbab</i> )
Qaum	Tribe, headed by <i>beg</i> or higher <i>mir</i> (commander)

Source: Mousavi 1998 and field.

Traditionally, Bamyan has always had the least hectares of irrigated farmland in Afghanistan.<sup>12</sup> Wheat is the dominant crop, with 41,711 hectares (ha) planted in 2002 in the five districts of Bamyan, Shibar, Yakawlang, Saighan and Kahmard.<sup>13</sup> Potatoes in Bamyan District in particular, and barley, beans and sometimes poplar and willow trees, are other common crops. Fodder crops are also routinely produced.<sup>14</sup> Cultivation is by river-fed irrigation (*abi*) or partial irrigation by high ponds or springs (*sarad*) and on rain-fed fields (*lalmi*). Rotation and fallowing are practised, the latter especially on the rain-fed fields. Some of these lie at more than 3,000 metres and may be very remote from settlements. Figures for farmland vary widely, and again figures are given with reservation in Table 3. Certain trends are fairly stable, such as the limited amount of rain-fed land in Bamyan District compared to its abundance in Panjab District.<sup>15</sup> The mountainous nature of Bamyan Province means that rain-fed agriculture is quite limited as compared to other areas of Afghanistan.<sup>16</sup>

Historically and today, raising livestock is common. Those who have tracked livestock data observe the sensitivity of numbers to local and external factors and not just drought.<sup>17</sup> Comparing figures for three villages between 1994 and 1998, Semple, for example, concluded that not-flood-related fodder losses, as well as the Taliban economic blockade of Hazarajat during 1997-1999, had reduced mean cattle holding from six to two animals per household, and sheep and goats from 21 to seven animals per household within that short period.<sup>18</sup> Farmers in this

post throughout several millennia and also that the passes were important trading routes to and from the north and south.

<sup>12</sup> During the 1960s, Bamyan Province had the lowest hectareage of irrigated land at 23,160 ha. CSO (Central Statistics Office). *Afghanistan Agriculture in Figures*. Kabul. 1978.

<sup>13</sup> Solidarités. *Social and Economic Survey on 5 Districts of Central Afghanistan: Bamyan, Saighan, Kahmard, Shibar, Yakawlang*. Paris. 2003. In 1991, at which time some 41 percent of farms were abandoned, a Swedish-funded survey of agriculture found that 98 percent of farmers were growing wheat; the mean area was 4.4 *jeribs* (0.9 ha) of irrigated land per farmer under wheat, producing a mean of 57 *seers* (399 kg) per *jerib*. Among the 23 percent who also grew rain-fed wheat, the mean area cultivated was 6.9 *jeribs* (1.38 ha), but with each *jerib* producing only 13 *seers* of wheat (91 kg), one quarter the production of irrigated land. (SCA [Swedish Committee for Agriculture]. *Agricultural Survey of Afghanistan*. Fourteenth Report. 1993, Table 14.)

<sup>14</sup> In 1991, 36 percent of farmers grew alfalfa and 14 percent grew clover (Ibid, Table 21).

<sup>15</sup> For example, FAO-UNDP indicated 8,963 ha and 6,723 ha respectively for irrigated farmland in Bamyan and Panjab Districts, but only 596 ha of rain-fed land compared to Panjab's 7,082 ha (FAO-UNDP. *Provincial Landcover Atlas of Islamic State of Afghanistan, 1999*. Kabul. 1999.)

<sup>16</sup> For example, in 1967-78, a formal survey showed that only 6,760 ha of rain-fed agriculture was practised; the seventh lowest area among 28 provinces (CSO 1978, op cit.; Table 32).

<sup>17</sup> See information on livestock numbers in Shurmann, op cit., Solidarités, op cit., and Semple, M. *Strategies for support of sustainable rural livelihoods for the central highlands of Afghanistan: A study to identify opportunities for effective assistance to reinforce people's livelihood strategies*. Pattan Development Organization: Islamabad. Draft. 1998.

<sup>18</sup> Semple, *ibid*.

reconnaissance indicated that disease represented the largest constraint to increasing numbers of livestock, against a background of losses during the drought and the Taliban years.

**Table 3: Estimated Arable Land in Bamyan Province**

	District	Irrigated Land (jeribs)	Rain-fed Land (jeribs)	Total Arable Land (jeribs)	Irrigated Land (% of total)	Rain-fed Land (% of total)
1	Bamyan Central	49,154	5,783	54,937	89.5	10.5
2	Yakawlang	55,560	62,680	118,240	47	53
3	Shibar	10,298	10,789	21,087	49	51
4	Saighan	19,454	18,991	38,445	50.6	49.4
5	Kahmard	19,238	16,388	35,626	54	46
6	Panjab	15,252	73,160	88,412	17.3	82.7
7	Warras	No data	No data			

Sources: Solidarités 2003, Oxfam Panjab Office for Panjab and Warras Districts

There is ample evidence that Hazara ownership of stock may have been in steady decline over the last century. Competition for rangeland, loss of rangeland through expanded rain-fed cultivation, climate change due to deforestation of the juniper forests, and degradation of the rangeland that remains are commonly mentioned causes. Many travellers and researchers of the past noted the large numbers of animals owned by Hazaras.<sup>19</sup> Hazaras have historically been agro-pastoral rather than solely farmers (and, Shurmann notes, some were nomadic). Mousavi cites an 1857 finding that the feudal chiefs of Dai Zangi (modern day Panjab and Warras) possessed more than 69,000 horses in their cavalry, though he acknowledges that others recorded much lower numbers.<sup>20</sup> The movement of flocks to the high pastures (*ailoq* or *sarqol*) remains an annual summer routine (not to be confused with nomadism). Every community hires a shepherd or two for this purpose, usually the sons of landless workers.

Keeping livestock in this region is by no means confined to the landed; even among the poorest, there are those that take their small herds of sheep and goats with them as they move from landlord to landlord. In 1991, the Swedish Committee of Afghanistan (SCA) reported that 98 percent of households owned a donkey and more surprising, 75 percent owned a cow. Two-thirds of households owned small stock (goats or sheep).<sup>21</sup> There is little evidence today of such widespread ownership, especially of cattle. All communities visited complained of shortage of ploughing power. No landless farmer owned a cow. Many landless farmers own a sheep or two.

Land ownership typically defines and divides community members broadly into those who own land and houses and those who do not. Mousavi divides pre-modern society among feudal landlords (*mirs*), richer peasants (often religious leaders), middle peasants (soldiers and relatives of the *mirs*), small peasants, and landless peasants and landless, bonded labourers.<sup>22</sup> It is generally agreed that a prominent

<sup>19</sup> Shurmann, op cit., Canfield, op cit., Mousavi, op cit. and Hamilton, L. *A Vizier's Daughter. A Tale of the Hazara War*. John Murray: London. 1900.

<sup>20</sup> Mousavi, op cit., 101; See also Ferdinand, K. *Preliminary Notes on Hazara Culture*. Historisk-filosofiske Meddeleser bind 37, No. 5: Copenhagen. 1959, 22 and Lee, J. *The 'Ancient Supremacy': Bukhara, Afghanistan and the Battle for Balkh, 1731-1901*. Brill, Leiden: New York. 1996, pers. comm.

<sup>21</sup> SCA 1993, op cit.

<sup>22</sup> Mousavi, op cit.

Hazara urban working class grew out of the forced and voluntary migrations from Hazarajat that resulted from Abdur Rahman's policies and those of his successors.<sup>23</sup> These same policies did much to reconstruct feudal land relations at home and the *mirs* in effect disappeared. Landlessness and exploitative land relations did not contribute to the reconstruction of feudal land relations, as this paper will amply illustrate.

### ***Bamyan as the Centre of Hazarajat***

Bamyan Province is part of Hazarajat, and arguably its geographical, historical and socio-cultural centre. Hazarajat has no official political or administrative designation and different administrations over the last century have determinedly constructed provincial boundaries to limit its cohesion – the most recent effort of which has seen the Tajik-dominated districts of Saighan and Kahmard attached to Bamyan in 2003. Excluding these districts, Hazarajat as popularly construed by Hazaras comprises Bamyan Province and ten districts in six adjacent provinces.<sup>24</sup>

The fact that many (but not all) Hazaras appear Mongoloid in their features generated much interest in their origins among travellers and scholars between the 18<sup>th</sup> to 20<sup>th</sup> centuries. An emergent view for a while was that they are the descendants of the soldiers of the Mongol warrior, Genghis Khan, who reached and laid waste to the area around 1221.<sup>25</sup> Mousavi extensively reviews this and other theories and concludes that the Hazaras have much older origins, extending back to the migration of different Turkic peoples into the area some 2,300 years ago. Modern Hazaras are, Mousavi argues, a thorough mixture of many different races and ethnic groups, of which the soldiers of Genghis Khan and his descendant, Amir Timur, are but one element.<sup>26</sup>

Hazarajat is regarded as one of the most mono-ethnic areas in Afghanistan. By far the majority of residents are Hazaras. The exceptions are the two newly added districts of Saighan and Kahmard, where respectively 63 percent and 82 percent of the population call themselves Tajik.<sup>27</sup> Authors in the past have divided the Hazaras into seven or eight tribes, among whom the Sheikh Ali Hazaras around Bamyan are perhaps most well known.<sup>28</sup> The Hazaras are Imami Shi'a, and this distinction from majority Sunni adherence has been a frequent source of conflict with non-Hazaras. Hazarajat is also the home of most of Afghanistan's Ismaili Shi'a, found predominantly in Bamyan, Shibar and Yakawlang districts.<sup>29</sup> Sadats or Sayeeds also represent a significant minority. They constitute an upper class of

<sup>23</sup> Abdur Rahman reigned from 1880-1901. This migration pattern grew dramatically during the 1970s, providing a significant proportion of the unskilled labour in Afghanistan and neighbouring Iran (Mousavi, op cit., 107-109).

<sup>24</sup> Balkhab in Jouwzjan Province, Dar-e-Suf in Samangan Province, Lal o Sari Jangal in Ghor Province, Dai Kundi and Sharistan in Uruzgan Province, Malistan, Jaghori and Nawor in Ghazni Province and Behsud I and II in Wardak Province.

<sup>25</sup> Lee, op cit., 14. The Mongol hordes swept through the area on the way to Herat, besieged and destroyed by the end of 1221.

<sup>26</sup> Mousavi, op cit., 43.

<sup>27</sup> Solidarités, op cit.

<sup>28</sup> Hazara comes from the Persian word for "a thousand," a military division used by the Uzbeks and Mongols. As such, it originated as a military, not an ethnic designation. Other groups include the Koh-i-Baba, Badakshan, Berberis (in Iran), Aimaq and Taimanni clans (Sunni Hazaras) as well as those referred to by Shurmann, for example, as simply the Harazajat Hazaras, meaning areas around Wardak (op cit., 112). Canfield observes after Kakar 1968 that the Sheikh Ali Hazaras in fact included the Shibar and Kalo Hazaras who in the 1970s referred to themselves as Darghu Hazaras (op cit., 99).

<sup>29</sup> The Shi'a or Shi'ites broke from the "orthodox" (Sunni) Muslim community after the death of the 4<sup>th</sup> Khalif, Ali. They recognize Ali and his descendants, whom they call "Imams," as the only legitimate descendants of the Prophet. The Imami Shi'a are referred to as "twelvers" because they recognise 12 Imams. In contrast, the Ismaili branch of the Shi'a, are called "seveners" because they recognize only the first seven Imams. They follow a different line of Imam descendants after that up until the present day. The Agha Khan is their current Imam.

Shi'a who claim direct descent from the Prophet's son-in-law, Ali, and have origins in Saudi Arabia. An important group of Sayeeds are known as Qizelbash or Afshar, said to be of Turkish heritage and descendants of the Persian king, Nadir Shah, who invaded Afghanistan in 1738. Sayeeds tend to be urban dwellers and many live today in Herat, Kabul and Kandahar, but are also present in Yakawlang and Bamyan City.

## Historical Overview

Prior to the rule of Abdur Rahman (1880-1901), Hazarajat was governed internally by tribal chieftains, "some of whom it would be right to call local kings."<sup>30</sup> The area was never unified under a single leader, nor does it appear that this was an aspiration of the different local amirs. Nonetheless, there is much to suggest a sense of ethnic and socio-spatial cohesion that reaches back many centuries. Periodically, order of sorts (or at least taxation) was imposed by external leaders during the 18<sup>th</sup> and 19<sup>th</sup> centuries.<sup>31</sup> The area was a link in the silk route and related trading byways from many centuries past and domination at this time was at least partly designed to limit the chronic plundering of trading caravans by the local Sheikh Ali Hazaras around Bamyan.<sup>32</sup> Few dared to go to Hazarajat, writes Ferdinand, but Afghan nomads (Kuchis) did begin to venture into the area during the reign of Sher Ali Khan (1863-1879), "just at the time when they told me they had begun to get good, modern rifles."<sup>33</sup>

### *1880-1901: The Dispossession of the Hazaras*

Everything changed, of course, with the reign of Abdur Rahman (1880-1901). Much has been written on this period, usually with emphasis by some 18<sup>th</sup> century historians on the role of this amir in creating the modern geo-political state of Afghanistan.<sup>34</sup> Rahman's extraordinary ruthlessness in bringing the occupants of northern and western Afghanistan to heel (and his particular cruelty to the Hazaras) have been noted by historians but explained as a necessary evil of establishing the nation-state.<sup>35</sup> Lee's more recent and in-depth examination of India Office documents provides a much clearer picture of the atrocities and the mental instability of Abdur Rahman that lay behind it.<sup>36</sup>

There may be little doubt that the Hazaras were a prominent focus of the "Iron Amir's" terror. First, their subordination was to cost him most of his budget and military force. Second, as Shi'ites, they were considered heretics by the Sunni amir.<sup>37</sup> Canfield suggests that Hazara raids on caravans passing along the Kabul-Turkistan road were early irritants to Abdur Rahman to act, particularly as his wife was caught at one point in such a caravan.<sup>38</sup>

<sup>30</sup> Ferdinand, op cit., 22.

<sup>31</sup> And most notably by Shah Zaman (1793-99). Ferdinand cites Elphinstone's account of 1812 in which the Hazaras of Panjab and Warras were in particular referred to as "independent" (op cit., 18). Also refer to Canfield, op cit., 96-99, who records regular slave-raiding into Bamyan from the north and the steadily increasing effort to control Bamyan as a way of controlling trade routes.

<sup>32</sup> Canfield, op cit., 96-99.

<sup>33</sup> Ferdinand, op cit., 19.

<sup>34</sup> For example, see Dupree, L. *Afghanistan*. Princeton University Press: Princeton. 1980; Olesen, A. *Islam and Politics in Afghanistan*. Curzon Press: Surrey. 1995; and Magnus, R., Naby, E. *Afghanistan: Mullah, Marx and Mujahid*. Westview Press: New York. 2002.

<sup>35</sup> Ferdinand, op cit., Canfield, op cit. and Shurmann, op cit. also tend to this position.

<sup>36</sup> Rahman judicially executed upwards of 10,000 persons; many of the Hazaras and hundreds of thousands more perished from hunger, forced migrations or campaigns. Lee shows how the British knew the condition and terror of Rahman well, but chose to keep this secret for political reasons (Lee, op cit., passim). Also see Hamilton, op cit. for a first-hand description of this period.

<sup>37</sup> Mousavi, op cit., 114.

<sup>38</sup> Canfield, op cit., 99.

From their point of view, the Iron Amir's rule was intolerable to the Hazaras, and not least in the continuing stream of taxes levied, some 16 of which were introduced as early as 1880-1881.<sup>39</sup> While their leaders initially welcomed Abdur Rahman, his reign proved quickly to not be as they had expected. Discontent was expressed as early as 1882 when the king exiled and replaced the leader of the Bamyan Hazaras (the Sheikh Ali Hazaras) with a Pashtun ruler.<sup>40</sup> When later (1888) one of Abdur Rahman's own cousins rebelled in Mazar-i-Sharif (the famous Ishaq Khan), the remaining Sheikh Ali leaders took the opportunity to support him.<sup>41</sup> Lee records that on his way to crush this rebellion in Afghan Turkistan in 1888, Abdur Rahman vented his wrath on the Sheikh Ali Hazaras. Fines were imposed and a large number of cattle were taken. By December 1889, an official British newsletter on the region produced in Peshawar reported that there were between 6,000 and 7,000 Sheikh Ali Hazaras imprisoned in Kabul. Hundreds, possibly thousands, had died during the forced march to Kabul:

“... for the old, women and children who collapsed from exhaustion or fell sick on the road were massacred where they fell, by their guards. Others died from a variety of diseases contracted in the fetid Kabul prisons, from the rigours of working in slave gangs or as a result of the appalling conditions in which they were housed. Many young women were sold to Muhammadzai *sardars* (commanders). By the end of 1890 the Kabul *wakil* reported that not a vestige of the Sheikh Ali Hazaras are left.”<sup>42</sup>

By 1890 parts of Hazarajat were so depopulated that it was easy for Abdur Rahman to further colonise the area with Pashtuns, and especially members of Ghilzai clans, by no means ardent supporters of the Durrani Abdur Rahman. Large numbers of Ghilzai from Jalalabad, Laghman and Kandahar were forced to move there and to areas further north, where the vacant and vacated land was divided among them.<sup>43</sup> Not all Pashtuns were willing emigrants. Sometimes whole villages were levelled in order to force the Ghilzai Pashtuns to emigrate.<sup>44</sup> By 1892 most of Hazarajat was subordinated and taxes were being paid. This was not enough for Abdur Khan, says Mousavi. He summoned, and then imprisoned, exiled or killed as many Hazara *mirs* and religious leaders as he could find. More and more atrocities were committed in what was indisputably an open rule of terror.<sup>45</sup> New taxes were constantly added, including a land tax.

Finally, in 1891, the amir sent 10,000 men to Bamyan to collect revenues and they were so heavy-handed that they precipitated the first uprising.<sup>46</sup> Land tax would be collected one day, then the next day oil would be added on, then 100 sheep, then straw, followed by barley and so on, records Mousavi, citing an eyewitness account written in 1913 that those who refused or who could not pay were massacred, including women and children.<sup>47</sup>

<sup>39</sup> These continued; Canfield after Kakar 1968 records that by 1886 all Hazara tribes paid land tax on cattle and even marriage fees. “But the revenue was not paid in a uniform manner ...whereas some tribes paid a fixed percentage on the produce of their land ...others paid a fixed amount on the land or by family...”. Kakar also records that only Uruzgan Hazaras had escaped and this was due to their strength and resistance (Canfield, op cit., 100).

<sup>40</sup> Mousavi, op cit., 121.

<sup>41</sup> Refer to Lee, op cit., 495-529 for a detailed account of Ishaq Khan's rebellion and the effects upon both the north and Hazarajat.

<sup>42</sup> Ibid, 532.

<sup>43</sup> Ibid, 560.

<sup>44</sup> Ibid, 597.

<sup>45</sup> Lee, op cit. and Mousavi, op cit.

<sup>46</sup> Lee, op cit., 581.

<sup>47</sup> Mousavi, op cit., 124.

The uprising began as a popular movement by ordinary Hazaras, joined by leaders, one of whom was Mohammad Azim Beg, the Dai Zangi Amir – a character who will appear in the history of one of the villages discussed later. This *mir* had in fact pledged loyalty to Abdur Rahman, but joined his people in their outrage and organised the council that brought Hazara leaders together from all over the domain.<sup>48</sup> Unlike the earlier uprising of Sheikh Ali Hazaras, this sought to do more than limit taxes; it sought to overthrow the amir in Kabul. Abdur Rahman responded with the dispatch of some 30,000 troops and called on Sunni leaders to conduct a crusade against the *kafir* (infidel) Shi'a Hazaras. Those who took part were promised Hazara land, and women and children to make their slaves as reward.<sup>49</sup>

By the end of 1892 the Hazaras were defeated. Thousands of Hazara men, women and children were sold as slaves in the markets of Kabul and Kandahar and towers of human heads were made from the defeated rebels as warning.<sup>50</sup> Exorbitant taxes and oppression were again the rule and Hazarajat became a centre of slave trading, with a special tax on slave trading introduced.<sup>51</sup> Bribery and looting of Hazara property was rife.

Mousavi records that in April 1894 orders were given to confiscate all grazing land in Hazarajat, with the stipulation that under no circumstances should Hazaras be allowed any longer to use these lands.<sup>52</sup> These lands were handed over to the leaders of the Afghan nomads:

“Efforts to protect their land ended in the death of several Hazara each time, and the looting of their property and families, with the local rulers always siding with the Afghan intruders ...far from any fines being levied ... for trespass and damage to Hazara crops, they were able to force their animals onto cultivated Hazara lands in return for bribes paid to local Afghan rulers.”<sup>53</sup>

Taxes continued to multiply, including a head tax, a household or poll tax, an animal tax and a blood tax to pay for Abdur Rahman's army, a slave tax and a land tax. By 1901 the last was based on land size, and the payable rate rose annually. Non-arable land was also taxed. By then, the socio-economic landscape of Hazarajat had changed. The feudal and ruling class was wiped out, the traditional method of dividing land on a tribal, clan and *khan* basis was abandoned, and large scale emigration saw the dispersal of Hazaras to Russia, Iran (the Barbari) and to Quetta in what was then British India, as well as to the cities of Afghanistan.

### **1901-1978: Barely Making Amends**

When he succeeded the throne in 1901, Amir Habibullah Khan (1901-1919) restored at least some of the arable land to the Hazaras, making grants to many who had been imprisoned for the duration of his father's reign. His son, the reputable King Amanullah (1919-1929), famed for his reforms, attempted to restore more land to

<sup>48</sup> This was to become in local history as the famous *Jirga-e Au Qool*.

<sup>49</sup> Mousavi, op cit., 126.

<sup>50</sup> Shurmann, op cit.

<sup>51</sup> Mousavi, op cit., 126. Enslavement was not new to the Hazaras, as recorded by Shurmann, op cit. and Ferdinand, op cit. Also see Canfield, op cit., 98.

<sup>52</sup> Mousavi, op cit., 133.

<sup>53</sup> Ibid.

the Hazaras (but contradicted this in his policy of selling large tracts of so-called public lands, but often pasture, at low prices, and increasingly to Pashtuns). The land-fate of the Hazaras was sealed by the post-war wave of Pashtun nationalism, which was to gather pace under Nadir Shah (1929-1933) and his son, Zahir Shah (1933-1973). Throughout Hazarajat, the interests of Pashtuns were favoured in terms of land grants and grants of grazing lands to Pashtun nomads. Particularly from the 1950s, the Pashtun nomads felt free to roam wherever they liked and to secure whatever pastures or related lands they wished for.<sup>54</sup> Peace was, however, restored during the 1900-1930 period and the formal abolition of slavery (1895) began to become more of a reality under Amanullah, who put the matter into the first constitution<sup>55</sup> (although, as noted later, this did not limit discrimination or exploitation against Hazaras, wherever they lived). As important for Hazaras was the sharp – but temporary – diminishment by Amanullah of multiple taxation on every activity and product conceivable, giving way for the first time to an orderly land tax.<sup>56</sup>

Despite peace and changes under Amanullah, Mousavi and others argue that little really changed in practice for the Hazaras during the first 80 years of the 20<sup>th</sup> century. They remained the poorest farmers in the country and served as the underpaid porters and house staff of Kabul. Their exploitation, subordination and intimidation were “normal.”<sup>57</sup> Indeed, up until the 1970s, the killing of Hazara Shi’a was allegedly accepted by Sunni clerics as a sanctified means of gaining God’s favour. Taxes remained unusually harsh in Hazarajat and at least once in this period (1946) there was rebellion against a tax designed to squeeze more land and livestock out of the Hazaras.<sup>58</sup> As the studies in this paper record, many Hazaras consider the period of President Daoud (1973-1978) to have been the most harsh in this respect. Officials turned a blind eye or publicly supported Kuchi land grabbing and their exploitation of poor farming communities in their trading relations.<sup>59</sup> Much of the loss of land under bitter dispute today in fact stems from the 1960-1970s. Hazara migration to cities continued throughout this period.

### ***1979-1995: The Resurgence of Hazarajat***

After the invasion of Russian troops in 1979, Bamyan and other Hazarajat provinces regained their status as de facto semi-autonomous areas. Resistance against the communists was quick to take off in 1979, and up until 1983 a genuinely local and popular movement (*Shura-e Ittifaq*) emerged, largely based in Yakawlang. This was overtaken by a multiplicity of resistance groups formed in Iran. With the encouragement of Iranian authorities, at least four attempts at alliance among these factions was made from 1979 and finally succeeded in 1987.<sup>60</sup> This paved the way for the formation of the *Hizb-e Wahdat* in Bamyan itself in 1989.

Mousavi perceives the post-1979 period as one of liberation not just from Kabul, but against oppressive landlords. He claims that many took a stand in their own localities. To some extent, this is reflected in the surveys recounted later. The landlord-based *Shura-e Ittifaq* movement of 1979-1983 was criticised for its feudal ideology and *Hizb-e Wahdat* was perceived by most as a more popular evolution.

<sup>54</sup> Ferdinand, op cit.

<sup>55</sup> 1923 Constitution, 20 Hamal 1302, Article 9.

<sup>56</sup> Poullada, L. *Reform and Rebellion in Afghanistan, 1919-1929. King Amanullah's Failure to Modernize a Tribal Society*. Ithaca University Press: Ithaca, NY. 1973, 134.

<sup>57</sup> Mousavi, op cit., 160.

<sup>58</sup> Ferdinand, op cit.

<sup>59</sup> Canfield, op cit., Ferdinand, op cit., and Pedersen, G. *Afghan Nomads in Transition: A Century of Change Among the Zala Khan Khel*. The Carlsberg Foundation's Nomad Research Project: Thames on Hudson. 1994.

<sup>60</sup> *The Shura-y- I'telaf-e-Islami-y-Afghanistan*.

A more obvious gain was in the retrieval of lands which had, to Hazara thinking, been wrongfully taken from them by Pashtuns over the preceding decades. Pedersen, Canfield and others have all commented on this trend. "I was told in Bamyan," Mousavi wrote, "that not a single Pashtun is left in the whole of Hazarajat. Deprived of central government backing, and given the bitter past relations between the two peoples, the Pashtuns have themselves withdrawn."<sup>61</sup>

For some years, the *Hizb-e Wahdat* coalition held and steadily gained support, including from urban areas. It was led by the charismatic Abdul Ali Mazari from Mazar-i-Sharif, who succeeded in bringing together ethnic, religious and political factions. He was a Hazara whose great grandfather, Ajir Mohaqiq, had fled Amir Abdur Rahman's torments and had been given land in Mazar by Amanullah in compensation. "By 1992 the Hazaras had emerged as a national force to be reckoned with."<sup>62</sup> With the fall of Najibullah's government in 1992, *Hizb-e Wahdat*, now with a base in Kabul, began to defend Shi'a and Hazara interests against what it perceived as a Tajik and Sunni dominated interim government. In 1993, anti-Tajik feelings reached new heights among the Hazaras following the Afshar massacre in West Kabul in which several hundred Hazaras were murdered by the forces of President Rabbani and his chief commander, Ahmed Massoud. Hazaras sacked the Kabul museum and were partly to blame for the destruction of some Kabul neighbourhoods. Back in Bamyan, *Hizb-e Wahdat* and the Tajik forces of Massoud fought each other for control throughout most of 1995. The Tajik commanders were eventually defeated and retreated to Kahmard district, on the way destroying many villages in Bamyan and parts of Shibar. This was to be remembered in 1999.<sup>63</sup>

### **1995-2001: The Taliban Arrive**

After the death of Abdul Ali Mazari in 1995, *Hizb-e Wahdat*, already fragmented, formally split. One faction, led by Abdul Karim Khalili, joined forces in 1996 with the Dostum-led Northern Alliance against the Taliban. Moderate and generally wealthier Hazaras (including many Sayeeds) supported Mohammed Akbari, who pledged allegiance to the Taliban "in a bid to prevent more bloodshed." Fighting between the two Hazara factions continued up until 1998.<sup>64</sup> It became so destructive that Oxfam, for example, closed its office in Panjab in 1996, not to reopen until 1998. In Yakawlang, commanders of different sub-groups supporting one or other faction took over some local properties, some of which are still under dispute today. Local interviewees said that this has soured local relations between the Hazaras and Sayeeds.

Failing to break through Hazara resistance under Khalili, the Taliban instituted an economic blockade of Hazarajat in 1997, preventing goods from moving in and out of the region. Following their conquest of Mazar-i-Sharif in August 1998, the Taliban proceeded south to Bamyan, easily took Kahmard and Saighan, and then Bamyan City in September 1998, and Yakawlang and Panjab in December 1998.<sup>65</sup> Many had fled before them, having heard the news of the Mazar massacres.

<sup>61</sup> Mousavi, op cit., 187.

<sup>62</sup> Ibid, 192.

<sup>63</sup> Soldarités, op cit.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

After securing the area, the Taliban withdrew, leaving administration to the Akbari supporters. This worked best in Panjab and Warras, where field studies suggest people suffered less. The situation was less settled to the north and west. Periodic attacks were launched by *Hizb-e Wahdat* forces during 1999 in both Bamyan and Yakawlang; the latter changed hands several times. Solidarités records that the fighting in May 1999 in Bamyan between *Hizb-e Wahdat* and the Taliban was especially fierce. The bazaar was looted, 17 percent of houses were destroyed, people were summarily executed and nearly 90 percent of the population fled (some 13,000 families).<sup>66</sup> Production plummeted that summer; wheat crops yielded one-fifth the production of the previous year.<sup>67</sup>

By late 2000 the situation had returned to normal, save for a crippling drought. Agencies like Solidarités assisted people to rebuild their homes. The bazaar was reoccupied, but by Tajiks, not Hazaras. Khalili, together with Northern Alliance Forces, tried to capture Bamyan one more time but failed. An uneasy “peace” reigned.

This calm was shattered with the *Hizb-e Wahdat* attack on Yakawlang on January 5, 2001. In late 2001, Oxfam evacuated its staff, believing war again to be near; the office in Yakawlang gained information that Khalili was distributing cash dollars to supporting commanders.<sup>68</sup> The Taliban retook the town, wreaking a most terrible vengeance on those they had thought supported the Khalili forces. Again, thousands fled from Yakawlang. Three hundred families arrived and remained in Panjab town, while another 1,500 or so proceeded from there to other areas.<sup>69</sup> For its part, Bamyan City returned to being a military town under the Taliban.

*Hizb-e Wahdat* attacks continued throughout 2001. The Taliban conscripted local people forcibly and levied repeated taxes to pay for the war. Even widows and orphans had to pay a contribution or go to the front line.<sup>70</sup> Tithes were added. Drought by this time was doubling the burdens of people throughout the country. Such a drought had not been experienced in Hazarajat since 1970, when an equivalent degree of misery had ensued.<sup>71</sup> As this paper will show, through the combination of drought and conflict, thousands lost not only their crops and livestock at this time, but their land.

Following the events of September 11<sup>th</sup> 2001, fighting intensified. With the help of US bombing, Khalili forced the Taliban to withdraw in early November 2001. This withdrawal was preceded by destruction and looting.<sup>72</sup> The Tajik allies of the Taliban returned to their homes in Shibar, Saighan and Kahmard.<sup>73</sup> The current deputy governor of the province commented, “Tajik Taliban leaders remain there and greatly fear Guantanamo Bay. That is why they will not give up their arms.”<sup>74</sup>

Bamyan Province now cautiously boasts stability and peace, encouraged by the presence of Coalition forces. While land mines plague some areas of the province,

<sup>66</sup> Solidarités, op cit.

<sup>67</sup> Ibid.

<sup>68</sup> Pers. comm., Shah Wali, Oxfam Panjab.

<sup>69</sup> Ibid.

<sup>70</sup> Johnson, C. *Hazarajat Baseline Study - Interim Report*. UN Coordinator's Office. 2000.

<sup>71</sup> Deaths from starvation between January and June 1972, following two years of drought, have been estimated at half a million (Male, B. *Revolutionary Afghanistan: A Reappraisal*. Groom Helm: London and Canberra. 1982, 76).

<sup>72</sup> Solidarités, op cit.

<sup>73</sup> Ibid.

<sup>74</sup> Pers. comm., Abdul Zol Halek, Bamyan.

movement is otherwise considered safe. Khalili, the leader of *Hizb-e Wahdat*, is currently vice president in an otherwise Tajik-dominated cabinet. The governor of Bamyan is an acknowledged Khalili supporter, but the deputy governor is a supporter of the National Movement, a party established by Massoud's brother. Party allegiance is diverse within the province. Hazaras are uniform, however, in their wish to keep the new peace among themselves and with other peoples of Afghanistan. They also seek to lose their historical status as the underdogs of society and to be respected as equal players in the new Afghanistan. While no parties openly seek autonomy for Hazarajat, the territorial sense of "our land" is strong and repeatedly expressed in fears and determination that the Kuchi should not return. "If they do so," said the deputy governor, "our people will not only lose their lands again, they will be dominated as they were before."

## Land Issues

That people list "Kuchis," or nomads, as one of their biggest land problems will not be surprising and will arise in the following chapters. Another issue that will feature prominently concerns the fact that a large number of households own no land of their own in a society that is nonetheless agriculturally based. Related, indebtedness is rife. One impoverished group that will not be covered in this report is the estimated 1,000 households that live in the caves above Bamyan City and who are, at this point, targeted for assistance by UNESCO for new housing. Some controversy has arisen as to this plan, as many argue that these households are cave-dwellers by choice. Each time a group of cave-dwellers are re-housed, another lot occupies the caves in the hope of getting re-located and of receiving aid. Most of these people are now from Bamyan, and are not internally displaced persons from Kabul, as they were in the 1990s.

Additional problems that were not intended as the primary focus of this study are commented on briefly below.

### *Occupation of Government Properties*

Although officials were unable (or reluctant) to provide a list of government offices which have been wrongfully occupied by non-government agents, these may number up to 20. Premises such as the offices of the Afghan Tourism Board and the Ministries of Agriculture, Education and Civil Aviation are currently occupied by factional leaders, each of whom sustains support from one or other minister. District offices in Panjab and Warras are also occupied. The problem is being partly and indirectly dealt with through construction of new offices with foreign aid funds. In May 2003, the governor and other officials met together along with representatives from the Coalition and the new national army and resolved to ensure that offices were returned to the government. This has not yet occurred, the deputy governor claims, because the Coalition was convinced by the Minister of Defence and the minister in charge of intelligence that their representatives should be permitted to keep the offices.

Other types of government property have been occupied; these include the vast Ajar Estate in Kahmard District, part of which belongs to King Mohammad Zahir Shah (1933-1973) and part to the state. Two Tajik commanders, who have the support of the Minister of Defence, have taken this and other fertile land and distributed it.<sup>75</sup> Another commander has appropriated state land in Toopchi in

<sup>75</sup> These were named as Arbab Sakhi Dad and Mawlawi Sarwar in the Ghandak area of Shibar.

Bamyan District and handed it over to his own relations to farm. Officials expressed less concern about this case as, “Daoud had wrongly given that land to Kuchi anyway.” In the past, the Ministry of Agriculture took over lands for which owners were unable to pay tax, and many of these lands reverted to their previous owners after 1979.<sup>76</sup> The Ministry of Agriculture is particularly aggrieved at the loss of an area of farmland in Bamyan City, now used for brick-making, and the loss of its horticulture plot to provide land for the Coalition camp.

One important success has been recorded, however. The Shibar District government proudly claims to be the first in the country to recover government land; this comprises 391 *jeribs* (78 ha) of forested lands, which local people have felled and farmed since the 1980s.<sup>77</sup> These farmers are now formally the tenants of the ministry, paying rent for the current season, at the end of which a decision will be made as to what to do with the land. “The secret of our success,” said the agricultural officer, “is that we followed the law and did not get involved in corruption.”

### ***Failure of the State to Pay Compensation***

Officials in Bamyan did raise the fact that Daoud’s administration never compensated the farmers who lost their land through the construction of the air strip in Bamyan City. Nor has the current administration compensated those who lost land through its expansion in 2003.

### ***Occupation of Private Properties***

Thousands of households left Bamyan Province during 1979-1989, exiling themselves to Pakistan and Iran or to cities in Afghanistan. The Taliban era induced another exodus that was possibly even greater. Returns since December 2001 have been steady. The United Nations High Commission on Refugees (UNHCR) estimates around 3,000 refugee families and 17,000 internally displaced persons (IDP) families had returned by May 2003.<sup>78</sup> It estimates that another 7,000 IDP families are yet to return. Over 17,000 families are still residing in Pakistan, Iran, Russia and elsewhere.

Most of UNHCR’s activities have focused on the provision of food and tents to these households and provision of safe water (largely implemented by Solidarités and other non-governmental organisations [NGOs] operating in the province). Given the many houses destroyed during the Taliban fighting of 1998-2001 in Bamyan and Yakawlang Districts, assistance with housing rehabilitation has also been prominent in these areas, with over 7,000 households assisted with tents and now 2,000 families given materials to reconstruct their houses.<sup>79</sup>

Wrongful occupation of private farms and houses by others does not appear to be as severe a problem in the province as it has proven in many other areas.<sup>80</sup> In UNHCR’s experience this is predominantly linked with inter-ethnic strife and where a population is prominently of one tribe, most returnees are able to retrieve their

<sup>76</sup> The Taliban had begun to retrieve such properties in 2001, including an eight *jerib* plot at Zartoghai near the entrance of Eraq Valley, one of the areas reviewed later.

<sup>77</sup> The forests of Shaspoul and Dahani Iroq, Dahani Ghandaq, Dahani Jalmish and Shikuri.

<sup>78</sup> UNHCR. *Briefing Notes on Refugees and IDPs in Bamyan Province*. UNHCR Field Office: Bamyan. 30 April 2003.

<sup>79</sup> *Ibid.* By comparison only 150 units were provided to families in Panjab and Warras, indicative of the limited destruction in those areas. No such assistance has been needed in either Saighan or Kahmard, predominantly Tajik areas.

<sup>80</sup> See Al-Saleem, R. for UNHCR. *Land Issues within the Repatriation Process of Afghan Refugees (draft)*. 2003.

properties.<sup>81</sup> Fleeing farmers tend to leave their homes and farms in the care of relatives who are fairly readily persuaded to return the property on the owners' return. Particularly in Bamyan City and its surrounds, the inter-ethnic strife generated in the Taliban period did result in some Tajik losing their homes. Some 27 cases (out of 780 Tajik families who fled and have returned) are recorded by UNHCR. Most have now retrieved their homes. The remaining six cases are properties now occupied by the Ministry of Defence's 34<sup>th</sup> Division, which refuses to vacate. The governor is looking for alternative accommodation. As shown below, there are also cases of wrongful occupation in Yakawlang. Elsewhere in the province, this problem does not appear acute.

### ***Weak and Corrupted Land Administration and Dispute Resolution Systems***

Land administration is theoretically in the hands of the Amlak Department of the Ministry of Agriculture. Few districts have this office at this time and the provincial office is inordinately weak in its staffing and competence. Its building was burned in 1978 (allegedly, deliberately in order to remove records which might show large landholdings) and records have been lost. Some, however, have been recently recovered, and this author saw nine volumes recording ownership and taxation. The type of information in these records is summarised in Appendix B. The Amlak officer in Shibar District confirmed that he personally removed all records for safekeeping and will return these "when an office building has been provided." Records are also allegedly available in the *Mustofiyat* (Accounts and Finance Department). Some records may exist in the Ministry of Justice's *Hoquq* (Law Department).<sup>82</sup> No one questioned on the handling of land administration matters gave a positive impression of the competence of any of these offices.

Much greater wrath is reserved, however, for the judiciary. From the governor's office to villages in all three districts visited, judges are considered corrupt and the courts "useless." The primary courts of two districts were visited.<sup>83</sup> Staffing is visibly a problem. Only three of the seven districts have an approved judge in place and those that are not approved may therefore make only informal rulings, providing in effect a peace-making service. Land cases constitute over one-third of cases handled.<sup>84</sup> The newly-appointed judge of Bamyan District found 17 land cases pending and had received ten more cases since his arrival two weeks past. Most of the cases were appeals, for assistance, by returnees to recover their houses in Bamyan City, and included some households in Toopchi where, as noted above, a commander had reallocated lands previously owned by Kuchis. Around seven cases were lodged by widows seeking the return of property owned by their husbands and taken over by relatives. The judge commented that these cases were new to courts and were arising directly out of NGO encouragement to women in the area to retrieve their property as rightful inheritors under Islamic law of at least a share of the estate.<sup>85</sup>

<sup>81</sup> Ibid.

<sup>82</sup> To be fair, at least the Ministry of Agriculture staff were in the office. Despite four attempts no one was found in the provincial finance or justice departments.

<sup>83</sup> Despite three attempts no judge in the provincial court was present.

<sup>84</sup> The largest groups of cases involve persons seeking to establish that they are the legal kin of persons killed in the war, in order to collect their pensions.

<sup>85</sup> Formal rules of inheritance are laid out only in the Civil Law drawing upon Koranic principles, as interpreted by Hanafi Sunni jurisprudence. Articles 1993-2102 of the Civil Law outline in great detail the procedures. This includes precise provision of shares for all parties ('*farz*') including for widows and daughters (Article 2004). Widows receive one-eighth of the property or more (one-quarter) if they are childless. Where there is more than one wife, this proportion is shared.

A number of cases where commanders have wrongfully taken private houses and farms exist in Yakawlang District. Several people commented that recourse to the courts was not fruitful, as the judges had colluded with these commanders to issue fake title deeds. The current governor of Yakawlang and the court both responded that these cases were few and the only one involving farmland had its origin in a domestic dispute.<sup>86</sup> The governor acknowledged that “around five other disputes” exist which concerned claims of wrongful occupation of lands of those fleeing either after the revolution in 1978/79 or during the Taliban wars in the area. Counterfeit documents were proving “problematic.”

The Yakawlang court indicated that most of the cases it receives for mediation were land-related, and could number up to two new cases daily. At least 150 land cases had been heard in the last 18 months (i.e., since January 2002). Prior to that time the Taliban had dismissed this court and brought in two of their own clerics, paying high salaries to pre-empt corruption. Nonetheless “no one referred to them because they were not local or trusted.” The current mullah, assisting judge and recorder had all been previously appointed by Mazari of *Hizb-e Wahdat* in the 1980s and now brought back to work. Neither of the two judges had been approved by the current administration and the court is thus unable to rule and only offers a recommendation to disputants. Around half reject the mediation decision and take their cases on to the provincial court. Although unable to give statistics, the main judge indicated that “most” of the land cases are of a domestic nature. Common cases are where an heir claims against the sale of land he expected to inherit or a neighbour claims he should have been given the first right of purchase to land sold by his neighbour (as instructed in Shari’a). Returnee problems relate more to claims over the share of crop produced in the owner’s absence than to ownership of the land itself. The judge believes that the poor are able to access the court given that the application costs only ten new Afs and the court form 50 new Afs (just over US\$1). Several of the current cases being heard by the court are illustrated in Box 3. Table 5 records the type of land disputes volunteered in the 15 villages visited.

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<sup>86</sup> The main claimant is said to be the cousin of the commander and their dispute centres on land granted their grandfather 90 years ago.

**Box 3: Examples of Recent Land Cases in Yakawlang Court***Battle Over the Ailoq*

This battle began with the claim of one village community that its neighbour had entirely co-opted their common land. This area was traditionally used as both pasture and for periodic rain-fed cultivation. The accused village responded that it had bought the area and could turn it entirely into rain-fed farms if it wished. The original village claimed that the payment only referred to a fee for using the area for one year. Three other villages entered the dispute, claiming that they too had traditional rights to use that *ailoq*, these were pasturage rights, but as the other villages were now farming the land, they too should be given space to farm there.

*Re-constructing a Legacy*

A man had lodged a claim for a large area of land which his grandfather had sold. His own father had been a tenant on the land. In the view of the court, the claimant had only brought the case knowing that the current owner had lost the bill of sale when his house was destroyed by the Taliban. He was claiming that his grandfather had never sold the land, just put it under pawn and that he could redeem the outstanding debt. As he was unable to explain why his father had never claimed the land or attempted to redeem the debt if that had been the case, the court rejected his claim. The grandson was now taking his case to the provincial court.

*A Family Affair*

Two sisters had gifted their land to one brother and the brother has been cultivating and harvesting the land. The sisters have died and their sons are trying to reclaim the land, on the grounds that their mothers were forced to gift the land to their brother. The brother produced a customary document, witnessed by the local mullah. The sons claim the mullah remains a close friend of their uncle and his witnessing cannot be trusted. The court could not agree that the mullah was not neutral and found that the mothers had signed the document, and ruled that the land must remain with the brother.

*The Landlord*

A landlord had substantial land, both irrigated and rain-fed, and used this as collateral to take out a loan to participate in a Ministry of Agriculture project. He failed to repay the loan and the Ministry of Agriculture took over the land and put tenants on it. Four villagers in the area have come to court claiming that the land in question was never the landlord's to give and the ministry has no right to take the land now. They claim that the landlord sold the land to them and have produced documents of sale for both irrigated and rain-fed farms. The court has inspected the documents and ruled in their favour.

Table 5: Land Disputes Mentioned in Villages

DISTRICT and Village	Domestic/ Intra-Family	Boundaries with Neighbours	Tajik or Nomad Related	Village Commons	Related to Pawning or Debts
<b>BAMYAN</b> Siya Khar Bolaq	X	X			X
Alibeg			X	X	
Borghaso				X	
Dashti-e B.	X		X		
<b>SHIBAR</b> Upper Kalo	X	X		Inter-village	
Kafshandaz					X
Ashoor	X	X			X
Khoshkak				Inter-village	X
<b>PANJAB</b> Nargas		X	X		
Doni Nayab					X
Deh Pioetab	X				
Kachari	X	X	X		
Bazaar			X	X	X
Joi Hawdz			X	X	X
Rashak			X	X	X

### III. Findings from the Villages

#### Bamyan District: The Folady Valley

The Folady Valley comprises a large and fertile main valley and four branch valleys, with villages located both in the valley bottom and high on the plateaus of the surrounding mountains. There are around 30 hamlets or villages overall. The valley is close to Bamyan City. Three villages were visited along a main ridge area. These were Siya Khar Bolaq, Alibeg and Borghaso.

##### *Siya Khar Bolaq*

Siya Khar Bolaq, nearest to Bamyan City (around 13 km), has been occupied the longest. Elders claim that the valley has a very long history of settlement, only briefly interrupted when Abdur Rahman chased people from the area a century ago. Current landowners trace their occupation to land allocations made by King Amanullah, though some claim these allocations were of land being returned to their grandfathers, where they have resided for several centuries. Farmers produced receipts for taxes levied on landowners dating back to 1926.<sup>87</sup>

There are currently 78 households resident in Siya Khar Bolaq. All households are Hazara. Most families have some land (64 percent), although most of these (28 of 50 households) are considered as having insufficient land to be self-sufficient in basic foods. There are 11 large landowners with up to 60 *jeribs* each (12 ha) who represent 14 percent of households. Seventeen households (22 percent) are landless farmers, most of who earn food through sharecropping and receive one-quarter of the crop (see Box 3). In all cases, these farmers, and those who have small plots of land, must purchase food to survive until the following harvest.

Those who have not yet returned to the village are said to be largely landless farmers who are trying to find work in Kabul or other cities. There are also some sons of richer landowners who have moved to Iran or elsewhere and are not expected to return. The land of absentee landowners rarely lies idle; relatives or other residents cultivate the land. For the latter, this costs them 50 percent of the crop as rent, which is not always collected, the due value being carried over to the next season. Such arrangements are obviously only able to be made by better off farmers, those who are able to provide seed and other inputs to use the land. Poorer farmers or workers, who provide only labour, receive only one-quarter or one fifth of the crop-share when they use land, and of necessity, the land of residents who can provide the rest of the inputs.

The Upper Folady Valley – or rather the high ridges on either side of the valley – was the only area in Bamyan Province where land was distributed to landless farmers as part of the People's Democratic Party of Afghanistan (PDPA) land reform of 1978-79.<sup>88</sup> Though there were a number of large landowners in the valley whose holdings exceeded the permitted hectareage, their property was not redistributed. Instead, the government handed out a total of 420 *jeribs* (84 ha) of what they declared to be un-owned land above Siya Khar Bolaq to around 140 landless families. Another 2,000 *jeribs* (400 ha) of similar un-irrigated pasture was allocated

<sup>87</sup> As noted in the previous chapter, Amanullah introduced a new and more orderly land tax regime. The tax itself was increased by one Afghani only per *jerib* (Male, op cit., 134).

<sup>88</sup> Laid out in the Land Reform Decree, No. 8, 1978; refer to Alden Wily, *Land Rights in Crisis*, 106ff. for translation of the decree, and see pages 44-47 for analysis.

higher up the valley in the Borghaso area.<sup>89</sup> Around half of the beneficiaries came from the Folady Valley; the other half came from other parts of the district. The distributed land above Siya Khar Bolaq had belonged to the village but had been only erratically cultivated because it was dry and infertile. Because villagers paid no tax for this area, the government appropriated the land itself during the 1960s, under the guidance of Prime Minister Daoud's active Ministry of Agriculture. It was this "government" land that was redistributed in 1979. At that time, none of the landless beneficiaries had the means to develop this land beyond the periodic rain-fed cultivation of wheat. They could not employ the labour needed or afford the time to bring irrigation to the ridge. Most of those who were allocated the plots are still absent, having fled the area.

#### Box 4: Traditional Local Sharecropping Arrangements

##### Nisfa Kari:

A 50-50 arrangement whereby one party ploughs and the other provides the seed and both share the costs of fertiliser. When the owner is absent, as is currently often the case, a different 50-50 arrangement occurs, in which the farmer is effectively paying 50 percent of the crop for the use of the absentee's land, providing all inputs.

##### Si Kot:

Literally, "three piles," in which the farmer receives one-third of the crops produced. The landowner provides the draught power, seeds and fertiliser. The farmer provides all labour, including ploughing, and uses his own tools.

##### Char Kot:

Literally, "four piles," in which the farmer receives only one-quarter of the crops produced. Poorer families are generally subject to this arrangement.

##### Panj Kot:

Literally, "five piles," by which the farmer receives only one-fifth of the crops produced. This generally applies to the very poorest labourers, usually migrant workers. They are provided shelter in addition.

Indebtedness is high in the village. Most buy goods on credit, despite the consequent higher prices, and are indebted to shopkeepers as a result. Most have sold their animals or have lost part of their farms to cover such debt. One elder admitted that desperation during the last five years had been so great in his village that "some of us sold our daughters just to allow the rest of the family to eat." Among the 50 households that have at least a tiny plot of arable land, five currently have their land under mortgage (ten percent). Interviewees attested that large landowners and shopkeepers deliberately encourage indebtedness as a route to acquire more land in any area where land shortage is chronic. One man of 35 years described how four years ago he was encouraged to take out a loan of two million old Afs from a friendly local landlord (US \$42),<sup>90</sup> pledging his farm as collateral. Although he was told he would have some time to pay, after one year and failure to pay the 100 percent interest, the landlord forcibly took over his farm. Farmers in the meeting agreed that his farm had been worth around six million old Afs at the time (\$128). The borrower spoke bitterly about not having been given the time to find a buyer who would have paid the full price, enabled

<sup>89</sup> Conflicting information was given by Ministry of Agriculture staff and villages in this area as to exactly how much government land was distributed; 2,500 *jeribs* (500 ha) is the most commonly cited amount, although some villages say that this rose to 600 ha.

<sup>90</sup> The "old" Afghani refers to the official currency in place until October 2002. At the time of its conversion, one US dollar equalled approximately 47,000 "old" Afghanis.

him to repay the debt and interest and still retain some funds – “He is a powerful landlord. He threatened me with the militia if I did not give him the land at once.”

### **Alibeg**

Further up the valley and at several hundred feet higher altitude is the village of Alibeg, named for a past *khan* known as Ali Beg in the early 1900s, following permission from Abdur Rahman’s son to resettle in the area. Ali Beg was a lesser *mir* who had lived further down the valley towards Bamyan and had his land confiscated along with thousands of others in the 1890s. Today there are 126 households in the village, all inter-related and variously descended from this great grandfather. Their shares in the land are highly uneven. More than one-third of the households have no land at all, eight percent are near-landless, another third have small farms of around five to ten *jeribs* (one to two ha) and the remaining 20 percent have larger farms (up to 50 *jeribs*). Those with the most land are the most direct descendants of Ali Beg.

Like many communities in the valley near Bamyan, up to one-quarter of the houses were burnt by the Taliban. Villagers evacuated the area at least twice between 1998 and 2001 and more than half of the households have not yet returned to the village. One middle-aged man reported that he has three brothers in Iran with their families: “They had to pay huge amounts to escape to Iran three years ago and as soon as they arrived they were kept like slaves working for Iranians. I have just heard that they have discharged their debts and will come home soon.” These brothers and their families will have to survive on a meagre family holding of five *jeribs* (1 ha). Another man, now the elected village representative on the newly-formed valley *shura*, recalled his imprisonment by the Taliban, from which he has never recovered:

“I was working in Mazar-i-Sharif as a driver when it fell to the Taliban. I was arrested by them and kept in prison for three years and seven months. I was released just before September 11, 2001 when Khalili made a deal with the Taliban to release 295 Hazaras in return for the release of 50 Taliban. But I got ill in prison and have never recovered. I have had to sell my land to feed my family.”

Group work on farms is the norm in this community, partly because of the close inter-family relationships. The landless and smaller farmers sharecrop on the larger farms, generally on a one-fourth basis (*char kot*). No outsiders were recorded and no one was working for one-fifth share. There is a lot of borrowing within the community, usually at only 40 percent annual interest, again because of inter-relatedness. An unspecified number of households have pawned their land, several for more than two years, though the norm is to give out land in temporary ownership only for one season or, in exceptional circumstances, for two seasons.

Alibeg Village illustrates what was to become a familiar scenario of dwindling pasture with the conversion of hillside and upper lands to rain-fed agriculture. The village area used to have at its disposal a large area of pasture. This was used by landed and landless families who owned oxen and sheep; prior to the drought and Taliban, livestock ownership was said to have been very common among the poorer relatives. “Most of us owned one ox.” Now only one-tenth of households possess an ox and all are landowners. These animals are rented in by those without oxen on a *jerib* basis, or sometimes on a less-favoured daily basis (the animal tends to get overworked). As population and livestock numbers grew since the 1950s, pressure

upon the pasture has also grown among the valley communities. This was exacerbated in the 1970s with the increasing arrival of Kuchi nomads, appropriating the upper pastures for themselves, allegedly with the support of local officials, and their own claims that they had bought the land and/or paid tax on their stock to the local officials. Today, aside from a minor patch of grazing in the middle of the village (est. 3 ha) and which is frequently waterlogged, Alibeg's substantial grazing land is now divided among only the large stock-owning families, all of them Hazaras from the community. It was unclear how these richer families had managed to secure the pasture for themselves. Now with no stock to their name anyway, the poorer families which had used the pasture also believe they will have no claim to do so in the future, except on the basis of goodwill on the part of their rich relatives. More important, however, is the evident conversion of much of this pasture to farmland. The areas where this was pointed out are indeed visibly fertile, gently sloping and even possess potential for irrigation, pending resources to develop this – a benefit limited to the better off. There were no signs of soil erosion in the farming areas identified by villagers as originally “our common pastures.”

### ***Borghaso***

Borghaso Village lies at the very top of the valley, at yet higher altitude (around 3,000 metres). The village is surrounded by expansive, dry pasture and villagers own significantly more stock than people living further down the valley. The community comprised 100 households before the arrival of the Taliban. Many houses were burned during the first Taliban foray up the valley (1998) and almost all animals and crops were stolen. The entire village was evacuated as people fled mainly to Bersud in Wardak Province, where the local Taliban commander was in fact a Hazara and known to be less vicious in his rule. There, according to villagers, they shared the houses of local Hazaras throughout the winters and lived in UN-supplied tents in the summer. In 1999 the community sent a handful of farmers back to serve as their representatives. These men began farming again and collected tax from those in Bersud to pay the Taliban.

“People were very honest about the size of the land they owned because if the Taliban found a farmer was lying, he would lose his land. This was the same as in the past. When you are afraid, you have to be honest about how much land you own, otherwise the government takes the extra that you tried to hide and makes it government land. It is better to pay their taxes on the land than lose it.”<sup>91</sup>

Although Borghaso is an old settlement of possibly several hundred years, it received a batch of new residents in 1978-79 when, as noted above, Taraki redistributed about 2,000 *jeribs* of land to landless farmers. The current village representative recalls how he was one of the 24 landless farmers from Borghaso himself who benefited:

“I was only 12 years old at the time, although I was tall. We all had ID cards by the time we were 10 or 11 years old. On each ID it said if you were a landowner, a sharecropper or a farmer (*dehqan*, worker). My brother, who was two years older than me, had “owner” on his card because my father had given him some land to farm. I had just “farmer” on my card. I was already labouring for other farmers by then. So I went to Amlak in Bamyan

<sup>91</sup> The leader of Borghaso Village.

and put my name down for land. Altogether 360 people got land. I was given eight *jeribs* in this area. Those who got given land at lower altitudes, like at Siya Khar Bolaq, only got three to four *jeribs* each but here we got eight *jeribs* because the land is not productive and the growing season is so short because of the cold. When I got the land it was useless, but I have made it good farmland by bringing irrigation from the higher hills. We have plenty of water in this area.”<sup>92</sup>

The land allocated to landless farmers had been the common property of the Borghaso community, some of it pasture and some of it used for periodic rain-fed cultivation. However, again this land had been appropriated by the government (sometime after 1965) on the grounds that the villagers had not paid tax for this common property:

“Distinguishing between government land and our own land was always a problem. Every year the line moved. The government always wanted more land. During the king’s time and mostly Daoud’s time, officials came every year and tried to take more. We were all afraid of losing our land in Daoud’s time. The officials used to warn us that if we didn’t give them ghee, curds and rugs and kill sheep for them to eat, they would include our land under government land. Of course we fed them well. Widows always lost their land. And if a person died without making a will for his land to go to his sons, then the government would always take the land.”<sup>93</sup>

“There was a lot of corruption on both sides at that time. The government wanted land so that it could make money. It would take the land and then lease it back to the farmer. Some people made an arrangement with an official to say that the land was unusable or had been encroached in order not to pay the fee. Someone from the government would come and agree, yes, the land had been encroached by someone else, and no fee that year would be paid. In return, he got a bribe, such as a beautiful felt rug. We were very happy with Taraki because then we believed this business of the government taking our land was over.”<sup>94</sup>

The Borghaso elders recalled how the land distribution proceeded:

“In the first year, all the 24 households were very happy. We went to the rich and asked their help with fertiliser, seed and we rented their oxen. Most of them helped us. In the second year, the Ministry of Agriculture set up cooperatives to lend us fertiliser. We were given cash to buy a cow. No one was allowed to sell that animal. The idea was that you got a second animal from the cow and then returned the cow and the money that it had cost. It was a good plan. Many people benefited.”

However, the enthusiasm for Taraki and his reforms did not last. Villagers remember how they became nervous of Taraki:

“It was the time of Soviet influence and we were worried that he was turning us into a communist state and that we would lose Islam and all become slaves. The mullahs encouraged us to believe lies about the communists. We were very young and stupid. So we revolted against him. I

<sup>92</sup> The leader of Borghaso Village.

<sup>93</sup> Borghaso villager.

<sup>94</sup> The leader of Borghaso Village.

got this scar in that revolt. We were illiterates and we were used like shepherds by some clever people who hated the reforms.”

Because Borghaso is at the top of the ridge, the community borders expansive pasture. Aside from the barren, snow-covered peaks, these grassy pastures are considered the common property of the village, and cover at least 1,000 hectares. This area is divided into two main pastures, named Iriqi and Baraki. Up until 1978, these pastures were only used by Borghaso villagers, not people from further down the valley who had less stock and small pastures of their own on the upper ridges. Kuchis also used the area but only by agreement with the Borghaso elders, and generally kept to the even higher and less fertile pastures. After 1978, the expansion of population and livestock in the Folady Valley meant that more and more people established summer camps in Iriqi and Baraki. This is a source of contention:

“Most villages in the valley are supported by powerful factions, so we keep our silence now, but when there is a strong government again we hope to get our land back. We have most need of this land because we are the ones who most need the ground bushes for winter fuel, as we live under snow for six months of the year.”<sup>95</sup>

Around one-quarter of the Borghaso community is still absent from the village. These people live in Pakistan and Iran, or have gone to Kabul and other cities. Some are not expected to return quickly, because cultivation at this high altitude is difficult and they have lost their livestock. Ultimately they will return, the farmers say, because “in the end people want to be near their relatives and the graves of their parents.”

Prior to the evacuation in 1978, around 20 households (20 percent) were landless and homeless. They worked and those that returned still work as shepherds, domestic help and farmers for the larger owners. In return, they receive shelter and food. Irrigated landholdings are not large; most have five to ten *jeribs*. Some do not have the means to farm the land and there is the unusual site in Bamyan of uncultivated higher fields. Instead, these owners work for other farmers who have means, or have gone or remained in Bamyan or other cities to look for work, sending money back to their families. There has been some selling of land in the last year or two as people struggle to find food. Fields now sell for up to 10,000 Af\$ (\$200) per *jerib* although not many lower valley farmers are interested in the cold farming fields (*lalmi*). Many families in Borghaso have borrowed money against such lands, usually at 70 to 100 percent annual interest. Most of those who borrowed more than three years ago have now lost their land, as they have been unable to earn money to repay their debts:

“The Taliban made most of us poor. And we had the drought. It is impossible for a person who has lost his land can get land back today.”<sup>96</sup>

<sup>95</sup> Elder in Borghaso Village.

<sup>96</sup> Borghaso elder, with agreement of other villagers in the meeting.

## Bamyan District: The Peri-Urban Desert

### *Dasht-e-Borsianas*

This is a village only three miles from Bamyan centre and now a peri-urban village. This was one of three villages in the province where the cadastral survey was carried out (1974) and selected because of this. In fact, these were the last sites where the formal cadastral survey was undertaken, as the survey gave way to a non-mapped system of land ownership recordation. The other two villages where the survey was carried out in Bamyan are close by, and were already peri-urban and are now fully part of Bamyan City.<sup>97</sup> Farmers recall how two surveyors came for two days with considerable equipment and maps. Every farm was measured and beacons were installed on certain farms. The surveyors promised that a map of each farm would be sent along with new title needs. The surveyors told the farmers, however, that their measurements and the records on their deeds were very similar. “We were pleased that our titles were accurate.”<sup>98</sup> Neither maps nor deeds ever arrived. In fact, it had already been decided by 1974 that no title deeds would be issued out of the cadastral survey. The survey itself was coming to an end by then, having cost millions of dollars and involved many hundreds of vehicles and technicians.<sup>99</sup> In most areas, no survey had been undertaken at all. Ownership was already beginning to be recorded simply on the evidence of farmers confirmed by local leaders in a non-cadastral record system. Box 5 gives an example from another village of the information that would have been recorded about Dashti-e-Borsianas in the land register of the cadastre.

At the time of the cadastral survey there were 60 households in the village. Today there are 100 households. Most now own small farms of five or fewer *jeribs*. Fifty years ago, they had larger farms but these have been subdivided. One villager presented a title deed, which showed that his grandfather had owned 82 *jeribs* (16 ha) in 1926. Now he has only 16 *jeribs* (three ha) of that land; the rest is owned by his cousins. He is considered a large owner. Several other farmers hold title documents from the 1920s, suggesting that Amanullah’s effort to begin land recordation did take off in some parts of the country. Around half the households have no land or too little land to live on. These people either work for landowners or sharecrop others’ land in addition to farming their own patches. Some have jobs in Bamyan. Around one-third of villagers have not yet returned from exile and their relatives are farming their land this year. Many of those who never owned land have not returned either.

<sup>97</sup> Dashti-e-Sa Khan and Sur-e Asiab.

<sup>98</sup> Villager in mosque meeting at Dasht-e-Borsianas Village.

<sup>99</sup> See Alden Wily, *Land Rights in Crisis*, op cit. for details.

Box 5: Example of Information About Village Land Ownership in Land Register of the National Cadastre		
Land class	No. of plots	Size (in <i>jeribs</i> )
<b>Private Land</b>		
Cultivation	756	1,112.17
Gardens/orchards	166	146.62
<b>Government Land</b>		
Cultivation	17	70.89
Gardens/orchards	1	1.17
Public institutions	10	13.74
Housing area	13	60.51
Pasture/forests	0	0
<b>TOTAL</b>	<b>963</b>	<b>1,405.10</b>
Total landowners: 250		
Range of parcel size: 0.2 <i>jeribs</i> - 30.25 <i>jeribs</i>		
Average size of holdings: 1.42 <i>jeribs</i>		
Mean size of land owned: 0.525 <i>jeribs</i>		
<i>Source: Review of Cadastre for Village of Qala-I-Sahra, Jabulsiraj District, Parwan Province as per survey conducted in November 1961.</i>		

Being so close to Bamyan City, the village suffered a great deal during the Taliban period, where much of the fighting between the Hazaras and the Taliban and their supporters was conducted. Virtually the whole village was destroyed and is still being rebuilt. One person was killed, although most residents managed to escape the fighting. There remains today evident hatred for Tajiks, who, the villagers claim, carried out the burnings:

“Everyone is defaming the Pashtuns and the Taliban but it was the local Tajik Taliban supporters who wrecked us. They came together from all parts of Bamyan and formed a force to evict us from our homes. These Tajiks supported the Taliban who supported their claims against us. They complained to Kabul that we had their land and houses, which was not true. They intentionally destroyed our homes and took the wooden roof poles to sell in Kabul. Some of these people still live across the valley. In the old days when we were friends we could call to each other. They burned 70 sheep and took the cows and left nothing for us. Yet they walk around free. Even now we can’t speak about it because they are in power, supported by Vice President Khalili and Defence Minister Fahim. We escaped to the mountains, and from there we scattered. Some of us went village to village, sleeping in mosques, until we reached Panjab. The elders have told us not to revenge our losses. Fahim even came and told us ‘forget the past!’ Khalili has said the same. But how can we forget the past? One man was murdered here and everyone lost all that they had. The Holy Koran teaches us that a life for a life, an eye for eye, a tooth for tooth and we cannot rest until that son is revenged.”<sup>100</sup>

<sup>100</sup> Villager speaking in the mosque meeting at Dasht-e-Borsianas.

## Shibar District: The Kalo Valley

Shibar District is a relatively small district in population and area under cultivation. The 1971 census recorded 101 villages with a population of 18,440 persons in 3,112 households. The Aga Khan Development Network (AKDN) has collected data that showed Shibar to comprise 15 main inhabited valley areas, with 125 villages and a total of 22,050 persons in 3,675 households. That was at the end of 2001. Already the population has increased as more households return.

The main survey task in this valley was to obtain a picture of social organisation among the different villages and to assess whether a community-based land administration system could work. Through discussion in a full meeting of the valley *shura*, some indicative landholding data were shared, but their accuracy was not validated in follow-up interviews. The members reported that most households are landless or have only their house and kitchen garden (around 50 percent). The road through the valley is one of the main roads to Kabul, and for many decades such households have sent male members to Kabul or other cities in the winter to work as porters or in other unskilled jobs. Around ten percent of households are categorised as large landowners. This means they have around five *jeribs* (one ha). Only a handful of farmers have enough land to employ workers, lease out land or enter sharecropping agreements. One or two farms appear to exceed 10 *jeribs*. These are located in the less land-scarce upper half of the valley and include mainly rain-fed and spring-irrigated land (*sarad*). Another estimated 40 percent are small to medium landowners (from three to five *jeribs*). In the upper half of Kalo Valley, hillside and mountain grazing land is expansive and “most” households are said to own sheep (a valley average of five sheep was given).

There is a trading centre in the middle of the valley and around 15 households own vehicles. The shopkeepers are the main source of loans. “Many” people have their land under mortgage, and not all will recover their land. The dominant mortgaging arrangement is as found almost everywhere in the province (see Box 6).

The valley comprises four main villages and 37 sub-villages, with more than 1,200 households overall. The valley breaks down into around four discrete *manteqa*. Nonetheless, a valley-wide single *shura* has been created with the assistance of AKDN on the grounds that projects benefit all valley residents. This comprises 30 representatives, each appointed by and representing at least 30 families. The ten-month-old *shura* has appointed an administrator who maintains impressive files in a lockable trunk in the *takiya khana* (meeting place-cum-mosque). The members meet every 15 days during the winter and every three to four weeks in the summer and are currently organising labour for a micro-hydroelectricity project and the construction of a clinic. The head of the *shura* is available daily in the office/meeting place and visibly dominates the body, not allowing some of the members to speak freely. Few of the 30 representatives were *khans* of the past. All but three were elderly and all but one owned land. Up until the revolution in 1978, the valley was governed by a handful of *arbabs* whom the current *shura* concurred had been “reasonable” leaders. All left the area in 1978, some have since died and some remain in cities, where their children work. The head of the *shura* observed that, “If these *palavi*<sup>101</sup> returned, we would welcome them because every society needs a leader. If there are too many leaders, we experience problems.”

<sup>101</sup> *Palavi*: leaders, but literally means wrestlers.

**Box 6: Land Pawning (Graw or Bai Jaez)**

Although referred to as a mortgage, the dominant arrangement is more like pawning. The land does not serve as collateral to be collected in the event of failure to repay the loan, but is passed over to the lender in temporary ownership and who thereafter behaves as the owner. Any documents held by the farmer relating to the land are given to the lender. A contract is agreed. In most cases today this is written down and witnessed by two other persons. The contract specifies the amount of money lent and the term on which it is lent. This is usually for one season or two seasons only. The contract does not always specify the share of land the lender will retain in the event of default on the loan and it is common for farmers to lose all their land. The value of the land is in practice usually higher than the value of the loan.

Interest is not mentioned in the agreement. This is paid, however, through the right of the lender to use the farmer's land (or that part of it agreed) for as long as the debt is outstanding. Many lenders rehire the farmer as a sharecropper, who thereafter retains only one-quarter or one-fifth of the crops produced. Other lenders may hire another sharecropper to work the land, rent out the land or hire workers. Sometimes the lender will work the land himself. These arrangements are most common where the original owner leaves the village for some reason or is unable to work the land himself.

In every village visited it was apparent that many and possibly most of those who pawn their land never retrieve it. Only lack of alternative means to raise cash and poverty and desperation can be reasons why *graw* continues right up until the present. From the outset the arrangement is stacked against repayment of the loan and retrieval of the land. With only one-quarter or one-fifth of the crop to hand, the farmer is forced to buy in food for the year and this leaves no funds to repay the loan. The reasons given for land pawning were in order of importance: to buy food, to pay a dowry (bride-price), to cover costs of a family member's illness, and least commonly, to travel in search of work.

Like many valleys in Bamyan, Yakawlang and Shibar districts, the Kalo people consider the Taliban period unparalleled in recent history for its violence in the area:

“For many years prior to the Taliban we lived in fear but we never saw fighting. After the revolution (1979-79) we were forced to take donkey loads of bread every day to the soldiers manning the posts near Shibar. It was a seven-hour walk from here. Every household had to provide one loaf. The Russians never came up this valley, but our people formed a militia and especially during Karmal and Najibullah's time (1979-1992) you couldn't travel outside the village. Nothing could be bought. But for us the worse time was Taliban. Our villages are on the main road from Kabul. They came in tanks, trucks and four-wheel drives. They fired on everyone they saw. They stopped and sprayed our houses with petrol and then the soldiers that followed picked out the wood from the burned houses and carried the poles away. This happened in September 1999. They also took all our animals. Around 200 men from this valley were captured and taken to prison. Later, some of the relatives were able to collect money and bribe the Taliban to release them but most did not get out of prison until after the fall of the Taliban.”<sup>102</sup>

<sup>102</sup> Member of the Kalo Valley *shura*.

“When it was reported that the Taliban were coming up the valley, most of us fled to the mountains. We hid there for a full week. There were few caves and it was difficult to live in the mountains. Food was scarce. We came back to find our animals gone and the houses destroyed. The second time the Taliban came, many people left the area for good. That was in March 2000.”<sup>103</sup>

Up until the 1970s, most landowners in the Kalo Valley had some form of documentation testifying to their land ownership. This was mainly in the form of customary written agreements, with the thumbprints of witnesses. *Shura* members agreed that recording of verbal agreements was common in even earlier decades. Today most villagers write down land-related agreements or write wills. Wills have become very important as testimony of ownership and for determining which child should receive which share of the land.

Despite many houses having been burned in the valley, “most” farmers hold a written record of the land they own. This may be in the form of tax receipts, records of subdivision or inheritance or mortgage/pawn agreements (see Appendix B). Although the cadastral survey never reached Shibar, books of ownership were compiled in the early 1970s and the Provincial Agricultural Office holds a copy of this record, which was recently “returned” by a commander. The governor of Shibar District also is satisfied that all copies of the nine Shibar Valley books exist. As noted earlier, the district Amlak officer acknowledges that he has documents and files in his house, which he removed for safety and will not return until instructed to do so by the Ministry of Agriculture, and until office accommodation has been provided. These files include the forms (or copies) used to compile ownership books. *Shura* members recalled well the arrival of an official in around 1973, who accompanied the *arbab* to every household, distributing forms and requiring these be filled out. The books that were compiled from these records are referred to as “books of ownership,” but are more precisely titled *Books of Integrated Land Size and Progressive Taxation* (see Box 7).

Box 7: Information Provided in the Shibar Books of Ownership, 1973-74	
Page number	Number of plots
Book number	Total land area (in <i>jeribs</i> )
Date	<b>Details:</b>
Recorders of information	Land type: grades I-VII
Name of village	Progressive tax to be paid
Name of district	Exemption from tax
Name of province	Total amount due
Serial number	Type of ownership documents held by owner
Name of landowner	Amount of tax paid under previous system
Number of evidence	
<p><i>Source: Examination of nine books held by Provincial Agricultural Office; “The Book of Integrated Land Size and Progressive Taxation,” Land Reform Administration, Ministry of Finance, Republic of Afghanistan (undated).</i></p>	

For farmers in this and other villages, land ownership and taxation have always gone together. A host of different taxes have been charged, but a founding tax for most of this century has been the land tax, directed to landowners and fixed in accordance with the size of holding. Officially sanctioned community leaders, *arbabs*, played a main role as tax collectors from the 1900s. Even from Abdur

<sup>103</sup> Another member of the Kalo Valley *shura*.

Rahman's time, the size of land determined the amount payable. This is clearly evident in the property tax records from 1930-1959 examined by this author in the archives of the Ministry of Finance. Even before this time, large landowners forcibly or otherwise organised the collection and payment of taxes for kings and charged their people mainly in accordance with their farm size. Tenants could also be charged. The *shura* leader in Kalo reported:

“The *arbab* always knew exactly how many people had to pay tax and what they should pay. The poor did not have to pay. But the big got a share from their workers and sharecroppers, so that way everyone paid. Under Daoud, the tax got bigger. If you couldn't pay, the police were sent to collect you. We paid tax every August or September. Some of the *arbabs* extracted money for themselves. A good thing about Taraki was that he ended the *arbab* system. All his reforms were good; people were happy especially about the cancelling of unfair debts. However, I can't support Taraki because it was his reforms which brought the troubles. Since then our houses have been destroyed, our fields plundered, our animals stolen and our children lost to us.”

The members of the Kalo *shura* distinguish between taxation, which they regard as a national activity, and taxes randomly extracted by local commanders, leaders or parties. In addition, the Taliban extracted tithes. They welcome the return of “real taxation” as a sign that order has been restored and local commanders controlled in their valley. They consider it appropriate for rural taxation to be based upon property and that those without homes or farms should not pay tax. They favour progressive taxation, with larger landowners paying at higher rates than smaller farmers.

However, it was also the view of the Kalo *shura* that it would be necessary to draw up a new list of exactly who is living in the valley and the land they own. Although it is usually the landless who leave and do not return, some of the departed were landowners who sold on their land or lost it by mortgaging. Some still have their land under uncertain pawn arrangements, and it is not clear if they or their creditors should pay the tax. Even in the 1970s, names of forefathers were often given to indicate the family farm and were thus not accurate for current holders. Some *shura* members said that it did not matter even today under whose name the land was registered, because that person, or the descendant of the person named, would then collect the tax from all the other parties involved. Most said that this did matter and it was important for a new register to reflect the current owners and their share in the land. Most farms had been subdivided since 1973 and many family disputes surrounded the shares; they said it would help if the register reflected each owner's land exactly, and did not lump the land of brothers and cousins together under one family name.

This would mean, however, that change of ownership in the future would have to be recorded in the register to keep it accurate. The *shura* liked the idea of each valley establishing and maintaining its own register. Copies of customary documents of subdivision, gifting or sale of land could be filed with the book. There would be no need to involve the court. The book itself could have one page to each owner recorded and space for changes in ownership or pawning, to be noted. *Shura* members became quite enthusiastic just thinking about the how the book would work. The *shura*, they said, could be in charge of the book. They volunteered that the record would be accurate, as everyone in the community knows who owns what land, and nothing could be concealed. People would also

know when land had been given away to sons or sold. They agreed the book would have to be open to villagers to inspect, to make sure the information had not been tampered with. “If the book were here we could protect it from being corrupted by officials.”

An idea of special appeal to the Kalo *shura* was the registration of even the highest pastures, recording these in the name of particular villages in the valley. Inter-village or inter-*manteqa* dispute over pasture use is rife at this time. Shibar District as a whole has limited pasture, one of which is in the upper reaches of the Kalo Valley.<sup>104</sup> The main conflict exists between those villages and villagers who wish to convert even the higher pastures into farmland and those without the means to do so, or with large numbers of stock. Kuchis visit these pastures, especially during the 1960-1970s, as encouraged by King Zahir Shah and President Daoud, but the Kalo *shura* reported that there were only a few Kuchis and that relations between the Kuchis and Shibar farmers were fairly amicable. The Governor of Shibar suggested this was because the Kuchis who came to Shibar were only poor Kuchis, not the traders, and they did not try to exploit the Hazaras. The Kalo *shura* reported that some of these Kuchis returned in 1999 but came via the mountains, not the roads, as had been usual prior to 1979. Nonetheless, no *shura* members considered it a good idea that Kuchis be allowed to return. “The pastures are not enough for strangers,” they said.

## Shibar District: The Eraq Valley

The valley of Eraq is narrow and possesses very limited land. In 1978 there were nearly 1,000 households farming in the valley.<sup>105</sup> Although out-migration for jobs had grown steadily since the 1960s, this accelerated with the collapse of the PDPA government in 1979 and the arrival of the Russians. Departure of young men gathered pace in the 1990s as *mujahiddin* groups formed. Mass departure of young and old did not occur, however, until the arrival of the Taliban in the region after 1997. By the time of their fall (late 2001) there were only 300 households (1,800 people) resident in Eraq Valley.<sup>106</sup> AKDN calculated the land under cultivation at that time as 589 *jeribs* of irrigated land and 200 *jeribs* of rain-fed land. By June 2003 the population had risen again to more than 400 households, as fear has receded and people return. Leaders say many of those still away are unlikely to return; most were landless before they left and had no homes of their own, and have little to return to.<sup>107</sup> There are also some who do own land but it is too small to live on and the returns of work in the towns are more attractive:

“These are people who own one or two *jeribs* and sometimes more. They like to keep contact with their relatives and to be able to come and see the graveyards of their parents. They periodically return, like tourists. They will never live here again but nor will they ever sell their land.”<sup>108</sup>

No resident in this valley considers himself to have “enough” land. Farm sizes are certainly much smaller than encountered in Bamyan District. A farm of three *jeribs* of irrigated land (0.6 ha) in Eraq is considered a large farm. There is no scope for rain-fed farming on the steep, rocky hillsides. No cultivatable, common land exists. Even 40 years ago, the site of the school had to be donated by a private farmer and

<sup>104</sup> The others were named as Sari Eraq, Sari Barik, Sari Jola, Sari Shunbul and Sari Shibar. Sari means top or mountain.

<sup>105</sup> Data provided by AKDN, Bamyan.

<sup>106</sup> Ibid.

<sup>107</sup> Leader of Kafshandaz Village.

<sup>108</sup> Ibid.

the new clinic has been built on another patch of private property. The only common lands are the very high pastures above the two mountain sub-villages reached only by several hours of walking through barren dessert.<sup>109</sup> Villagers from the valley bottom hamlets consistently claimed that “everyone” has the right to graze there, a right obviously exercised only by those with stock. As was the case in neighbouring Kalo Valley, Kuchis also used the upper pastures, especially during the 1970s, and by 1979 they numbered from 300 to 500 households. Fifteen Kuchi families returned in 1999 under the support of the Taliban. Iraq people differ in their views about the Kuchis. A leader insisted that the Kuchis had exploited poorer people and begun to buy up their lands when they defaulted on credit:

“They were clever. They would lend money and get the repayment in *seers* of wheat which increased in value every year. Then they would add interest. Even if you could pay them back the next summer, you paid several times more than you had borrowed. They would only accept payment in wheat, not cash. Those who didn’t have enough wheat could lose their land very easily.”

Others, however, were more sanguine, such as had been most interviewees in the Folady Valley in neighbouring Bamyan District. The Iraq Valley representative selected to attend the meeting with the Constitutional Commission representatives said he had written on his form that most Hazara people do not dislike the Kuchis, but that they should not be permitted to return because the grazing was insufficient even for the Hazaras:

“We had a friendly relationship with them. They were not helping us but they were not harming us. That was a peaceful time. There was no problem with the pasture. There was enough for all of us. We used to go to their tents and drink tea and chat. They used to give us loans on a usury basis. But times have changed. We cannot let them use our pasture again. We do not have enough farmland and we must invest in animals, like our forefathers did.”

The nine hamlets or villages of Iraq Valley fall traditionally into four *manteqa* and much of the social organisation of the valley is around these clan-based associations. Rain-fed land is limited (est. 200 *jeribs* or 40 ha) and located mainly at very high altitudes. Expansion of irrigated land within the valley is now impossible. Seven of the villages are located in the valley floor and two are several hours walk in high mountains above the valley (Khoshkak and Upper Gundaraghi). People in these areas are considered to be poor in Iraq, mainly because land and water for irrigation is scarce. Wheat yields in Shibar average between 40-60 *seers* per *jerib* for irrigated land and half this amount for the rain-fed fields high on the mountains.

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<sup>109</sup> These are named Sari Iraq and Sari Barik.

Table 6: The Hamlets of Eraq Valley

<i>Manteqa</i>	Hamlet	No. of Households in Dec. 2001*	No. of Households in June 2003**	Irrigated Land ( <i>jeribs</i> )*	Rain-fed Land ( <i>jeribs</i> )*
Ashoor	Ashoor	10	11	25	0
	Kafshandaz	8	15	25	0
Della	Della	45		40	0
	Tangi Bokya	8		12	0
Qalha	Qalha Ghulla	21		25	0
	Shenna	7		12	0
Eraq	Eraq Bala	60	78	125	50
	Khoshkak	31	20	75	150
Gundarga	Upper and Lower Gundargahi	110		250	0
<b>TOTAL</b>		<b>300</b>		<b>589</b>	<b>200</b>

\* Aga Khan Development Network, Bamyan.  
\*\* This survey.

Modern settlement within the valley began 11 generations ago under a Hazara notable. Settlement first began in the very remote Khoshkak area, which was difficult for brigands to raid. Eraq people claim that the valley has an ancient settlement history with oral and material evidence of occupation long before the arrival of Islam in the 7<sup>th</sup> century. The valley has remnants of iron workings and is considered to have been a site for blade and sword production during the Suhak Empire.<sup>110</sup> Pottery considered to be ancient by villagers is still periodically found in cultivated fields and a recent excavation for a house revealed three levels of graves, the deepest with pottery fire dishes buried alongside the bones, suggesting that the followers of the Balkh fire-worshippers of Zardasht may have lived in the valley.<sup>111</sup> Another legend has it that the population derives from Herat and Kandahar, the descendants of the dynasty of Khwaja Abdullah Ansari.

More than half the people of Eraq are Ismaili Shi'a, with all residents of the villages of Khoshkak and especially Eraq Bala being Ismaili. They claim recurrent persecution. "Whenever there are wars we are victims. Even during the Russian occupation *mujahiddin* singled out Ismaili leaders to murder them. Only a few years ago, the owner of this house was pulled from his bed and shot before his five daughters, only because he was a devout Ismaili."<sup>112</sup>

Until Amin's rule in 1979, the valley was governed by two government-paid *arbab*. Both were chosen by the people. One was well-off (he had around five *jeribs* of land) but the other had three *jeribs*, more than most villagers. One was well respected and the other not; the latter is still alive and greeted as "*arbab*" to mock him. As one villager commented, "He took too many chances to make money. He would exaggerate even the smallest dispute among people so that he could extract a fee for resolving the argument." Several villagers commented upon the dominance of bribery and corruption during President Daoud's rule from 1973 to 1978, and the way in which the *arbab* would collude with district and provincial

<sup>110</sup> And Eraq means weapon.

<sup>111</sup> This is quite possible given that it is known that Zoroastrian fire-worshipping was active from the 6<sup>th</sup> century BC (Lee, op cit., 9-11).

<sup>112</sup> Leader of Eraq Bala Village.

officials. However, they denied that this involved land (“there was not enough land to make trouble over”).

During the *mujahiddin* and Taliban period, each hamlet was required to appoint a representative (*numayanda*). The last time the eight hamlet *numayanda* met together was to help the Taliban organise the collection of tithes and taxes. Some are now members of the valley *shura* (17 members) established with guidance from the NGOs, Solidarités and AKDN, to help manage village projects. One of these representatives acknowledged that he and his colleagues are “slightly better off” than most villagers but that that was incidental. He had been a representative during the *mujahiddin* time (1979-1998) but no longer received the customary gift of a few *seers* of wheat from each household at harvest time. He believed there was less scope for corruption among leaders today than had been the case in the valley during the 1960s.

Land has always been scarce in Eraq Valley and residents have been quick to take whatever opportunities were available to settle elsewhere. Virtually every household has a male member working or living outside the village. Many other male family members migrate to cities seasonally (for the winter), earning money as unskilled labour. Villagers recall the first formal opportunity to resettle in 1979:

“It was announced on the radio that landless people could apply for land in Helmand. People gathered and sent one representative to Kabul to plead our case, with many names. He took the ID cards of all those wanting land. Each person also had a letter from the *arbab* confirming that the person was landless. Only some got accepted; it was a lottery numbers process and there was also a lot of bribery and corruption. Around 12 from Kafshandaz hamlet got a place and around eight from other villages in this valley. These people got letters to take to the governor of Helmand. They rushed to Helmand. What they found pleased them; large farms with lots of irrigation. No one came back from Helmand in disgust. They grew cotton, maize and wheat and had two harvests every year! Winters only lasted for 40 days! Several families still live there but most felt insecure under the Taliban and returned here or went to Kabul.”

A second resettlement opportunity arose in 1992 under Najibullah’s administration:

“People were encouraged to settle in the northern deserts of Kuwaja Alwan and Killagai in Puli Khumri District of Baghlan. Around 700-800 people went there from Shibar District. At least 200 came from this valley. The land was distributed evenly and free of charge. Each person got 10 *jeribs* of rain-fed land. We grew wheat there. But people got afraid when the Taliban came into power. The wise ones left in 1996. Some returned here. Others went to Kabul or Pakistan. Later we heard that those who had stayed were massacred by the Taliban. They were murdered and put into deep wells. No one has returned there. I do not know if the desert is still being cultivated. The same thing happened in other parts of the north.”<sup>113</sup>

Russian soldiers came only once into the valley. “They inspected each house and collected arms from people. For two days and nights we hid in our houses. But no one was hurt.” This was not the case later. During the 1980s, the valley got embroiled in the factional fighting among emergent *mujahiddin* factions. Although

<sup>113</sup> The leader of Kafshandaz Village.

the Ismaili members of the community claim that they tried to avoid taking sides as ordered by the Aga Khan, they too were involved.<sup>114</sup> Attacks and battles reached their height in 1993-1995 with fighting between the Massoud-backed *Harakat-e-Ingilabi Islami* party and Khalili's *Hizb-e Wahdat*. A disabled tank of the former faction lies at the entrance of the village today. Iraq constantly changed hands between 1990 and 1995:

“Even though we are remote, we were easy prey for the militias as we are so poor. Normally we favoured whichever side seemed strongest in order to save ourselves.”<sup>115</sup>

With hindsight, villagers think favourably of the Khalili forces:

“Of all the militias, they treated us the best. But all factions made us bring water and bread to their outposts. Sometimes we had to work for them dawn to dusk. Even old people had to crawl up mountains with water for their men. When they saw we were Ismaili, they would beat us. Neither Sunni nor Shi'a respected us.”<sup>116</sup>

When the Taliban first came to the area in 1998, the villagers assured them of their allegiance and the Taliban went away satisfied. A second visit occurred several months later with the arrival of a contingent of soldiers, tanks and four-wheel drives following them. People fled to the mountains as those in neighbouring Kalo Valley were to do after them. Some houses were burned, arms and vehicles collected and the Taliban took whatever money people had:

“They went house to house, entered and demanded ‘Where are your sons?’ Most of the Taliban were from Kandahar and Parwan, but there were Tajiks among them. The destruction was done by the Tajiks. They were the guides to the Taliban into the valleys. Even near the entrance to our valley, around 30 people were massacred when they were found on the road travelling from Shibar town. That time with the Taliban was terrible; they stopped differentiating among us; all Hazaras were enemies.”

For a while the village was left in peace. Then a third visit was made to the valley (1999). A message was sent to the village that every man should gather at Eraq Bala Village to hear a statement. Men came from everywhere, including from the two mountain villages. Immediately after all had arrived, they were rounded up. Many escaped in the melee and fled to the mountains, but nearly 100 men were taken, including a large number of elderly men who had been unable to escape. They were trucked to Toopchi in Parwan for the first night, then to the Ghorband Valley, where they spent seven or eight months living in a fort and building a road during the day. They were then moved to Kabul prison. Those who could not arrange for bribes to be paid were not released until after the fall of the Taliban in November 2001, spending a full two years in Kabul gaol:

“At the beginning, relatives began to cultivate the land which people had left behind. Later the Taliban came and forced our youths to the front line, so again many escaped. The Taliban took over any farm which did not have

<sup>114</sup> This was mainly due to Captain Turan Noor Mohammed Khan, a local Ismaili commander, who was associated with the early *Ingelab-e Islami* faction. Mousavi gives an excellent account of the 50 or so early Shi'a and Hazara groups between 1978-1985, the dissolution of many and the emergent coalitions from 1987 (Mousavi, op cit., Chapter 8).

<sup>115</sup> Elderly farmer from Ashoor Village.

<sup>116</sup> Elder from Eraq Bala Village.

the owner living in the village and took the harvests and sent the grain to their fighters. Only now are relatives again beginning to harvest these lands. The owners never demand a share; they just come to make sure their land is still there and recognised as their own. Several families managed to get to Canada. One of those came back after Karzai was appointed to check on his farm. He never asked the relative for a share of grain.”

Most interviewees considered the current period peaceful. One villager boasted that “nowhere in Afghanistan has peace like we now have in Bamyan Province.” Another commented upon the district governor. He had been a warlord through the 1989-2001 era and had followers. However, he had given up his weapons and tanks. His father had been a well-known *arbab* and *malik*. The son, however, this man opined:

“... is just a nice warlord. He is like a shepherd. He can’t do anything for the people but neither can he harm them. He only has the job because he supported Khalili. Not everyone was happy about this. Several valleys refused to participate in the *shura* to appoint him. But most people have accepted him. At the moment we are not frightened that there will be war again.”

A leader concluded:

“Looking back since the king’s time, the most peaceful moment in this valley is now, this moment. People can move freely. But under the Taliban and the factions, we suffered. It was also bad under the king and Daoud, but the main problem in those days was bribery and corruption. We could deal with that. What we could not deal with was the guns and the killing that followed the revolution and lasted until 2001.”

Below, the landholding of three sample villages within Eraq Valley is presented.

### ***Kafshandaz***

Kafshandaz is the newest settlement in the valley, having been first settled around 1920 through a land grant to the grandfather of the current landowners (this may coincide with the period in which Amanullah tried to make amends with the Hazaras). Most of the 42 households are no longer in the village; in December 2001, only eight were living in the village, increased since to 15 households. Only two of the absent 27 households are expected to return to farm. Most of the rest are in Kabul (21). Three families are in Moscow, two in Pakistan and one is in Canada. A review of 23 people who left the village shows that half left within the last five years because of the Taliban, seven left to fight with *mujahiddin* (1985-1994), two left in 1979 after the revolution and one has left within the last year to work in Kabul. Three left to take up settlement scheme opportunities in Helmand and the north but have returned.<sup>117</sup>

Ten of the 42 households of Kafshandaz are entirely landless (24 percent). Nor did these ten households ever own houses of their own. They were poor relatives or workers attached to one or other owner household.<sup>118</sup> Homelessness extends well beyond these households; in fact, only 15 of the 42 families have houses of their own, living with parents or relatives (36 percent). Among those 15 families resident

<sup>117</sup> Information provided in meeting with Kafshandaz residents.

<sup>118</sup> Ibid.

in the village today, five do not have their own house and doubt they will ever have the means to build houses.<sup>119</sup> Two expect to eventually inherit their fathers' houses along with their brothers.

Farms are extremely small and average only one *jerib* of irrigated land, with a range of 0.3-2.5 *jeribs* (under half a hectare). Among the 15 residential households, seven have one *jerib* or less. Nine of the 15 households also farm additional land belonging to relatives. Although the arrangement is that they will retain only one-third, only half the owners have collected their two-thirds share in the years they have been absent. The farmers say they keep an exact record of production in the event that they will be asked eventually for the share in cash or kind.

Among the 15 resident households, the maximum land any one is cultivating (both their own land and relatives' land) is four *jeribs*, less than one hectare. Although no more land is available, they say the constraining factor is not just land, but money to buy seeds and fertiliser. They have only been able to cultivate this year due to advance provision of seed and fertiliser by AKDN and Solidarités. It was noted, however, that each landowning household in Kafshandaz owns one ox. Brothers normally team up their animals to plough. Collective work is undertaken to plant, weed and harvest ("We are all related, so this is easy to arrange in this village").<sup>120</sup>

All extended families in Kafshandaz have at least one adult male member who is working outside of the village. Remittances have kept some families alive over the last three or four years. Only one among the 15 households has borrowed outside the inter-related family system during the last few years. People borrow from non-relatives as a last resort. Interest in the valley begins at ten percent per month or 120 percent per year. There are virtually no persons living in the valley today who are rich enough to lend money. The one farmer in Kafshandaz who has borrowed said he had to go to a faraway village to borrow 7,000 Afs (US\$145). He hopes to repay this through selling his livestock, but fears the interest will have risen so high that he will have to pawn his meagre land as well to pay off the loan.

### **Ashoor**

Ashoor Village is the sister village of Kafshandaz.<sup>121</sup> The elders listed 22 households, only 11 of which are currently resident in the village. The remainder reside in Bamyan, Kabul, Iran or other places with available jobs. Where this is the case, they generally send money to their families or relatives. Although it seems difficult to imagine, land is yet scarcer in Ashoor than Kafshandaz. Only seven of the 11 residential households own land and they share a meagre seven *jeribs* among them. The four households that are landless work as labourers for these and other owners. Their wage is US\$25 per person per season – not enough to buy wheat for a year. The landowners also sharecrop whatever other land they can find in the area. However, the poorer owners did not risk sharecropping this year, because they feared investing seeds and fertiliser in what looked like it could be another drought year.

Only three of the 11 absentee households own land. Their asset adds up to only five more *jeribs*. Land shortage is so acute in the village that arguments frequently

<sup>119</sup> Information provided in meeting with Kafshandaz residents.

<sup>120</sup> Villager from Kafshandaz.

<sup>121</sup> Ashoor is the name of the clan to which all members of the two villages belong.

break out. A typical dispute recorded concerns a family of four married sons whose father sold the little land he had in order to remarry after his wife died:

“He had to marry, as he had four sons to bring up. The dowry cost him the equivalent of 15,000 Afs (US\$300). He sold his land to his own cousin. Now there is a dispute between the sons of that cousin and the sons of the father. They claim that their father only pawned the land and they say they have a document in Iran with the eldest son to prove it. One other son is baking bread for the military and only sometimes comes home. The other two brothers sharecrop for Tajiks in Shaspoul and often come home. They want to stay here and want to get their father’s land back. The dispute has become heated. We elders are waiting to see the document, but it may not solve the problem. We need to know if the father paid back any of the loan as his sons claim. Disputes like this can last for generations.”

### **Khoshkak**

Khoshkak<sup>122</sup> is located at 3,000 metres in a small valley high in the mountains. It is a two-hour walk from the valley bottom hamlets of Eraq. Khoshkak is fed by a small river that has its source 12 km away. The source falls within Jola Village and relations between the two villages are tense largely because of water distribution problems. Khoshkak villagers freely express their jealousy that Jola is “such a rich village” and has so much water:

“It is because they took all our water that they didn’t suffer in the drought or under the Taliban. They had enough food to feed themselves and to bribe the Taliban. We had none.”

The flow of Khoshkak River is certainly limited. In addition, the river freezes in winter so water has to be collected from a stream at lower altitude, each collection trip taking two hours. The village depends heavily upon rain-fed farming and no crop has been planted for five years, including this rain-short 2003. Life has always been hard in Khoshkak and the people are referred to as “very poor.” However, it has been only the Taliban period that has pushed the community into irreversible demise. Before the Taliban around 80 households lived in the village. “We were poor but we survived. Now we are only 20 households and we can’t survive.”

How has this come about? This is the story that the Khoshkak people tell:

“Before the Taliban we were protected up here. No one reached us. In the king’s time and under Daoud, soldiers came once or twice but they never disturbed us. Russians did not come up here although they kept lookouts on top of the mountains near here. Even when there was *mujahiddin* fighting in the valley, most of us from here kept out of it. Our troubles began with the Taliban. There was a notorious commander of the Taliban in Parwan Province, a real tyrant. He asked us all to attend a meeting and when we arrived we found eight trucks of Taliban soldiers. They rounded us up, including eight men from Khoshkak. We sat in the prison in Kabul until the Taliban were defeated. Most of the people in the prison were Hazaras. We received three small pieces of bread a day. Two from Khoshkak died. When we asked what our crime was, the guards said it was because we were

<sup>122</sup> Means “girl’s river.”

Hazaras and had we stayed in the valleys: we would have supported Khalili and fought against the Taliban.”

Life continued in the village. Relatives of the prisoners collected as much money as they could to get them released. The standard bribe was around US\$1,000. Several households from Khoshkak succeeded in collecting the funds and their husbands/fathers were released. Sheep were sold, houses were sold and farms pawned. Blankets and cooking pots were also sold. Money was borrowed. None of these households have been able to remain in the village. They work today in wealthier communities for landowners who can afford to hire labourers. Village elders doubt that these families will ever own land again. “They do not even have houses to return to.”

Many other families left the village at this time, fearing further reprisals for the support Khalili was garnering. Although everyone was poor, the slightly better-off families left first, able to afford the transport. “Walking takes you nowhere. You can run to the mountains if you are young enough and you can stay there for one, two weeks, but in the end you have to come back.” Many were still trapped and subject to periodic visits from armed Taliban ordering them to the front line:

“At first they tricked us and told us if some of the men volunteered, they would leave the village alone. Some young men volunteered, but then when they arrived at the command post, they found the commander only wanted money. The commander said to the young men, ‘Oh dear, the truck has just left. You will have to pay me to send other Hazaras to go in your place. The cost is 20 million old Afs (US\$415) for each of you.’ We were given one month to find the money. We had to find the money otherwise they would have killed everyone in the village. Our families pawned the land and sold the stock and we paid them.”

Other men escaped to the mountains and found their way to Pakistan or other places. Taliban soldiers continued to turn up in Khoshkak, ordering families to make bread, carry loads or to slaughter the few sheep that were left. Even during the drought they still attacked. Shots were fired in the air, old men beaten with cables. Villagers remain particularly bitter about the Tajik Taliban, some of whom they recognised as from Gandak Valley in the north:

“Every other month armed Taliban came and ordered us to show them our tax receipts. They always took more tax away. We also had to pay tithes, one *seer* for every ten *seers* of grain we had. It was no good running to the mountain as they just exploited or beat the old and very young who had stayed and those of us who had run away felt ashamed.”<sup>123</sup>

Many more left the village altogether:

“What have they got to come home to? Just debts. It is no use coming home unless you can buy your land back. And you can’t buy your land back living here. Even though the lenders let us farm the land we have to give almost all the crop to them.”<sup>124</sup>

Some rescue is arriving in the form of AKDN assistance with seeds and fertiliser noted above. Once crops are harvested, the beneficiaries will return the same

<sup>123</sup> Villager in Khoshkak.

<sup>124</sup> Ibid.

amount of seed they received and pay for the fertiliser through the same weight in seeds (or double the weight if the fertiliser was black fertiliser). The collected seed will be stored in the village to assist the very poor and to pay for food for work efforts.<sup>125</sup> Farmers who have pawned their land may make much more favourable arrangements with the money-lenders. Instead of receiving one-fifth or one-quarter of their production, they may bargain for a 50-50 split in the harvest given that they are providing the seed, fertiliser and usually oxen. This has been life saving for at least ten of the 20 households who remain in Khoshkak. It may in the future attract some of the absentees back home.

Another current advantage to Khoshkak people is that with fewer families depending upon the scarce, irrigated land, those that are back in the village are able to cultivate more this year than has traditionally been possible. All but one family (and the head of household is blind and elderly) are cultivating both their own pawned land and/or land belonging to absentee farmers. Departing residents typically left clear instructions as to who was to farm their land and under what conditions. Because most handed these farms to their close relatives, the arrangement is generally on a 50-50 basis. In due course, the owners will collect their share in grain or cash. In the interim some of the remaining farmers hope they may be able to at least produce enough food for the coming year.

Many farmers doubt, however, that they will ever recover their pawned land. One villager explained that his debt now amounts to 100,000 Afs (\$2,000). He had borrowed to pay *usha* to the Taliban, to pay for one son not to be sent to the front line, and to buy food during the drought. He has now sent a son to Kabul to find work as a porter and the other son is sent daily to harvest ground brush from the mountains and to sell this to people in richer valleys. The farmer expects he will at most be able to repay around \$25 each year to the money-lender. He doubts his sons will marry as no one will lend him money to pay dowry when he has no more land to pawn. He noted that he has no daughters to sell.

The source of loans for the Khoshkak people has been richer farmers in Jola and Bolola Villages and later, the transport owners in Bolola, located on the main road to Bamyan. Khoshkak people are bitter that they had to borrow from the Jola people; as noted above, the two villages have been rivals for generations and battle annually over water shares. To add insult to injury, now most of Khoshkak is owned by Jola farmers, both land and houses.

The fact that the rain-fed land has still not been able to be cultivated has not helped. These areas are not communal village lands. They were divided among landowners some generations past, and with inequities intact; those with most irrigated land were given most of the rain-fed land. Those without irrigated land were given no rain-fed areas. The explanation given included:

“The poor cannot farm rain-fed lands easily because they do not own oxen. Before the Taliban, there were 80 oxen in this village. Now there are only ten oxen, so even if the rain comes next year we will have difficulty cultivating all the area.”

How much land do the Khoshkak people own today? Together the 17 landowners in situ own 13.15 *jeribs* (2.6 ha) of irrigated land, or an average of 0.77 *jeribs* each (0.15 ha). The largest holding is 1.2 *jeribs* (0.2 ha). Three of the 20 households that

<sup>125</sup> Soldarités also operates in the valley and has provided seed and fertiliser at cost, which some villagers with cash have taken advantage of, but probably no one from Khoshkak.

are in the village today are entirely landless and one of these does not own a house (many of the absentee households now own neither houses nor farms). Twelve others are near landless and most of them are now not home-owners either. Six of the 17 land-owning households have their land under pawn (as do many of those absent from the village). Two others would have pawned their land but their holdings are too small and rocky to be attractive to money-lenders. Both work as labourers for other farmers, as they have always done. Those who are not working for others are sharecropping the land of relatives.

The largest area cultivated by any one household is four *jeribs* and includes both owned and relatives' land; this is farmed by an 18-year-old son who remained in the village during the Taliban because his brother is mentally handicapped and his father is ill. He ran frequently to the mountains to avoid being conscripted, and once directly escaped capture by Taliban soldiers by inviting them into the house and offering to provide tea after their hard walk up the mountain and then running away. Infuriated, they put a bounty on his head which the community had to find and pay. He is still paying back the amount, with the help of three older brothers who escaped earlier and who work as road workers in Kabul. They also send tea and sugar.

Two other families owe money, although their land is not pawned. One owes 50,000 Afs (US\$1,000) and this year plans to start repaying this and the interest (unspecified) with 50 *seers* of wheat (worth around US\$52). Family members expect to be repaying this loan all their lives but would rather do this than lose the land. Like so many in the community, this family has no home of its own, living currently in the house of absent relatives.

The second family owns a house and has land that is no more than a garden, around 0.3 *jerib*. The owner borrowed cash "to survive the Taliban taxes and the drought and to feed my family." All household members work on the farms of other people and the eldest son is the shepherd for the village, taking the cows and sheep to the pasture one hour away. The household head does not expect to be able to repay even part of the loan. He believes they may soon lose their house and garden. "If I had money I would leave my family here and go and look for work in the cities," he said.

In summary, of the estimated 80 households that lived in Khoshkak prior to the Taliban, three-quarters have left. Around half have little to return to, having either been already landless or made landless due to the taxing, tithing and tyranny of the Taliban. Most of those who remained or who have returned to the village own some land (85 percent) but in most cases, too little to be useful for livelihood (70 percent). One-third of these have their small lands under mortgage. Another 11 percent have large loans outstanding. Every villager is in debt to shopkeepers for the purchase of small commodities. Taken together, the elders estimate that over a half of the families who owned land have now lost their land, others will lose their land, and only a handful have hope of hanging onto their farms.

## **Panjab District: The Nargas Valley**

The Nargas Valley runs directly west out of Panjab town until it reaches a mountain. Immediately over the mountain the Gudar Valley begins and continues in the same westward direction. Like many parts of Panjab District, these are areas that have a long history of Hazara feudal relations with *begs* or

*mirs* (landlords) possessing vast lands with many client households. Characteristically, each of the 15 major valleys in Panjab was owned by one large *mir*. This was reinforced by the granting of land to select persons by more numerous Hazara notables during and after Abdur Rahman's time, which did not necessarily coincide with previous land ownership patterns. A crucial element of these land grants was that specific land areas were not allocated but rather select Hazara *khans* received written awards or orders (*firman*) stating that they had been granted a specific amount of land and were told to find that land themselves in a named valley or valleys. Not all were able to find enough land again in their original valleys. Landless workers, the majority, were never included in these grants.<sup>126</sup>

Intra-family subdivision and sale outside the family have left few of the very large estates intact. Each valley in Panjab is still characterised by highly polarised land ownership, but with very large holdings found today in only four valleys, one of which is the Nargas Valley.<sup>127</sup> Abdur Rahman also handed out pasture land grants to Pashtun nomads at the same time. A certain Yakoub Khan is reputed as having been Rahman's officer-in-charge and issued documents to the Hazara *khans* and allegedly reserved only the tops of mountains for Kuchi use. In practice, distinctions between what was pasture or mountain top and what was existing or potential rain-fed land, were unclear or since manipulated. These vagaries facilitated the deep disputes between Hazaras and Kuchis that continue today.

In addition, the Pashtun nomads began to buy non-pasture land, as early as the 1900s.<sup>128</sup> Over the intervening century some of the *khans* sold off lower rain-fed and irrigated lands to these visitors for prices that were considered fair at the time. As elaborated later, many of the smaller landowners in later years did not so much sell their land to Kuchi as were forcibly persuaded to give it up.

The use of the *daftar*, a highly erratic unit of measure of land, was unique to this part of Hazarajat, and enabled many of the grantees to help themselves to much larger areas than perhaps the grants had intended. The *jerib* measure never took root in Panjab District (let alone acres or hectares). *Daftars* and *kulbars* (approximately one-fourth of a *daftar*) were used instead. The problem was that these were not definitive units of measure. Although officials recognised 60 *jeribs* as a *daftar*, it might represent 30 *jeribs* to one farmer and 150 *jeribs* to another. The district agricultural officer reported that farmers' manipulation of the measure to their own advantage was typical of Panjab:

"I recall cases where farmers recorded in the 1960s and 1970s that they had one *kulbar* of land when in fact the *seers* of seed (approximately seven kilos of grain) they used to farm the land showed me that they had two *kulbar*. When Kuchi bought land they would do the opposite. They would get the Amlak officer to write down that they had bought land equal to 120 *jeribs* when in fact they had bought land only equal to 100 *jeribs*. Then they would let their animals graze the neighbour's land and when the neighbour

<sup>126</sup> This was also the case even in the years when King Amanullah attempted to help the poor by selling government lands very cheaply; this was directed to poor ex-landowners, not those who had never in the past owned land of their own. However, it is not known that this scheme actually reached Hazarajat (refer to Poullada, op cit., 135).

<sup>127</sup> The Arkorot, Akhzarai and Charjbarja Valleys are the other valleys in question. Many of the villages in these valleys are made up entirely of landless households; Safidak Village, for example, comprises 22 households, all tenants of one landlord.

<sup>128</sup> Ferdinand, op cit.

protested, they would show him the document and insist that the land must be theirs because of its size. If the dispute went to court, the court would rule according to the document. The Kuchi would also offer to buy the neighbour's land to resolve the dispute, and the farmer would concede, having already lost most of the crop to the Kuchi's animals and knowing he would never be able to farm with the Kuchi as his neighbour. Because the Kuchi would still claim the land was his and that he had no need to sell what was already his, the price would be very low."

The preferred measure has therefore been to refer to the *seers* of seed needed to plant an area. This would be straightforward if it were not for the fact that farmers lump together the seeds needed for rain-fed and irrigated land, where in practice a *jerib* of rain-fed land requires around half the seed of an irrigated plot. Therefore, even the use of *seers* of seed to identify land owned has proved unreliable.<sup>129</sup> This affects the accuracy of figures given below. Following the advice of the Oxfam Agricultural Adviser in Panjab, an average of 60 *jeribs* (12 ha) to one *daftar* of irrigated land and 200 *jeribs* (40 ha) of rain-fed land is used here.

**Table 7: Estimate of Cultivated Land in Panjab District**

Land type	Total <i>daftars</i>	<i>Jeribs</i>	Percent
Rain-fed	366	73,200*	59
Spring or check dam irrigated	161	9,672**	26
Intensively irrigated	93	5,580	15
Total	620	88,452	100

Source: Oxfam Office, Panjab. \* Using 200 *jeribs* per *daftar* of rain-fed land; \*\* using 60 *jeribs* per *daftar* of irrigated land.

Current land ownership in Panjab District follows local tradition, extending from the valley bottom to the top of hill from which run-off drains. A five-*jerib* irrigated farm could therefore yield the owner up to 500 *jeribs* of hillside, of which one-tenth might be suitable for scattered, rain-fed cultivation. Common land on the hillsides or ranges is accordingly scarce. Landless workers, tenants or sharecroppers who own sheep or oxen are generally able to use their landowner's grazing area for their own animals as part of their agreement. Some farmers thought that in the distant past (i.e., before Abdur Rahman), the hillsides had been treated as common land, and that it was only during the hand-outs to Hazara nobles by Habibullah that the new landlords took the opportunity to claim the hillsides as their own land. Other farmers in the district have suggested that any land with potential for rain-fed agriculture has always been divided among landowners in the valley.

The extent to which the steep hillsides of valleys and mountains beyond have been used for rain-fed farming is a matter of sharper dispute. Certainly hillside rain-fed farming has been practised for centuries, but probably not to the extent following the 1978 revolution and the departure of the Kuchis. Currently, Hazara farmers in all four valleys say that rain-fed cultivation has declined over the last decade, partly because of the drought (1999-2002), but mainly because of the decline in yields, weed infestation and soil erosion. The availability of

<sup>129</sup> In general, one *jerib* of irrigated land requires five *seers* of seed and one *jerib* of rain-fed land requires two *seers* of seed. However, even this varied in the villages visited.

ground cover used for winter fuel (*khar* - thorn bushes) has declined. There is little evidence of rain-fed cultivation on hillsides directly above settlements; local Hazaras claim this is because of the danger of landslides and avalanches to their homes. Customary soil conserving measures (*aigal*) were mentioned several times. The role of recent extension in limiting rain-fed cultivation cannot be discounted. Oxfam has operated in the district for more than a decade, and has increasingly emphasised soil conservation and provided food-for-work to conserve soil.

Most of the Nargas Valley remains in the hands of the Akbar Khan family, given by King Habibullah when he took the throne in 1901. Today, the land is held by four descendant brothers and their nephew, two sisters and their husbands. Three brothers,<sup>130</sup> a cousin and the nephew recounted the history of the estate:

“Our forefathers had always lived in this valley. In 1879 our great, great grandfather was the owner of all this land. When Abdur Rahman’s forces wanted to capture Hazarajat, they sent messengers that we should hand over our leaders or otherwise prepare for war. The Hazara people came together and decided to fight. Hazarajat was divided into four commands. One force was in Maidan. Our great grandfather, Abraham Beg, was the commander of this front. He was a young man with a family and very determined to protect the land of the Hazaras. The second front was in Bamyan, led by Mir el Khani. The third was in Ghor Province, led by Mohammed Hussan Beg Lal. The further was towards Kandara and Urgystan and led by Sardar Azmim Beg.

“Now, there is a pass on the way to Maidan called Mullah Yaqoub, where there is a bridge called Torghonak. Our great grandfather destroyed the bridge, thinking he would be safe if he cut off the pass. But he didn’t know that Abdur Rahman had long-range guns. The very first bullet fired killed him, and when his forces saw this, they tried to flee. Most were massacred. Abdur Rahman’s soldiers marched into this area and killed so many people. Everyone was massacred except for some women and children. Our great grandfather was only seven years old at the time. He, and many others, including women, were captured, sent to Kabul and imprisoned or were made slaves. They remained slaves in Kabul for 22 years. Then in Habibullah’s time, our great grandfather, Haji Mohammed Hussain Beg, was released. He was 29 years old and had spent nearly all his life in prison. Habibullah was sorry about his father’s treatment of the Hazaras and he gave Hazarajat back to the Hazaras. My great grandfather was given 50 *daftars* (approximately 3,000 *jeribs* or 600 ha). He was the only one left in the family; his father, his uncles and his cousins had all been killed or died, so he returned alone to reclaim his land. However, the valley only has 30 *daftars* of land, and his grant from the king said 50 *daftars*. So our grandfather took all the land in this valley except for five *daftars*, which had been taken by other notables, and then he claimed more land in neighbouring valleys, including Ghor Ghor Valley. Most of the land we owned there was later sold by my father to Kuchis.

“Of the 25 *daftars*, which our grandfather inherited, only 12 remain with us. The 13 other *daftar* have been sold to other people by our uncles. That was mainly in Taraki’s time. They were afraid the land would be taken from us.

<sup>130</sup> Whose uncle, Akbar Khan, was an MP at some stage.

There were plenty of rich people who wanted to buy the land, so we got good prices. Our father never sold his share of the land and we will never sell his land.”<sup>131</sup>

Today the Akbar descendants are involved in transport and a range of other businesses and do not farm. They do, however, spend time supervising their workers and tenants. The estate is farmed jointly by the brothers and their cousin. Other cousins and their eldest brother manage family businesses in Kabul. The 12 *daftars* of the estate comprise at least 720 *jeribs* (144 ha) of “mainly” irrigated land. It is likely that double or even triple this amount exists as rain-fed fields. The land is farmed by workers and tenants in six settlements along the valley. They include 22 tenants in Naw Pak, Shinak, Char Borja, Qala-e-Kata and Qala-e-Akhound. The remainder of the Akbar estate is being farmed by 18 workers directly hired by the family.

None of the tenants, sharecroppers or workers own land of their own. Seven of the tenants have been farming Akbar land for a generation or more and are, in effect, long-term lessees. In contrast, the workers have come to the area in only the last three or four years. This body of farmers belong to a very large sector of modern Panjab agriculture, moving from farm to farm every one or two years, ever seeking the perfect landlord, productive land and a fair share of the crop.

The workers (*dehqan*) are hired by the season and receive one-quarter of the crop (*char kot*), but those who were given a room and a stall for their animals are entitled to only one-fifth of the crop (*panj kot*). The “season” usually includes six winter months, during which they are responsible for caring for the large Akbar herd. The Akbars provide oxen, seed and fertiliser. The workers are given a specified area of irrigated and rain-fed land to cultivate and must provide a fixed number of *seers* of wheat at harvest, irrespective of the total. Even during the drought when there was no harvest, the quota was barely reduced, placing workers in serious debt. Long-term tenants were given larger exemptions. In addition, workers must also collect an agreed number of bundles of *khar* (thorn bushes) for fuel and prepare a fixed number of dung rounds for winter fuel.

The Akbar brothers acknowledge that there is not a single tenant, sharecropper or worker who is not in debt to them to one degree or another. All have received cash and/or wheat loans. Most also have debts with the local shopkeepers. The Akbars keep good records of debts and subtract these at harvest time. Many workers leave with food for a month or two. Unpaid debts have to be worked off the next season. Agreements are always in writing and witnessed by other tenants or workers. The relationship between the Akbar landlords and their farmers cannot be described as feudal, in the sense that social bonds of reciprocity do not exist, except in respect of one or two faithful retainers, such as those working in the castle.

Aside from the Akbar family, there are at least 13 other landowners in the long and wide Nargas Valley today. Five already had land when the Akbars’ great grandfather arrived back in the valley. Today, these farms also exist as villages of well extended and multiplied families. One middle-aged member of one of the families (at Sak-e-Joi hamlet) pointed out his farm, which measured only half an acre of irrigated land. His three brothers have similar-sized farms. They also own around one acre of rain-fed land but which is currently “too poor to cultivate.” All three have mortgaged their land – to the Akbars.

<sup>131</sup> Member of the Akbar family.

The lands which the Akbar family sold in 1979 are found in Deh Naw Pak and Taghak, hamlets at the western end of the valley. Respectively, these include five owners with one worker household and three landowners with one worker family. Together, they own an estimated 64 *jeribs* or an average of eight *jeribs* (1.6 ha) per family. One of the largest owners explained that his father arrived with money to buy land in 1978, having failed to find land in his original home area, Warras District. His father had been working for 30 years as a junior official in Kabul and Kandahar and this had made him “rich.” He bought one *kulbar* (15 *jeribs*, 3 ha) from the Akbars. He had been to school and owned a minibus with his cousin. “Everyone in the valley knows I will buy their land if they want to sell it but no one wants to sell. No business can replace land.”

### Panjab District: The Gudar Valley

Like most of Panjab District, the Gudar Valley is characterised by landlordism and landlessness, but without a single dominant owner as in the Nargas Valley. Doni Nayab Village is a good example.

Doni Nayab comprises 30 households. Only four households own land. Two each own around 12 *jeribs* (2.4 ha); two own about three *jeribs* (0.6 ha) of irrigated land.<sup>132</sup> Each also owns several times these amounts of rain-fed land, though one household has much less. In total, the four owners together own around 88 *jeribs* (17.6 ha), or 22 *jeribs* (4.4 ha) each.

The remaining 26 households work for these farmers. All are homeless as well as landless and live in rooms attached to the landlords’ houses. Seven are lessees, having agreed on rent at the beginning of the season, paid in *seers* of wheat. This year these tenants (*ijaradar*) agreed to provide 20 *seers* of wheat at harvest for fields which are expected to produce 60-70 *seers*, or around one-third. This is considered an average to good arrangement; in the previous drought years farmers were only able to keep one-tenth of this amount after paying the fixed share to the owners. With an exceptional harvest a tenant may be able to keep up to half the crop. Tenants provide all inputs to farming, including oxen to plough.

The current period is considered excellent for tenants, and those who have the means to plough and procure seeds and fertiliser are doing so if they are at all able. This is because the drought is over and better crops are expected in the next few years, particularly on the rain-fed fields, which have been resting during the drought. It is also because no taxes are being levied. Traditionally, in this area lessees/tenants have been required by their landlords to share the cost of levies, tithes (during the Taliban) and taxes. They shared the annual property tax burden up until 1978, and were more erratically but onerously taxed by militia throughout the *mujahiddin* period. Factions would levy food and livestock to help feed their soldiers, sometimes demanding tributes every few months. Tenants who owned a few sheep were most affected. Landlords tired of sending their own sheep to feed fighters and would often “persuade” tenants to contribute.

The impression gained from villagers was that under the Taliban, tax collection was more formalised and accepted in Panjab District than appears to have been the case in Shibar or Bamyan Districts, where taxes, tithes and tributes were levied

<sup>132</sup> These owners hold respectively four, four, one and one *kulbar* of irrigated land. In this village a *kulbar* of irrigated land requires 15 *seers* of seed and may thus be recorded as three *jeribs*, or 0.6 ha.

frequently and randomly. In 1999, the Taliban-supporting officials in Panjab levied tax only once and on the basis of records of land ownership. The charge was the equivalent of US\$6 per *daftar*. Landlords required tenants to pay a share.

The oldest staying *ijaradar* (tenant) in Doni Nayab has lived and worked land in this district for 14 years. The other six have been in the Gudar Valley five years or less. Each has a son or sons who works or is looking for work outside of the valley – in Iran and Pakistan, or in Balkh and in Ghazni Provinces. Five of these sons have left their wives (some with children) in the village with their fathers-in-law. These women assist their fathers-in-law with farm work.

Nineteen households are *dehqan* (workers) for one of three landowners, providing labour in exchange for one-quarter of the product. Each is allocated a fixed area of irrigated and rain-fed land to cultivate, and is required to collect thorn bushes and dung for winter fuel. In winter they will clean out the stalls and care for the owners' animals. Around half of these workers come from neighbouring Warras District, and half from other areas in Panjab. Most expect to move on at the end of the season. Some said they had worked for around 20 different landlords. The critical incentive after food is shelter for the bitter winter for themselves and the few sheep they own. Over half own sheep. None of the *dehqan* has ever owned land or expects to own land, nor have any of the 19 ever owned a house of their own. Most would like to acquire more sheep. Their fathers were landless workers. Their sons are also landless workers. Few of the mature sons have had funds to travel to Kabul or beyond to look for work. They contribute to the farm work. Younger sons are usually sent to mind the landlords' stock, for which they are paid around US\$20 each summer season.

One *dehqan* remarked on land relations:

“Our lives have got worse, not better. The golden time was the king's time. Daoud's time was not good for us because Kuchis interfered with our lives. They roamed freely in these valleys with their cattle and didn't care if the crops we grew for our masters were destroyed. We were harassed a lot. If they found us cultivating in the rain-fed areas away from the village, they beat us. Daoud's government supported them. They told us that we had to let the Kuchis persecute us because it was their land. They told us that all the land above the streams belonged to Kuchis and we should be hospitable to our guests as is the custom. The land above the streams never belonged to Kuchis.”<sup>133</sup>

Another stated:

“When Taraki came to power we heard that we would get land, but his life was short. Had he lived, we would have been given land. That was the law of communism. Those who fear God could not accept communism because it has no God. If we had land distribution without communism we could be safely given land.”<sup>134</sup>

The workers in Doni Nayab are related, belonging to five extended households. They try to move and work together. Each worker is in debt to the local shopkeeper. He permits them to borrow up to a certain amount (see Box 8). After that, they must beg small amounts of food from each other and borrow from the landlord against their crop-share.

<sup>133</sup> Resident of Doni Nayab Village.

<sup>134</sup> Long-term resident of Doni Nayab Village.

**Box 8: The Shopkeeper of Gudar Valley**

The shopkeeper is new to the valley, having left his home area in Warras due to a family land feud. He adds ten percent to all items which are sold on credit to cover what would otherwise be interest. He knows of no landless person in the valley who does not buy on credit. Some of those who are small landowners also get products on credit. He only lends to people he personally knows. He receives 15 or more requests to provide credit each week. If he did not provide credit, few would be able to use his shop and he would have no business. The average debt is 3,000 Afs (US\$62). He does not allow a debt to exceed this amount and requires all debts paid after three months. If a person can't bring cash, then he may bring dried curds, a goat or a sheep, which he then trades in Panjab. The shopkeeper provides no cash loans. "If I had cash I would buy more items for the shop," he said. The items he sells are wheat, wheat flour, sugar, rice, soap, oil, kerosene and sweets. The only customers who pay in cash are landlords and passers-by.

The four *zamindar* (landowners) of Doni Nayab are related. Three brothers and one daughter acquired land from their father. The youngest landowner is a teacher and owns only one *kulbar* of land, which he rents out to tenants. The other two owners are part-time farmers and at the time of survey had gone to the mountains to take bread and water to workers collecting ground brushwood winter fuel.

The fourth, Ishaq, is the widower of the daughter who inherited a small share of land from her father.<sup>135</sup> He explained how his Hazara father-in-law had bought the land in 1978, having escaped Bersud when his land was forcibly taken over by Pashtuns. Whilst his wife was alive, she was considered the landowner, but he had taken over the farm on her death. Ishaq cannot afford to hire workers or tenants. Four years ago, he pawned the land in order to provide dowry for his daughter-in-law. The pawnbrokers are two brothers who currently live in Iran but who used to own shops further down the valley. They gave him a lump sum of what is now 30,000 Afs (\$620) in exchange for documents relating to the land (tax receipts and the purchase of the land by his father-in-law). Ishaq then leased the land back from the brothers at a rate of 120 *seers* of wheat per year (worth about US\$125 at current values). Ishaq has only been able to pay this amount by selling his livestock, as his land pawning coincided with the drought. To recover his land he must find the 30,000 Afs he owes in cash. He is concerned the brothers will take his land this year when they return from Iran. At best, they may agree to increase the crop share to 200 *seers* which he cannot achieve. Three of his sons, including the son whose dowry he paid, are in Iran and Pakistan, but none have been able to remit funds. Ishaq is resigned to losing his land.

**Panjab District: The Khdak Takhta Valley**

This area includes nine settlements and 100 households. More than 20 households are still absent, having fled during the unsettled times of the 1990s. Landowners in these communities are related, and the area is considered a discrete clan-based *manteqa*. Settlement dates back to the early Habibullah years (1900s), resulting from the same kind of land grants as occurred in the Nargas and Gudar Valleys. However, in this instance, the lead *mir* had no historical connection with this area; his father had been born in Warras. Unlike most Panjab valleys, the valley hills are

<sup>135</sup> Ishaq is named here, as he specifically agreed to have his name used in public reports. Names of other interviewees are not used as unfortunately the author did not check with them as to whether their names could be used or not.

stony and so there is little rain-fed cultivation. The valley bottom is expansive and fertile.

### **Deh Pioetab**

Landowners in the Khdak Takhta Valley<sup>136</sup> volunteered that their land has always been under threat. “In the days of Taraki we were called *feudales* and our farmers were called *kargar* or *mustazaf* (the oppressed). Government threatened to take our land like they did in Lal, Warras and Daikundi districts, but these threats never came to anything.” Even in the time of the factions during the 1980s and 1990s, they expected to lose their land. “Only the Taliban cooled things down and told us we would not lose our land.”<sup>137</sup>

**Table 8: The Hamlets and Owners of Khdak Takhta Valley**

	Village	Landowners	Landless Tenants	Landless Workers	Total Households
1	Deh Pioetab	1	6	6	13
2	Sia Sang	6	0	1	7
3	Qalai-i-Miana	8	0	4	12
4	Qalai Qazi	8	0	4	12
5	Sorkh Qabi	10	1	4	15
6	Naw Bolai	15	0	0	15
7	Dai Sorkhi	1	0	3	4
8	Kachari	8	2	7	17
9	Sari Goli	2	0	2	4
	<b>TOTAL</b>	<b>59</b>	<b>9</b>	<b>31</b>	<b>99</b>

Problems were experienced, however, with the Kuchis. Farmers in the area complained of the way the Kuchis came to graze, with sometimes thousands of cattle. It became worse during Daoud’s time (1973-1978):

“During that time, the Kuchis were free to do what they liked. Before that, they used to behave themselves and kept their stock away from our fields. But during Daoud’s time they grew thorns. They were protected by Daoud’s government. Even the provincial head of police told the people of Panjab that if they did not let the Kuchis graze, he would turn into a cow and eat all our crops. Every child now knows this in Panjab.”<sup>138</sup>

The period of the control by *mujahiddin* factions was also difficult, but for different reasons. Khalili and Akbari forces clashed a number of times in battles with mortars and rockets, as they passed through the valley. The landlords had to provide bread and mutton for the soldiers. Later, the blockade of Hazarajat by the Taliban, frustrated with the recalcitrance of the Bamyan people, caused food shortages during 1998-2000. Several people from this *manteqa* had been in Panjab town when the Taliban finally entered it, and were among those killed. Interviewees estimated that around half the population had left the area during the early Taliban years, for both economic and security reasons, but that once the Taliban settled in the town, relations were peaceful.

Deh Pioetab comprises one estate, with one landowning family. The farm was said to extend to nine hectares (45 *jeribs*) of irrigated land and an unspecified area of

<sup>136</sup> Two meetings were held in this *manteqa*, in Deh Pioetab and Kachari Villages, but with farmers from these and other villages also present.

<sup>137</sup> The landlord of Deh Pioetab.

<sup>138</sup> Interviewee at Deh Pioetab Village.

hillside grazing estimated at many times that area. There is no rain-fed cultivation, but a substantial willow forest in the valley bottom, annually harvested by the owner (a truck was being loaded with wooden poles at the time of the visit). Among his 12 employees, half are workers and half are tenants. The workers (*dehqan*) are hired every year and said they had been given the standard access to shelter for themselves and their sheep and would be given one-quarter of the crop. They may also allow their sheep to graze the hills that belong to the landlord. The landlord provides oxen to plough, seeds and fertiliser. In return they cultivate, care for the animals and stock up on fodder and fuel for the six winter months. All the current *dehqan* are new, having not worked for this landlord before. Their previous workplaces have all been in Warras District. They are all related and the six very large families share two rooms. They have placed some of their children in the local school, but were insistent that this would not keep them in the area should they fall out with the landlord. This they expect to do:

“Landlords usually send us away after one or two years. They are never satisfied. If they stay for more than a year or two, landlords fear they will become lazy or dishonest or beg too much. You can’t find a landlord who will give you a good life. Why do we stay as farmers? Because that is the only work we know. We need a place for our few sheep. Many people go to the cities, but they come back without money.”

The tenants as compared to the workers have slightly longer relations with the landlord. All six have leased land for two to three years. The current arrangement is that for every 30 *seers* of seed they plant, they must return 60 *seers* of grain. If the harvest is good, they could reap 200-250 *seers*. They could thus retain at least two-thirds of their harvest. This would be sufficient to almost feed the family for the coming year. However, the tenants have also borrowed the seeds they plant and they must also return this in the form of extra grain (around 50 *seers*), so the share they retain becomes about half the crop, not enough to live on for the year. Farm work has become less rewarding over the years:

“There are too many people now looking for farms to work on. Landlords don’t help us like they used to in the past. If your family were sick you could rely on the landlord. Now landlords will not lend money for fear that you will leave. If you need a loan, you have to go to the shopkeeper, who charges very high prices. All of us have debts with the shopkeeper. If he didn’t give us flour, we would starve.”<sup>139</sup>

The landlord’s opinion:

“Life is improving for the landless. In the past they had no choice, they had to farm. Now they can go to the cities and find jobs. In the last 20 years many *dehqan* became soldiers and could get what they wanted through force. We suffered a lot because the commanders always called on us to provide bread and sheep for their soldiers. This never affected the landless. They could leave when there was trouble. They went to Pakistan and Iran and when they were there they sent their children to school. We could not leave our farms. We had to stay. Our children stayed here. It is our children, not their children, who are still illiterate.”<sup>140</sup>

<sup>139</sup> Tenant of Deh Pioetab landlord.

<sup>140</sup> The single landlord of Deh Pioetab Village.

## ***Kachari***

Across the river at Kachari Village, there are no large landowners but eight smaller related farmers, more distantly related to the Deh Pioetab landlord. Two larger farms are each a quarter *daftar* in size (15 *jeribs* or 3 ha). One farm is eight *jeribs*, two are four *jeribs*, and three are less than three *jeribs*. Only two have tenants, both because they are absentee (one landlord is in Iran and one is in Warras, where he has inherited land his father bought, and is growing poppy). Four others employ a total of seven workers.

All own “many” animals, mainly sheep and donkeys. The pasture above the northern side of the valley is expansive. Nonetheless, virtually no common land exists; what does exist is used for storing fodder and fuel. The pasture is private, divided “several generations ago.” As is the case elsewhere, the more land that was owned in the valley, the more land had to be allocated on the hills. Landless farmers received no share, even those who were at the time long-term residents. Then and now they have to rely upon landowners to access pasture for their own animals. Keeping livestock is considered as important as farming, and the main concern of these farmers is to find veterinary medicine for their animals.

This village is also experimenting with poppy production, with some very small plots, visibly afflicted, however, with cut-worm. Still, the farmers were hopeful:

“Soon Panjab will be like Warras and Daikundi districts. We know growing poppy is bad but we need the money. Everyone benefits from poppy. The landless get a lot of money and can buy sheep. If Karzai does not want us to grow poppy, then he has to help us, bring more jobs to these areas – hundreds of jobs. If Oxfam and the other NGOs started a project in this valley, which gave us 100 jobs, we would stop growing poppy at once.”<sup>141</sup>

## **Panjab District: The Ghor Ghor Valley**

The Upper and Lower Ghor Ghor Valleys include 38 hamlets and up to 400 households. The Upper Valley (Poshti-e-Ghor Ghor) is famous for a magnificent “lawn,” or valley bottom pasture, some hundreds of hectares in size. This is not farmed due to its waterlogged nature in summer. This lawn and the surrounding hillside pastures have been an obvious attraction to pastoralists, and today, much of the area is owned by absentee Kuchis, along with many of the village farms. Twenty-two of the 38 settlements (58 percent) include farms and pasture that is entirely owned today by Kuchis. Another six (16 percent) are partially Kuchi-owned villages. All Kuchi owners are absentee landlords. Only ten hamlets in the valley are owned by Hazaras (26 percent). Oxfam in Panjab reports that three other valleys in Panjab District (of a total of 15 valleys) also have majority land ownership by absentee Kuchis.<sup>142</sup> Land is partially owned by Kuchis in two other valleys.<sup>143</sup> Interviews in the Ghor Ghor Valley were held in three sites: one at Bazaar Village near Qala-i-Ghulam Beg in Targab Ghor (Lower Valley) and two in the Upper Valley at Joi Hawdz and Rashak Villages.

Relations between local Hazara and Kuchi owners are poor. The exact history of each valley varies, and there are conflicting views as to how and when Kuchis acquired the land. Officials and villagers agree that the problem stems originally

<sup>141</sup> The group of interviewed farmers of Kachari.

<sup>142</sup> The Targab Barg, Akhzarat and Nai Qoul Valleys.

<sup>143</sup> Markab and Sorhkh Goli Valleys.

from the time of Abdur Rahman, his eviction of Hazaras and the granting of their lands to Pashtun Kuchis. There was disagreement among interviewees as to whether the efforts of both King Habibullah and later Amanullah to restore land to Hazaras included pasture. Many say that all the lands were returned, especially by Habibullah, whilst others believe that all pasture was wrongfully retained by the kings and sold or allocated to the Kuchis. The status of the Ghor Ghor lawn is complicated by the fact that whilst it is largely useful only as pasture, it is a low-lying valley expanse. Some say that the Kuchis never gave up the valley lawn. The relevance of this debate is moot; most Kuchis now claim ownership of these valleys on the basis of documented grants of land from kings and especially on the basis of deeds of transfer or purchase when Hazaras surrendered their land after defaulting on a loan.

The more important debate is about the manner in which these latter lands were acquired. Many agree that even when Hazara *mirs* received land grants under Habibullah, some of this land was then sold on to Kuchis. A Kuchi castle in Ghor Ghor Valley dates from Habibullah's time (1901-1919). Two landlords confirmed that their grandfathers had also sold land to Kuchis as early as the 1920s and 1930s. The majority of land sales occurred, however, during the 1960s to 1970s, and with a good deal less transparency. This was the period during which the wealthier Kuchis penetrated the greater body of smaller landowners and systematically accumulated more and more farmland. The district agriculture officer of the time explained the process:

“Kuchis became very land-hungry during the king's time (1933-1973) and would stop at nothing to get whatever land they could. When it came to the one or two big landowners, they paid for the land; land was cheap at the time. But more typically, Kuchis would acquire land by carrying a lot of unavailable goods (tea, ropes, tobacco and cloth) to the area and would give these goods to people on the promise that they would be paid in *seers* of wheat. They always checked whether the person had animals or land before they gave the goods on credit. When they came back the next year, they would ask for the *seers* of wheat, which were inevitably more valuable. Most people would not be able to pay the full amount, and the Kuchis would let them run up their debt. The debt would grow far beyond the value of the piece of cloth they had bought in the first place. After several years they would take the sheep and then ask for the land. The land was never valued on its own, but was always valued at the same value as the debt. So, ultimately, the people would sell their land for a piece of cloth or even for tea. Some people would refuse to give up the land and the Kuchis would appeal to the government. The government would make the people give up the land and would draw up a document affording ownership to the Kuchis.”

The numbers of Kuchis that came to the district is not known, but seems considerable. Farmers interviewed named eight clans<sup>144</sup> of between 30 to 100 households as having come to the district. On average, each Kuchi family brought 2-300 sheep, 5-10 cattle, 5-10 camels and 8-10 donkeys.

Generally, Kuchis returned annually to the same upper pastures and their leaders were known by name to people in the valley. Poorer Kuchis tended to keep to the upper pastures. Richer Kuchis roamed the valleys, trading and making contracts with farmers to cultivate the farms they now owned, usually on a one-quarter

<sup>144</sup> Clans named include: Essa Khail, Bahrān Khail, Gorgaka, Hassan Khail, Khwazak, Niazi, Murad Khail and especially Sia Poush.

crop-share basis. Crop damage cases abounded, as did claims that Kuchis had stolen local cattle. Hazara interviewees repeatedly expressed resentment of what they perceived as the bias of Daoud towards the Kuchis. When tensions rose during the years of the Republic (1973-1978), Kuchis felt emboldened with the support of Daoud's administration and claimed that they had been given all of the land that the Hazaras were claiming as their rain-fed lands and private pastures. All aspects of Kuchi-Hazara land relations were contested, including 1) the use of mountain-top pastures; 2) the point at which pasture became rain-fed land and dispute over its ownership; 3) the way in which Kuchis had acquired irrigated and rain-fed lands; 4) the way in which they handled debts and treated the Hazaras; and 5) endless cases of crop damage by Kuchi owners. Conflicts were many and delegations were frequently sent to the district.

A handful of richer Hazaras also benefited. Kuchis would lease their accumulating lands to one larger farmer and he, in turn, would sublet plots to poorer people at one-fifth crop-share (*panj kot*). The main tenant would be responsible for collecting the crop-share due, serving more as bailiff than farmer. This arrangement exists in Ghor Ghor Valley today, with one or two wealthier farmers subletting farms belonging to Kuchis as well as the pasture, including the famous lawn.

The 1978 revolution came as a relief to the Hazaras of Ghor Ghor in that the Kuchis were not to return for some years. Arrangements were soon made, however, for local Hazaras to collect the crop-shares due to the absentee landlords. Farmers say most debts were paid up until around the late 1980s. The departure of the Soviets and the factional fighting that followed meant that the Kuchis stayed away and Hazara tenants rebelled against paying crop-shares. Hazaras requested the new "government" in the district to restore their land to them. During the 1990s, a council of mullahs was created by the Akbari governor to hear each claim. In many cases, the claimants had their lands restored and received documents certifying this fact. The process was interrupted by the Taliban.

The Taliban did not establish their authority in the area until October 1998, at which point Kuchis felt it safe to return.<sup>145</sup> A dominant Kuchi leader, Naim Koochi, was a senior commander with the Taliban and persuaded the leadership that he should be sent to Panjab to disarm the Hazaras. He arrived in May 1999 with a decree to this effect, and an unspecified number of soldiers (some claimed they numbered 3,000). Valley by valley Naim Koochi proceeded to systematically disarm people (often larger landlords), but he also allegedly collected their livestock, crops and documents and set about collecting sharecropping debts of the past 12 years. Those who had complained to the earlier council were especially targeted. Their homes, farms and animals were looted. Some were seriously injured in the process. IOUs were forcibly extracted, itemising the debts that were still owed over and above the animals taken. More land was signed over to the creditors:

"In some cases, even those who had no relations with Kuchis and owed them nothing had their animals taken. I had animals on the common pasture which the Kuchi soldiers said was their pasture, so they took my animals as payment for using their grass."<sup>146</sup>

<sup>145</sup> The blockade preventing goods from entering Panjab lasted from 1996 until October 1998. At that time, the Taliban entered the town and some 30 people were killed. Oxfam staff had evacuated the area in advance, and the Taliban took over their office. When they left, they destroyed or took with them the computers, vehicles and stores. On their return, Oxfam launched a massive food distribution throughout the district. Oxfam was to evacuate the area again ahead of the January 2001 massacre of Yakawlang.

<sup>146</sup> Landowner interviewed at the valley bazaar.

People complained bitterly to the district governor, an Akbari supporter working with the Taliban. He reported the complaints to the Bamyan provincial governor and Governor Sarhadi personally visited Panjab to investigate. Naim Koochi was ordered by Taliban leader Mullah Omar to leave the area with his men within 24 hours. He left on June 17, 1999, though orders had been sent to every valley warning that if debts to Kuchis were not immediately cleared, all would lose their animals and lands. Sharecropping debts were still outstanding from 1989 and many farmers were uncertain of the status of their land. Those who had had their goods and animals taken, or who had signed over their land or IOUs to Kuchi soldiers under duress, sought to have their property restored. The governor established a second commission to hear each case. This commission was still meeting when the Taliban government fell in late 2001. Since the transitional administration has been in place, the Hazaras have applied to have their cases again heard. No council has yet been established. One official observed that “if the new government is fair, it will support the people, for everyone knows that many Hazaras have lost their land in a wrong way.” Others demur:

“We are poor and ignorant people and we let the Kuchis exploit us. Who is wrong? The Kuchis for exploiting us, or ourselves for being foolish and ignorant?”<sup>147</sup>

An NGO officer with more than a decade of experience in the area explained:

“We must never forget that some of the land has been bought legally by the Kuchi and at good prices. Rich Hazaras did not let the Kuchis take their land for nothing. There are also Kuchis who have exploited the poor year after year. But the Kuchis do not exploit the Hazaras more than the big Hazara landlords have exploited the poor. Whether you are a Hazara or a Kuchi, it is easy to defeat poor people.”<sup>148</sup>

Interviews were first held with 12 local residents at the bazaar, which lies in the centre of the valley. These men come from one *takiya khana*, or mosque next to the bazaar, where they meet regularly for chat, prayers and events.<sup>149</sup> Only two of those interviewed own land, but all owned some sheep. The two landowners have around 35 *jeribs* (seven ha) of mainly rain-fed land each. One had sold some land to a Kuchi trader in the past. “If I had been given time I could have sold the land for a proper price but he came demanding immediate payment.”

Land in the valley is currently valued at around US\$60 per *jerib* of irrigated land, but sales, except to Kuchis through debt repayment, were not recalled. Most of the land in the area is still owned by Kuchis (from Logar). Among the ten landless farmers talked to, three had owned small plots at some time in the past. Each had lost this land to Kuchis through pawning it for goods:

“They took our land in a gentle way. I bought cloth and other items, then after two years, the trader asked for his money. ‘Don’t worry,’ he said, ‘I

<sup>147</sup> A Hazara landowner in the valley area around the central bazaar.

<sup>148</sup> Pers. comm., Shah Wali, Oxfam Panjab.

<sup>149</sup> Although the *takiya khana* serves as a mosque in most villages, it also serves as a place for social gatherings, weddings, meetings and winter schools. Even dancing and singing may occur and women may enter. The long winters of Panjab, when most do not move from the village, make the *takiya khana* especially important as a warm, dry social centre. Every household belongs to one or other *takiya khana* and this provides the community’s focal point (pers. comm., Mr. Waaedi, Oxfam).

will leave ten percent with you, just give me the rest.’ So we had no way out of it, because they were kind to us.”

Eleven of the total 12 farmers interviewed still owe money to Kuchis. When Naim Koochi and other landlords came several years ago, six of the 11 were unable to fully discharge their debts, even after surrendering their animals to the soldiers:

“We had to sign IOUs and witness for each other. The IOU says how much is owed. It does not say what the debt is for, so the court will make us pay as Shari’a orders that we pay our debts. The Kuchis will also pay the judges to make us pay even though the judges know that we were forced to sign the IOUs. The Kuchis will definitely return to collect their debts.”

One has absolutely nothing to give, “not even a hen.” He had already pawned and lost his land to Kuchis and is also now indebted to one of the shopkeepers in the bazaar.<sup>150</sup> His IOU specified that he owes 2,000 *seers* of wheat to a Kuchi landlord:

“What surprised us is that the Kuchis demanded we pay for the use of the pasture as well as the grain we owed them. They claimed all the pasture was their land. If they saw you had any animals, they made you pay. If you had cultivated rain-fed crops on the pasture, they demanded compensation. They set the compensation at 1,000 *seers* of wheat, even though that land was not theirs. We know where their pasture is; it is the land which our forefathers sold to them, but not the lands they are claiming today. None of us could pay 1,000 *seers*. That is why we had to sign the IOUs. They came with the armed Taliban soldiers who had petrol cans and said they would burn our houses if we did not sign. We were given no chance to discuss the problem. We knew that one man had died in another village defending his land. Now we have signed, to save our honour, we will have to pay.”

### ***Joi Hawdz***

This village in Upper Ghor Ghorī comprises 11 households, one of which is absent. Although cultivation is difficult, and the land considered barren, the village is surrounded by excellent pasture and lies immediately adjacent to the famous Ghor Ghorī lawn. These farmers agreed that the entire area was granted to Kuchis by Abdur Rahman, but was restored to Hazara ownership by King Habibullah. Most of the land was retaken by Kuchis during Daoud’s Republic in the 1970s. Six of the 11 households are landowners, and five are brothers. Each inherited around eight *jeribs* (1.6 ha) of irrigated land and ten *seers* of rain-fed land (five ha).<sup>151</sup> The fifth brother is in Kabul, and has hired a tenant to farm his land. The sixth landowner is unrelated and owns only two *jeribs* (0.4 ha) of irrigated land and five *jeribs* (one ha) of rain-fed land.

Although the family of the five landowning brothers has resided in the valley for generations as tenant farmers, their father acquired land only in 1979, through purchase. He had saved the money through working as a livestock trader for Kuchis (collecting animals on their behalf) and bought the land from a Kuchi who wanted to surrender the land before it was taken from him. The unrelated owner was a friend and bought his land at the same time.

<sup>150</sup> This shopkeeper agreed and noted that he has 20 large debts outstanding. He said he does not charge interest but does inflate the prices.

<sup>151</sup> Irrigated land is calculated at an average of five *seers* per *jerib* while rain-fed land is calculated at two *seers* per *jerib*.

Among the five landless households, four are workers and one is a tenant. Each works for one of the brothers. They are all new to Joi Hawdz this year. One had worked for 18 previous landowners in the same valley. Another had been a tenant for a Kuchi, but lost his oxen when the Kuchis came to collect debts and without plough power has been reduced to a *dehqan* (farmer worker). Several own sheep. All five are given accommodation and the right to freely graze their sheep; they will receive one-fifth of the crop they produce.

The fifth landless farmer is a tenant. He has promised 80 *seers* of wheat (US\$85) to his landlord, who is the brother who lives in Kabul. He fears that because of insufficient rain, he will not be able to produce the 80 *seers* he owes and will have to sell his sheep and oxen to pay and at the same time will have no food for his family. Even in a good year, 80 *seers* would leave him with well under half of the crop. Prior to arriving here, he had been working for the Kuchis in an adjacent area. There was a time, he said, when he might have sold his animals to buy land, but it would never have worked, "They used to deliberately let their flocks into people's fields and destroy the crops. This was their way of making you sell your land to them. That was the worst time. It was not like that under the king but got like that under Daoud."

The farmers recalled the arrival of Naim Koochi in 1999 with bitterness. Tenants and workers suffered most, they said. When the Kuchis counted up the crop-shares due after 12 years, it amounted to many millions of Afghanis. Even the poorest worker who had farmed the smallest land was told he owed US\$250. Virtually all animals were handed over. Receipts were issued. None of these ten farmers have outstanding debts to the Kuchis. Nonetheless, their biggest fear is that the Kuchis will return. "They will persecute us like they always have."

### ***The Disputed Lawn***

As noted above, the focal point of disputes with Kuchis concerns the ownership of the Poshti-e-Ghor Ghor Valley lawn, which serves more than half of the valley communities. Most interviewees acknowledge that Abdur Rahman gave the lawn to the Kuchis in 1893 but that it was returned by Habibullah. They regard the valley lawn as their common property, divided village by village, parts of which have, however, been appropriated by private families. Richer Hazara families, such as the Akbar Khan family from the Nargas Valley, took some of the lawn in the 1900s and then sold their share to the Kuchis during the king's time (1960s). "We need a fair government to listen to our case. Even if the lawn did once belong to the Kuchis, landlords should not have sold it to them, as the lawn belongs to all people, not to one household."<sup>152</sup>

In the interim, Kuchi claims to the land appear to hold. They have leased the lawn to four Hazaras who pay 100 *seers* of wheat to the Kuchi owner (around US\$105) and, in turn, levy a fee of 500 Afs (US\$10) per year for each animal grazing the lawn. These tenants are also responsible for collecting rents from tenants who farm Kuchi-owned lands. The profits to the four Hazaras are enormous.

The eldest brother of the Joi Hawdz owners is one of the four lessees. Because he is in Kabul, he has instructed the second brother to do the work. When re-interviewed, this landowner admitted that he is the rent collector for the Kuchis.

<sup>152</sup> A farmer in Rashak Village.

He also acknowledged that he has so far met with enormous resistance, particularly by those who are asked to pay rent for their fields on land which Hazaras dispute as belonging to the Kuchis. Others resent paying fees to use the valley pasture. Many refuse to pay the fees. He agreed with the above farmer that there is a need for a fair government to solve the problem, but added:

“No central or district government is powerful enough to deal with the Kuchis. Only the Independent Human Rights Commission can deal with this. We have suffered a lot from Kuchis. We have been looted and we should all get a share of the land and resources they took from us. Those who suffered most should get the biggest share. The Kuchis never differentiated between barren and other land. They treated us as their servants. Even workers with sheep had to pay. They didn’t care whose land it was, just that it was pasture. Daoud made the problem worse by telling Kuchis that pasture was public land. He told the Kuchis they could use any pasture they liked, as long as they pay a stock fee to government. They insulted us and took our land and our goods. When they came in those years, we would leave our houses for weeks because otherwise we would have to cook for them and kill our own stock for them to eat.”

### ***Rashak***

Rashak Village lies on the western side of the Upper Ghor Ghor Valley, a mile or so from Joi Hawdz. It is inhabited by 18 families. Four of these families are the descendants of the owner, who was killed by Kuchis in 1973 for refusing to give up his land to them. The villagers told how one night the Kuchis pulled the man from his house, took him to their tents and killed him. The eldest daughter, two years old at the time, introduced herself thus:

“This is our land. The Kuchis still claim it but we will never surrender it. I live here with my husband, my sister and her husband and two brothers. We are only living to revenge our father. We are waiting for the Kuchis who killed my father to return and we will kill them.”

Rashak was entirely looted during the Naim Koochi visit in 1999. Stock, food and blankets were all taken from the houses. Since then, the brother from Joi Hawdz has come every few months asking the owners to leave the Kuchis’ land. He also collects rent from those farmers who accept that the Kuchis secured the land for themselves. One tenant observed that he does not mind to whom he pays the rent, to the daughter of the original owner or to the Kuchis who took the land, but so long as there is a dispute, he will not pay rent to anyone. As to the Hazara bailiff, he said:

“He is a patient man. He takes cash only. If there is nothing to take, he does not mind. One day he will go to the government, and the government will give him armed guards to enforce the collection. That is how it used to be and it will be like that again.”

Four other of the 14 landless families in the village are also tenants and are related to the landowning family. None have agreed to pay the Kuchis rent. The father of one of the tenants had owned his own land, and was related to the woman. He did not know what transaction took place in 1973 but he knows it was at that same time that his father stopped being an owner and became a tenant.

Nine other households are farm workers, receiving one-fifth share of the crop in return for their labour. One remarked that his forefathers had been farm workers and he expects his children will be farmers. “We are just simple workers,” he said. When asked whether he wished to own land, he responded that he could never imagine having the means to buy land. “My dream is to be a road worker, to get cash for work,” he said.

## The Kuchi Issue: Looking at the Other Side

It is useful at this point to see how well research among Kuchis using Ghor Ghori pasture compares with local Hazara views. As a member of a Danish anthropology research team in the 1970s, Gorm Pedersen chose to study the Zala Khan Khel clan, by then a well established trader nomad group in Pakyta. By chance, it was to this group of Kuchis that the Iron Amir appears to have granted the rights to Ghor Ghori as a reward for their support in crushing the Hazaras (1893).<sup>153</sup> The Zala Khan Khel leader in the 1880s was Qutb-Uddin and to whom the original *firman* letter granting Ghor Ghori was given. This allocation was a full 400 km from the clan’s winter pastures in Paktya (Khost) and greatly extended their summer migration:

“However, the advantages of the new area outweighed the disadvantage of the long migration. For it provided not merely better grazing grounds, it gave admission to a new trading area. Hazarajat was a virgin market which had been hitherto almost inaccessible to outsiders and therefore unexploited by outside merchants... exploitation was at first sporadic, but with the establishment of the first nomad summer-bazaar in Kerman around 1919 trade began to boom.”<sup>154</sup>

During his lifetime, Qutb-Uddin sustained the grazing land grant as common property, distributing its use annually to the Zala Khan Khel households. On his death, his brother, Maston Khan, made a permanent distribution of the *firman* grazing grounds...

“... in such a way that consideration was taken to where the various households had their other land and to where they normally had their summer camp and grazing area.”<sup>155</sup>

Although Pedersen does not give us the date of Qutb-Uddin’s death, this probably occurred around 1930. It is not known whether his brother issued documents of sub-division at this time, but local Hazaras speak of more than one *firman* being shown to them as “evidence” of Kuchi tenure. What Pedersen’s account does suggest is that whilst their grievance at the loss of the Ghor Ghori pasture to Kuchis in 1893 reasonably stands, opinions that the Ghor Ghori pasture was returned to them by Habibullah or Amanullah, along with irrigated lands, are not supported.

Pedersen’s account does, however, amply support Hazara claims that they began to lose more than the Ghor Ghori pasture to the Kuchis through other means. He records how easy the Kuchis found it to exploit the Hazaras. The Zala Khan Khel had arrived from the outset (1890s) with full government support, were well organised and well armed, and regarded the Hazaras as second-class persons who deserved to be punished for opposing Pashtun dominance. Then and later, lands were often “taken by force and incorporated into the nomads’ summer grazing

<sup>153</sup> Pedersen, op cit., 130.

<sup>154</sup> Ibid, 132.

<sup>155</sup> Ibid, 130-131.

areas ...”<sup>156</sup> Other areas were bought from settled Hazaras who had also been granted land in the area. As traders, this particular group of Kuchis had ample leverage to bring local populations to their knees:<sup>157</sup>

“When after a number of summers the buyer was unable to pay the ever-increasing sum and ended in bottomless debt, the nomad would first take over his livestock and later his land. This land would be leased out, in some cases to the former owner, and the nomad would thereafter receive a fixed proportion of the yearly yield. Some of the nomads became very large landowners ... In addition to the grazing grounds allotted to them they now also possessed farmlands, which gave a surplus both for consumption in their own household and for further trade ... Zala Khan Khel’s economy was in an ascending spiral.”<sup>158</sup>

For many Zala Khan Khel, trade developed in Panjab and related areas of Hazarajat to such an extent that livestock-rearing actually became secondary. A further catalyst to this was the loss of part of their winter pastures in Paktya with the creation of Pakistan in 1947. The grazing rights in Ghor Ghor were of declining value, because of the lack of winter pastures.

Nonetheless, the Kuchis did not stop visiting Panjab during Zahir Shah’s reign. Poorer Kuchi families, in particular, continued to arrive in the summer and to buy up sheep and goats to sell in Kabul for slaughter.<sup>159</sup> Some developed trading on a small scale and gained a steady income from the lands they had acquired and then leased back to local Hazaras. Wealthier Kuchis were fewer but more powerful. They increasingly arrived without stock, coming just to check their investments, including the houses they had built or acquired and the growing hectares of farms they owned. They came to inspect these assets and to collect rents.<sup>160</sup> Some Zala Khan Khel became very prosperous through this activity. Some began to invest in trucks, forming a transport association among themselves.<sup>161</sup> Others focused on land acquisition and increased their holdings. Some began to buy up land even further north, most notably at first in Dahani-i-Ghori in Baghlan.<sup>162</sup>

The 1970s saw trading with Hazaras decline, as a result of both the drought and loss of purchasing power and government support for the establishment of permanent bazaars in town centres. During the early 1980s, some Zala Khan Khel attempted to re-enter Hazarajat, seeking to recover debts from the Hazaras and to do a little trading. They were halted by armed Hazaras who demanded payment for passage and the use of pastures.<sup>163</sup> By 1986, Pedersen found virtually the entire Zala Khan Khel clan in exile in Pakistan, living at 12 different sites.<sup>164</sup> None were raising livestock. Former truck-owning Zala Khan Khel had brought so much wealth into Pakistan, they were able to invest in commerce and the local Peshawar property market.<sup>165</sup> Nonetheless, they were still living in black tents and moving between two sites in a form of seasonal migration. In 1986 their interest in re-establishing their nomadism was still very high but they feared they would be taxed upon entry in Hazarajat and that the Hazaras would not acknowledge the old

<sup>156</sup> Pedersen, op cit., 130.

<sup>157</sup> Ibid, 134.

<sup>158</sup> Ibid, 133.

<sup>159</sup> Ibid, 96.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid, 96-97.

<sup>162</sup> A first purchase of 1,200 *jeribs* (240 ha) was made by 20 Kuchi households of this clan in 1956 (Ibid, 96).

<sup>163</sup> Ibid, 241.

<sup>164</sup> Ibid, 227.

<sup>165</sup> Ibid, 232.

*firmans* of the Iron Amir, upon which their wealth had been built.<sup>166</sup> As we have seen earlier, an attempt to recapture the benefits of their acquisitions in Panjab in 1999 failed – but possibly not irrevocably so.

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<sup>166</sup> Pedersen, op cit., 241.

### III. Conclusion

There is little doubt that people in Bamyan Province feel under enormous pressure in their agrarian livelihoods, and that problems relating to their control over land resources are central to this. First, the landscape itself is hostile to flourishing cultivation, and many communities are unable to produce more than 50 percent of their subsistence food needs. While non-arable land is expansive, much of it is too high, too cold and too dry and barren to be of much use other than for the collection of shrubs for winter fuel. That is, rich pasture is not as abundant as often supposed, and the handful of lowland pastures like Ghor Ghor, the exception rather than the rule.<sup>167</sup> Hillsides in most of the districts are very steep, and rain-fed cultivation above the valleys is in some areas a waste of precious seed in many years and perilous for soil stability and quality. Even without external pressures, the eking out of a living from the land in many parts of Bamyan Province (if not around Bamyan City itself) can be a desperate business, but one that the majority are bound to undertake year after year. As we have seen, escape to the cities (forced or otherwise) has been steady for nigh on a century, but the rewards therein seem limited in terms of reinvestment of urban gains in the home farm. For a significant number of migrants from Hazarajat, membership in a rural underclass may merely be exchanged for membership in an urban underclass.

It is also evident that socio-political events of the last century have conspired to exacerbate the difficulties already faced by people in Bamyan Province. The Iron Amir's reign of 1880-1901 was indisputably a cruel and dramatic one, and established a pattern of state-driven and ethnically-coloured subordination and exploitation that was far from relieved with this death. Abuse of the communal and private land rights of Hazaras has been a continuing feature of life in Bamyan in the 20<sup>th</sup> century and a platform for other abuses. Ghilzai Kuchis have often served as an instrument in this unhappy state of affairs, aided and abetted by seriously inequitable relations within the Hazara community itself. Whether from a communal or individual perspective, resolution of land ownership issues seems crucial to the broader recovery of the area.

Below, tenure trends suggested by the findings of this short study are identified and briefly reviewed.

#### **1. The size of farms may be becoming more even.**

In the literature of the 20<sup>th</sup> century and even from informants in this minor survey, we are told that very large estates disappeared with the dismantlement of the *mir* leadership under Abdur Rahman, and that median farm size has continued to decline, mainly through generational subdivision. It may be assumed that the largest farms, indicated in Table 9 as examples of the present, are smaller than those of a 100 or even 50 years ago. It may well be the case that the gap between the very large and small farms has closed somewhat.<sup>168</sup> Differences among districts and even villages are, however, so stark that a cumulative average is not meaningful. These differences by area are very clear in the collated village data in Table 9.

<sup>167</sup> The expansive Yakawlang pastures of Dara-Souf, Kham Nile and Sarn'Qoul pastures are other exceptions.

<sup>168</sup> A small survey conducted in Bamyan by the Swedish Agricultural Survey found that owners averaged farms of two hectares (SCA 1993, op cit., Table 4).

Table 9: Range and Mean of Farm Sizes in Study Sites

	District	Village	Range of Holdings Owned (jeribs)	Mean Holding Size Among Owners (jeribs)	Mean Holding Size Among Owners (ha)
1	Bamyan	Siya Khar Bolaq	0 - 60	12	2.4
2		Alibeg	0 - 50	8	1.6
3		Borghaso	0 - 30	8	1.6
4		Dashti-e-Borsianas	0 - 20	5	1
5	Shibar	Kalo	0 - 25	5	1
6		Kafshandaz	0 - 2.5	1	0.2
7		Ashoor	0 - 1	0.6	0.1
8		Khoshkak*	0 - 1.2	0.7	0.1
9	Panjab	Nargas	0 - 720	8**	1.6
10		Doni Nayab	0 - 36	22	4.4
11		Deh Pioetab	0 - 45	45 (1 owner)	9
12		Kachari*	0 - 15	6.5	1.3
13		Bazaar	0 - 35	35	7
14		Joi Hawdz	0 - 33	28	5.6
15		Rashak	No data on farm size		

\* excludes rain-fed lands, sizes unable to be estimated.  
\*\* this includes 11 owners with the large landlord family which has 720 jeribs.

## 2. Landlessness is substantial and may be increasing.

Whether a function of feudal or post-feudal land relations, agriculture in Hazarajat, as in the rest of the country, has always depended upon the labour of a large body of landless farmers and so much so that this group is regarded almost as an artisan group of workers; the term “farmer” implies an occupation and skill rather than owner. Unfortunately, chroniclers and even modern-day surveyors up until the communist 1970s have tended to ignore this large group of people. Where land ownership has been analysed it has tended to focus upon distribution among the landowners.

Although the barriers preventing movement between landless and landed may have loosened, it is not known if they have grown or decreased as a percentage of the community. The oldest assessment with which today’s data may be compared is from 1967/1968, compiled by the Central Statistics Office based upon land ownership information that had begun to be systematically collected from 1964 under the cadastral survey. This concluded that an astounding 73 percent of the rural population was landless.<sup>169</sup> Studies conducted by Russian, Indian and Swedish-sponsored surveys around 1980 concluded respectively that the landless constituted 25.9 percent, 24.1 percent and 18 percent of rural households.<sup>170</sup> Such figures accord better with those of the recent World Food Programme’s (WFP) vulnerability assessment (2002), which finds that 21 percent of the national rural population are landless.<sup>171</sup>

<sup>169</sup> CSO 1978, op cit., Table 23.

<sup>170</sup> See Glukhoded’s ‘Economy of Independent Afghanistan’ 1981 and Mukherjee’s ‘What is Happening in Afghanistan’ 1981 in Gupta, B.S. *Afghanistan: Politics, Economics and Society: Revolution, Resistance, Intervention*. St. Martin’s Press: New York, 1986. Also see SCA (Swedish Committee for Agriculture). *The Agricultural Survey of Afghanistan*. Sixth Report 1988 and 1989 Surveys. 1990.

<sup>171</sup> WFP. *Afghanistan Countrywide Food Needs Assessment of Rural Settled Populations 2002-2003*. WFP Vulnerability Analysis Mapping Unit and Partners. 2003.

In respect of Bamyan Province, Semple's 1998 survey of four villages – two in Panjab and two Warras districts – showed landless households as 21.3 percent and 36 percent in Panjab and 100 percent and 13.75 percent in Warras, reflecting the diversity found even within each district. The WFP's vulnerability analysis and mapping by district and using more communities showed levels of landlessness of between 12 and 34 percent (see Table 10).

**Table 10: WFP/VAM Results on Bamyan Province**

Percent	Bamyan	Shibar	Yakawlang	Panjab	Warras
Landless Households	12	22	21	34	16
Households Borrowing Cash	63	23	50	66	41

*Source: From data in Annex 8, WFP/VAM 2003.*

Table 11 brings together the findings from this survey. These confirm the difficulties of drawing conclusions, given the diversity by even villages within the same valley, let alone across valleys and districts, although landlessness is again shown as clearly most severe in Panjab District despite that it is also there where the largest farms are found.

**Table 11: Indicative Figures of Land Holding in the Communities Sampled**

DISTRICT & Village	Total households	No. of Landless	%	No. of Near-Landless	%	No. of Small Farms	%	No. of Middle to Large Farms	%
<b>BAMYAN</b>									
Siya Khar B.	78	17	22	No data	-	50	64	11	14
Alibeg	126	49	39	10	8	42	33	25	20
Borghaso	100	20	20	c. 20	20	c.55	55	c.5	5
Dashti-e-B.	100	c.20	20	c.30	30	c.45	45	c.5	5
<b>SHIBAR</b>									
Kalo Valley*	c. 1,200	c.500	42	c.100		c.480	40	c.120	10
Kafshandaz	42	10	24	14	33	18	43	0	0
Ashoor	22	12	54	6	27	4	18	0	0
Khoshkak	20	3	15	12	60	5	25	0	0
<b>PANJAB</b>									
Nargas	56	43	76.8			7	12.5	6	10.7
Doni Nayab	30	26	86.6	1	3.3	1	3.3	2	6.6
Deh Pioetab	13	12	92.3					1	7.7
Kachari	17	9	53			2	11.7	5	29.4
Bazaar	12	10	83	0	0	0	0	2	17
Joi Hawdz	11	5	45	0	0	1	9	4	36
Rashak	18	14	78	0	0	0	0	4	22
<b>TOTAL (excl. Kalo Valley)</b>	645	250	38.7	93	14.4	230	35.6	70	10.8

\* Very broadly indicative only; no interviews by village.

Landlessness overall is shown as more than one-third of households. The sample is not smaller than that used by WFP, and the source – both village group and individual farmer interviews – is possibly stronger. In view of the fact that villagers say it is mainly the landless who are still absent from the village, this figure could rise.

Moreover, the figure rises again if those who are definitively *near landless* are included; a conservative cut-off was used for identifying those who are near-landless, distinguishing between those who claimed they had “little” or “insufficient” land to live by, who were classed as small farmers.<sup>172</sup> Landless and near-landless together constitute more than half of the sampled populations.

The exact dimensions of landlessness need not preoccupy us; even if the landless represent a quarter of households, this may be considered a significant minority and indeed a “large” minority. As this study has elaborated, the landless are themselves stratified in significant ways. They tend to divide into workers (lacking tools, seeds, fertiliser, oxen or plough), sharecroppers and tenants (see Table 12). Sharecroppers are those who may bring one or more inputs to farming, and accordingly can increase their crop-share up from one-fifth or one-quarter to one-third. Tenants are even better off; they provide all farming inputs and are often in a position to negotiate rent for using the land. However, even in these conditions, rent is set with the amount of wheat to be produced in mind, and both parties will endeavour to anticipate the harvest accurately and negotiate in their own favour. Rent in all cases was not paid in cash but at the end of the season, in *seers* of wheat.

Those who own land may also sharecrop or even rent additional land. This is very frequently the case currently, given that many households are still absent from the village and some of these include landowners. A sharecropper or tenant is therefore not necessarily landless.

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<sup>172</sup> No fixed figure was established; each community defined what in their situation meant near-landless (usually only a garden next to the house), and what constituted having a small farm.

Table 12: How Landless Farm (Estimated figures only in most cases)

DISTRICT & Village	Total Landless Households	No. of Farm Workers	%	No. of Share-croppers	%	No. of Tenants	%
<b>BAMYAN</b>							
Siya Khar							
Bolaq	17	5	29	9	53	3	17.6
Alibeg	49	? 5	10	c. 40	82	0	
Borghaso	20	c.10	50	c.10	50	0	
Dashti-e Bors.	c.20	No data		"most" (15)		No data	
<b>SHIBAR</b>							
Kalo Valley	c. 500	"many"		"about half"		"few"**	
Kafshandaz	10	All currently absent because no land or opportunity to farm					
Ashoor	4 resident	4	100	0		0	
Khoshkak	3 resident	3	100	0		0	
<b>PANJAB</b>							
Nargas	43	21	49	0		22	51
Doni Nayab	26	7	27	0		19	73
Deh Pioetab	12	6	50			6	50
Kachari	9	7	78			2	22
Bazaar	10	5	50	5	50	0	0
Joi Hawdz	5	4	80	0	0	1	20
Rashak	14	9	64	0	0	5	36
<b>TOTAL (except Kalo Valley)**</b>	242	79	33	79	33	58	24

\* Most of those who rent in land are already landowners. Unknown for 26 landless families (11 percent)

### 3. The poor are actually destitute.

Several findings about the landless that have arisen in the previous chapter need bringing together here. First, the fact of landlessness predictably correlates very strongly with local perceptions as to what constitutes poverty and with what presents itself to the outsider as poverty. Not surprisingly in an agrarian context, to be landless is, by definition in Bamyan Province, to be "poor." Materially, most landless and especially the workers are destitute by any poverty standards. They have few to no material possessions beyond a cooking pot, clothes, one or two felt blankets and a hoe, and even some of these items are borrowed from relatives. Very rarely does the sale of their labour to landowners earn them enough wheat to feed themselves for a year. This means they have to beg or borrow or carry over share debts with the landlord into the next season. It is not uncommon for a farmer to have in effect received payment for his labour in advance of the harvest.<sup>173</sup> They have few other sources of income from which they may purchase tea, sugar, oil, paraffin, extra wheat or other basics. Most buy from the local shopkeeper in effect on hire purchase, paying for the goods over time, never quite discharging the debt.

Debt is, however, not confined to the poor in Afghanistan; many studies indicate that sometimes two-thirds of households use credit at some time during the year, and moreover, that the use of credit is weighted towards social needs (food, marriage payments and medical treatment), rather than investments in agriculture or other productive activities.<sup>174</sup> However, because they live on the edge, even the

<sup>173</sup> In some areas, this regime of advances is called the *salaam* system, but this was not encountered in Bamyan.

<sup>174</sup> This is well covered, for example, in ACBAR (Agency Coordinating Body for Afghan Relief). *Helmand Initiative Socio-Economic Survey*. Habitat. 2000.

better-off landless, those with assets like animals and tools, may be tipped into destitution with little provocation. The most common provocation in recent years has been the drought, and, in Bamyan and Shibar (and probably Yakawlang, not covered here), the Taliban.

#### **4. Homelessness is a serious problem among the landless.**

A surprisingly high proportion of landless people are also homeless. Almost by definition, worker farmers (*dehqan*) have no homes of their own. Even some landless sharecroppers and tenants are homeless. The luxury of living without shelter does not exist in Hindu Kush villages, where the winter is long and bitter, so homelessness is particularly serious.<sup>175</sup> Some live in the homes of wealthier relatives, but most depend on landlords for shelter. The conditions are poor; sometimes three landless families live in a single room. This need for shelter increases the vulnerability of the landless to exploitative hiring terms (the crop-share, the type of tasks, etc.). In addition, with no fixed shelter, the landless migrant workers cannot become active community members and cannot easily sustain their children in school, or take advantage of other community benefits.

#### **5. The landless are exploited.**

Both because of their pressing need for food and for shelter, especially in winter, the landless are vulnerable to exploitation. This comes in several forms: first, in the low crop-share; second, in the manner of duties and obligations they are allegedly required to perform, and related abusive practices they are subjected to; and third, in the ever-present threat of being evicted from the farm. Little information was obtained on the second and third, though farmers frequently mentioned the threat of eviction as a problem, and often explained how hard it is to work for landlords. "They make you do anything and you have to obey." One farmer said that sometimes their daughters had to be made available to the landlord. Not a single landlord was praised as kind, generous or fair, and the farmers do not expect them to be. In respect of crop shares, we have seen that this varies from one-third to one-fifth, with workers in Panjab being least well-off. However, the crop-share levels are well-established, and no one suggested that should be altered. This does not mean, however, that workers consider the share a fair return for their labour or enough to live on. Rather, the system is so entrenched that they do not consider that it could be changed. Complaints as to the insufficiency of food under one-fourth and one-fifth arrangements were standard. Most have to buy in food (for which they enter debt with shopkeepers) after four or five months. In these circumstances, it is not surprising there is little loyalty to employers.

#### **6. Livestock is the main capital asset.**

There was not much evidence that landless farmers actively seek land of their own – some spoke as if the handing of land in 1978/79 was a miracle. Despite greatly changing social relations over the last century, the distinction between landowners and farmers remains strong. Although some landless have succeeded in acquiring more land, they were in this survey the exception, and descent into further destitution appeared to be the more powerful trend. Land is very expensive, and not widely available, even should a landless person gain the finance needed to enter the land market. No public or common land for building remains in villages,

<sup>175</sup> Cave dwelling is possible mainly only in central Bamyan, as visible in the cliffs around the city.

and even to build a house, the worker would need to buy land from a landlord. Houses are not often for sale in the villages. For the landless, accumulation thus focuses on the purchase of sheep and then oxen. The aspiration expressed is not to own land but to become a tenant and thereby be able to arrange a fairer crop share. Small stock ownership among the landless is quite widespread, although currently much reduced. Even seasonal workers may arrive with a few sheep, and landlords accept that they must provide not just a room for the family but a stall for the animals in winter.

### **7. The scope for land distribution is limited.**

In a situation where very large estates and landless poverty exist side by side in the farming sector, it seems logical to seek redistribution of the former. The reasons are both social and agronomic/economic. An abundant literature exists in the development world, which testifies to the benefits to production; owner-operators have the incentive to invest in the land in ways which tenants and labourers do not possess. Landlords with large estates, often distant from the land itself and lacking in cash, also have noticeably less interest in land improvement investment than those who work directly on the land. One of the main arguments in favour of large estates – higher productivity per hectare – has been disproved in recent decades; hectare for hectare, small landholders appear to be more productive.<sup>176</sup>

Panjab District was the only one of the three districts surveyed that involved large landholders and land workers, and it was there that the constraints to improvement of agriculture were most noted. Erosion and declining fertility were visible and abundant, and the need for land development measures, even in valley bottoms, but also in the hillsides and rain-fed fields, was arguably urgent. Among interviewees, the level of interest in doing anything about this was limited. The landlords blamed the tenants and workers, the tenants and workers blamed the landlords. The landlords are cash-short, and do not believe they have the funds to divert their labour or hire additional labour to take action. Tenants and especially workers have such a limited stake in the properties – most of them move on every one or two years – that unless paid to do so, they would not embark on land improvement measures independently. Both groups, however, agreed that soil conservation was important, and said they would work on such measures if paid to do so. Oxfam, the main operating agency in the district, is, in fact, paying for soil conservation through food-for-work contributions.

Meanwhile, the appetite for land distribution was low or at least ambivalent. There was a general lack of conviction that landless people could ever become landowners, that this was simply not their right: Landless becoming landowners would challenge the traditional order in rural society, and taking property away from traditional landlords was “wrong” and un-Islamic. A number of farmers contradicted this view when they expressed support for the Taraki land reform, wishing it had come to their area (Panjab) or wishing it had lasted longer and expanded (Bamyan). However, they regretted that these reforms precipitated two decades of anguish. Some landless argued that landlords held too much power in Afghanistan and would never allow redistribution.

The provision of non-private, government land for settlement was more appealing. However, providing land on its own is an insufficient condition to turn landless into smallholders; they need oxen, ploughs, tools, seeds and fertiliser as well. If the

<sup>176</sup> Refer to The World Bank. *Land Policy for Pro-Poor Growth and Development*. 2003 for discussion.

land granted is dry, they also require the means to hire substantial labour to bring irrigation to the area, and buy a share of the water. Among the several hundred households who were granted dry land in Folady Valley, only those with such means have ultimately been able to develop the land (even 30 years later). Those unable to feed themselves continued to sell their labour and/or were among the first to depart for the cities in search of employment.

### **8. Improving labour terms is necessary to creating fairer wages and job security.**

For most farmers interviewed, the more immediately useful action would relate not to land ownership but to the conditions of farm employment. Again, this was particularly so in Panjab, where most landless are very easily exploited homeless workers, moving farm to farm, year to year, valley to valley, looking for work and hoping for a “fair” landlord. They receive an inadequate crop-share to sustain themselves and face frequent eviction. Developing strategies that motivate landlords to increase the crop-share or pay a fairer wage and to give workers more security of tenure in the rooms they are provided, would make a real difference to their lives. One possible strategy could be tax incentives, exempting those landlords who ensure the tenure of their workers and allow them to receive 50 percent of the crops they produce. A code of conduct for owners and workers could evolve and become the text of signed contracts.

### **9. Mortgaging practice needs reform.**

Mortgaging presents a major threat to small landowners. This is not to say that large owners do not take out mortgages, but they need mortgage only part of their farm in order to secure a loan. As described earlier, no cases of real land mortgaging were encountered; rather, land is passed over into the temporary ownership of the lender who may use the farm himself, hire workers or rehire the borrower as a sharecropper.<sup>177</sup>

The survey did not collect sufficiently consistent information on this subject to be able to indicate the proportion of farmers who have their land under mortgage. In some of the study villages, like Khoshkak in Eraq Valley, it was very high, at more than half the farmers; in other villages, like Borghaso in the Folady Valley, no one had their farm under mortgage at the time. The WFP/VAM study shows that whilst the majority of most sample communities borrow cash (see Table 10), only four percent of households sampled had their land under mortgage in 2002.

Cases documented by this study suggest that the value of the loan is usually paid back in kind through the crop-share within two or three years. If the value of interest is added to this, then the debt is fully discharged by payment of the crop-share for five years. This finding supports the thinking behind Taraki’s 1978 law, which ruled that all debts should be cancelled after five years of repayment by crop-shares.<sup>178</sup> The law was not, of course, implemented. In practice, borrowers may only retrieve their land by paying back the full amount of the loan in cash or in kind, in addition to the crop-share, which is regarded as serving the function of interest. In this survey around half of those who had mortgaged their land defaulted and lost their land. Foreclosure (the automatic taking over of the farm

<sup>177</sup> The term mortgage is used, however, in the English translation of the Civil Code; see Chapter Three: Possessory Mortgage. It is also stated there it is a condition of mortgage that the mortgagee (i.e., lender) takes hold of the property mortgaged [Article 1773].

<sup>178</sup> 1978, Usury Reform, Decree No. 6.

by lenders) is not practised *per se*, because the lender already in effect possesses the land. Therefore, it is his choice whether to permit the original owner to sell the land to another person to repay the debt. Usually the land, irrespective of its value, is regarded as the repayment of the original loan. As observed in this study, the lender gains greatly at the expense of the borrower.

### **10. Poppy production is a reality to be dealt with.**

Poppy has been planted and harvested in Saighan and Kahmard districts for at least three seasons, and is being tried out in Panjab in 2003. Predicting the effects of poppy cultivation on land relations is not easy. In theory, both landowners and workers should gain dramatically increased incomes<sup>179</sup> that could be invested in land. However, it is likely that lucrative poppy crops will cause land prices to rise and the better off will be able to out-bid the poor for this new land. Interestingly, no evidence of changes in the local land market appears in ACBAR's study on an opium area in Helmand, even though vast sums were being made.<sup>180</sup> Nor does it appear in Goodhand's more recent review of poppy production in one village in Badakhshan, where one-third of villagers were landless.<sup>181</sup> However both studies do suggest that *koknar* (poppy production) does promote further polarisation: the already landed and wealthy being able to reap most benefit from the new crop. Though in both areas, crop-sharing seemed to have remained the mechanism whereby workers were paid; both studies suggest that the proportion of the share may have been falling in favour of the landowner. At the same time, there is plenty of anecdotal evidence in Afghanistan that suggests that "skilled" poppy harvesters may earn up to US\$15 cash per day, where they are hired by agents. In a district like Panjab, where there is already a mobile workforce, workers should be hired and "trained" to harvest the resin correctly; this could help them break the cycle of poverty.

### **11. Women's land ownership is not a live issue.**

Not surprisingly, women landowners are very few indeed, and the subject of female land ownership was of little to no interest to interviewees, male or female. Only ten cases of women owning land were recorded in the 15 villages among the 400 or so landowners (2.5 percent). Not all were widows. In Rashak, two daughters inherited the land left by their father after he was killed by a Kuchi; the elder confirmed that she, not her husband, actually owns the land. The Akbar family holding includes two sisters, who have married their first cousins who also have shares in the land. In Doni Nayab, one landowner had acquired land through his wife, and while she was alive, they were considered joint owners. All these cases were in Panjab. In Borghaso Village in Bamyan District, several farmers owned land that had been left to their sisters after the death of their fathers. In each case, the sister had surrendered the land to a brother; in one case:

"I received land from my father and I also had received land from the government in 1979. My brother only got land from our father. So he begged

<sup>179</sup> With a gross income of around US\$1,590 per *jerib* of *koknar* (poppy), this will be at least 20 to 25 times the income from one *jerib* of wheat (averaging US\$60 per *jerib*).

<sup>180</sup> ACBAR, op cit.

<sup>181</sup> Goodhand, J. *Frontiers and Wars: A Study of the Opium Economy in Afghanistan*. University of London: London. 2003. Many changes were being wrought by *koknar* (poppy production) and this included further polarisation, with the rich being able to take most advantage of the new crop and control the terms with the poor. Even though there was a great deal more wealth in the village, the poor were receiving less alms (*ushr*). Voluntary communal labour (*hashar*) on the fields within extended families was declining. Social relations were also changing between young and old, with the former being less respectful given their dominance in both poppy production and especially marketing.

our sister to give him her share. She was willing, as this is our custom. Girls must get land to meet the requirements of Islam, but they are not expected to keep it. If they keep it, they cannot expect their brothers to care for them if they face problems. My brother took my sister presents. He bought her sheep and clothes. He praised her. At the same time he called us and the elders to witness in writing that she had passed the land over to him.”

## **12. Kuchi-Hazara relations deeply concern Hazaras.**

The question of Kuchi-Hazara land relations deeply concerned virtually all interviewees, from the provincial governor to village households. While the number of nomads actually involved may be quite small, numbering in hundreds of families rather than many thousands, the effect of their presence in Bamyan Province has clearly not been small,<sup>182</sup> particularly in the pasture rich areas of Yakawlang, Panjab and Warras. Participants in meetings on the Constitution in Bamyan in July 2003 remarked that the matter of Kuchis was being raised quite frequently, even though discussions on land issues had deliberately been excluded. Informally, members of the constitutional drafting commission visiting Bamyan acknowledged that the issue was important enough to be constitutionally addressed.

Even at the village level, it is acknowledged that the matter is complex, not least because the arrival of Kuchis was state-supported and formal grants of land were made to them from the beginning. Decades of subordination to the state, combined with a strong tradition of believing in and fearing the law, means that many farmers recognise state-issued land grants as “legal” and find it difficult to imagine that anything that is legal could also be unjust. And yet, drawing a distinction between what is legality and justice will, in one form or another, be necessary to resolve the Hazara-Kuchi land conflict.

### ***Acknowledging territoriality as an element of land rights***

The conflict has diverse elements that need untangling. One issue concerns the grants of land in Hazarajat to outsiders, in ways that have not been willed by Hazaras and not arrived at through market mechanisms. This relates very much to notions of territoriality, which, in this case, has an ethnic basis. Events in Southern Africa, East Timor and the Balkans most painfully illustrate that the notion of “our land” needs to be addressed. The more land rights are interfered with *en masse*, the stronger the territorial demand may become. Arguably, this is precisely what has happened with the Kuchi occupation of Hazara lands. In different circumstances, the very notion of Hazarajat may have slowly dissolved this last century. Instead, it has attained a new vigour, due largely to the effects of suppression, oppression and colonisation. Attempts to dismantle a sense of local territory, a common strategy of new nation-makers, could be a folly, and a needless one.<sup>183</sup>

### ***Defining pasture***

There is also the question of what lands were granted to Kuchis and when. Local history and literature tends to acknowledge that the wholesale rights granted by Abdur Rahman in 1893 were revoked by his son Habibullah, at least in part, and limited to pasture in the 1920s by his grandson, Amanullah. An inspection of these

<sup>182</sup> This is important in itself for the orthodoxy in that few Kuchis ventured as far into the Hindu Kush as Bamyan Province on an annual basis and the assumption is made that therefore Bamyan is not a serious part of the overall Hazarajat problem involving Kuchis.

<sup>183</sup> Allan, N. Rethinking Governance in Afghanistan. *Journal of International Affairs*. Spring 2003. 56(1) is worth referring to in respect of the implications of territoriality for governance systems.

land grants in particular will be instructive. However, it is unlikely that the extent of pasture allocated to heads of different Kuchi clans was exactly defined, either by type or altitude. Nor is it likely that these *firman* clearly acknowledged that local people in the region should also have equal rights to use the mountain tops, or that a distinction was to be drawn between the pastures being granted to the Kuchis and the pastures that belonged to local people. It is quite possible that in the 1920s, largely still stripped of their assets, that local herds were small, especially compared to those of the Kuchis.

#### ***Failing to recognize the multi-use of uplands***

Part of the problem lies in a failure to recognise the multi-use functions of even the highest pasture in the Hindu Kush: the fact that it may also be used for collection of *khar* and other woody bushes useful for fuel, and the fact that even at quite high altitudes the possibility exists for cultivation. Hazaras had long practised both rain-fed and “cold” farming, taking advantage of ponds and springs in some very high areas. Moreover, cultivation was erratic, both by season and area.<sup>184</sup> It is reasonable to conclude that some of the very high pastures that the Kuchis claim as theirs, as well as the hillsides closer to the valleys, had been used for periodic cultivation. It was normal for Hazaras in these districts to move up to the mountains with their animals, establishing huts (*mana* or *chapari*) both to use the pasture and to cultivate. Even in the 1950s, Ferdinand observed that:

“...where there are good mountain pastures there is a move uphill every summer. This is found in Deh Zangi<sup>185</sup> and Deh Kundi, and is certainly connected with dry-field farming, apart from the pasture needs of the animals.... In the Ghorband, Shibar and Bamyan region we find the same system ...”<sup>186</sup>

#### ***Failing to acknowledge common property***

A related element may be the failure to recognise that all of these lands were already *owned*, and could be appropriated by the state and allocated at its will. A tendency to assume that all common property – lands held and used by groups, not individuals – is un-owned land underlies much of the appropriating strategies of governments over the 20<sup>th</sup> century; Afghanistan is no exception.

This attitude to commons became apparent during the 1960s and 1970s with the implementation of the USAID-funded and directed cadastral survey of the country. In this process, more or less any land that was not individually owned homes or farms, or visibly a community service area (such as a mosque), was claimed as public land. *The Law of Pasture Lands 1970* put this into legal effect. First, pasture was defined as any land – even banks of rivers or marshlands – that “can be used as fodder for cattle” (Article 2). Second, all pasture was made public property and “the people can use them...if they have official documents or used the pasture traditionally before the enforcement of this law” (Articles 3 and 15). Third, having co-opted all this land, “nobody is allowed to ... convert a pasture into cultivable land” (Article 9). With the support of Daoud’s administration, Kuchis may have felt encouraged to help themselves to any land that could be used for cattle, moving down from the mountain tops. They could also stop local Hazaras cultivating land that had grass on it or was useful for pasture. For their part, the Hazaras could insist (if they had the socio-political power to do so) that they should be allowed to

<sup>184</sup> Ferdinand, op cit., 33-34.

<sup>185</sup> Deh Zangi is Panjab today.

<sup>186</sup> Ferdinand, op cit., 28.

share the pastures if they were “public” land. With hindsight, it is not surprising that Hazaras interviewed speak of Daoud’s time as “one of the worst.”

The problem was that the pastures claimed by the state were not “rightfully” public land; they were the privately owned communal property of the Hazaras. The Hazara people today explain that only the most barren rocks on the tops of mountains and those covered year round with snow were no-man’s land or public property; any land that had utility for grazing, thorn bush collection or cold and rain-fed farming was “owned.” Land to the first ridges was privately owned by the landowner living in the valley, who owned all hillsides that drained into his part of the valley. Land above and beyond this summit was local “public” land – that is, land owned by the people of the valley collectively. Another way to distinguish these lands, they say, is to note where the sun falls at sunrise; any land that is in shadow at dawn is private land. Only where the sun falls (i.e., land that was very high on the mountain tops) may be considered local public land.

Little has been written on the land tenure system of the Hazaras, at least in this mountainous region of Hazarajat. However, both the descriptions of Ferdinand above and those of Canfield tend to support these views. Canfield, writing of Shibar District in 1973, observed how clan groups:

“... traditionally claim territories in the mountains where thorn bushes, if available, may be gathered for fuel and their flocks grazed. It is also in these areas that the rain-watered lands of Shibar are located...”

He added:

“In addition to the pasturage claimed by each *qawn* community there are extensive untillable stretches of ground among the lower mountain ravines and slopes which may be grazed, *but not by flocks from any other valley.*”<sup>187</sup>

### ***Destruction of the commons***

At the same time, it appears that most of the commons were being privatised among the Hazaras themselves. Population expansion, subdivision and other forces encouraged the division of local pasture and rain-fed areas by household. Occupation by Kuchis was one such force. Government appropriation was another, particularly of land owned in common. The landless in the local communities were the losers; without stock, their rights to pasture declined, without the means to cultivate independently, their rights to use the commonage would also decline. The disappearance of local community pasture was spoken of in Borghaso, Kachari and Kafshandaz.

Material destruction has also occurred, particularly in Panjab. There the expansion of *lalmi* and *sarad* cultivation has decreased the availability of important ground cover and woody vegetation, weed infestation and has caused soil erosion. Even in the 1950s Ferdinand recorded steady expansion of cultivation in community and private pasture lands, and pondered that this might encourage conflicts with Kuchis.<sup>188</sup> Though environmental considerations are certainly a factor that needs to enter the land use process, “land” issues should not be confused with issues of ownership; it seems apparent that Hazaras will have to limit expansion of rain-fed farming. They claim to have already done so, with retraction of cultivation in many vulnerable areas. This does not imply that ownership of these lands should be

<sup>187</sup> Canfield, op cit., 63. Italics my emphasis.

<sup>188</sup> Ferdinand, op cit., 34.

revoked, but the way in which they use the land should be changed. This is the view of many farmers, who say that the future of farming in Bamyan must look more to livestock.

### ***Exploitation***

There are, we have seen, another whole set of issues that colour Kuchi-Hazara land relations in Bamyan. These stem from the rent-seeking behaviours of the Kuchis with respect to land. In general, the Kuchis did not acquire land to farm themselves, but as an early enterprise to gain wheat and money. Not all the bitterness recorded in Chapter Two stems from Kuchi appropriation of important pastures, with or without government support. It does derive from the way small and poor farmers felt they were unfairly put in debt and forced to give up their lands.

## **Ways Forward**

The main question facing the current administration is how to deal with these issues. The redrafting of the Pasture Law, currently underway, seeks in effect to restore almost exactly its terms in 1970; this would remove an important amendment established by the Taliban that distinguished community from public pastures. This was introduced in a new *Law on Pasture and Maraa (Public Lands)* under a general Decree 57 of 2000, which is technically still the operating law, although it has never been implemented. Article 2 distinguished between private pasture (individually or commonly owned) and public pasture and barren lands (*mawaat*). Article 3 specified that private pasture could only be used by adjacent communities, whereas anyone could gain access to public pasture through a licensing system. Reintroduction of this distinction deserves attention.

In addition, it is likely that a practical, locally-based approach to dealing with the pasture issues may be necessary. This could comprise a series of steps whereby the pastures within a specific valley are reviewed, named, demarcated and their status determined on the ground with local community members. Kuchis who claim ownership rights in that area, could be invited to present their claims and be subject to a facilitated reconciliation and negotiation process. Compromises would need to be made on both sides; local residents would need to limit damaging rain-fed cultivation, and visitors would need to limit their grazing to agreed spheres. Meanwhile, investigation of all debts would need to be re-opened and resolved individually. Kuchi leaders may need to agree to cease purchasing more arable land in the valleys and to make the land they own available for sale to tenants and workers – a process that would require loan assistance to the latter. Joint agreements could be formulated by the two parties to regulate pasture use relations in the future. In short, a restitution and reconciliation process is required.

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## APPENDIX A: Persons Interviewed In Bamyan<sup>189</sup>

### *Provincial Level*

Abdul Zol Halek, Deputy Governor, Bamyan Province  
 Mr. Atta-Ullah, Judge of Bamyan Court  
 Engineer Tahir Khan, Head of Department, Ministry of Agriculture [MoA]  
 Gurban Ali Huqjo, Director of Cooperatives Department, MoA  
 Haji Kasim, Administrator, MoA  
 Ghulam Sakhi, Director of Plant Propagation Department, MoA  
 Dr. Arif, Director of Veterinary Department, MoA  
 Haji Kazim, Head of General Administration, MoA  
 Husain Ali, Amlak Department, MoA  
 Husain Bakhsh, Planning Department, MoA  
 Nasir Fernandes, UNHCR  
 Mark Pond, Political Officer, UNAMA  
 Rameh Abdurrahman, Agricultural Adviser, Aga Khan Development Network [AKDN]  
 Karim Merchant, AKDN  
 Mr. Zaman, Social Organiser, AKDN  
 Said Hussain Hussani, Administrator, Constitutional Commission, Bamyan  
 Rahima Salama, Public Relations/Women, Constitutional Commission Bamyan  
 Sylvain Marilleau, Coordinator of Agricultural Programmes, Solidarites  
 Pou da Geul, Shelter Programme, Solidarités  
 Gul Nabi, Shelter Programme, Solidarités  
 Qsazi Attaullah, Head of Bamyan's Court

### *Shibar District*

General Ghulam Abas, Governor of Shibar District  
 Syed Ghulam Sakhi Askari, Propagation Director, MoA  
 Nik Mohammad Hassar, Attorney General's Office  
 Khrruddin Randaki, Amlak Officer, MoA

### *Yakawlang District*

Hamidullah Saghani, Solidarités  
 Mohammad Azim, Solidarités  
 Ahmad Omid, Governor of Yakawlang District  
 Mohammad Bagir, Chief Judge of Shari'a Court  
 Syed Ali, Judge, Yakawlang Shari'a Court  
 Haji Mirza Sadiq, Court Recorder

### *Panjab District*

Mr. Shah Wali, Oxfam Panjab  
 Abdul Karim, Agriculturalist, Oxfam  
 Wafaehi, Social Organizer

<sup>189</sup> This list includes only persons interviewed in their public or organizational capacity. Nearly 200 villagers were interviewed, mainly in groups. They are too many to list and not all names were collected.

## APPENDIX B: Sources of Evidence for Land Ownership

### Box 1: Written Evidence of Land Ownership

**Customary Documents:** (*orfi*) generally with witnessing by relatives, neighbours and especially local leaders. Include bills of sale and purchase, pawn agreements, wills, subdivision documents, etc.

**Deeds:** (*Wasayeq Shari'a*) legal documents with copies in Court Registries in the form of:

Qabalaе Qatae:	Land Ownership Deeds
Qabalaе Jayezi:	Warranty Deeds
Wakalat Khat:	Power of Attorney
Taraka Khat:	Distribution of Inherited Property Among Heirs
Hasre Weraset:	Legal Heir
Taqsim Khat:	Division of Property (during lifetime of owner)
Tamlіk Khat:	Letter of Conveyance
Ejara Khat:	Lease Agreement
Wasayat Khat:	Last Will and Testament
Eslah Khat:	Mediation Finding

**Firman:** Land grants by kings, in the form of decrees, legal letters, etc.

**The Cadastre:** Available for owners as in 1960s only: available in cards, with attached survey map of the property (usually shared for around eight or more properties), indicating name of owner, size of property, date of survey and registration. Main copy in the Land Offices in the Province (mostly lost); second copy with Central Archive in Kabul (Cadastral Department under Afghan Geodesy and Cartography Department). Carried out on site but most owners are registered as “possible owners,” as many were absent or their documents of ownership could not be found or confirmed.

**The Books of Integrated Land Size and Progressive Taxation:** Prepared for 75 percent of owners during the 1970s, based upon self-reporting of land owned through filling in forms distributed by the Ministry of Finance’s Property Department (Amlak, now under Ministry of Agriculture). This was carried out by a special team formed in each province to distribute and collect the forms, and compile the information in the books. Compilation was undertaken at the Provincial Office, where the main copy was retained, with one copy sent back to the District Property Office and one sent to Kabul for safekeeping.

**Tax Receipts:** Direct or indirect property tax has been a main rural tax since the 1880s, with landowners paying most tax, and in turn extracting some share from their workers, tenants or sharecroppers. A formalised system was begun around 1930, and records are still complete in the Ministry of Finance archives for the period 1930-1958, after which time provincial offices kept the main record. These records list the family owning the land, the area of land and the tax due. The larger the land area, the higher the tax paid, at a fixed rate per *jerib*. Annual tax collection ceased in 1978 and was not begun again until 1999 by the Taliban, but seemingly with returns kept at the local level. The Taliban also collected other taxes. Throughout the period 1979-2001, local militia also variously “taxed” rural households. Receipts have always been demanded and issued on payment of tax, and farmers use these as evidence of the land they own.

Table 1: Sources of evidence of ownership held by farmers in the survey

DISTRICT Village	Customary Documents	Property Tax Receipts	Court Title Deeds & Transfer Documents	No Written Evidence
<b>BAMYAN</b> Siya Khar Bolaq	Some	Most	Held by those who received land from Taraki 1978/79	Some
Alibeg	Some	Some	Some	Some
Borghaso	Very few	Few	Some hold title deeds given in 1978/79 under distribution	Many [destroyed]
Dashti-e- Borsianas	Some	Many (from 1930s)	Many (from 1920s)	
<b>SHIBAR</b> Kalo	Many	Many	Some	Few
Kafshandaz	Some	Some	None	Many
Ashoor	Many	Many	None	Some
Khoshkak	Many	Many	None	Some
<b>PANJAB</b> Nargas		All	Land grant deeds from Abdul Rahman Land sale docs. 1978	
Doni Nayab	One of four	Four of four	None	
Deh Pioetab	None	Some	None	
Kachari	Some	Some		
Bazaar	No data			
Joy Hawdz	All	None	None	None
Rashak	All	All	None	None

Table 2: Comparing the Utility of Written Ownership Records in Rural Areas

Record	Coverage	Availability	Holder of Document	Utility of Document	Integrity	Up-to-Date Status	Reliability
Customary documents	Medium: ("Many" transactions accompanied by locally written record, many older transactions undocumented)	Medium: Many records lost	Owner	High: Cheap, local, natural sphere for adjudication	Medium	High: Provides current owners	High: Community members, leaders are source of evidence
Court Documents	Low: Mainly for rich persons who can afford court and registration fees	High: Kept in court archives	Court	High	Medium (many wrongfully issued, corrupted)		
Cadastre	c. 26-30% of owners as existed 30-40 yrs ago	High: 100% Back up copy in Kabul	Cadastre Kabul		High	Low: As per owners in 1963-1974 only	
Books of Land Size & Taxation	c. 75% of owners as existed 25-30 yrs ago	High: 100% back up copy in Kabul. Copies in most provinces	Provincial Agriculture + Kabul Agriculture	High		Low: As per ownership in 1974-1978	
Tax Receipts	100% (in theory) for 1977; est. 75% 1999/2000	High	Owner + Back up in provincial offices and back up in Min. Finance Archive for 1930-1953	Medium: Evidenced that holder owned property at time tax paid and amount indicates size of property	High	High: Tax paid in most areas in 1999, 2000	High

## ABBREVIATIONS AND ACRONYMS

AIMS	Afghanistan Information Management Service
AKDN	Aga Khan Development Network
ATA	Afghanistan Transitional Administration
DDR	Disarmament, demobilisation and reintegration
FAO	Food and Agriculture Organisation, United Nations
Ha	Hectare
IDP	Internally displaced person, as compared to a refugee who is a displaced person who left the country
ISAF	International Security Assistance Force
NGO	Non-governmental organisation
PDPA	Peoples' Democratic Party of Afghanistan
PRT	Provincial reconstruction team
UNAMA	UN Assistance Mission in Afghanistan
UNHCR	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development
WFP/VAM	Vulnerability Analysis and Mapping of the World Food Programme

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