

## **A Study on Challenges of Managing Conflict Process in Selected Public Organization of Afghanistan**

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### **Abstract**

*This research study aims to investigate challenges of managing conflicts faced by the Dispute Resolution and People-Government Relation (ICDRPGR) in the context of Afghanistan. Furthermore, this study also investigates improvement factors of challenges while managing conflicts. To investigate challenges, Interpretivist philosophy, inductive approach and hermeneutic phenomenological method of qualitative methodology is employed. Data collection was carried out through in-depth interviews with fifteen respondents of the central and provincial offices of the mention organization. This study concludes challenges such as insufficient budget for the operation purposes, the deficiency of the skilled and professional personnel, security threats in various parts of the country, lack of technological knowledge in some of the provinces, the political pressures, the lack of executive right, lack of awareness of the public about existence of such institution, local customs and mafias existence. Moreover, the improvement factors found are the increase in amount of budget, capacity development of the personnel involve in the process, induction of conflict and dispute resolution experts, awareness level of masses about the existence of ICDRPGR, the executive rights of the ICDRPGR, support from police and other law and order agencies. Lastly, the tribal elders, religious leaders, community mobilizers should be hired for resolving disputes in far reaching areas of the country.*

**Keywords:** Challenges, Dispute Resolution, People-Government Relation, Effectiveness, ICDRPGR, Afghanistan

## **Introduction**

The efforts of the international community to build a stable, democratic Afghanistan are at stake. National security, governance and the judiciary are also unable to provide basic services to the majority of the population, especially in remote parts of the country. Afghanistan is a war ravage country and four decades of war has caused various kinds of differences among different clans and ethnic group of society. In parallel of the formal justice system, international community and government of Afghanistan also emphasizes on informal justice system in the country. To provide justice to the people and bring peace among conflicting parties, government of Afghanistan established commission namely an independent commission for dispute resolution and people-government relation to solve disputes among different conflicting parties in Afghanistan. Independent commission for dispute resolution and people-government relations is one of the important independent commission working in Afghanistan for solving different kinds of disputes. The disputes ranges from property disputes, old enmity among tribes, religious differences, ethnic differences, family disputes or any other special type of conflict. In regard to resolve issues among conflicting parties, the presidential office order commission's delegation to dispatch to any conflicting areas within the country. When an application is received to the central office they start working on it and get the consent of both sides involved in disputes, then a delegation of experts is assigned to look at the problem from various angles of law of the country. Then the problem is solved according to the law and local customs of the Afghanistan. The final written decision paper is signed and accepted by both parties and the report is sent to the line department of the ICDRPGR. (ICDRPGR, 2018). Its operations are not limited to the central office in Kabul but it has eight provincial offices. However, the process explained above for bringing peace among conflicting parties is not easy as explained. The Reports have come to surface regarding various problems and issues faced by the mentioned organizations during conflict resolution process. Research studies in the past are carried out in this regard to see and report the nature of conflicts among conflicting parties. However, very little research has been conducted to explore the challenges of organizations working for bringing peace in the informal justice system in the country. In the same vein, this qualitative research study is designed to explore challenges and problems of ICDRPGR on way to bring peace and harmony in the society. Furthermore, this study also explores the improvement factors of the challenges. Moreover, it is worth to mention that this qualitative study is planned to explore the challenges from the perspective

of staff members of the said organization. In this regard, the following two research questions guide this research study.

**Research Question 1.** What are the barriers and obstacles of improving ICDRPGR Role in Conflict Management Process?

**Research question 2.** How can ICDRPGR role be improved in conflict management process?

The following sections discuss literature, methodology and results of the study

## **2 Literature Review**

Conflict is an unavoidable phenomenon in human life. The agreement and disagreement among individuals and groups lead them to conflicts. Conflicts are neither constructive nor disruptive but the way conflicts are managed make them either positive or negative. Various conflict management strategies are adopted for handling conflict; the most important of these are negotiation, mediation, compromise, collaboration, avoidance and cooperation. (Robins, 2006). Literature concluded that one has to realize and understand the concept of conflict before solving it through different negotiation strategies. The term conflict is defined by different studies and research groups. It can be concluded from the various conflicts definitions that conflict is universal phenomenon and part of human life (Singer & Small, 1972; Robins, 2006). Therefore, it is almost impossible to completely wipe out the conflicts from earth, however the literature also concludes that human can manage conflicts with peace and harmony and without going violent (Bonacker & Imbusch 2005).

According to Schmid, (1968) there are normally two types or approaches of the conflict management, the subjective approach and the objective approach of conflict management. The objective conflict views for the source of the conflict from where it is started and objectives are appropriate and in contrast the subjective approach of conflict emphasizes on perceived conflict and may come through personal grudges. Moreover, conflict whether objective or subjective, the violent starts when conflicting parties try to achieve their objectives by asserting force, harm opponent, try to influence and sabotage rival party's interests (Davies, 1973). Linking different aspects of conflict, literature shows there is difference between conflict management and conflict resolutions. The conflict management explains the view of the neutral party involved in the conflict management as a mediator or manager of the conflict to help and support either conflicting parties or at least one of the conflicting side (Riemann, 2005). The resolution of conflict views that an acceptable solution should be found

out which can satisfy all conflicting sides. The Kelman and Fisher (2003) and Kriesberg (1998) are also of the same thought and have plenty of endeavors in this discussion. The conflict settlement is transforming a conflict situation to an acceptable solution for parties involved in conflict (Galtung, 2000).

Furthermore, it is argued that many of the conflicts in the social context are result of misunderstanding (Toor, 2008). The solution for conflict is suggested by the researcher to overcome conflict is to hold top responsible people managing the conflicts through negotiations (Harris, 2011 ZHU, 2013,). Literature emphasize on the impoance and signciance of negations. In regard to negotiations, conventional and religious literature concluded various aspects of negotiations. As mentioned earlier, the context of this study is Afghanistan which is an Islamic country and therefore, the conflict resolutions should be viewed through the lens of Islam to reach to mutual agreements and harmony in Afghanistan society. The Islam is a religion of peace and harmony and always discourages conflicts. Conflict should be solved with teaching of Islam with the help of Quran and Hadith interpreted by the religious scholars (Imams). Conflict is elaborated as a foot step of Satan and peace is the source of the God's happiness (Vehapi, 2013). Islam, proposes conflict resolutions through proper investigations and reacting to mutual consensus by listening and advising to each other for the better society.

Conflict management literature whether conventional or religious emphasizes on acquiring skills related to conflict resolution, self-awareness about conflict modes, conflict communication skills, and establishing a structure for management of conflict in social environment (Ankit, 2014). Furthermore, research study of peace agreement implementation has often focused on the duration of peace, the relationship between biased versus neutral mediators and the degree of agreement implementation (Sollenberg, 2017).

### **2.1 Disputes in Afghanistan**

Afghanistan is a country which is affected by a lot of uncertainties and war, thus a lot of conflicts discussed by the researchers in the context of Afghanistan. The country where 85% of the population involved in agriculture and land culture, therefore one of basic conflict point out by the scholars is a land conflict (Deschamps, 2009). In his study he found that majority of land disputes merged over ten jerbs (200,000 Sqm), where the largest area is counted for whole community. The conflict in Afghanistan is mostly illegal acquisition of land from another group. Sometimes they go beyond conflict and commit violence, for example, most time conflict arises

on private property whenever the displaced peoples e.g. refugees come back to their home town and villagers acquire their land.

According to the research by Afghanistan, Research and Evaluation Unit (AREU) in 2006 conducted research to know different ways of managing disputes in various provinces of Afghanistan. Findings of the study state that Afghanistan is high culture context country where elders and cultural norms are more respected (Manalan, 2009). The most famous way to resolve disputes and conflicts in communities are based on their own customary law (qanoon-e-Islah) and Sharia, however, customary law is more famous mostly in Pashtoon communities. The whole customary law is based on the word called “Pashtunwali”. In Pashtoon communities a culture of the Jirga and Marka is famous and most of the elders of the communities are taking a decision in order to solve the conflict decision based on their norms (Deborah et al., 2009).

According to AREU (2006) in particular communities of Afghanistan, most disputes arise due to large land disputes between different groups, for example, the Kochi group are moreover in contradiction with other Pashtoon and Hazara groups. Marriages are the second-factor causing disputes, In the ruler areas the most famous way to get married is the Marriage of “Badal” that is the exchange of daughters or sisters to get married with sons of each family, the second way is to get (Dunya) cash amount in exchange of their women. These marriages mostly cause disputes and conflict. According to Kantor (2010) murder and accidental killing are also point out as a factor of a dispute between two communities even between two families and these disputes sometimes last for next generations.

The foregoing literature implied that there are various ways of managing conflict to bring harmony and peace in the society. The literature concludes that these different ways of managing conflict in the society are classified under the umbrella of formal and informal justice system. It is also concluded that informal justice system is viewed as effective way of managing conflicts in the countries like Afghanistan. However, very little is known about the challenges and problems of organizations working in conflict resolution process within Afghanistan. Therefore, this research study explores various challenges of ICDRPGR working in managing conflicts through informal justice system of the country. The following section in this regard discuss methodology of the study.

### **3 Methodology**

To meet the study objectives, Interpretivist philosophy, inductive approach and hermeneutic phenomenological method of qualitative methodology is employed. The interpretivist philosophy main purpose is on subjective meaning and it helps the researcher to interpret and construct meaning from the data (Cress Well, 2013). Data collection was carried out through in-depth interview method with fifteen respondents of the central and provincial offices of the mention organization.

The main disadvantage of the interpretivist philosophy of research is its subjective nature, which has greater chances of the researcher's biasedness because this research philosophy focuses on the personal responses and personal values. So, the reliability of the data is ignored to some extent. The advantages of the interpretivist philosophy of research is that normally it deals with ethics, social differences, and qualitative data analysis. The interpretivist research philosophy is used to assist the one conducting research to interpret the meaning of the interview information collected via observations and interviews made during the research.

#### **3.1 Population and Sample**

The sample for the study is the central office of the ICDRPGR and the 33 provincial offices representatives in the whole country. The population for the research is 344 personnel in main and provincial offices of the ICDRPGR, including central office of the Kabul and the 8 provincial offices in the key provinces of the Afghanistan. The sample size for the research study was 15 respondents from all offices of the ICDRPGR. The respondents were selected based on their experience of managing conflicts.

The sample size covers almost all provinces of the Afghanistan because each provincial office of the ICDRPGR covers five to six provinces. The respondents from each provincial office represent the provinces work under their supervision. The respondent were selected based on in depth knowledge of the problems, challenges, barriers and obstacles faced by ICDRPGR in provinces and also in the central office of the capital Kabul. Therefore, the sampling technique used was purposive sampling. The sampling methodology used is purposive or judgmental sampling method. Purposive sampling is a sampling technique in which researcher relies on his or her own judgment when choosing members of population to participate in the study (Cooper et al., 2011). The minimum 15 respondents have been chosen as Creswell (1998) recommends minimum of 15 sample size.

**Table 1: Respondents' Profile**

<b>Employees' Department</b>	<b>Frequency</b>	<b>Percent</b>
Administration & Finance Department	9	60%
Advisory Department	2	13.34%
Provincial Office Department	4	26.67%
Total	15	100%

Source: Survey Results

### **3.2 Data Analysis Method**

Qualitative data analysis is related to textual data, such as documents, audio recording and images, interview transcription (Sekaran and Bougie, 2016). Different methods are used to analyze this type of data such as content analysis and thematic analysis. Current study has applied thematic network analysis to examine the experiences of the individuals on subject of the study. Following steps were employed to analyse data

- Data was collected through face to face interviews and Interviews were recorded through audio tape
- Interviews were transcribed.
- Transcription of interview questions were done for each research question.
- After transcription of interview questions, important phrases as a sub-theme were applied as suggested by the Attride-Stirling (2001). According to this data analysis technique.
- In the fifth step, from the basic phrases or sub-themes then the main theme was extracted as discussed in detail in the following section.

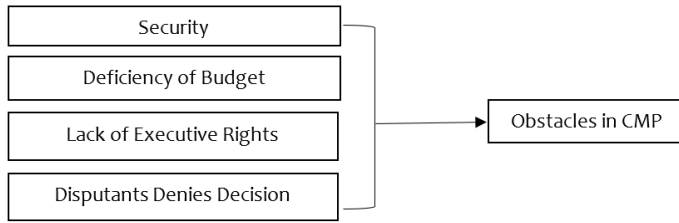
## **4 Findings**

### **4.1 Findings of the Research Question One**

The research question one has pointed out some of the important barriers, obstacles and problems faced by the ICDRPGR in Afghanistan. In this regard, interviews were conducted with 15 respondents and they pointed out some common barriers and challenges in conflict management process of ICDRPGR. The 9 respondents shared similar thoughts and by one of the informant through his comments as:

“The main barriers are lack of security in ruler areas’ of the country. There is not enough fund to open new branch offices in all provinces of the country. The ICDRPGR don’t have executive rights to implement decision any way, sometimes faced with situation that one side or both sides don’t accept the decision”

**Figure 1: Main Barriers of the ICDRPGR in Conflict Management Process (CMP)**

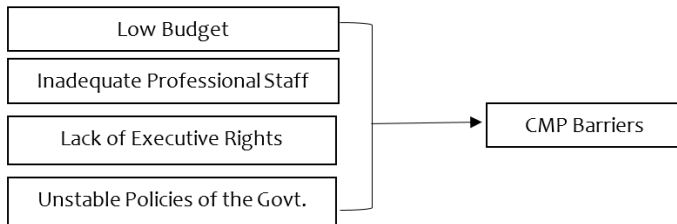


Source: Author’s Compilation

In relation to above similar thoughts of nine respondents, three other respondents shared similar views and explained one of the respondent as through his words as:

“Low budget is the biggest barrier in solving conflicts, the lack of professional staff, the deficiency of skills and experience in the dispute resolution and unstable politics behind existence of this institution”

**Figure 2: Main Obstacles in Conflict Management Process (CMP) of ICDRPGR**

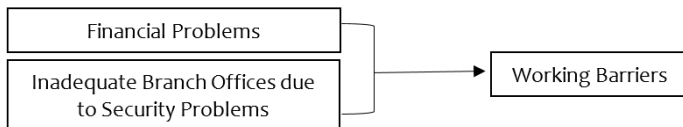


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In an interview with 2 other respondents the response was given below:

“The ICDRPGR is facing economic and financial problems because we don’t have enough fund to cover all Afghanistan, we have security problem due to which we cannot go for dispute resolution to every part of Afghanistan”.

**Figure 3: Main Obstacles in Conflict Management Process (CMP) of ICDRPGR**



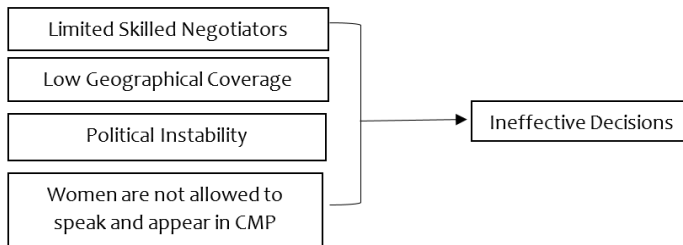
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In an interview with one of the interviewee, he responded as “The financial resources are low. We have limited number of professional and skilled negotiators. We don’t have offices in all provinces of the country.



Political instability and decisions about existence of ICDRPGR. Women are not allowed to appear before conflict resolving delegation.”

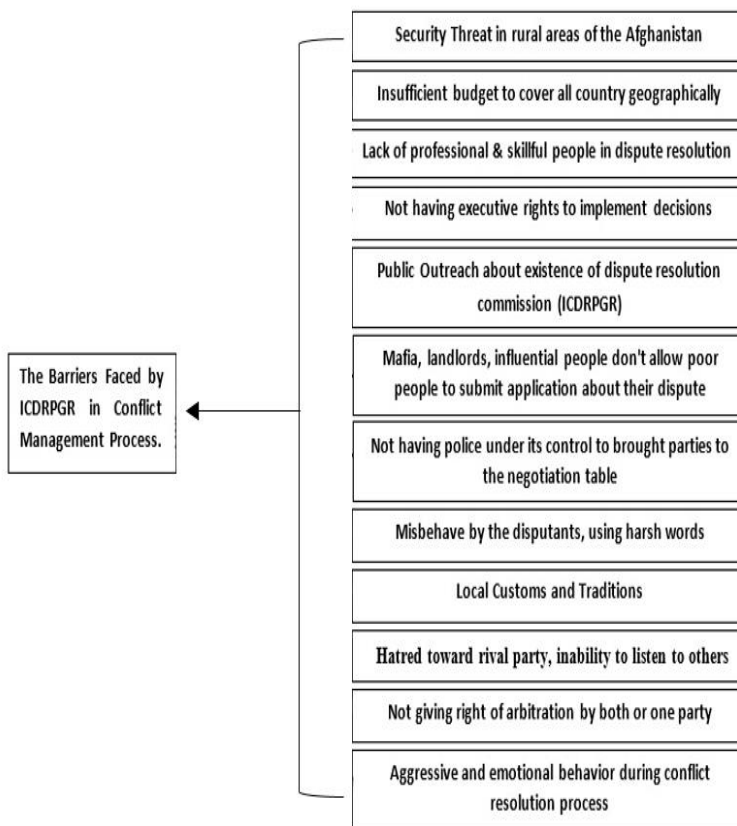
**Figure 4: Main Obstacles and Barriers Faced by ICDRPGR in Conflict Management Process (CMP)**



Source: Author's Compilation

By following the commonality approach, these factors are elaborated graphically in the following figure (5) as given below

**Figure 5: The Barriers and Obstacles Faced by The ICDRPGR in Conflict Management Process**



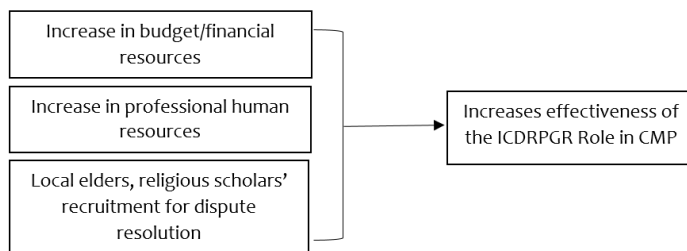
Source: Author's Compilation

#### 4.2 Finding of the Research Question Two

The question number two is to find the improvement factors of Independent Commission for Dispute Resolution and People-Government Relation. When this question is asked from respondents in the interview 6 of them echoed the same views which was explained by one of the informant through his words as following:

“The important resources which ICDRPGR needs are sufficient budget so that the delegation of resolving dispute could travel to every part of the country, recruitment of the professional and skillful people who are expert in conflict resolution and arbitration, recruitment of the elders, religious scholars who can find out the dispute root causes and try to solve them.”

**Figure 6: Basic Resources Needed for Increasing Effectiveness of the ICDRPGR Role in CMP (Conflict Management Process)**

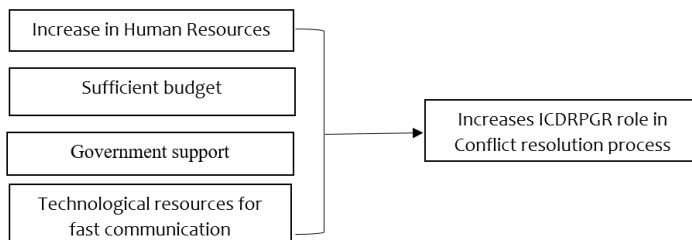


Source: Author's Compilation

The 5 respondent figure out these resources as most needed by the ICDRPGR in an interview

“Human resources, recruitment of eligible and qualified people, financial resources, Increasing the budget, government support in cases of dispute, and technological resources: for fast communication the use of technology.”

**Figure 7: Basic Themes for Increasing Role of ICDRPGR in Conflict Resolution Process**



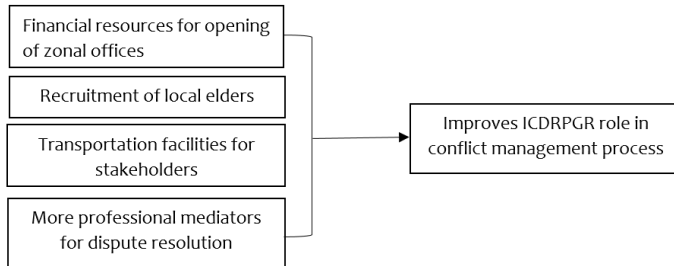
Source: Author's Compilation

The interview question is replied by the interviewee in another interview conducted

“Tribal elders can play effective role in dispute resolution, so human resources are needed, financial resources are needed to increase branches

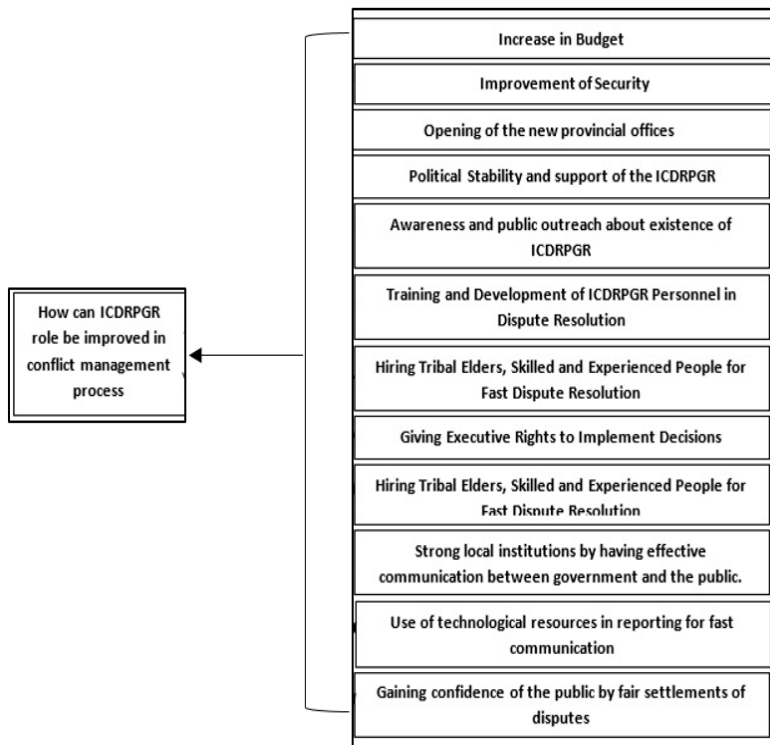
of the ICDRPGR in all provinces of Afghanistan, Transportation for the employees, professional and highly skilled mediators for dispute resolution.”

**Figure 8: Important Factors for Improvement of ICDRPGR Role in Conflict Management Process**



Source: Author’s Compilation

**Figure 9: The Important Improvement Factors ICDRPGR Role in Conflict Management Process**



Source: Author’s Compilation

## 5 Discussions

The result of the research highlighted the answers for the two questions in the study which was designed with the aim to find the main barriers faced by the ICDRPGR and improvement factors for ICDRPGR role conflict management process. The research question one find out the main

challenges, obstacles, barriers and problems in the way of the Independent Commission for Dispute Resolution and People-Government Relation, which make hurdles in the conflict management process. As a result of the interviews with a number of the high and middle class management. The main challenges and barriers in conflict management process are inadequate budget, the security problems in most parts of the country, the political instability, fragile economic conditions, the influential role of land and drug mafia in disputes, need of professional staff for dispute resolution, the lack of effective communication and coordination between judicial system and ICDRPGR, Lack of executive rights to implement decision, unawareness of the public about existence of ICDRPGR, not having any police force in authority to brought conflicting parties to the negotiation table, misbehavior and use of harsh words by disputants, local customs and traditions, hatred toward rival parties, opponents get emotional and show aggressive behavior and authority of the arbitration is not given to the neutral party to decide.

The importance of institutions for dispute resolution is elaborated in literature related to dispute resolution in India, which uses Alternative Dispute Resolution methodology in various states of India to solve disputes successfully without intervention of formal courts because court's decision is out of control of the disputant, the courts uses litigation and arbitration technique of dispute settlement, Laju P. Thomas (2015)

The question number two of the research study aims to figure out the main solutions for the effective performance of the Independent Commission for Dispute Resolution and People-Government Relation. The findings of the question number two trace out the following solutions for the improvement of the ICDRPGR performance in conflict management process. Increase of the budget and removing bureaucracy for its approval, Provision of the security in rural areas, increasing the geographical coverage of the ICDRPGR by opening provincial offices in provinces which lacks it, public outreach program through tremendous advertising via electronic and print media, gaining executive rights from government to implement decisions, recruitment of tribal elders, religious scholars, skilled, experienced and expert people in the field of conflict resolution, political support from government, harmony and coordination between ICDRPGR and judicial system, capacity building and training programs for personnel, use of technological resources for communication among branches and the main office.

## 6 Conclusion, Recommendations and Limitation of the Study

The research finally concludes that the main challenges and barriers are low budget, fragile security, limited geographical coverage by the ICDRPGR with the country, deficiency of professional conflict resolution experts, conversion of provincial to zonal offices and support by judicial system. The improvement factors of the highlighted by the research study are increase in financial resources, security improvement, recruitment of more professional human resources for dispute resolution in provinces, authority of implementing the decision over disputants, political stability, coordination with main judicial system of the country, capacity building programs, making zonal offices for geographical coverage of all country and public awareness about existence of such institution for solving their disputes.

It is worth mentioning that this research study has looked into the barriers and obstacles faced by Independent commission for dispute resolution and people-government relation and how to improve its performance in conflict management process but some limitation is obvious to every research work.

This study is merely based on the interpretivist philosophy and qualitative methodology of enquiry and therefore, the possibility of biasness cannot be overlooked. Furthermore, this study also does not deliberate the political aspects of the causes and improvement that makes hurdles and challenges in working and execution process of the disputes. Therefore, the findings of the study should be generalized in a careful manner.

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