



Snapshots of an Intervention

**The Unlearned Lessons of Afghanistan's
Decade of Assistance (2001–11)**

Martine van Bijlert and Sari Kouvo (editors)

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Cover photograph by Martine van Bijlert.

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Acknowledgements

This book has been a consolidated effort and there are many people without whom it would have never come into being. First of all, our colleague Thomas Ruttig whose mention of Jorge Luis Borges' *Book of Imaginary Beings* inspired the working title for this volume: *The Handbook of Dead, Dying and Recycled Strategies*.

Second, we would like to thank the people who at several stages kept the process going when we were too busy to do so ourselves: a big thank you to Joanna Nathan for getting the project started and for approaching most of the authors, to Georg Höhne for being an enthusiastic intern and for his cheerful communications with all authors as the project progressed, and to Claire Truscott for her input during the home stretch, when she provided editing support and input into the final pieces of writing.

We would like to thank our meticulous editors, Joyce Maxwell and Jo Fisher, without whom all our publications would probably be much less accessible and understandable.

And finally we would like to thank all authors, without whom the current volume would not exist – for their willingness to share their experiences and insights and for their long-time efforts to contribute to a safe and stable Afghanistan.

Foreword

The idea for this volume was born in the summer of 2010 during a discussion of the cyclical nature of many of Afghanistan's programmes. Years of following the international efforts had left us with an increasingly strong sense of déjà vu: another conference to demonstrate momentum, another strategy to surpass the ones before, another project that would come and go and be forgotten the moment its progress was no longer being reported on, only to resurface in a new guise a little later. In many cases it was all very understandable: the short rotations and limited mobility of embassy and donor agency staff, the pressures to spend and deliver and to come up with project-sized solutions for complex problems, the tendency to design programmes by brainstorm, the lack of institutional memory – it all meant that ideas often lacked the benefit of previous experience or solid understanding of the context. But it also meant that money and opportunity were being wasted in an overwhelming manner and that the Afghan people were left empty-handed, with promises of security, stability and reconstruction unmet.

One of the problems has been a lack of documentation, coupled with a general unwillingness to acknowledge and explore the shape and sources of the failure to effect real change. Other than the usual project documents – that are by nature designed to satisfy donor requirements and to prove that, despite difficulties, project objectives are being reached – there has been surprisingly little effort made to ensure that past mistakes are not repeated and that future planning benefits from past insights. Any suggestion that a new shiny programme very much resembles the old and discarded one has tended to be swept aside as unhelpful criticism.

Countless people have been involved in Afghanistan's bewildering array of policy planning sessions, scoping studies, pilot projects, technical assistance programmes, project management units, coordination mechanisms, implementation attempts, evaluation teams – both Afghan and international. It is useful to learn from what they now know. This edited volume is a collection of largely untold stories and untapped lessons. It is not comprehensive in any way, but we hope that these snapshots will inform future planning and programming and that they will inspire a greater willingness to look back and learn.

Martine van Bijlert

Martine van Bijlert

Introduction

The decade of state-building, reconstruction and development assistance in Afghanistan has left many people confused. There have been undeniable changes: Afghanistan now has an election-based, market-driven political system and many socio-economic indicators are far better than they used to be under Taleban rule or during the civil war (although that is, admittedly, not a very high bar). There have been great, albeit unequal, opportunities in terms of education, employment and enrichment. But there is also a strong sense of missed and mismanaged opportunities, which many – Afghans and internationals alike – find difficult to understand: how could so many resources have achieved what feels like so little and so fleeting?

This edited volume explores the question by taking a closer look at a variety of key programmes and projects that were designed and implemented over the last decade, or more. It consists of a collection of 25 articles by analysts and practitioners with long histories in the country, who were closely involved in the programmes they describe. The contributions present a rare and detailed insight into the complexity of the intervention in Afghanistan – including the often complicated relations between donors and representatives of the Afghan government (with projects tending to be nominally Afghan-led, but clearly donor-driven), the difficulties in achieving greater coherence and leverage and, in many cases, the widely shared failure to learn the necessary lessons and to adapt to realities as they were encountered.

The experiences that the authors describe will probably sound all too familiar to anyone who has worked in post-conflict, aid-heavy contexts: the popularity of ‘trophy projects’ (Wiles), the proliferation of ‘encyclopaedic wish lists’ as a result of cumulative planning sessions (Leslie), the diplomatic wrangling to be given a seat at the table (Wilkins), the empty government buildings due to faulty planning (Horne), the frustration of trying to secure government buy-in for measures that threaten to disturb the political and economic status quo (Barr). They will also recognise the tendency for political expediency to trump long-term institution-building and

accountability (Ruttig, Olexiuk, Kouvo) and the dubious role that post-conflict elections play in a country's democratisation (Smith, Slavu).

The overarching lesson of the volume is probably that the key tools of the international assistance intervention – the protracted policy processes and coordination mechanisms, the large and inflexible assistance budgets, the focus on capacity building through mentoring and technical assistance – have proved to be very blunt indeed. There were successes to be found in the cracks, but mainly where a coherence of vision, realism and a fair amount of political will on the Afghan side ensured that good use was made of the resources provided.

The release of this book ahead of the Tokyo conference in July 2012 serves as a reminder of the recurring gaps between ambitious plans and conference statements on one hand and the subsequent realities of aid programming and implementation on the other. It is hoped this volume will help fortify the institutional memory of the donor community in Afghanistan, preventing future lapses and helping enable a greater capacity to learn world-wide. The lessons that have not been learned have relevance far beyond Afghanistan.



Martine van Bijlert

Overview

BUILDING POLITICAL INSTITUTIONS

Splitting assistance programmes along political, security and governance lines, the book first traces Afghanistan's rocky road towards stability in building the country's political institutions, starting with how the Bonn Agreement drew the outlines for a transitional post-Taliban government, moving to the Emergency Loya Jirga, the subsequent presidential and parliamentary elections of 2004 and 2005, and the attempts to pursue transitional justice and to build viable parliamentary and provincial government structures.

Thomas Ruttig, co-director of the Afghanistan Analysts Network (AAN), whose history in Afghanistan dates back to the 1980s, starts off the volume with a closer look at the 2001 Bonn Agreement. He describes how the agreement and subsequent Emergency Loya Jirga, that laid the foundation for the current political system in Afghanistan, were initially met with great enthusiasm by both Afghans and internationals, but also how problems plagued each step of the process from the start. Voter registration became rife with fraud, the process of reintegrating militias was manipulated, and when factionalism became too great to overcome, the United Nations, empowered to ensure fair play, instead enabled the powerful to take over. The process, in many ways, seemed to reflect the widely held and patronising view that Afghans could not be trusted to choose their own democracy.

In the second chapter, which deals specifically with the Emergency Loya Jirga held in June 2002, Anders Fänge, who has also worked in Afghanistan since the early 1980s, provides a detailed and clear-eyed account of how the meetings were organised, from the choosing of delegates in the wake of the Bonn Agreement, to the holding of local meetings, which gave cause for hope until the national gathering took place and political dreams were trumped by factionalism and manipulation.

Two chapters deal with different aspects of the 2004 presidential elections, reflecting on the technical achievements and the political disappointments that give cause for reflection ahead of the next round of voting expected for 2014. Scott Seward Smith, a former political officer at the United Nations, argues that the 2004 presidential election – a logistical triumph against high odds – mainly served as a popular referendum on the Bonn Agreement and the country's new beginning. It was far less successful in establishing a strong base for Afghanistan's democratisation. Increasingly the main purpose of elections has become to simply uphold the constitution and in doing so to maintain the country's fragile political arrangements.

Catinca Slavu, an electoral consultant with experience in many countries, details the out-of-country vote that took place in 2004 among Afghan refugees living in Iran and Pakistan. She describes the inception, organisation and results of the programme and how it enfranchised many of those displaced by more than three decades of war: the out-of-country vote represented 10 per cent of the total votes cast. But the technical achievements were done at disproportionately high monetary costs and for the wrong reasons, thus threatening rather than enabling true democratic process to take hold.

Marvin G Weinbaum reflects on the mixed success of the UN's programme to Support Effective Afghan Legislature (SEAL). The programme aimed to bolster parliament and provide a genuine forum for representative assembly and debate – a tall order in a country riven by divisions along ethnic, sectarian and clan lines and especially, as Weinbaum spells out, when donor funding stops and starts.

Sari Kouvo, co-director of AAN and human rights lawyer with expertise in the field of transitional justice, describes the attempts of the Afghan government and its international backers to deal (or not deal) with Afghanistan's legacy of atrocities committed during the decades of conflict. She focuses in particular on the trajectory of Afghanistan's Action Plan for Peace, Justice and Reconciliation, which was endorsed by the government but never seriously implemented. And although there were small victories, the author describes the launch of the report as one of those 'Afghan moments' when a 'step forward actually resulted in a marathon backwards'.

A contribution by Shahm Mahmood Miakhel, country director for the US Institute of Peace (USIP) and former deputy interior minister and governance advisor to the UN, illustrates how interventions that are nominally aimed at long-term institution-building are often in reality guided by short-term considerations and hobbled by infighting and unrealistic planning. The author describes the Afghanistan Stabilisation Programme (ASP), which was launched in 2004 to strengthen local governance and extend the reach of Kabul's authority into the districts. He describes the programme's plan, the establishment of an inter-ministerial task force, the lack of

leadership and the all-too familiar political interference that led to only sporadic implementation on the ground.

STRENGTHENING THE SECURITY FORCES

The second section of the book covers interventions in the security sector that were broadly aimed at building the country's security institutions, while dealing with the legacy of decades of war and weapons distributions. The attempts to provide the state with the monopoly on the means of violence were complicated by the fact that they took place in the context of an on-going military conflict.

The section's first chapter is by Steve Brooking, a long-time adviser to various Afghan security institutions in Kabul and the first UK official in Afghanistan after the fall of the Taliban. It describes the early days of NATO's mission in Afghanistan, detailing the Military Technical Agreement (MTA), the initially very limited area of responsibility and the succession of early lead nations. The author argues that the early involvement of ISAF, the UN-mandated International Security Assistance Force, in Afghanistan was largely uncontroversial and that the main controversies are in hindsight – mainly over whether ISAF should have done more. It was, however, the author explains an alignment of disparate international and domestic interests that conspired to keep ISAF 'contained' during the early crucial years.

Antonio Giustozzi, long-standing researcher and author of several publications about Afghanistan, outlines the problems that have dogged the Afghan National Army (ANA) since the programme to build and train it came into force in 2002. In 'Marching in the Wrong Direction', the author describes how the initial focus on the army as a tool to re-centralise control over the periphery meant that it took years for the training to be adapted towards the army's actual tasks, as the insurgency was growing in strength. But even the remodelled ISAF training seems to have had only a limited impact, while the mentoring and partnering component has had mixed results and has in some ways resulted in greater dependency.

Former Canadian diplomat (also the first official from her country to arrive in post-Taliban Afghanistan), Eileen Olexiuk, describes the mechanics and unintended consequences of Afghanistan's Disarmament, Demobilisation and Reintegration (DDR) programme. She details how it was plagued by corruption, ended up empowering 'warlords', and did very little to effectively reintegrate former fighters – and attempts to draw lessons for future reintegration programmes, should a political solution to the current conflict be reached.

Alongside attempts to disarm and demobilise armed groups, a wide variety of new auxiliary armed groups was established, of which it was unclear whether the government would be able to control them. The initiatives, initially, tended to be modelled on idealised versions of community-based mobilisation, after which they were uncomfortably integrated into the formal police force. Mathieu Lefèvre, a former UN political officer who was based in Zabul and Kabul, describes the two subsequent community defence programmes: the Afghanistan Public Protection Programme (APPP) and the Local Defence Initiative (LDI). The two are precursors of the current, and controversial, Afghan Local Police (ALP). Although the APPP/LDI/ALP are often touted, mainly by internationals, as effective and cheaper auxiliaries to the regular army and police, they have encountered serious problems of discipline, turf wars and a general lack of oversight.

Joanna Buckley, who worked as an adviser to the EU Special Representative and as a UN political officer, discusses the Focused District Development (FDD) programme, a massive effort to reform the lacklustre police training programme, based on a new approach and with a US\$2.5 billion infusion of cash. With its focus on the district level and emphasis on sustained mentoring, the FDD presented an important and welcome shift in attitude, but it did not meet expectations. The ambitions to implement holistic reform programmes turned out to be unrealistic and were quickly abandoned; suggestions on how the programme could be altered and improved were rebuffed as unwelcome criticisms.

Finally, in his second contribution to the volume, Steve Brooking describes the attempts by the Afghan government to control the proliferation of private security companies. This culminated in a blanket ban which was revoked under heavy international pressure. The controversy illustrates a fundamental underlying disagreement between the Afghan government and Western donors with regard to the desirability of private security arrangements, as well as the tensions involved in a nominal Afghan lead that is ignored when considered impractical.

HOW THE AID ARCHITECTURE WORKED

The third and longest section of the book explores in more detail how the mechanisms of coordination and aid delivery have worked in practice. The first chapter by Anja de Beer, who worked for NGOs and the UN in Afghanistan since June 2001, details the origins of the current aid architecture – from the discussions in Washington in late 2001 when Afghanistan did not yet have a new government, to the various governing and coordination bodies set up in Kabul, each equipped with

priority areas of work but hampered by a lack of leverage, a dearth of Afghan input and far too many meetings.

The former Swedish Ambassador to Pakistan and Afghanistan and AAN board member, Ann Wilkens, brings a colourful reportage to the book in a chapter that hones in on the diplomatic wrangling over who gets to sit at the table. She describes how an agreement between the Nordic countries to share a seat in the JCMB, the main donor coordination body, in the hope that others would follow suit and the effectiveness of the board would be increased, was sacrificed to considerations of national prestige.

Nick Horne, a former UN political officer who was among others based in south-eastern Afghanistan, discusses the dual role of Provincial Reconstruction Teams (PRTs) as major development actors and a central part of the military counterinsurgency strategy. The author was impressed by the dedication of the staff in the four US PRTs he dealt with, but found the operating model of the PRTs to be 'fundamentally flawed', leading to poor value for money, corruption and no increased support for the Afghan government, despite this being one of the main aims.

Hamish Nixon, who spent five years in Kabul working on subnational governance for the Afghanistan Research and Evaluation Unit (AREU) and the World Bank before joining USIP, discusses the confusion that ensued from a proliferation of programmes on the subnational level and the conflicting lines of authority within a highly centralised government system. The author describes how the establishment of the Independent Directorate for Local Governance, meant to integrate the diverging policies and initiative, did little to solve the confusion. On the international side the 'increasingly desperate short-term counterinsurgency imperatives' contributed to a further lack of vision and coherence.

While Afghanistan is witnessing one of the fastest rates of urbanisation in Asia, the ability to respond to this growth is sorely lacking. Author, architect and long-time Afghanistan resident Jolyon Leslie describes how attempts to arrive at a national strategy for urban development have resulted in a 'tendency to present encyclopaedic wish lists'. While major problems – such as the continuing lack of basic services for large parts of the urban population and the prevalence of politically-backed land grabbing – remain unaddressed, much official energy is being spent on the establishment of a new 'eco-neutral' city.

The National Solidarity Programme (NSP) is widely acknowledged as one of Afghanistan's most successful interventions. Jennifer McCarthy, a development worker and researcher with years of experience in Afghanistan, explores what the widely acclaimed programme looks like at the micro-level. She describes the struggle

of a family in Faryab as an illustration of how Afghanistan's participatory development model has not increased the agency and access to resources of the poorest families as much as it could have, and that a greater understanding of existing coping mechanisms could help to strengthen them.

Frauke de Weijer, who worked as a policy adviser in various Afghan ministries from 2002 to 2008, takes a brighter view and describes the process of capacity building within the Ministry for Rural Rehabilitation and Development (MRRD) as an early success. The main contributing factors identified by the author – juggling of competing demands and pressures, hand-picked capable managers and advisers, creative use of the often uncoordinated donor mandates – were ultimately all related to visionary leadership. In the absence of that, the disparate capacity building programmes and initiatives are unlikely to have much lasting impact.

Royce Wiles, who has worked as a librarian with the Kabul-based think tank AREU since 2003, describes the consequences of consistently undervaluing the importance of information management in most of Afghanistan's development projects. He focuses on the attempts to foster a stronger legal system with the establishment of the Independent National Legal Training Centre, and does so through the lens of the new law library. The author discusses, among other things, trophy projects, strategic opacity, the reluctance to share information and the tendency of projects to stagnate once they are handed over.

Andrew Pinney, a statistician and natural resource expert who worked in Afghanistan from 2002 to 2006 and helped develop the country's national household survey, describes the logistical and political obstacles involved in trying to organise Afghanistan's population census, which was envisaged by the Bonn Agreement to be held before 2008. The author discusses the sensitivity of population data, as it contributes to determining the composition of the Lower House, and points out that although the current estimates are fairly credible, the population is still so much in flux that all projections based on fixed growth rates are likely to become increasingly inaccurate as time passes.

Holly Ritchie, who has spent seven years in Afghanistan working for NGOs and as an independent consultant, focuses on entrepreneurship as a tool to help the poor. The author describes how the current approaches often entail throwing money at small enterprises without considering the traditional relational context. She challenges easy assumptions that market-based growth will automatically alleviate poverty or lead to improved political governance. Taking self-help groups in Balkh and Badakhshan examples, she advocates for grass-roots initiatives that facilitate gradual social and cultural change and that lead to more-inclusive economic development.

The volume closes with two chapters that provide a longer term overview. In a chapter on the history of drug control in Afghanistan, Doris Buddenberg, who has worked on this field since the mid-1980s, including as head of UNODC in Kabul from 2004 to 2006, explores Afghanistan's crop substitution and narcotics control programmes over three decades. She notes that not much has changed in terms of strategies and policy formulations and that the main dynamics remain the same: the higher the political instability, the higher the production of opium and the lower the implementation of narcotics control programmes.

In the last chapter of the volume, Heather Barr, a lawyer who has worked in Afghanistan for five years for the UN, describes the post-Taleban history of anti-corruption efforts in Afghanistan. She introduces the various bodies and initiatives in this sector and argues that the international support for Afghanistan's anti-corruption efforts illustrates the arc of international involvement in many fields: first, gradual awareness that spurs over-reaching measures, followed by cold reminders of the limits of influence, attempts at pragmatic partnership with the government, the recognition that 'shared goals' were not shared after all and, finally, resignation.

PART I

BUILDING POLITICAL INSTITUTIONS

Thomas Ruttig

The Failure of Airborne Democracy

The Bonn Agreement and Afghanistan's Stagnating Democratisation

When Afghan delegations, representatives of the UN and interested governments met in Bonn in late November 2001 to determine Afghanistan's future, the participants acknowledged 'the right of the people of Afghanistan to freely determine their own political future in accordance with the principles of Islam, *democracy, pluralism* and social justice' (emphasis added).¹ The Bonn Agreement on Afghanistan² and follow-up accords provided for a number of key prerequisites for an open electoral process and the establishment of democratic institutions. This included a census and voter registration, the disbandment of militias, the reintegration of its members into new armed forces, and the provision of justice, particularly with regard to war crimes and human rights abuses.

This was based on the assumption that – following their bad experiences with a series of un- or even anti-democratic regimes, including those of the Soviet-supported leftist People's Democratic Party of Afghanistan (PDPA), the Mujahedin and Taliban from 1978 to 2001 – Afghans would finally be prepared to embrace a democratic form of government.

¹ Find the full text at <http://www.afhangovernment.com/AfghanAgreementBonn.htm>.

² The full name is the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions.

Indeed, this author's experience while working in Kabul during the final 18 months of Taleban rule in 2000–01 seem to support this idea: many conversations in the Afghan capital and beyond reflected the desire of Afghans of different walks of life to determine for themselves their own political future. Apart from the underground activists,³ this desire was expressed by shopkeepers, tailors, taxi drivers and young unemployed Afghans, most of whom did not belong to the educated, urban 'elite' with whom many in the West exclusively associate a desire for a democratic way of governing Afghanistan.⁴ (I concede that a number of shopkeepers and taxi drivers were intellectuals without appropriate jobs.) It also turned out that, during the early post-Taleban period during the preparations for the Emergency Loya Jirga (ELJ) in mid-2002, Afghans were not unfamiliar with democratic procedures, of course Afghan style, through tribal and community-based mechanisms like jirgas and shuras, but also Western style,⁵ and were keen to break the spell of the warlords.

It was also clear that Afghanistan could start its development towards a pluralistic democratic political system only when the Bonn Agreement was fully implemented. But it was not.

A census never took place. Voter registration was done in a way that allowed manipulation and fraud during both elections cycles of 2004 and 2005 and particularly 2009 and 2010. The Disarmament, Demobilisation and Reintegration (DDR) process harvested mainly the low hanging fruit, i.e., it left the most powerful militias virtually untouched. They were protected by their former chiefs-turned-politicians. Northern Alliance (NA) leader Muhammad Qasem Fahim, then as defence minister, kept intact units loyal to him and protected weapons depots. Current Vice President Abdul Karim Khalili even heads the government's Commission on the Disbandment of Illegal Armed Groups (DIAG), while his own militia still keeps weapons that were handed to them by US troops in late 2001.

³ In spring 2000, the author clandestinely met representatives of about a dozen underground groups and parties in secret locations in Kabul. See also: Thomas Ruttig, 'Afghanistan's Democrats: From underground into marginalisation' in *Afghanistan 1979–2009: In the Grip of Conflict* e-book, Washington, Middle East Institute 2009.

⁴ The argument that democratic aspirations are limited to 'small urban circles' is often fielded by those who believe – or have believed from the start – that a democratisation of Afghanistan was overambitious and that it should not have been attempted in the first place.

⁵ When the author, as a UN official, helped to organise the election of representatives for the 2002 ELJ, community leaders in Tagab district (Kapisa province) told him that his presentation of electoral procedures were not necessary because 'we have TV and know how this works' and the only requirement was the UN people monitoring the ballot box.

In 2006, the UN still spoke of 1,200 to 2,000 illegal armed groups with 120–200,000 members and more than 3.5 million arms throughout Afghanistan.⁶ Nevertheless, the DDR programme was declared successful and closed but was immediately replaced by the Disbandment of Illegal Armed Groups programme (DIAG). During the following ten months, Illegal Armed Groups (IAGs) were disbanded in three districts only, with 5,000 weapons submitted. During its second phase, by October 2007, less than 1,000 weapons were handed in.⁷ Since then, the pace has not picked up considerably. In 2010, a total of 71 IAGs were disbanded, 7,929 weapons collected, and 12 districts declared 'DIAG compliant'.⁸

The Bonn conference itself already had substantial democratic deficits. First, only four groups – and mainly those involved in the civil war – were allowed to participate; the NA as one of the two major civil war parties (the other party, the Taliban, was excluded) and two groups sponsored by neighbouring Pakistan and Iran. This projected the impression that only those ready to use violence to further their political aims were granted a place at the table. Even the fourth delegation, the Rome group that consisted of followers of the former king of Afghanistan and was considered to be politically more liberal, fielded some commanders. A fifth delegation with representatives from the pro-democratic underground and exile groups was, although officially invited, excluded on the day before the conference was opened.

Secondly, the chairman of the future Afghan Interim Administration had already been handpicked abroad and confirmed by the key delegation, that of the NA (led by Yunus Qanuni), which already controlled Kabul and large parts of the country. An internal pre-vote in the second-most powerful delegation, the Rome group, for its candidate for this position went against Karzai; the delegation was forced to repeat the vote under pressure from the US and the UN.

Also, the pledge that the Bonn participants 'withdraw all military units from Kabul and other urban centers or other areas in which the UN mandated force is deployed'

⁶ Muhammad Massum Stanakzai, then deputy head of the Afghan government's Commission for Disarmament and Reintegration (since 2007), during a meeting with diplomats on 4 April 2007 in Kabul; Ahmad Khalid Mowahid, 'Most irresponsible armed groups yet to surrender arms', *Pajhwok Afghan News* (11 October 2007).

⁷ In 2011, in the rather peripheral province of Ghor, there still were more than 150 IAGs, according to the *Scotsman* (17 August 2011). See www.thescotsman.scotsman.com/news/Motorbike-bandits-of-Jam-A.6819981.jp. In 2006, in Kunduz, the author saw IAGs with 'no arms' included in compliance lists.

⁸ UN Development Programme: Disbandment of Illegal Armed Groups (DIAG) Annual Project Report 2010, see www.undp.org.af/Projects/Report2011/diag/2011-03-21-%20Annual%20Progress%20Report%20of%20DIAG.pdf.

never materialised. That gave the NA a key advantage – which was reflected in the Bonn decision to award it with most key positions in the new administration: NA politicians took the ministries for defence, foreign affairs and interior and headed the intelligence service, as well as the quasi-prime ministerial Office for Administrative Affairs. This raised suspicions among Pashtuns about a ‘Northern domination’.

Such democratic deficits – or better manipulations, mainly by the US but not resisted by other governments – continued to taint the post-Bonn political process during its far-from-perfect implementation.

It started with the ‘big tent’ approach during the 2002 Emergency Loya Jirga (ELJ), developed by then US Special Representative Zalmay Khalilzad.⁹ This approach foresaw to integrate all the faction leaders into the new political set-up, so that they would not disturb it from outside – as Hekmatyar’s Hezb-e Islami and the Taliban later started to do.

Before the ELJ, Khalilzad arm-twisted the former king out of the race for the position of Afghanistan’s head of state. Former King Mohammad Zaher had returned and declared he would serve his people if they wished but as an ‘ordinary citizen’, not a monarch. Many Pashtun delegates had already signed a petition in his favour. But the US envoy, after postponing the ELJ opening for three days for ‘technical’ reasons, went public in a press conference to declare that the former king had renounced his candidacy in Hamed Karzai’s favour. The next day, a spokesman for the former king confirmed this position, with Mohammad Zaher sitting next to him stony-faced and not saying a word. (It was a clear sign of disagreement, but why he did not object remains unclear; perhaps he did not want to be seen as putting the process in trouble.) Again, pro-Zaher delegates circulated lists with signatures supporting him as an alternative candidate, but they were persuaded to give up, reportedly with a mixture of threats and financial incentives.

At that point, even the UN started breaking the agreed-upon rules for the Loya Jirga. First, provincial governors and police chiefs, who were blocked from running as ELJ representatives in the provinces where they held office (most did not want to resign as required), were allowed in through the backdoor. In a joint effort, Khalilzad, Karzai and the head of the UN’s Afghanistan mission pressured the Independent Loya Jirga Commission until it agreed to allow the interim president to appoint 50 additional ELJ members. I still remember the disbelief in the eyes of

⁹ Khalilzad was never able to dispel the impression that he wanted to become Afghanistan’s president himself (he was born in the country). In early 2009, offices had opened to support his campaign. The author talked to people engaged in the campaign who projected the impression that they were sure Khalilzad was serious.

the Afghan commissioners who asked: 'How can you, the UN, do this to us? We thought you were on our side!' (I also thought that.) When the governors got into the ELJ anyway, they immediately started intimidating delegates in the dormitories where they were accommodated according to province. What they told them was basically, 'Sure you can make use of your democratic rights of free speech to vote. But don't forget that you have to return home after the Loya Jirga.' The UN also did not prevent the Afghan intelligence service – still NA-dominated – from taking over security in the ELJ tent. The delegates understood.

Also the physical set-up of the Loya Jirga showed what the real intentions were. While the 1,500 delegates held their public debates in the big tent, in front of the TV cameras that broadcast live, decisions were actually made in a second, small tent adjacent to the main one, with restricted access. There, Khalilzad and Lakhdar Brahimi, the UN boss, arm-twisted those who still did not want to vote for Karzai and struck other deals. It was in this tent that the West started losing the hearts and minds of Afghans who had trusted it or, more precisely, the Afghans' conviction that the West had come to make Afghanistan a democratic country.

Eighteen months later, Khalilzad made sure during the Constitutional Loya Jirga that a presidential system was adopted, although a minority of the candidates (45 per cent) strongly objected. The stalemate was broken by a separate meeting of all Pashtun delegates where they were sworn in on this course, regardless of their otherwise political conviction – a move that re-ethnicised Afghan politics and created the mistrust now still prevalent amongst the non-Pashtuns. This 'victory' was achieved at the cost of a constitution that looks progressive on the surface but which, in fact, is full of loopholes and unregulated questions. These have come back to haunt the country following the 2010 parliamentary elections with an institutional crisis that, in effect, has strengthened the executive and further undermined the legislative. At the CLJ, Khalilzad and Karzai also prevented the establishment of an independent constitutional court that could have been an impartial arbiter for such internal political conflict.

These events were followed by a chain reaction. With the money brought in by the US Special Forces teams immediately after the start of the invasion on 7 October 2001, the warlords bought back the lost weapons and rehired their former fighters. (Many warlords had been kicked out of the country by the Taleban before, much to the joy of the population, or had been fighting an almost lost battle in some mountain valleys.) This gave them the power to reoccupy the areas they had controlled before the Taleban disarmed them. From there, they captured the parliament and most of the provincial councils in the 2005 elections, during which many Afghans asked how they could vote freely 'with a gun held to my head'. In many areas, local opinion leaders or competing candidates received

house visits from local armed men prior to the poll, threatening them and offering them ‘the choice’ between a Quran and a gun; sometimes the Quran was replaced by money.

Re-empowered militarily and politically, the warlords expanded their realm into the economy. The 2001 start capital, delivered by CIA teams to finance the warlords anti-Taleban offensive, was topped up considerably by the resources channelled into their still existing militias, declared illegal by law but surviving in the official armed forces or otherwise, sometimes as security companies. They now provided auxiliary forces for combating the revived insurgency. This allowed their leaders to take over surviving or newly emerging sectors of the economy: import monopolies, mining, privatising what was left of the manufacturing industry, and the real estate and the banking sectors. The drug economy, initially the largest sector by far, was replaced by the mega-contracts for military supplies and protection as well as for infrastructure projects. The access to this new milking cow was facilitated by their political positions and the use of mock ‘NGOs’ and construction and trucking companies, often owned by relatives. The seats in Parliament also brought political prestige and impunity.

In the 2004 presidential election, the West still made sure that its candidate Karzai would win. When he failed to secure 50 per cent of the votes, the coalition of the major defeated candidates was arm-twisted to relinquish a second round of voting. Afghans were not unaware of those manipulations, and this contributed to the drop in participation in the 2005 parliamentary elections from 70 (in 2004) to 50 per cent of the electorate. The Law on Political Parties was delayed until it was too late for parties to field their own presidential candidates. For the 2005 elections, party lists were ruled out and the Single-Non-Transferable Vote (SNTV) was chosen as the electoral system that favoured the better-organised warlord parties. In the newly elected parliament, factions based on political parties were not allowed. This was followed by a marginalisation of parliament itself that was either circumvented or manipulated by the presidential apparatus (and often also by the post-NA opposition). Civil society was also marginalised and political activity at universities and schools disallowed.

Human rights and civil liberties are granted by Afghan law, but they often are not worth the paper they have been printed on. Suraya Sobhrang, the almost-minister for women’s affairs, voted down by a conservative Wolesi Jirga majority in 2006, summarised the achievements of post-IEA Afghanistan:

The government is weak, corruption increases, warlords and commanders are at the top of the state, the culture of impunity continues to exist – parliament even passed a self-amnesty – and nothing happens to judicially

tackle the violence of the regimes of the past. And because there is neither security nor governmental authority outside of Kabul, many people do not attend school there anymore, women and child trafficking as well as under-age marriages flourish, sexual harassment reaches new high watermarks, and the numbers of self-immolations and suicides increase. The future looks particularly dark. In such conditions, women's rights also suffer. Yes, we have laws, but often they exist on paper only and are not implemented.¹⁰

Instead of putting Afghanistan on the way towards more democracy, the warlords – now referring to themselves as 'Jihadi leaders' – were allowed to take over not only the 'new' democratic institutions but virtually everything else that mattered in the country. Today they constitute the inner circle of advisors for an over-centralised presidential system and, because of their religious self-legitimation, are difficult to challenge politically. They simply have put themselves above the law. The president, who still ran and won on a reformist agenda in 2004, and his camp more and more morphed into just another politico-military faction with all its features, including semi-legal armed groups and participation in the illicit economy. In its ranks, late Ahmad Wali Karzai's take on elections and democracy gained the upper hand: 'The people do not like change,' he said. 'They think, the President is alive, and everything is fine. Why have an election?'¹¹ The president himself has resorted to a religiously charged language of late, during the parliamentary crisis, to assert the supremacy of the executive over the legislative.¹²

But the failure of democratisation in Afghanistan is not a problem of incompatibility of democracy and Afghans (or Muslims) in general. Neither has 'Islam', or the warlords, cut off the start in this direction, but rather the misguided policy of the West, in particular its choice of allies. Western governments did not trust the democratic hopes and aspirations of many ordinary Afghans and showed themselves unable and unwilling to step beyond their anti-Taliban alliance and to broaden the base of the new Afghan institutions beyond their factions. Although the term 'broad-based government' was often used in UN resolutions and repeated in Bonn,¹³ it mainly referred to factional participation (called 'ethnic', as if the armed factions represented the democratic will of 'their' particular ethnic groups). As a result, the

¹⁰ Thomas Ruttig, 'Women's Rights after 2001: Progress, but Much of It on Paper Only', AAN blog, posted 5 October 2011, available at www.aan-afghanistan.org/index.asp?id=2114.

¹¹ WikiLeaks, Title: 09KABUL3068, 3 October 2009 by Aftenposten.no.

¹² Martine van Bijlert, 'How to Read the Presidential Ruling', AAN blog, posted 11 August 2011, available at www.aan-afghanistan.org/index.asp?id=2009.

¹³ Bonn's 'interim arrangements' were 'intended as a first step toward the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government'.

West preferred to integrate war criminals and human rights abusers into the new system, polluting and de-legitimising it from the inside from the very beginning.

Shackled by these strategic decisions, Western governments were also no longer able to push for a full implementation of the Bonn Agreement but were being led into compromise after compromise with the allied warlords. Consequently, they pushed Karzai into a coalition with these same warlords. And this has shifted the balance (that had still been rather open by mid-2002) to the detriment of democratic actors and institutions, as it had been the case in Mubarak's Egypt or Ben Ali's Tunisia.

Today, the coalition of the old warlords and the newcomer faction around Karzai constitute Afghanistan's neo-oligarchy that is not interested in democratic institutions, procedures and democratically minded people or in a change of the status quo, politically and economically. In contrast, this coalition rather sees them as a threat to its own precarious rule.

Simply put, democratisation (or its blockade) became a matter of power and sticking to it.

Confronted with this chain reaction of corruption, predatory and ineffective governance, the loss of the initial trust amongst the majority of the population, the growing insurgency, and the US-led intervention becoming more and more counterinsurgency-centred, Western governments have completely lost sight of their initial aim of democratising Afghanistan. Now they are 'de-emphasising democracy-building',¹⁴ pushed by the desire to just bring the Afghanistan 'mission' to an end. Statements like that of President George Bush in 2006, while visiting Afghanistan for the first time, that Afghanistan's democracy was 'inspiring others, and that inspiration will cause others to demand their freedom' sound ridiculous today – and point to what little understanding this US administration had about democracy.¹⁵

Even more worrying is that Afghans' perceptions of democracy have turned from hopeful to cynical. This is the real defeat the West is suffering in Afghanistan. It will take decades for this scar to disappear and may be paid for with many Afghans turning to a more conservative, anti-Western and even xenophobic worldview. The

¹⁴ 'Pentagon Study: Change Course in Afghanistan', msnbc.com (3 February 2009), available at www.msnbc.msn.com/id/29002019/ns/world_news-south_and_central_asia/t/pentagon-study-change-course-afghanistan.

¹⁵ Steven Donald Smith, 'Bush in Kabul: Afghanistan's Democracy Inspirational', US Department of Defense (1 March 2006), available at www.defense.gov/news/newsarticle.aspx?id=15307. This was in the time when President Bush promoted the 'Broader Middle East and North Africa Initiative' as a 'forward strategy of freedom' for said region.

increased use of words like *kafer* (unbeliever) for foreigners, much beyond the Taliban sympathisers, is only one sign of this.

The fear as articulated in late 2001 by a pro-democratic politician has come true: 'Communism has failed us. Islam has failed us. What will happen if democracy also fails us?'¹⁶ Or, as another Afghan interlocutor once told the author: 'You can't drop democracy from a B-52.' Bush's airborne democratisation has failed, and Obama was already too deep in the quagmire to be able to turn it around again.

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¹⁶ Author's meeting in Kabul, late 2011.

Anders Fänge

The Emergency Loya Jirga

Hopes and Disappointments

May 2002. The inner grounds of the Sina Sports Stadium in Mazar-e-Sharif were covered by tents; hundreds of people walked around and stood talking in groups. It was the second stage of the preparations for the Emergency Loya Jirga, and representatives from the districts in the northern provinces were about to elect the delegates for the Loya Jirga that was to take place in Kabul in June 2002. The Jowzjan tent was packed with people; nervous laughter, mumbling conversations and excitement filled the air; I stood behind the group of three officials, one from United Nations Assistance Mission in Afghanistan (UNAMA) and two from the Emergency Loya Jirga Commission, who were counting the votes.

General Rashid Dostum sat opposite the group surrounded by an entourage of four men and three women. His sign on the ballot was a sun, and at the beginning of the counting, when he was behind a few other candidates, his face was pale. He stared at the paper where the votes were dotted down and did not answer when one of his companions spoke to him. After a while though, when his line of votes moved ahead and went well in front of the other candidates, he relaxed, his face returned to its normal ruddy colour, and he started to joke with the ladies sitting next to him. In the end, he received the highest number of votes; applause followed, and people moved forward through the crowded tent to congratulate him.

The outcome had been pretty evident, although it is not known to what extent it depended on vote buying, bullying and other murky methods aimed at convincing the district representatives to vote for Dostum. Presumably, he didn't need to do much of that, since he undoubtedly enjoyed a huge popularity among the Uzbeks of Jowzjan province. In any case, seeing Dostum's reaction and his pale face at the beginning of the counting, I couldn't help reflecting that this was most probably his first ever experience of anything similar to a democratic process, where, in a

situation with a secret ballot and an open count, he couldn't be absolutely certain that he would come out as a winner.

1. PREPARING FOR THE LOYA JIRGA

It was after 9/11, the US intervention and the Taleban collapse in the autumn of 2001, that the victorious parties met in Bonn and concurred on what became known as the Bonn Agreement¹. It laid down a political process over several years that officially aimed at achieving political stability, democracy and development in Afghanistan. The Emergency Loya Jirga (ELJ) was the second major step in this process – after the setting up of the Interim Authority in December 2001 with Hamid Karzai as chairman and before the Constitutional Loya Jirga (CLJ) and the elections for president and parliament.

An ELJ Commission with 21 members was formed in January 2002, supported by a secretariat composed of staff from UNAMA, and tasked with preparing the Loya Jirga, which was to have 1,501 delegates, including 160 women. Slightly more than two thirds of the delegates were to be selected in a two-stage semi-democratic process while the rest – representing groups like intellectuals, *ulema* (religious leaders), women, religious minorities and traders – were to be appointed by the ELJ Commission.

The first stage was to select between 20 and 60 delegates (depending on estimated population sizes in the districts) from among gatherings of representatives for the different population groups in each of the country's 381 districts. They were then to attend the second stage of the process – one of eight regional meetings – where the delegates to the actual Loya Jirga were to be elected through a secret ballot procedure.

It was not an easy undertaking. The country was ravaged by more than 20 years of war; state institutions were practically non-existent; the physical infrastructure was in ruins; and politics were characterised by fragmentation and tensions between different ethnic groups and armed factions – mainly symbolised by the end of the traditional Pashtun dominance and its replacement by the Panjshiri Tajiks who had been carried into power on the shoulders of the US intervention. There was an obvious risk that the process could be severely disrupted by unjustifiable attempts to influence the outcome. In addition, the decisive military and political factor in the country was the US, which saw Afghanistan as a key pawn in its global 'war against

¹ Officially titled, Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions.

terror'. In other words, the US saw its engagement in Afghanistan in the light of its own interest and not that of the Afghan people.

Still, the first two stages of the process went unexpectedly well. Many district meetings were attended by large crowds of people; the largest (in the whole country) was in Rustaq, Takhar, where roughly 6,000 participated. Some local and regional leaders attempted to manipulate the results. In some cases they succeeded, while in others they were, to some extent, countered by the presence of ELJ Commission and UNAMA staff as well as international observers. In addition, the selection of candidates was probably a reflection of the fact that, in the wake of the Taliban collapse, many commanders, as well as others who had opposed the Taliban during their reign, enjoyed considerable popular support – especially in the non-Pashto regions of the country.

2. KEY DECISIONS

The third stage of the process was the ELJ itself. In the days preceding the start of the meeting, several high-level decisions were made that were to cast a shadow over the proceedings. First, a proposal to invite the Taliban to the Loya Jirga was floated within UNAMA and possibly also discussed with other primary actors. The reasoning was simply that, in order to achieve a sustainable peace, the participation of Taliban might prove useful. However, it was rejected as unrealistic.

Another issue was the possibility that a majority of the ELJ delegates would prefer the old former king, Zahir Shah, who had returned from exile in April 2002, as the head of state. This was seen as highly contentious by the Panjshiri, who were the most powerful faction in the interim authority and who regarded the former king as a symbol for the traditional Pashtun dominated state. The problem was solved in a heavy-handed manner by the US envoy, Zalmay Khalilzad, who paid a visit to the former king and then simply held a press conference at which he announced that the king had decided not to stand as a candidate and that he instead was supporting Hamid Karzai for the post as head of state.

Still another issue was that only a few days before the start of the Loya Jirga, a previous decision that International Security Assistance Force (ISAF) would be responsible for the security at the ELJ grounds was revoked in a meeting between Hamid Karzai; Mohammad Qasim Fahim, the minister of defence; Ismael Qasimyar, the chairman of the ELJ Commission; Lakhdar Brahimi, the UN special representative to the secretary general and head of UNAMA; and General McColl, the commander of ISAF. The new decision was that security for the tent where the actual assembly would take place would be the responsibility of the Amniat-e-Milli, the National

Directorate for Security, which was controlled by the Panjshiri faction. The result was anger and frustration among many of the delegates who saw this as still another inequitable decision aimed at tilting the balance of the Loya Jirga in favour of the Panjshiri.

Finally, many of the leaders of the Mujahedin parties had chosen not to stand as candidates, presumably because they considered it to be below their dignity or because they feared losing face (and thus political status) by not being elected. In yet another last minute rearrangement, they were granted seats in addition to the 1,501 delegates originally chosen by the ELJ Commission.

The actual Loya Jirga took place in Kabul from 10 to 19 June 2002. The stated aim of the gathering was to 'elect a Head of the State for the Transitional Administration and . . . approve proposals for the structure and key personnel of the Transitional Administration'.² The meeting was inaugurated by the former king who declared his support for Hamid Karzai. A rather confusing but vigorous debate followed, where a great number of delegates brought up an equally great number of issues and suggestions, although without any decisions taken. Then Karzai was elected as head of state by an overwhelming majority of more than 80 per cent of the votes. That was obviously the easy part.

It proved to be more difficult to reach agreements 'for the structure and key personnel of the Transitional Administration', as stated in the Bonn Agreement. Intensive negotiations took place, not among the delegates but between the leaders of the different factions with Zalmay Khalilzad and Lakhdar Brahimi present. After several days of horse-trading, a preliminary list of 14 ministers was finally agreed upon. The Panjshiri faction kept a strong grip with Mohammad Fahim as minister of defence and Abdullah Abdullah in foreign affairs, while Yunus Qanooni, who had resigned from the post as minister of interior a few weeks earlier, was offered the education post. In addition, the Panjshiri control of the National Directorate for Security remained. A few technocrats were brought in with Ashraf Ghani, who became minister of finance, as the leading figure. Rashid Dostum was left without a minister post.

However, the question of whether the Loya Jirga approved the list of ministers is doubtful. On the last day, Karzai held a speech in which he presented the list after which he suddenly looked out over the assembly and asked for its approval. A few

² United Nations, 'Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions' (otherwise known as the 'Bonn Agreement'), section IV.5., available at <http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>.

moments of confusion followed. Some delegates raised their hands, others stood up and tried to get their voices heard, while the majority appeared to be merely bewildered. 'Very good', Karzai said, 'The list is approved.' And that was it.

3. THE LEGACY OF THE ELJ

The two first stages of the ELJ process (the district and regional meetings), while being far from ideal, showed the potential, willingness and ability of the Afghan people to, in a responsible manner, influence the future of their country. Hundreds of thousands participated in the meetings in a spirit of hope and optimism, and one can claim that this represented, at the time, the most democratic process in Afghan history to date.

However, the third stage or the Loya Jirga, the actual meeting, proved that the Afghan political leaders and the international community, chiefly represented by the US and UN, preferred to go for short-term stability, to more or less maintain the status quo and, with a few exceptions, to avoid treading on the toes of any of those who already enjoyed positions of power. Consequently, matters like democracy and human rights were not taken seriously and were, at the most, paid lip-service. The time allocated for the assembly was far too short to provide for any meaningful procedures involving the delegates and, in that sense, the whole exercise was in line with the quick-fix mentality that had begun with the Bonn Agreement.

Although virtually all groups felt they had reason to complain, the ethnic group that perceived itself as the most victimised was the Pashtuns, and quite a few left the meeting in protest before it ended. It is not inconceivable that this was the most fateful and long-term result of the Loya Jirga – that it undoubtedly played a part in facilitating the violent return of the Taliban.

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Scott Seward Smith

The 2004 Presidential Elections in Afghanistan

Institutions are stable, valued, recurring patterns of behaviour.

– Samuel Huntington

1. INTRODUCTION: THE POLITICAL PURPOSES OF THE 2004 ELECTION

The Afghan presidential election in 2004 generated considerable popular enthusiasm despite the fact that its results were largely considered to be pre-determined in favour of interim President Karzai. Participation was about 70 per cent (of which 40 per cent were women) with Karzai receiving 55.4 per cent of votes despite having more than 17 other candidates on the ballot.¹ The next highest vote-getter was Yunus Qanuni, with 16.3 per cent.

The primary political importance of this election was not the selection of the president. Rather it served as a de facto popular referendum on the Bonn Agreement² and as a sign that this political process would continue with the endorsement of the population. The elections also should have begun to yield a solid

¹ Two of these candidates backed out of the contest in the weeks before the vote, asking their supporters to vote for Karzai. Their names nonetheless remained on the ballot.

² The 'Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions', Bonn, Germany, 5 December 2001.

foundation upon which to build the institutions required for democracy,³ which was the end point of the Bonn process. The poll succeeded as far as the primary purpose was concerned – the millions of voters who risked violence to vote, thus expressing support for a new beginning across a broad range of communities. It was, however, far less successful in establishing a strong base for Afghanistan’s ongoing democratisation.

In line with the purpose of this collection, this paper will briefly highlight the areas where the international community can learn from the past and avoid repeating its mistakes in the future. The focus will be on the political function of the election within the transitional process – the point where the election ultimately failed. The technical details of the 2004 Afghan presidential election have been covered well enough in other papers⁴ and were, for the most part, handled well. Where logistics failed were mostly where operations were put at risk by political decisions that ignored their complexity.

2. A NOTE ON LOGISTICS

While this paper does not provide details on the logistical aspects of the election, two broad points on the topic are worth noting. First, every election held in Afghanistan – in 2004, 2005, 2009 and 2010 – has been a logistical triumph against high odds. And in each of these elections a political crisis has overshadowed the operational successes, a fact that has often been overlooked. The success in 2004 was particularly notable, because at that point it was not clear that elections could actually be held under such conditions. The Afghanistan Research and Evaluation Unit called it a ‘near-impossible task’.⁵

Second, in any election, logistics and politics are ultimately inseparable. Political credibility depends in large part on logistical capability. Too often, however, policy-makers and donors minimise the complexities of logistics and push for policies that hinder the logistical operation and therefore put the credibility of the election at risk. In

³ As in the opening quote by Samuel Huntington, *Political Order in Changing Societies*, New Haven and London, Yale University Press 1968, 12.

⁴ Including in this collection, where other essays are devoted specific processes such as the voter register and out-of-country voting; additional documentation is available from, eg, International Crisis Group, ‘Afghanistan: From Presidential to Parliamentary Elections’, *Asia Report No.88*, Kabul/Brussels, 23 November 2004; and Andrew Reynolds and Andrew Wilder, ‘Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan’, Kabul, Afghanistan Research and Evaluation Unit, September 2004.

⁵ Reynolds and Wilder, ‘Free, Fair or Flawed’, 1 (see FN4).

2004, for example, the late political decision to hold out-of-country elections greatly complicated the in-country process.⁶ The insistence – for political reasons – to adhere for as long as possible to a manifestly impossible June date for elections undermined planning. Similarly, the decision – discussed below – to only begin drafting the electoral law after the constitution had been approved significantly reduced the time available to draft the electoral law and organise the logistics of the election.

3. THE TIMING OF THE CONSTITUTION AND ELECTION

The presidential election – Afghanistan’s first full-suffrage election for a head-of-state – was alien to Afghan history but integral to the future promised by the Bonn Agreement. It was therefore essential for the election to be part of a process in which the underlying purpose was to replace the politics of violence with politics rooted in law. Unfortunately, the basis of that law – the constitution – played a major role in undermining the ongoing democratisation of Afghanistan’s politics.

There is a well-established academic debate on the sequencing of elections and constitutional processes in post-conflict situations. The Bonn Agreement had established that the constitution would be drafted prior to the elections. This did not require, however, that the drafting of the electoral law follow the adoption of the constitution. In fact, a debate took place within the international community early in the process about whether to hold the 2004 election according to a ‘one-off’ electoral law drafted prior to the constitutional process or to wait for the constitution to be ratified and then draft the electoral law.

Proponents of a one-off law tended to be the election specialists who considered the Bonn timelines – with elections taking place six months after the constitution was ratified – highly unrealistic. They advocated that the electoral law be drafted first, according to a consultation process among the main political actors, with the understanding that the law would apply only to the first elections and that subsequent elections would be held under a new law drafted according to the constitution.

This proposal was rejected. Drafting of the electoral law did not begin until the constitution was adopted and naturally had to follow the provisions of the constitution. Unfortunately, the latter set timelines and terms that continue to affect

⁶ Among other things, it contributed to the malfunction of the indelible ink. The last-minute arrangements to provide ink to polling centres in Pakistan and Iran resulted in different applicators and created confusion.

Afghan elections.⁷ In particular, the 2004 constitution created democratically-elected district councils but put the elections of these local bodies on a different cycle (every three years) from that of provincial councils (every four years) and of the Lower House of the legislature, the Wolesi Jirga, (every five years). This not only meant that there would be 13 elections scheduled in a 20-year cycle, but the implementation of the constitution also meant that the composition of the Upper House, the Meshrano Jirga, would effectively never be stable. A general rule of thumb in designing electoral systems in post-conflict situations, especially in countries with a scant electoral tradition, is to privilege simplicity over complexity. Constitutional designers, however, tend to be tempted by the lure of ‘political engineering’ – the designing of intricate systems to deliver desired political outcomes such as ethnic coalitions, the development of national political parties and the undermining of powerful individuals. While it is certainly true that some governing and electoral systems tend to produce these outcomes while others impede them, there is always the risk that such systems become too complex and generate unexpected consequences. Local political actors do not always interpret incentives in the way intended by well-meaning election engineers, while the complexity of the engineering complicates the implementation of elections.

4. THE ELECTORAL INSTITUTIONS

The elections were planned and implemented by a Joint Electoral Management Body (JEMB) made up of six Afghan members appointed by the president and five international experts selected by the UN Special Representative of the Secretary General (SRSG). This hybrid body was created to address, on the one hand, the lack of Afghan capacity in running elections and, on the other, the need for the elections to have Afghan ownership. Under the initial conception, the JEMB would oversee a technical secretariat whose managers were all internationals. Following the successful conclusion of the Constitutional Loya Jirga (CLJ), a decision was made to use the CLJ staff during the elections, pairing them with international managers, so that they could gain experience. The concept was not always easy to implement, given that the roles and responsibilities of the Afghans and internationals were never entirely clarified. The United Nations was worried that in the end it would be held

⁷ The government established by the 2004 constitution was similar to that of the 1964 constitution: a bicameral legislature, with the Lower House elected and the Upper House made up of partly-elected and partly selected members. In 1964, the Upper House was also made up of equal thirds: one-third selected by the king, one-third elected by provincial constituencies, and the remaining third comprised of the chairmen of the provincial councils.

responsible for a process over which it had no final authority. This did not turn into as big an issue as it might have in 2004, but it resurfaced with a vengeance in 2009.

On election day, 8.1 million votes were cast in Afghanistan, of which 40 per cent were by women. The estimated turnout was 70 per cent of registered voters. In addition, approximately 260,000 Afghan refugees in Iran and 590,000 Afghan refugees in Pakistan also voted. The unfortunate problem with the indelible ink gave the opposition a perfect pretext to do what they had previously announced they would do anyway – boycott the election. The list of grievances they presented, some of which were legitimate, resulted in the creation of an independent panel of international experts to examine complaints. The decisions of this panel did not fundamentally change the outcome, though it arguably undermined the JEMB, which at that time had the authority to adjudicate complaints. This international panel was the embryo of what was later codified in Afghan law as the Electoral Complaints Commission (ECC). In subsequent years, the half-international JEMB would become the all-Afghan Independent Electoral Commission (IEC), and the all-international panel would become the all-Afghan ECC.⁸ In this way, the institutional roots set in 2003 evolved into what they now are.

5. THE POLITICAL ENVIRONMENT

Many, looking back, assert that there was a moment in early 2002 when the so-called ‘warlords’ might have been abruptly excluded from power and a new generation could have begun to build a new state. Correctly or incorrectly, UN SRSG Lakhdar Brahimi and US Ambassador Zalmay Khalilzad did not see the situation in that way. Their policy was, in general, to accommodate the warlords, while at the same time seeking to diminish their de facto power. As Khalilzad wrote recently: ‘The United States favoured a phased transition that accommodated powerful political figures while helping Afghans to build a political system that would require these forces to play by a new set of rules.’⁹ Often, in practice, this meant giving them positions in the administration in Kabul while seeking to distance them from their bases of power. This was an understandable position in the short term, because these figures had the power to restart fighting if they were not accommodated. Less well managed, however, was the articulation of a moment of real transition, when accommodation began to end and enforcement of the rules began to apply.

⁸ The February 2010 electoral decree removed the legal requirement that three-fifths of the ECC be internationals.

⁹ Zalmay Khalilzad, ‘Lessons from Afghanistan and Iraq’, *Journal of Democracy* 21 (July 2010): 3.

Rather than being a signal event in a process leading to the legitimacy of the government, the 2004 presidential election was merely an event. Politically, it consolidated the formal authority of President Karzai that had been gained by political consensus at Bonn and at the Emergency Loya Jirga in 2002. Whatever the flaws of the 2004 election, Karzai's victory with more than 50 per cent was probably a fair reflection of the popular will.

What the elections failed to do was advance the institutionalisation of politics. In the most basic terms, such a process means forcing political actors to play according to the rules – as Khalilzad correctly noted – such that the use of violence to resolve political conflicts is reduced. This is no doubt a tall order, requiring years if not generations. It might have been advanced further than it was, however, if the international community had used its moment of strength and its credibility with President Karzai in the early years after the Bonn Agreement to apply greater pressure on political actors who were manifestly breaking the new rules. The successful efforts to remove Ismail Khan from Herat and General Dostum from Mazar were two examples where this sort of pressure seemed to work. It was not consistently applied, however, and not followed up. The process of institutionalisation is more than anything a question of setting and enforcing incentives, both positive and negative. After 2004, the ad hoc incentive structure that emerged, largely with the complicity of the international community, and which confronted Afghan political actors, was antithetical to institution building.

6. CONCLUSION

As an event the election was a success. As the International Crisis Group noted, 'Despite widespread misgivings, the presidential elections succeeded beyond most observers' expectations.'¹⁰ To the extent that it was a proxy for a referendum on the Bonn Agreement, the enthusiasm and high turnout indicated that Afghans supported the nascent transition.

As a vehicle of advancing that transition, however, the elections were less successful. Since the election was treated more as an event, a 'punctuation point in a peacekeeping mission',¹¹ insufficient attention was paid by Afghans and the international community to building and sustaining key electoral institutions. Despite

¹⁰ International Crisis Group, 'Afghanistan' (see FN4).

¹¹ See Ben Reilly, 'Elections in Post-Conflict Societies' in *The UN Role in Promoting Democracy: Between Ideals and Reality*, eds Edward Newman and Roland Rich, Tokyo, United Nations University Press 2004, 118.

their high cost, the political value of elections was short-term: elections happened, but democratisation did not follow. It is unfortunate that one of the main factors now driving the insurgency is the disconnect between Afghans and their government – precisely the problem that the democratisation process was designed to address.

Finally, it is sobering to watch, in the shadow of the 2010 parliamentary elections, the debate over elections in Afghanistan begin its sad traverse towards the conclusion that in Afghanistan elections undermine democracy.¹² Instead of promoting democracy, elections increasingly serve only one purpose – to maintain the constitution. Whatever the flaws of that document, and however weakly it is enforced, it holds Afghanistan's political class together. Not to hold elections would be to effectively break the political arrangement that prevents the country from sliding into total civil war. And so elections are held, despite the greatly deteriorated security situation, increased corruption and the manifest weaknesses of the Afghan institutions responsible for organising and securing them. Elections have essentially become a means of securing and freezing in place a fragile political settlement, rather than an instrument to expand political representation.¹³ In this inversion of the role of elections, one can sense the great disappointment of Bonn.

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¹² See, for example, 'Not Exactly a Ringing Endorsement: Another Year, Another Rigged Vote' *The Economist* 396 (23 September 2010), which describes the 2010 parliamentary elections as 'a vote to set democracy back' and quotes Dr Abdullah, the 2009 runner-up, as saying that 'Democracy is already damaged.' See also Dan Murphy, 'Are Afghanistan Elections Hurting Democracy?' *Christian Science Monitor*, Global News Blog (21 September 2010) available at www.csmonitor.com/world, and Aryn Baker, 'Afghan Elections: Corruption Could Again Thwart Democracy', *Time* (21 September 2010).

¹³ Though, as Noah Coburn and Anna Larson have documented, at the local level elections do serve to reconfigure patterns of representation. See 'Voting Together: Why Afghanistan's 2009 Elections Were (and Were Not) a Disaster', Kabul, Afghanistan Reconstruction and Evaluation Unit 2009.

Catinca Slavu

External Voting for Afghanistan's 2004 Presidential Election

Extending the franchise beyond national borders is an increasingly common feature of electoral processes, as it is thought to enhance the legitimacy of these processes and the institutions they create and, in the case of refugees, to promote their return. As with the electoral process in its entirety, an external franchise is therefore both a means and a measure of democracy and state building. It was in this context that Afghans displaced by the conflict in Iran and Pakistan were enfranchised in Afghanistan's first transitional election, the 2004 presidential election. This paper documents the inception, organisation and results of the programme established to enable the external franchise.

1. POLITICAL, INSTITUTIONAL AND LEGAL FRAMEWORK

In 2004 there were a few million Afghans displaced in neighbouring Iran and Pakistan (1.1 million and 1.4 million, respectively)¹ and comparatively smaller numbers in Tajikistan as well as Australia, Europe and North America. The decision to include

¹ According to the government of Iran, approximately 1.1 million Afghans above 18 years old were registered as refugees in Iran and were as such deemed eligible to vote. According to the United Nations High Commissioner for Refugees (UNHCR) and the government of Pakistan, 1.45 million Afghans of voting age were residing, mostly in refugee camps, in Pakistan.

those in Iran and Pakistan in the presidential election was made formally on 30 May 2004 by the Joint Electoral Management Body (JEMB) – the electoral administration institution composed of the Interim Afghan Electoral Commission (IAEC) and the UN Mission in Afghanistan (UNAMA) – based on an assessment carried out jointly by the JEMB and UNAMA in the two countries.² Limiting the franchise to Iran and Pakistan was determined for reasons of cost effectiveness. This was also consistent with the fact that Afghans in Iran and Pakistan had been included in the Emergency Loya Jirga (June 2002) and the Constitutional Loya Jirga (December 2003) elections.

The decision to go ahead with external voting appears, however, to have had little to do with state building. Discussions about an external voting programme had started in January 2004, and the JEMB made a first favourable decision on 12 April 2004. However, lack of funds,³ fluid negotiations with Pakistan on the scope of the programme and the JEMB and UNAMA's concerns regarding an ever-shrinking timeframe took the programme informally off the table in May. As Interim President Karzai's popularity was ebbing, it was the expectation that the overwhelming majority of Pashtuns among the Afghans in Iran and Pakistan would vote for Karzai;⁴ this led Karzai to request on 23 June 2004 that JEMB include Afghans in Iran and Pakistan in the presidential election. The reasons for the decision were reflected in the text of the JEMB decision of 30 May 2004, which states that '[t]he decision to proceed with out-of-country registration and voting is based on political concerns rather than technical considerations.'⁵ At the time, the presidential election was scheduled to take place in September 2004, leaving a mere two and a half months for the organisation of the external vote (in the end it took place on 9 October 2004).

As the JEMB was well aware, technical considerations were not to be underestimated: under a restrictive timeframe and uncertain cooperation from the

² The assessment was carried out in March 2004 in Pakistan and April 2004 in Iran. UNHCR and the UN Development Programme (UNDP) participated in the assessment mission.

³ It had been estimated that an external voting programme would cost approximately US\$19.1 million (\$15 million for Pakistan alone was initially forecast in the assessment mission report). At that time sufficient funds were not available even for the preparation and conduct of the in-country election. (At the end of June 2004 donors were requested to provide US\$101 million for both in- and out-of-country operations, but commitments were not immediately followed by transfers.)

⁴ According to the assessment report, the government of Iran's refugee registration figures of 2001–03 indicated that, of the Afghan population in Iran, two-thirds were Tajik or Hazara (35% and 33%, respectively) and 15% Pashtun. According to a UNHCR survey of 2002, the Afghans in Pakistan were 78% Pashto-speaking.

⁵ Decision no 17 of the JEMB on out-of-country voting of 30 May 2004, available at www.iec.org.af/Public_html/index.html (accessed 30 August 2010).

host countries, especially Pakistan, the risk of failure loomed large. For these reasons, JEMB and UNAMA had already decided to sub-contract the process, should it materialise, to an organisation with relevant expertise. The International Foundation for Electoral Systems (IFES) and the International Organization for Migration (IOM) were contacted in April 2004 and requested to submit a proposal for a concept of operations.

External voting outside embassies, as in this case, requires the agreement of the host government in order to take place. Negotiations with Iran and Pakistan had been initiated by UNAMA in June 2004 and a Memorandum of Understanding (MoU) was signed by Afghanistan, Iran and UNAMA on 12 July 2004, according to which only Afghans recognised as refugees by the Iranian state were to be granted the franchise. Negotiations with Pakistan, however, progressed with particular difficulty: Pakistan demanded that the Wolesi Jirga elections take place at the same time as the presidential election and that Afghans in Pakistan vote in both elections. Pakistan also refused to accept that IOM be entrusted the programme and requested access to the voter data to be collected. Eventually UNAMA muted these claims and a similar MoU was signed on 20 July 2004, specifying that Afghans older than 18 at the time of the election who arrived in Pakistan after 1979 were to be enfranchised. IOM was consequently contracted the following day to organise the Out-of-Country Registration and Voting Program for Afghanistan's 2004 presidential election, with IFES providing the programme's two top managerial positions.⁶ IFES was also responsible for starting up the programme, including the definition of the concept of operations, from the end of June to the end of July 2004.

The process was governed by the Constitution of Afghanistan, the Electoral Law and the Voter Registration Decree and was to mirror the in-country process as much as possible. The JEMB was overall responsible for the programme.

2. ORGANISATIONAL AND OPERATIONAL FRAMEWORK

In conjunction with the MoU negotiations, IFES and IOM developed the concept of operations. A first version, requiring 120 days to Election Day and including a three-week registration period in Pakistan, became unworkable by the end of June and was adjusted to 90 days. Protracted negotiations with Pakistan and consequent delays in

⁶ Through the MoU signed between UNAMA and IOM on 21 July 2004, IOM was granted the authority to conduct the programme on behalf of the JEMB and UNAMA. Funding for the programme was guaranteed in the Letter of Agreement signed between UNDP and IOM on 22 July 2004.

funding imposed a further adjustment approved on 12 August 2004 by the JEMB: a three-day registration period followed by two days for challenges to the voter list in Pakistan, and voting only based on Iran's register of Afghan refugees. Voting was to take place on the same day as in Afghanistan (9 October 2004).

With all agreements in place, headquarters for both countries were established in Islamabad. The location of the programme's facilities was decided based on demographics, with the aim to facilitate as broad access as possible while taking security and logistical aspects into consideration. In Pakistan, the initial plan to cover all refugee camps and the urban areas with sizeable concentrations of Afghans had to be adjusted due to a combination of security and timeframe-related logistical concerns. This resulted in limiting coverage to the recognised and accessible camps as well as urban areas in Balochistan and the North West Frontier Province (NWFP). Two regional offices were established in Quetta and Peshawar, and the operation was later expanded to cover Islamabad, too. Iran was also considered a regional office, with coverage limited to the provinces of Esfahan, Kerman, Mashhad, Qom, Shiraz, Tehran and Zahedan. A small liaison office was set up in Kabul to facilitate communication with the JEMB/UNAMA.

Nevertheless, despite formal agreements, arduous negotiations continued with both countries as these delayed granting of visas to programme staff for many weeks, further hampering the already dangerously compressed timeframe.⁷ Additional hindrances came with the request by Iran to receive names of all local programme employees and by Pakistan to receive voter data. Moreover, Pakistan continued to press for coverage to expand to Karachi and Lahore, which was impossible for both reasons of sheer logistical and some security considerations. By September 2004, cooperation was secured with assistance from UNAMA, and the programme was finally able to operate smoothly.

September also brought further revisions to the concept of operations when it was determined that Iran's refugee roster was unsuitable to serve as voter register. This led to an auspicious change in the eligibility policy: upon negotiations with Iran, voter eligibility was expanded from those with refugee status only to all Afghans legally residing in Iran. Under this last concept of operations it was anticipated that approximately 85 per cent of the Afghans legally in Iran and 50 per cent of all Afghans in Pakistan would be covered.⁸

⁷ At its extreme, this resulted in field offices in Iran being functional only 30 days before Election Day.

⁸ It was impossible to estimate the total number of Afghans in Pakistan who had arrived there after 1979.

In Pakistan registration took place between 1 and 4 October 2004 in gender-segregated stations to which successful applicants would return to vote on Election Day. The addition of the fourth day of registration, which reduced the challenge period to one day, constituted the last amendment to the concept of operations.⁹ A total of 737,976 Afghans were finally registered, of which 28 per cent women.¹⁰

In the absence of identity documents, in-country procedures were followed: eligibility was determined by Afghan registration staff based on identification documents or interviews, and registration slips were issued to successful applicants.¹¹ In order to prevent multiple registrations, successful applicants' right hand index was dipped in ink (as the left hand was to be inked during voting both in- and out-of-country). Afghans already registered in country were allowed to register again, given the precarious security situation in the border area inside Afghanistan. A major improvement to in-country procedures was the creation of a hand-written voter list for each polling station, a measure meant to prevent fraud as only those found on this list were allowed to vote. While initial concerns that large numbers of Pakistanis would register did not materialise, under-age registration was identified by both observers and programme audits as the main irregularity. In most cases this was caught in verification interviews before the completion of the registration process, but it was acknowledged that in the absence of identity documents it was difficult to always assess eligibility correctly.

Polling took place on 9 October 2004 in both countries, concomitantly with Afghanistan. Overall out-of-country turnout was registered at 846,776 voters – 590,732 in Pakistan (approximately 80 per cent of those registered to vote) and 256,044 in Iran.¹² Female turnout was 29 per cent in Pakistan and 40 per cent in Iran (averaging 32 per cent for both countries). Female turnout in Iran was considered a

⁹ The decision to extend registration by one day in order to maximise access was made and communicated on the last day of the initial registration period (3 October). Approximately 24% registered on the last day.

¹⁰ The reported 33% female registration rate inside Afghanistan was rather controversial with allegations of proxy registration disguised as female registration in conservative areas. Given the controversies surrounding female registration inside Afghanistan, the out-of-country ratio could be considered more accurate, indicating a more genuine registration process.

¹¹ As timeframe restrictions did not allow for photographs to be taken, thumb prints were used instead.

¹² Following the audit undertaken in the count centre in Kabul, 818,189 (valid and invalid) votes were retained for the calculation of results in the election from abroad (577,776 in Pakistan and 240,413 in Iran). This was due to the exclusion from the count of 46 ballot boxes, mostly due to ballot stuffing.

remarkable achievement given that the ratio of Afghan women to Afghan men in Iran was 40 to 60 per cent.

In Iran a skeleton voter list was created on the Election Day itself, representing a policy differentiation compared with Pakistan, although this was justified given the availability of documentation in Iran. Unlike in-country, relatively few irregularities were reported by either observers or programme audits, the main of which was voting by Afghans registered inside Afghanistan in one area in Balochistan close to the Afghan border and a few instances of ballot stuffing. In another major improvement to the in-country process, in Pakistan voters' fingers were dipped into indelible ink to prevent multiple voting.¹³ Sealed ballot boxes were flown to Kabul for counting.

The process was facilitated by a comprehensive voter information and education campaign and by the large number of Afghans and internationals engaged alongside Iranian and Pakistani staff.¹⁴ The eventual cooperation of the host governments, in particular in the areas of security provision – although against stipends – enabled a relatively smooth operation, ultimately allowing the provision of the franchise altogether.

3. RESULTS

The external vote represented 10.6 per cent of the entire election, with Hamid Karzai as the winning candidate in Iran at 44.4 per cent (a narrow victory over Mohammed Mohaqiq, who won 44 per cent) and in Pakistan at 80.2 per cent.¹⁵

4. COST AND EFFECTIVENESS

¹³ Inside Afghanistan in many areas, ink pens were used to mark voters' cuticles and were widely reported to have failed to prevent multiple voting. In Iran some confusion was reported in relation to the use of indelible ink as the bottled ink requested by the programme was replaced with ink pens by the JEMB.

¹⁴ In total, more than 21,000 staff members were recruited. This included 180 international and 250 national core staff; 1,241 community mobilisers; and 11,706 and 8,252 registration/polling officials. The gender and ethnic distribution strived to follow demographic ratios, and 95% of the polling officials were Afghan.

¹⁵ Mohammed Mohaqiq, who came in third overall, maintained his second position in Pakistan, too, winning 8.2% of the votes cast there. Yonus Qanooni, who won the second most votes overall, came in third out-of-country, with 5.6% of the votes in Iran and 3.8% in Pakistan.

The cost of the programme was estimated at US\$26.7 million, including a possible run-off. In the absence of a run-off, the final spending of US\$24,289,322 can be considered over-spending. Certain cost increases were justified, such as those for sub-contracting logistic services in order to expedite preparatory work and those for seconding international staff to the Kabul-based count centre and to the Complaints and Appeals Unit (an ad-hoc expert panel set up in Kabul to investigate allegations of fraud in country). However, over-spending was also due to expenses that cannot be easily justified, such as excessive transportation expenses and the failure to control over-spending by the logistics contractors.

5. CONCLUSIONS

From a purely technical perspective, Afghanistan's 2004 external voting programme can be considered successful on most accounts, especially considering the significant challenges posed by the short timeframe in which it had to be organised and by the deficient cooperation received from the host countries. Granting the franchise to a large number of refugees (10 per cent of the total electorate) in a procedurally fair manner, as externally observed and internally audited, did help maintain on track an in-country election marred by a faulty and unsustainable registration process and rather wide-spread irregularities at the booth. Avoidable over-spending and financial control and accountability shortcomings did not undermine the overall accomplishment.

From the broader perspective of state building, however, the external voting process shows much less favourable results. The goal of state building would have been achieved by a genuine intention to enable those displaced by the conflict into Iran and Pakistan to contribute to the building of their national institutions and enhance their prospects of returning to their country. Nevertheless, the process through which the decision to allow the external franchise was made reveals a less noble scope: that of boosting the chances for the election of the candidate representing the ethnic group that constituted the majority of those displaced in Iran and Pakistan, Hamid Karzai. The external voting process should therefore be judged from the perspective of how it not only failed to enhance the legitimacy of the presidential election but ultimately even compromised it.

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Marvin G Weinbaum

Toward a More Effective Parliament?

The UNDP/SEAL Project

An elected parliament was expected to be one of the cornerstones in rebuilding an Afghan state committed to achieving representative democracy. The bicameral body established by the 2004 constitution was intended to contribute to a system of checks and balances in a presidential form of government designed for a strong executive. While providing executive oversight, the parliament would also give the Afghan people a direct channel to national policy makers and provide for open discussion of public issues. An accountable and transparent body was expected to build respect for the institution, encourage national solidarity and engender popular confidence in a central government.

Determined to help equip the new parliament for its constitutional role, the UN Development Programme (UNDP) sponsored a project aimed at establishing a fully operational and effective parliament, able to serve as a representative assembly befitting a modern constitutional democracy. Toward that end, and with donor countries and other partners, the Support Effective Afghan Legislature (SEAL) project was launched in February 2005.¹ It aimed to build the capacities of members of parliament and their staffs for their legislative roles through a variety of programmes providing both houses the necessary legal, technical, informational and physical infrastructure.

¹ Partners include USAID, the State University of New York, the UN Fund for Women and the National Democratic Institute.

In 2008 a second phase of the SEAL project was undertaken in an effort to build on its technical and material contributions as well as experiences gained in working with the parliament's members over three years. This phase was designed to take the project into new areas, including assistance in drafting laws and strengthening links between the parliament's members and constituents. It was also intended to improve the body's capacity for oversight of the country's executive branch through legislative hearings and support for standing committees.² In seeking to influence parliamentary cultural and behaviour, SEAL II's programmes were potentially more sensitive as they addressed legislators' conduct and cooperation, the needs of women members and relations between the parliament and the president.

1. CHALLENGES

The parliament that was elected in August 2005 and that first convened in December 2005 contained a highly disparate membership. As many as 80 per cent of the 249-member Lower House (Wolesi Jirga) consisted of former Mujahedin fighters, warlords and local power brokers. The rest included intellectuals, ex-communists and women, most of who were elected by virtue of a reserve quota of approximately 25 per cent of the seats.³ Very few were acquainted with legislative procedures or could be expected to appreciate their parliamentary role. Many had little or no education.

The unsavoury and traditionalist reputations of many of those elected posed a challenge to creating the kind of parliament envisioned by its international supporters. Personal and partisan animosities were thought likely to cause difficulties, as were ethnic divisions among members. The participation of women in the legislature was expected to be unacceptable to many male legislators.

In getting members to work together there was the challenge of organising an undisciplined membership. Those elected to the more important Lower House had been discouraged from contesting the election under the label of political parties. The choice of the single non-transferable voting system (SNTV), making the great number of legislators answerable to only small numbers of voters, promised a further obstacle in building legislative majorities in the parliament.

Seeking to overcome the effects of an atomised membership, the Lower House's rules allowed for recognition of legislative political groupings of at least 21 members

² See 'Support for an Effective Afghan Legislature (SEAL II)', Annual Project Report 2008, United Nations Development Programme, 5.

³ 'Afghan Parliament: Expectations, Challenges, and Opportunities', Institute for Policy Studies (IPS), Islamabad (20 July 2010), 12.

provided they were not organised by ethnicity, language, region, sect or gender. Once formed, these groups were expected to compensate for the absence of authorised parties. Their leaders would set the legislative agenda, mobilise members and ensure quorums. But it soon became apparent that in a body of mostly independently elected and independently minded legislators, it would be difficult for members to form and maintain political affinity groups.

If less directly, the challenge for SEAL was also to assist members in fulfilling the expectations of constituents. Voters would look to those they elected to attract resources and satisfy grievances, including those against corrupt local officials. Many people saw in a strong parliament and president an opportunity to strip warlords and other local notables in the regions of their grip on power. But the project's success was always also likely to be directly impacted by the country's deteriorating security environment. Aside from the challenge for members to travel safely to their provincial constituencies, they would face personal dangers in Kabul and possible disruption of their proceedings.

2. PERFORMANCE

The verdict on the parliament's performance and SEAL's contribution is a mixed one. By some measures, legislators have performed reasonably well. Most members took their legislative roles seriously. The parliament has managed to approve a number of important executive-initiated pieces of legislation and has not shied away from asserting executive oversight. The parliament particularly relishes its vetting of cabinet members. It regularly provides a forum for free and lively debates, even if they sometimes lack relevance to the main issues facing the country. Many of the members appear to have at least a basic understanding of the role of media and how to use it to communicate with their constituents and the public.

Members have not been as confrontational as many had feared and frequently vote across factional divides. Even when debating highly contentious issues, they usually adhere to the procedural rules and refrain from personal attacks. Understanding and respect for women members has improved, if only slowly. Although splits along tribal, ethnic and sectarian lines are visible, they have not hardened into conflicting parliamentary blocs.⁴ In general, members have found it difficult to join together to form stable parliamentary groups because of diverging, cross cutting interests and a

⁴ 'Afghan Parliament' (see FN3).

lack of trust between members and leaders. Parliamentary leaders are often seen as failing to consult and using their positions for personal benefit.⁵

The most visible parliamentary division exists over members' willingness to support the government. The Lower House roughly breaks into three blocs: those who vote with the executive on a fairly regular basis, a roughly similar number who usually stand in opposition to the president, and another as large bloc whose loyalties are regularly shifting. But even among those who generally back the executive, their support is far from assured.⁶ As the government became increasingly unpopular and as the 2010 parliamentary elections approached, the tendency of members to distance themselves from the president became increasingly evident.

In general, legislators are dissatisfied with their achievements over five years. Many members of the popularly-elected Lower House feel frustrated that they have not done enough to meet the expectations of supporters. They complain of their lack of personal and institutional capacity to monitor government offices, particularly those whose leadership is not voted on by parliament, such as the Independent Directorate for Local Government, the High Office of Oversight and Anticorruption, and the National Control and Audit Office. Legislators have blamed the president and his representatives for disrespecting and bullying the parliament. They cite lack of consultation by the executive, criticise the president's decrees and share the public's unhappiness with the implementation of laws. Legislators also frequently use the parliament to express popular discontent with an international presence perceived as intrusive. In an increasingly unfriendly political atmosphere, the motives of SEAL advisors are sometimes questioned.

3. CONCLUSION

SEAL can, without challenge, take credit for providing the infrastructure and technical support that has enabled the parliament to operate with reasonable efficiency and transparency. It has also ensured a better managed and informed legislative body than there would have been otherwise. Legislators seem in particular to have acquired a good understanding of the use of media. But SEAL has met with far less success in contributing to an effective lawmaking body or promoting more accountable members. Especially in the Lower House, it has little to show for programmes intended to instruct committees in drafting bills or conducting hearings

⁵ 'Support for an Effective Afghan Legislature (SEAL II)', 9 (see FN2).

⁶ M. Hassan Wafaey with Anna Larson, 'The Wolesi Jirga in 2010', Afghanistan Research and Evaluation Unit, Parliamentary Election Brief 2, Kabul, June 2010.

with government officials. While encouraging the formation of legislative political groups, its programmes offer little support. Despite considerable effort, SEAL has failed to get the parliament to pass a satisfactory code of conduct or take greater responsibility for assembling legislative quorums.

Raising sufficient contributions from countries willing to support the legislative project has been a constant challenge for SEAL. A number of donor countries, like France, have dropped their support over the years or failed to meet their pledges, resulting in funding gaps that have adversely affected the scope of SEAL's programmes. The coordination of donors and others who are partnering in supporting the parliament has been another constant problem. It has resulted in duplication, overlapping and improper use of resources.⁷ SEAL has also witnessed a rapid turnover of the parliamentary staff it had trained, mainly as a consequence of poor government salaries.

SEAL's emphasis on the professionalisation and streamlining of the legislative process has least succeeded where it has confronted the realities of Afghan politics and the parliament's political culture. The parliament is surely a stronger institution for having been the recipient of the SEAL programmes. But many programmes remain removed from the central concerns and motivations of the average legislator. Narrowing that gap and better realising the kind of effective parliament envisioned by SEAL and its partners, as well as the government's own Afghanistan National Development Strategy (ANDS), requires the fuller development of political parties and further revisions of the electoral law.⁸ Only with these reforms can the parliament hope to manage at the same time its own affairs, be assertive without being confrontational with the country's executive and also be more accountable to the voters. Full assessment of the SEAL project and the parliament's future hinges, of course, on whether Afghanistan's constitutional democracy survives.

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⁷ 'Support for an Effective Afghan Legislature (SEAL II)', 19 (see FN2).

⁸ See 'Afghanistan's New Legislature: Making Democracy Work', International Crisis Group, Asia Report No. 116 (15 May 2006), for additional recommendations.

Sari Kouvo

A Plan without Action

The Afghan Government's Action Plan for Peace, Justice and Reconciliation

To date, the favoured strategy of both the Afghan government and the international community for addressing legacies of past and present human rights violations and war crimes in Afghanistan has been to sweep them under the carpet. The adoption of the Action Plan for Peace, Justice and Reconciliation by the Afghan government is the exception confirming the rule: For a brief moment in 2005, the Afghan government, reluctantly and with some major caveats, and the international community, minus some of the heavy-weight players, lined themselves up in support of an action plan focusing on documentation, truth-seeking, vetting and accountability for war crimes. This moment, however, passed quickly.

In January 2005, the Afghanistan Independent Human Rights Commission (AIHRC) published the results of its national consultations about how Afghans wanted to deal with past abuses and the perpetrators of human rights violations and war crimes.¹ The report titled, 'A Call for Justice', showed that 70 per cent of Afghans perceived that they themselves or members of their families had been victims of human rights violations or war crimes. It also showed that Afghans viewed reconciliation as a key element of peace, but that for them it meant neither forgiving nor forgetting: Afghans wanted the perpetrators to be brought to justice or at least be removed from power. The AIHRC report was supposed to be launched together with the 'mapping report', a documentation of human rights violations and war crimes in

¹ 'A Call for Justice: A National Consultation on Past Human Rights Violations in Afghanistan', Kabul, Afghanistan Independent Human Rights Commission (AIHRC), available at http://www.aihrc.org.af/rep_Eng_29_01_05.htm (accessed on 6 September 2011).

Afghanistan prepared by the office of the UN High Commissioner for Human Rights (UNHCHR) covering the period 1978 to 2001. However, already months before the release of the two reports, worried cables were sent between diplomatic missions in Kabul and their headquarters questioning whether this sudden focus on how Afghans wanted to deal with the past would anger the warlords-turned-democrats-and-allies and maybe further destabilise Afghanistan. At the last moment, with reference to the security of its staff, the UN decided not to release its mapping report.² The high commissioner, who had travelled to Kabul for the release of the AIHRC's and her office's report, ended up participating in the AIHRC's launch of its report and handing over a copy of her report to the AIHRC as a basis for its future documentation work. In doing that she publicly made a new and fragile national institution the owner of a document that the world's leading inter-governmental organisation had not dare to release. This tendency – to pass on the responsibility of taking risks to organisations that enjoy far less protection if they do so – has become one of the few constants of the transitional justice process in Afghanistan.

The AIHRC report received a considerable amount of national and international attention. Building on this momentum, the AIHRC together with select allies – including the focal point for transitional justice in the president's office, the Human Rights Unit of the UN Assistance Mission in Afghanistan (UNAMA), the European Union, and the Dutch and Canadian embassies – decided to draft an action plan to be adopted by the government and that would render operational the recommendations from 'A Call for Justice'. A draft of this action plan was discussed at a conference hosted by the Netherlands' government on 6–7 June 2005. The action plan's focus on symbolic measures, including its public launch, the establishment of a national day for victims of war crimes, documentation, truth-seeking and institutional reform were well received – or they at least did not result in much debate internationally or within the Afghan government. However, the reference in the preamble to criminal accountability for war crimes and the action point calling for the establishment of a commission to make recommendations to the president on how to move forward on the international obligation to prosecute serious war crimes was extensively debated in the cabinet before the final adoption of the action plan. In fact, the final version of the document was amended at the last moment to ensure presidential buy-in, asking only that the commission advise the president on 'issues relating to accountability for war crimes'.

² For further discussion, see www.aan-afghanistan.org/index.asp?id=1217 (accessed on 6 September 2011). At some point a link to the UNHCHR mapping report was, presumably by mistake, posted on the UNAMA web site, from where it was added to sites of different human rights organizations. The leaked version is as a result now available on the Internet, although the report has never been officially released.

The final cabinet approval of the action plan came only in December 2005, just in time for a UNHCHR-hosted national conference on truth-seeking and reconciliation in Afghanistan (13–15 December 2005). This conference again confirmed that Afghans viewed reconciliation and justice as intimately linked. In his closing statement at the conference, Christopher Alexander, the deputy special representative of the secretary-general for Afghanistan, emphasised the importance of implementing the action plan and stated that ‘our actions have to have credibility. They have to produce results. . . . We need to work so that those who know. . . that they are living next to a mass grave do not have to live with the nightmare that some of those responsible still hold positions of responsibility’.³

The adoption of the action plan in late 2005 also coincided with the preparation for a conference in London (held in January 2006) at which the Afghanistan Compact, a renewed agreement between the Afghan government and its international partners, was adopted. Lobbying from the ‘patrons’ of the action plan ensured that its implementation became a benchmark in the Afghanistan Compact. One of the action points of the plan, the establishment of an advisory commission that was to advise the president about his senior political appointments, was singled out and included as a separate benchmark in the Afghanistan Compact. By chance, this was the first benchmark of the Afghanistan Compact that was to be implemented (and it almost became the first *not* to have been implemented by the time the first review of the Afghanistan Compact took place a year later). With some hurrying, an advisory panel was established shortly before the first progress review, 30–31 January 2007, but it never became the political force it was intended to be. Only a few of the other action points of the action plan have been implemented:

- A national day has been established commemorating victims of war crimes; it is now celebrated annually on International Human Rights Day on 10 December;
- The AIHRC has undertaken a major documentation exercise currently awaiting publication;
- And President Karzai did publicly launch the action plan, in December 2006, about a year after it was adopted by the cabinet.

The launch of the action plan deserves additional attention, as it was one of those ‘Afghan moments’ when a step forward actually resulted in a marathon backwards. In support of the launch of the action plan, Human Rights Watch (HRW) had re-launched its ‘Blood-stained hands’ report documenting human rights violations and war crimes during the 1990s civil war, together with a press release that listed the

³ UNAMA press statement, Kabul, 15 December 2005.

names of individuals whose crimes were documented in the ‘Blood-stained hands’ report and who now held public positions in Afghanistan.⁴ By chance, the launch of both documents coincided with the hanging of Saddam Hussein in Iraq. This worried some parliamentarians with ‘blood-stained hands’: Maybe international justice had teeth after all. The reaction was immediate: An ad hoc parliamentary commission was established that drafted a self-amnesty bill, early versions of which provided blanket amnesty for all those involved in the three decades of Afghan conflict. The amnesty bill was slightly amended before it was signed by the president’s office; its status then remained unclear for a while, until it was published in the *Official Gazette* in December 2008. However, even before it came into force, the amnesty bill was a reminder of the power of the alleged perpetrators of war crimes and the disempowerment of their many victims. Blanket amnesty laws of the type adopted by the Afghan Parliament are no longer considered compatible under international law, but given that Afghanistan does not have a functioning justice system there are currently no formal – and reliable – ways of challenging the law.

In order to push its implementation along, the time span for the implementation of the action plan was kept short; it should have been implemented within four years. There has been some debate as to whether the four-year period started when the cabinet approved it in 2005 or when the president publicly launched it in 2006, but what is clear is that it had expired by the time of the Kabul Conference in June 2010. The Afghanistan National Development Strategy (ANDS) priority plan adopted at the Kabul Conference did, however, call for the re-adoption of the action plan. According to a priority plan timeframe, the action plan should be re-adopted within 12 months and implemented within three years. At the time of writing, 15 months had passed since the Kabul Conference, and no action plan had been readopted.

The adoption of the Afghanistan government’s five-year Peace and Reintegration Program (APRP) has, however, resulted in some discussions about the terms of reintegration and reconciliation: Can all the crimes of combatants be forgiven when they are reintegrated? Where should the line be drawn, and how does this line relate to Afghanistan’s obligations under international law, on the one hand, and the Afghan amnesty law, on the other hand? And maybe more importantly, when moving towards high-level peace talks, can these really be done without any attention to accountability? Can there be peace without justice in Afghanistan this time, although it has failed the previous times?

⁴ ‘*Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan’s Legacy of Impunity*’, New York, Human Rights Watch 2005.

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Shahmahmood Miakhel

A Brief Overview of the Afghanistan Stabilisation Program

A National Program to Improve Security and Governance

1. INTRODUCTION

Since the coup in April of 1978 by People's Democratic Party of Afghanistan (PDPA), the social, cultural, political, economic, governance and security fabrics of Afghanistan institutions have been destroyed by subsequent regimes of Mujahedin and Taliban. It is impossible to have enduring peace, stability and development in a country without strong political, social and economic institutions and foundations. Following 33 years of war and instability, in most cases, linkages between central, provincial, district and village governance are non-existent or very weak.

After the overthrow of the Taliban's regime in 2001, the government of Afghanistan and the donor community from the very outset recognised that the institutions of the government of Afghanistan had only weak skeletons of structure in place. The government of Afghanistan under the National Priority Programs (NPPs) launched the Afghanistan Stabilisation Program (ASP) in 2004 as one of NPP's efforts to

strengthen local governance.¹ In 2002 and 2003, most of the district headquarters in Afghanistan did not have proper buildings from which to run local administration. The main objectives of the ASP were to extend the reach of the government of Afghanistan in the districts and provinces of the country through building physical infrastructures and enhancing the capacity of local governance.² To achieve the above goals, it was important to build the hardware of government – physical infrastructure of provincial and district headquarters – and, as software, to build the capacity of local governance and link these efforts with Civil Service Reform.

2. ASP’S STRUCTURE AND ACHIEVEMENT

In order to implement ASP’s program properly, the Afghan government established an inter-ministerial task force under the leadership of the interior minister. The Ministries of Finance, Communication, Urban Development and Housing, Rural Development and Rehabilitation (MRRD), and the Ministry of Economy were members of task force. Under the inter-ministerial task force, the Project Management Unit (PMU) was established in the Interior Ministry, and the donor community led by the British government contributed US\$36.6 million. The United Nations Assistance Mission in Afghanistan (UNAMA) additionally funded six pilot districts of Mohammad Agha in Logar province, Muqar in Ghazni province, Nahrin in Baghlan, Ghurband in Parwan, Sayed Karam in Paktia and Yakawolang district in Bamiyan province.³ Subsequently many other countries made pledges, as shown in Table 1.

At the end of the Constitutional Loya Jirga (CLJ) in 2003, Afghan President Hamid Karzai promised US\$1 million in development money to each province through the Provincial Stability Fund (PSF). In order to spend this money, the provincial government was instructed, with counsel from elders, to identify key development projects to be funded from this program. The PSF program became another component of the ASP and through consultation between governors and elders implemented 294 projects in 14 provinces.⁴ The government of Japan pledged to fund this program from revenue they received supplying oil to coalition forces.

¹ In 2002–03 the government of Afghanistan launched seven NPP programs: the Afghan National Army, National Police, National Emergency Employment Program (NEEP), Disarmament, Demobilisation and Reintegration (DDR), Justice Sector Reform, National Solidarity Program (NSP), and Civil Service Reform.

² Ministry of the Interior’s internal ASP project document. Documents not available to the public.

³ ASP project documents.

⁴ PSF MOI internal document.

Table 1
ASP Donor Commitments and Pledges at the End of 2005

Donor	Commitments (Pledges) (US\$)
DFID* (UK)	36,600,000
Netherlands	4,320,000
Japan	12,000,000
UNAMA	1,246,396
USAID**	14,200,000
Canada***	9,700,000
Total	78,066,396****
Source: Ministry of Finance.	
* Department for International Development.	
** USAID didn't pay and withdrew their money later on.	
*** Canada withdrew its money from the project.	
**** Total pledge money.	

Ultimately, the government of Japan only contributed US\$6 million after the cancelation of the oil deal intended to fund their contribution. Other donors did not contribute to this program, and the promise of US\$1 million to each province made by President Karzai at the CLJ was not fulfilled due to lack of funding.

Under the ASP, by October 2005, the construction of one hundred district headquarters was contracted, but the actual work in some of those original districts had still not been completed after five years. President Karzai and Interior Minister Ali Ahmad Jalali inaugurated the completion of the first district-headquarter building in Mohammad Agha in Logar province in June 2005.

3. IMPLEMENTATION CHALLENGES

The ASP faced several challenges from the very outset:

1. In the beginning of the program, the Ministry of Interior planned to build in all the districts of Afghanistan in five different stages. Districts that border Pakistan, Iran and northern neighbours were to have headquarters built in the first three stages on a priority basis to secure the borders of Afghanistan from infiltration of insurgents and to provide better services to citizens in the remote areas. In the fourth stage, all the districts that are linked to highways were to receive a district office; in the fifth stage, the remaining districts would have headquarters built. Unfortunately, the president rejected this idea, and he selected the first six pilot districts in six different provinces without any specific criteria.
2. The Ministry of Interior suggested that in order to examine the impact of this program, all the districts of one province should be selected in order to build a model province that could be replicated in other provinces. The leadership of the government also rejected this idea; the president then instructed the ASP to randomly select three or four districts from each province so that all the provinces would have a fair share of development. Managing two or three districts in each of the 34 provinces was incredibly difficult and made it impossible to measure the impact of the program.
3. The ministerial task force was not able to recruit an effective management team from the very beginning. Due to the ineffective leadership of ASP, the project did not achieve the goals that were outlined in the project document. Lack of proper management reduced trust and the support of the donor community for the program. The confidence of the donor community was particularly reduced when the Ministry of the Interior leadership and ASP's management changed in mid July 2005. USAID withdrew US\$8 million, and the Government of Canada withdrew all its money from the ASP program due to lack of proper management. The DFID also withdrew approximately US\$10 million from the program, providing only US\$24.6 million rather than the promised US\$36.6 million.⁵

4. CURRENT STATUS OF ASP

When the Independent Directorate of Local Governance (IDLG) was established in 2007, the ASP became part of the IDLG, but due to changes in leadership and a lack of trust from the donor community, this program has still not achieved what was envisioned in the original plan. According to the August 2010 report of the ASP, since 2005 only the Asian Development Bank and the government of Afghanistan, using

⁵ August 2010, ASP report.

funds from the national budget, had contributed US\$16.5 million to the program.⁶ The ASP contracted an additional 59 infrastructure and 82 equipment projects, but according to the program manager of the ASP, Eng. Masoom Farhad, they do not have enough money to pay for all contracted projects once they are completed.⁷ The to-date financial expenses of the ASP are shown in Table 2.

According to the ASP's report in August 2010, the projected cost of the program until 2014 is US\$357,547,000; however, only US\$5,520,174 is committed, resulting in a shortfall of US\$352,026,826.

Table 2
To-Date Financial Expenses of the ASP

Expenditure per Year (in US\$)	Infra-structure	Tools/ Equipment	Administra-tive Costs	Total Expenditure
2004	4,690,548	108,800	865,558	5,664,906
2005	12,037,842	231,647	1,367,683	13,637,172
2006	6,452,584	685,023	1,772,816	8,910,423
2007	4,126,846	3,665,870	1,558,481	9,351,197
2008	2,633,653	182,306	1,127,164	3,943,123
2009	1,893,140	1,835,049	1,070,781	4,798,970
2010	1,020,000	—	320,000	1,340,000
Total	32,854,613	6,708,695	8,082,483	47,645,791

Source: ASP report August 2010

5. CONCLUSION

In order to build institutions and strengthen linkages between central, provincial, district and village governance in Afghanistan, there is the need for implementation

⁶ US\$10 million of Asian Development Bank was spent on equipment, vehicles and some salaries for IDLG staff who were recruited outside of the regular governmental structure.

⁷ Discussion with the director of the ASP program on 15 August 2010.

of sound, viable programs, not unrealistic projects, designed to cover every aspect of the governance process. I believe that the concept of the Afghanistan Stabilisation Program is still a valid one and the IDLG should create a clear plan of how to manage and implement this program.⁸ With some oversight of the ASP, it is possible to link security, governance and development through this program and to improve governance in Afghanistan. In order to avoid mistakes and save time and resources, the donor community should, before supporting any new government programs, examine the failures and successes of the old programs. It is far more effective to address the shortcomings of programs in which the international community and the Afghan government have already invested millions of dollars than to create new programs that will initially do little other than replicate the work already attempted by programs like the ASP.



⁸ In 2005 and 2007, the DFID and IDLG assigned independent audits to review the ASP program. Auditors reported that with some recommended changes the ASP is a valid program and can contribute to the improvement of governance in Afghanistan.



President Karzai and Minister of Interior Ali Ahmad Jalali during the inauguration of Mohammad Agha district headquarters in Logar province.

Photos by Shahm Mahmood Miakhel

The ASP has existed since 2004, but the government of Afghanistan and the donor community have still not decided whether this program should be ramped up or permanently shut down while still maintaining the overhead cost of staff and management required by the program. At the same time the government of Afghanistan and the donor community have initiated several other parallel programs such as the Governor Performance Fund, Afghan Local Governments Facility Development Program, and Afghanistan Social Outreach (ASOP), which essentially rename an old concept for funding purposes and introduce a similar set of programs as if they were new initiatives. There are numerous other examples of programs with different names that are all based on the same concept such as the Auxiliary Police, Arbaki, the Afghan Public Protection Force (APPF), the Community Defence Initiative (CDI), the Village Defence Initiative (VDI), the Village Stability Operation (LSO), and the Afghan Local Police (ALP). It is this type of approach based on short-term goals that continues to undermine good governance in Afghanistan.

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PART II

**Strengthening the
Security Forces**

Steve Brooking

Early ISAF

'The Good Old Days'

Were the early days of the International Security Assistance Force (ISAF) as good as they are remembered or were they in fact a missed opportunity? While 20-20 hindsight always provides perspective, what was actually happening at the time?

The Bonn Agreement of 2001,¹ between members of the international community and various Afghan factions, included an annex that called for the agreement of the UN Security Council to deploy an International Security Force to assist in maintaining security for Kabul, with the possibility of further extension as required.² This call was taken up and UN Security Council Resolution 1386 was passed on 20 December 2001, establishing the first ISAF for an initial period of six months. The UK indicated it was willing to lead for three months and prepared to deploy a number of assets, including the command elements of its 3rd Mechanised Division under Major General John McColl, who flew to Kabul to negotiate a Military Technical Agreement (MTA) with the then Afghan Interior Minister Younis Qanuni. Negotiations were quickly concluded in a generally positive atmosphere (there were one or two disagreements on the locations of ISAF bases within Kabul), and the agreement was signed on 4

¹ The Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions.

² 'Conscious that some time may be required for the new Afghan security and armed forces to be fully constituted and functioning, the participants . . . request the UNSC to consider the early deployment . . . of a UN-mandated force. This force will assist in the maintenance of security for Kabul and its surrounding areas. Such a force could, as appropriate, be progressively expanded to other urban centres and other areas.' Annex 1 to the Bonn agreement, see www.undemocracy.com/S-2001-1154/page_9. The Bonn agreement did not realise that the time required would take until at least 2014 for the 'transition' to Afghan-led security.

January 2002.³ This MTA remains the key agreement between the succeeding governments of Afghanistan and the ISAF/NATO (although the US Department of Defence and the Afghan Ministry of Defence have a separate agreement).

Interestingly the MTA did not include the Bonn Agreement stipulation that the Afghans should 'withdraw all military units from Kabul',⁴ but instead stated that the current military (non-police) units should be confined to barracks. Not until 2004, under the ISAF command of Canadian General Rick Hillier, did the removal and cantonment of heavy weapons take place as part of the wider Disarmament, Demobilisation and Reintegration (DDR) process (as a foretaste of non-anti-corruption initiatives to come, Hillier was less successful in his attempts to persuade the president to allow the ISAF to arrest the major criminals causing instability in Kabul). In the meantime, the continued presence of Afghan Militia Forces seen as predominantly loyal to the Northern Alliance was a source of concern to some Pashtuns and Hazaras.

The area covered by the first ISAF mission was delineated in a map that was annexed to the MTA. It encompassed Kabul and its immediate environs with an extension to include Bagram Airbase. Although the MTA allowed full freedom of movement for ISAF within Afghanistan, Major General McColl had to seek permission from his own authorities to go outside this area of responsibility (for instance, to pay a visit to the Panjshir Valley).

Many countries wished to contribute to ISAF, but the problem was finding the correct balance of forces and the appropriate forms of control: some favoured a few contributing nations in strength; others thought the force should comprise as many nations as possible provided they could pay their way with troops and equipment. In the end, the first ISAF mission included 19 nations,⁵ more than some wanted for ease of command, less than others wanted to show mass international support.

With the exception of some minor stone-throwing incidents at ISAF convoys in the first few days, the force was well-received and quickly started joint foot patrols with the Afghan Police. One benefit of ISAF's arrival was the gradual easing of the night-time curfew in Kabul, which many citizens saw as allowing criminal police groups to move around robbing houses. However, it was not finally lifted until November 2002 after

³ For the text of the Military Technical Agreement see <http://webarchive.nationalarchives.gov.uk/+http://www.operations.mod.uk/isafmta.pdf>.

⁴ 'The participants . . . pledge to withdraw all military units from Kabul and other urban centres or other areas in which the UN-mandated force is deployed.' Annex 1 to the Bonn agreement.

⁵ <http://www.stimson.org/images/uploads/research-pdfs/ISAFbackgrounder.pdf>.

some 24 years in existence. As mandated by the Bonn Agreement,⁶ the ISAF also worked on some 200 humanitarian projects (thereby accidentally contributing to the debate as to whether the line was becoming blurred between military and humanitarian assistance), destroyed more than two million anti-personnel mines, and trained the 1st Battalion of the Afghan National Guard (1BANG, which became the fledgling Afghan National Army), which went on to provide the Afghan face of security for the Emergency Loya Jirga.⁷ McColl also established himself as a trusted interlocutor with Interim President Hamid Karzai, to such an extent that the UK government later appointed him as their Special Representative for Afghanistan.

It is worth noting that, in addition to the ISAF in Kabul, there was the parallel commitment of international military forces to the 'Coalition' effort of Operation Enduring Freedom (OEF) led by the US Central Command (CENTCOM). In late November 2001, after the capture of Kabul and Mazar-e Sharif, a number of countries contributed ground forces to OEF to drive the Taliban and al-Qaeda from Afghanistan. Thus there were patrol bases and small units of international military present in other cities and areas of the country even before ISAF came into existence. It was from some of these forces that the Provincial Reconstruction Teams (PRT) developed, with the first non-US PRT being the British one deployed to Mazar-e Sharif on 10 July 2003. The UK government agreed in a letter to the UN Security Council, before UNSCR 1386 was passed to establish the force, that ISAF would be subordinate to the needs of CENTCOM and OEF.

With a number of countries committed to OEF and with others concerned about the over-arching official control of CENTCOM, there were problems finding a country to lead the second ISAF mission when its mandate was extended in May 2002 (the UK had already extended its command from the original commitment of three months and did not want to stay on). In the end the Turkish government indicated its willingness to take over as long as certain assistance was provided.⁸ (UK soldiers found it somewhat ironic that they were constructing brick buildings in the ISAF headquarters for the Turks, while they themselves were living in tents. Indeed ISAF headquarters was a motley collection of buildings around the original Officers Club designated as the ISAF headquarters building, all added in different styles by different command contingents).

⁶ 'It would also be desirable if such a force were to assist in the rehabilitation of Afghanistan's infrastructure.' Annex 1 to the Bonn agreement.

⁷ National Archive, Operation Fingal: <http://webarchive.nationalarchives.gov.uk/+http://www.operations.mod.uk/fingal/index.htm>.

⁸ In the Emergency Supplemental request for fiscal year 2002 submitted to Congress in March 2002, the US Administration requested US\$28 million in Foreign Military Financing and US\$200 million in Economic Support Funds for Turkey to help them take on the leadership duties.

The Turks marked the start of their humanitarian work with a mass circumcision ceremony and maintained the positive image of ISAF among the local population.⁹

In late 2002 there was again a problem in finding willing leadership for the continued ISAF mission, but Germany and the Netherlands said that, with NATO support, they would be willing to lead and use their Multi-National Brigade under Lt. Gen. Van Heyst. The combined German-Dutch command took over in February 2003. NATO then began increase its role and on 16 April 2003 the North Atlantic Council agreed to take over ISAF mission command and coordination, finally doing so in August 2003 under German Lt. Gen. Gliemeroth. NATO then significantly widened its involvement with an agreement to extend, in phased steps, its mandate until it covered the whole country (approved by UNSCR 1510 on 13 October 2003 and finally agreed upon by NATO in December 2003); this enabled the German government to deploy a PRT to Kunduz. Also in late 2003, NATO decided to deploy a NATO Senior Civilian Representative, the former Turkish politician, Hikmet Cetin, to provide some balance between the political and military sides of the NATO mission.

In 2002–03, the insurgents ('exsurgents'?) were in retreat from Afghanistan to cross-border safe-havens or back to their communities, with few initial thoughts other than self-preservation. Kabul was safer than many capital cities in the world, and ISAF was partly credited for that by the population. Only later did the insurgent planning and re-infiltration start in earnest, and attacks in Kabul started becoming commonplace, actually targeting NATO/ISAF.¹⁰ The two ministers killed in 2002 (Aviation Minister Abdul Rahman and Minister for Public Works and concurrent Vice-President Haji Abdul Qadir) were both deemed victims of previous feuds rather than Taleban or al-Qaeda attacks.

The early ISAFs' actions were largely uncontroversial. However, there were, perhaps inevitably, issues such as civilian casualties (a man shot dead in February 2002 during curfew, when failing to stop his car at a checkpoint while rushing a relative to hospital to have a baby) and emerging debate as to whether the military (PRTs) should be involved in what could be considered 'aid' and reconstruction; there were conflicting ideas about possibly blurring the lines of aid and security and thus endangering the lives and livelihoods of aid-workers. Most major controversies were instead associated with OEF use of force, such as the July 2002 bombing of a wedding party despite the president's (since oft-repeated) demand that steps should be taken to avoid civilian

⁹ David Fox, 'Mass Circumcision in Kabul', *Reuters* (23 July 2002), available at www.cirp.org/news/reuters07-23-02/.

¹⁰ For full treatment of the re-emerging threat at that time, see Antonio Giustozzi, *Koran, Kalashnikov and Laptop*, New York, Columbia University Press 2008.

casualties,¹¹ or the OEF Special Forces' use of civilian clothing and white vehicles (which are usually used by civilians involved in humanitarian work). Coalition tactics pre-emptive, such as the 'strategic bombing campaign' and whole-scale backing of the Northern Alliance, also came under criticism.¹²

The real controversy over the early ISAF involvement is about what it was not and what it did not do. As usual, that criticism has mainly come with 'hindsight bias': the ISAF was not an effective peace-keeping force capable of controlling and mitigating the role of the warlords and former factions who settled scores in their time-honoured ways; it did not train a new Afghan National Army, with the exception of 1BANG; and it did not play a significant role in disarmament of the Afghan Militia Forces.

Should ISAF have done more? Should ISAF have been larger? Many of the experienced NGOs called for a rapid expansion and greater troop numbers;¹³ however, like with so many UN-backed initiatives, there were conflicting opinions among the major players as to the role, or even desirability, of international forces. Despite some on-going fighting in the southern part of the country, the resistance was basically deemed to have ended and many countries were not sure of the utility of further international forces. So what was decided upon was perhaps the lowest common denominator at the time: the US did not want their OEF-operations constrained by the presence of 'peace-keepers', the Northern Alliance did not want their chance to dominate obstructed by the presence of international forces, and neither did their Russian and Iranian backers. So an apparent alignment of US, Russian, Iranian and Northern Alliance interests seems to have conspired to keep ISAF 'contained' – a strange alliance that re-surfaced at the Emergency Loya Jirga in June 2002 to keep 'The Return of the King' off the agenda – another move seen in hindsight by many as a mistake.

¹¹ Luke Harding, 'No US Apology over Wedding Bombing' *The Guardian* (2 July 2002), available at www.guardian.co.uk/world/2002/jul/03/afghanistan.lukeharding.

¹² For more on 'problems' with OEF and ISAF see Carl Conetta, 'Strange Victory: A Critical Appraisal of Operation Enduring Freedom and the Afghanistan War' Project on Defense Alternatives (30 January 2002); in particular, para 4.3.2, available at www.comw.org/pda/0201strangevic.html#4.3.2.

¹³ See for example, the ICG report of March 2002 in which a force of 25,000 across the country was advocated to lessen ethnic tensions and firm up the fragility of the peace: 'Securing Afghanistan: The Need for More International Action' (15 March 2002), available at www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/B013-securing-afghanistan-the-need-for-more-international-action.aspx.

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Antonio Giustozzi

The Afghan National Army

Marching in the Wrong Direction?

The effort to build a new central army in Afghanistan has been dogged with problems since the beginning. In the early days (2002–03), the problems included a modest allocation of resources, the slow pace of the programme, the lack of a standardised approach to training (with each participating country using its own methods) and the modest financial package offered to recruits. The formation of the Afghan National Army (ANA), which occurred in December 2002, was initially not a priority. The Taliban insurgency was in its early days and was widely dismissed as the irrelevant effort of a few remnants of the emirate. The ANA was designed as a tool to re-centralise control over the periphery against warlords, militias and local power brokers. It was to have a limited amount of armour, artillery and air support and did not even receive training in anti-tank and anti-aircraft tactics; at the time of writing (late 2011) it was still not scheduled to receive those, despite intensifying pressure from the leadership in Kabul, which wanted tanks and jet fighters. The intent was transparency so as not to alienate neighbouring Pakistan, a country already worried about the friendliness of the new Afghan government to India.

As now known, the Pakistani neighbour was alienated anyway, and the Taliban insurgency spread faster and faster, particularly from 2006 onwards. Because of its slow development and limited capabilities, the ANA was slow to get involved in fighting the insurgency. The police bore the main burden, until in 2008 the ANA started getting involved more seriously. However, as of 2010, the casualty rate of the ANA was still significantly lower than that of the police.

The expansion of the insurgency forced NATO and the American Combined Security Transition Command – Afghanistan (CSTC-A) to revise the plans for the training and

deployment of ANA units, allocating more and more resources to it. The training gradually accelerated, facing little difficulty in finding recruits among the poorest communities in Afghanistan. Conditions offered to the rank-and-file improved, leading to a decline in the desertion rate. The quality of the training, quite low at first as the priority was to produce statistics of rapid growth, also improved after a major overhaul of CSTC-A into NATO Training Mission-Afghanistan (NTM-A) and the appointment of Lt Gen William Caldwell, a training specialist who revised the basic training programme, and who was assigned to lead the training effort at the end of 2009.¹ Caldwell had extensive experience in army training and imposed higher standards in basic training, while maintaining a priority for numbers over quality. However, as the ANA expanded, a number of new problems became evident.

The first problem was that the type of training imparted, modelled after the US light infantry battalion, while appropriate for the tasks expected in 2002–03, was not the most useful to confront an insurgency. The ANA battalions, with the exception of a few units of commandos, did not have the ability to deploy and fight in small units, as required to seize the initiative against the insurgents.

The second problem was that recruiting suitable candidates for officer positions turned out to be very problematic; the inflow of recruits was overwhelmingly composed of illiterate young men – up to 90 per cent according to some statistics. While junior officers could, to some extent, be expected to emerge from the rank-and-file, a different problem was posed by the need to identify senior officers of adequate skills who could manage a rapidly growing army. Waiting for them to emerge from the ranks would take many years, even in the presence of an effectively meritocratic system, while no serious effort was being made to train them. As of 2010, International Security Assistance Force (ISAF) mentors interviewed by the author roughly estimated that about half of the battalion commanders were sufficiently competent to lead their unit or at least had potential to grow to the task. Most tactically competent officers were former Mujahedin, while among senior officers, where management and logistical skills matter more, the majority of the capable ones had backgrounds in the pro-Soviet army that fought against the Mujahedin in the 1980s. This highlights the limited impact of ISAF training, even after more than eight years of involvement.

The announcement in July 2010 by President Karzai, that he wanted to see the Afghan security forces take over responsibility from ISAF by 2014, raised another issue with the development of the ANA. The prioritisation of combat units over command structures and logistics has led to an ANA that is heavily dependent on

¹ CSTC-A and NTM-A are the organisations put in charge of training the Afghan army and then also the police.

ISAF support. The problem is not easy to resolve as logistics and command structures require qualified staff in large numbers, whereas they are already in short supply. The extensive mentoring and partnering programme, which since 2003 has seen each Afghan unit first mentored by an ISAF team and from 2009 also partnering with ISAF units, has produced mixed results. It increased the capabilities of some units but did not produce many units capable of operating autonomously. It could be argued, therefore, that mentoring and partnering tend to breed dependency. Finally, the ANA is totally dependent on ISAF for close air support; at the time of writing there was no plan to start training Afghans as close air support controllers or to allow Afghans to call in ISAF air support. The Afghan Air Corps will never be even remotely in a position to replace ISAF air support effectively.

At the same time, ANA has suffered damage from political bargaining in Kabul. Originally, the group Shura-e Nezar, led by the late Commander Ahmad Shah Massud, exerted a dominant influence in the ministry of defence. ISAF-sponsored efforts to rebalance the staffing of the ministry yielded some results, but until mid-2010 one of Massud's lieutenants (Bismillah Mohammadi, chief of staff) was still the main power broker within the ministry. Most of the brigade and battalion commanders were believed to be loyal to him. Defence Minister Wardak, loyal to President Karzai, did not manage to assemble more than a modest network of influence and was unable to oppose Mohammadi. With the transfer of Mohammadi to the ministry of interior and the appointment of General Karimi as the new chief of staff, efforts driven by the presidency began to weaken the hold of Mohammadi over the officer corps. The corps commanders were quickly replaced, but the commanders of fighting units (infantry battalions) were dealt with much more cautiously, in order to avoid having the struggle to control the ANA wreck its ability to fight. The risk of a wide purge is that it may demoralise the army and replace too many competent and experienced officers with political appointees devoid of experience.

Similarly, ISAF and NATO have not been able to tackle the ongoing ethnic rivalry within the ANA. The issue is not so much how many Pashtuns are actually there, but what such rivalries will mean once the ANA has to manage itself without external help. In other words, how sustainable are the effects of the training/mentoring imparted by ISAF?

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Eileen Olexiuk

20–20 Hindsight

Lessons from DDR

1. THE DDR PROGRAMME

Amidst the current focus on political solutions to the conflict in Afghanistan, there are valuable lessons to be learned from the previous Disarmament, Demobilisation and Reintegration (DDR) efforts that have sought to separate fighters from their guns.

The December 2001 Bonn Agreement¹ stipulated:

Upon the official transfer of power, all Mujahedin, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority, and be reorganized according to the requirements of the new Afghan security and armed forces.

There were no reliable figures, but some estimated the total number of armed men to be close to 300,000, of which approximately 100,000 comprised the Kabul central corps and nine regional corps of the Afghan Military Forces (AMF) that were on the Ministry of Defence payroll.

The DDR programme was administered by the UN Development Programme (UNDP) under the direction of the Ministry of Defence, with policy oversight from the Demobilization and Reintegration Commission (DRC). Japan, as the largest contributor to the US\$150 million budget, chaired the donor group. Canada, strongly supported by the International Security Assistance Force (ISAF), was instrumental in

¹ 'Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions', Bonn, Germany, 5 December 2001.

initiating the Heavy Weapons Cantonment (HWC) programme as an accompaniment to DDR. The Bonn participants had pledged ‘to withdraw all military units from Kabul’.² Most units in and around Kabul were under the command of (Marshall) Qasim Fahim Khan, then first vice president and Minister of Defence whose direct authority was needed for compliance with DDR and HWC. Other units around the capital were identified mainly with Abdul Rasoul Sayyaf, a powerful jihadist who like other warlords was reluctant to relinquish control of his military might.

Early in 2003, reintegration was identified as the greatest challenge. The economy simply could not support the added work force of demobilised fighters. For many, reintegration resulted in vocational training for jobs that didn’t exist. Registering AMF ex-combatants and identifying who would get assistance was challenged by fraudulent documentation and the biases of regional verifiers.

By mid-2005 approximately 63,000 men were disarmed, demobilised and removed from the payroll. Where were the rest? It turned out that thousands had never existed. Since salary was distributed through the command structure, based on the commanders’ stated but inflated payroll needs, it seemed that various personalities benefited from the superfluous salary payments. Others remained with the Ministry; a good number became personal militia for former commanders and warlords in their new civilian lives; and many were hired by a growing number of private security companies.

Delays in initiating DDR tended to be attributed to the UN Assistance Mission in Afghanistan’s (UNAMA) light footprint and the American preoccupation with rooting out elements of al-Qaeda. While Japan was the G-7’s lead donor, it had no military presence and comparatively little political weight to drive the DDR process forward. The US was dependent on the cooperation of the very commanders whose militia were central to implementation of the disarmament portion. In addition, the US had taken the lead on establishing the Afghan National Army (ANA) and reforming the Defence Ministry, two prerequisites for DDR. An agreement on the separation of civil and military powers followed by a re-shuffling of commanders, governors and police chiefs had to settle before the political and security stalemate on DDR could break.

To maintain momentum on DDR, keep a balance of factional forces in key areas and partially acquiesce to recalcitrant commanders, the programme was divided into phases. Downsizing preceded the final stage of complete decommissioning. The Commanders Incentive Programme was added to entice senior commanders who required special incentives. The most powerful sought lucrative government positions: governors, chiefs of police for provinces, borders and highways. These rewards served

² Ibid.

to bolster their prestige and financial status; instead of being effectively demobilised they now had license to exercise excesses of power by the gun.

2. UNINTENDED CONSEQUENCES

The ‘warlords’ came to enjoy privilege ‘in the big tent’ while many of their commanders and subordinates continued to operate with impunity, leaving those Afghans ‘outside the tent’ equally disillusioned with their government and with the international community. Promises of ‘rule of law’ replacing ‘rule of the gun’ rang increasingly hollow.

Some examples: Ismael Khan, Fifth Corps Commander and governor of Herat, went to Kabul as the minister of Water and Energy; Eighth Corps Commander General Dostum became the president’s own Chief of General Staff; Seventh Corps Commander Mohammed Atta was rewarded with the governorship of Balkh; Sixth Corps Commander Daoud was appointed as the deputy minister responsible for counter-narcotics in the Ministry of Interior and then more recently as commander of the Northern Zone in the Afghan National Police (ANP) until his death in May 2011; Assadullah Khalid (Sayyaf member who retained a sizeable ‘personal protection’ force) became the governor of Ghazni, later replaced by former Central Corps Commander Sher Alam (Sayyaf’s nephew) when Khalid left to be governor of Kandahar; Central Corps Eighth Division Commander Amanullah Gozar (Sayyaf member and reportedly a notorious thug) was given command of the highway police to the north of Kabul; First Corps Commander Hazrat Ali was appointed as the Nangarhar chief of police; Second Corps Commander Khan Mohammed Khan was made chief of police in Kandahar (he was appointed to the same position again in 2010, until his death in April 2011).

It became apparent during the early stages of DDR that something also had to be done about the irregular forces outside the AMF chain of command. The UN especially was concerned that continued factional fighting (mainly over resources, and some would say smuggling routes) could once again invite the Taliban to restore security. This led the Ministry of Defence to launch the Disbandment of Illegal Armed Groups (DIAG) programme in January 2005. DIAG continues, painfully slowly and fraught with problems, not least of which is reintegration and establishing long-term and sustainable livelihoods at the community level. By the end of June 2005 when demobilisation of the AMF was completed, it was estimated that up to 2,000 illegal armed groups with more than 100,000 men would need attention under DIAG.

Numbers have grown considerably since then; it is doubtful anyone really knows how many armed men are legal and how many illegal or to whom they owe loyalty.

Uniforms and weapons are easily obtained. In reality, it is nearly impossible for an average Afghan in the countryside to distinguish between groups that are illegally armed and those that were legally formed over the past years to protect them from the insurgency including the Afghan Public Protection Police, Community Defence Forces, Local Police Initiative and experiments with tribal militia. Some say that ‘every Afghan man has a gun and would be hard pressed to deny service to his former commander’ should he be called up, legally or illegally. Drug traffickers, weapons smugglers and even lesser peddlers of contraband need these forces to protect them from rivals or in the event that the ANP or ANA intervene in their operations. To these recently formed security forces, add private security companies, ANP, ANA and Counterterrorism Pursuit Teams (a 3,000 strong elite commando force, established and run by the CIA and US Special Forces.)³ One wonders how the Taliban could be gaining ground over the strongest military alliance in the world supported by this plethora of forces on the ground.

During the course of DDR, reintegration was not adequately addressed as a critical issue for success. Notwithstanding the Engineer and Public Works Corps and the Agriculture Corps in the planning for establishment under the Afghanistan Peace and Reintegration Programme (APRP), reintegration will continue to be a major challenge. How many ex-combatants from DIAG and from the insurgency are the reconstruction/development programmes and the private sector able to absorb? Short-term assistance may be readily available through the Peace and Reintegration Trust Fund; however, those who fail to secure a sustainable livelihood become easy targets for recruitment into private militia and criminal gangs or may re-enter the insurgency.

3. LESSONS RELEVANT FOR APRP

Experience from the DDR and DIAG programmes, cited above as weaknesses or challenges, should inform aspects of the APRP, not least of which is the necessity of broad support among the main political forces within the nation. The chance of securing a sustainable peace through reconciliation and reintegration is dependent on the good will of Pakistan. The insurgency includes Hekmatyar and Haqqani factions also headquartered in Pakistan, although their alliance with the Taliban seems tenuous. As with DDR and DIAG, the political and financial commitment of the US is a necessary condition for even a modicum of success; initially it did not appear to be there for either programme. The US appears committed to APRP, but will it join

³ Craig Whitlock and Greg Miller, ‘US Covert Paramilitary Presence in Afghanistan Much Larger than Thought,’ *The Washington Post* (22 September 2010).

in cooperation with others of the international community or pursue a parallel agenda and fund reintegration efforts bi-laterally?

Given the role of Pakistan (and the interests of Iran and India) and the lack of wide national support, one would assume that the domestic and regional political dimension should be addressed first to give the APRP any chance of success.

The High Council for Peace that was established in September 2010 included jihadi leaders, former Taliban, former members of the communist regime and representatives of women's and ethnic groups. The late president and warlord Burhanuddin Rabbani and warlords Abdul Rasoul Sayyaf and Haji Mohammad Mohaqiq were listed as members and were all known for their resistance of the Taliban from 1996–2001.⁴ This rather large and unwieldy group of strongly divergent views will have a tough time speaking with one voice.⁵

Initiating APRP without broad consensus of the Afghan people may appear to be the ideal exit strategy for NATO, but it will surely leave Afghans even further disillusioned and the taxpayers of the international community a billion dollars poorer. Unless there is a deep structural change in the Afghan government with transparent decision-making and unless rule of law is established to regain the confidence of the population, reintegrating the Taliban at this point may only create more anxiety and certainly no greater security for the population at large.⁶

Masoum Stanekzai, who ran the Demobilisation and Reintegration Commission of DDR and DIAG and who now heads APRP, outlined the following 'challenges and risks' in May 2010: human rights and women's rights; spoilers and criminals; inability to deliver on promises; weak strategic communication; difficult neighbourhoods; conflicting demands; complicated bureaucracy to deliver on time; and delicate balance of power. Surely the experiences of both Stanekzai and UNDP, which will administer APRP, will be informed by at least some of the lessons from DDR – one of

⁴ Radio Free Europe/Radio Liberty, 'Afghan Government Reveals Membership of New Peace Council', 28 September 2010.

⁵ Ashish Kumar Sen, 'Afghan "Peace Council" Draws Fire', *The Washington Times* (28 September 2010).

⁶ Several more-informed commentaries have been issued which better delineate past efforts at reconciliation and reintegration as well as prospects for success. See, for example, Thomas Ruttig, 'A GoA Reconciliation Policy in the Making', Afghanistan Analysts Network, 13 January 2010, available at www.aan-afghanistan.com/index.asp?id=565; Matt Waldman, 'Golden Surrender: The Risks, Challenges and Implications of Reintegration in Afghanistan', Afghanistan Analysts Network, April 2010; Kate Clark, 'How to Spend Three Quarters of a Billion Dollars', Afghanistan Analysts Network, 19 July 2010, available at www.aan-afghanistan.com/index.asp?id=911.

the main lessons being the necessity to address the major obstacles of the fear of retaliation and the paucity of sustainable livelihood possibilities.

DDR was extremely complex and political; APRP appears even more so. A much deeper understanding of Afghans and Afghanistan is required on the part of those funding and working on the programme. The country's political climate hasn't changed much since 2002; it is still characterised by numerous factions and constantly shifting relationships between them. With so much at stake, the international community must be extremely vigilant in investigating spending and concessions made to solve political problems, and must certainly question progress as reported by the Afghan government and the UNDP.

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Mathieu Lefèvre

The Afghanistan Public Protection Program and the Local Defence Initiatives

This chapter examines two of the most important in a long line of government-backed community-based defence programmes, which, taken collectively, were an important feature of the Afghan security landscape in the decade following the fall of the Taliban.¹ These programmes, though operationally different, emerged from the same conceptual and political soil. Two significant commonalities are worth noting briefly:

- Firstly, conceptually, these initiatives leaned heavily on the so-called Pashtun tradition of the *arbakai* – a term whose loose definition² proved conveniently malleable for those designing individual programmes;
- Secondly, these programmes became increasingly popular as alternatives or complements to the Afghan National Army (ANA) and Afghan Police, whose performance overall was underwhelming throughout the first post-Taliban decade.

¹ The Afghanistan National Auxiliary Police (ANAP) and the Community Defence Initiatives (CDI) are other notable examples.

² For definitions and further discussion on *arbakai* see Mohamed Osman Tariq, 'Tribal Security System in Southeast Afghanistan', LSE Crisis States Research Centre Occasional Papers (December 2008).

1. THE AFGHANISTAN PUBLIC PROTECTION PROGRAM IN WARDAK (OCTOBER 2008 TO JULY 2010)

The Afghanistan Public Protection Program (*niru-ye mahafezat-e mahali-ye amniat*, widely known as AP3) was first discussed by US and Afghan officials in October 2008. According to official Ministry of Interior (Moi) documents, the intent was to ‘improve security and the local population’s confidence in the government’ by conducting ‘community security operations that prevent insurgent attacks on key infrastructure and facilities’ and ‘deny[ing] insurgent havens’, resulting in ‘conditions for greater development’ and ‘extending the legitimate reach of the government’.³

Formally under the auspices of the Moi and the Independent Directorate for Local Governance (IDLG), AP3 was designed, funded and implemented mainly by the US military (particularly the US Special Forces (SF) until mid-2010 when American conventional forces took over).⁴ Wardak, where security had deteriorated rapidly after 2006, was chosen as a pilot province, and the programme began in Chak, Jalrez, Maidan Shahr and Nerkh districts in March 2009.

US and Afghan officials picked Wardak, a strategically located province close to Kabul, because it was home to the Afghanistan Social Outreach Program (ASOP) pilot project run by the IDLG. The intention of US and Afghan planners was to give the local ASOP *shuras* (councils) responsibility for selecting AP3 guardians. This however did not materialise in practice, and very few elders or local and provincial officials interviewed thought that ASOP had played any role in the process. In reality, the selection of AP3 guardians, all of whom were required to be over 25 and originate from the district of their deployment,⁵ was a mix of direct patronage by elders and local power brokers including prominent jihadi commanders.⁶ As had been the case for the Afghanistan National Auxiliary Police (ANAP), the *shura*-based process was largely circumvented by most AP3 recruits.⁷

The plan provided for between 100 and 200 guardians to be recruited in each district, for a total of 1,200 men throughout the province. AP3 guardians received one AK-47

³ Moi documents on AP3 obtained from Moi officials by the author, January 2009.

⁴ This was done through the US Department of Defense’s Afghanistan Security Forces Fund.

⁵ Moi documents detailing the structure and intent behind AP3 obtained by the author, January 2009.

⁶ Interviews with Wardak elders, Kabul, February 2010.

⁷ For a brief discussion see Matthieu Lefèvre, ‘Local Defence in Afghanistan: A Review of Government-Backed Initiatives’, Afghanistan Analysts Network, May 2010, available at www.aan-afghanistan.com/index.asp?id=763.

rifle and three magazines of ammunition – provided by Mol – and two uniforms supplied by the US military. The US also supplied one vehicle for every 25 guardians and one radio for every ten men. The Afghan National Police (ANP), supervised by the US SF, conducted training for these new recruits in 21-day modules. Basic AP3 guardian salaries were US\$170 per month – roughly equivalent to the base pay of patrolmen in the ANP and soldiers in the ANA, despite requirements for the latter two to undertake several more weeks of training.⁸

As was the case for the ANAP, and the police more generally, very little vetting was ever conducted, despite provisions in official Mol plans. In theory, vetting should have been conducted by Mol intelligence officers and by National Directorate for Security (NDS) officers, but senior Mol officials admitted that such background checks remained very limited because no-one had either the capacity or the time to ‘really know who is who’.⁹

At first recruitment was sluggish. The programme only gathered momentum in December 2009 with the controversial appointment of Ghulam Mohammed Hotak, a prominent former Harakat-e Inqilab-e Islami commander, as the provincial commander of AP3, bringing with him about 500 men.¹⁰ Most of these were Mujahedin who had fought under him in the past, and they were incorporated into AP3 without *shura* selection or any form of vetting. Almost exclusively Pashtuns from Jalrez district, these new additions made up almost half of AP3, which had a cap of 1,100 men.

Although on paper the AP3 was tied into the provincial police command structure (the district-level AP3 commanders were supposed to report to the ANP district chief), in practice AP3 operated as an entirely separate force. Ghulam Mohammed – whose force was nearly double the size of the ANP in the province – made it very clear that he answered only to the US military and the Mol in Kabul.¹¹ Senior Mol

⁸ The salaries were increased from US\$100 at the start of the program.

⁹ Interview with senior police officer, Kabul, February 2010.

¹⁰ Gholam Mohammed Hotak is a former Harakat-e Inqilab-e Islami commander who later joined Hizb-e Islami (Gulbuddin) and then the Taliban regime. He was reported to have led a group of up to 3,000 men during the mid-1990s. He was arrested by the US military and sent to Bagram in 2004 and released in 2006. His brother, Haji Musa Hotak, a commander of Harakat-e Inqilab-e Islami and a former deputy minister of planning under the Taliban, was a member of parliament in the previous parliament and is currently a member of the High Peace Council. In January 2010, Haji Musa was removed from the UN’s Taliban black list.

¹¹ Interview with US military officer, Kabul, February 2010.

officers working in Wardak recognised that they had little or no control over AP3,¹² and relations between the forces were poor, in part due to old political rivalries.¹³

Many ordinary Wardakis were concerned about the appointment of Ghulam Mohammed, a jihadi commander with no formal training or education and a chequered past with many enemies. It was widely perceived as a return to the days of government weakness and private militias.¹⁴ The US Special Forces, in contrast, held him in high regard, assessing that he performed ‘exceptionally well’ in part because he recruited guardians from areas that were previously not well disposed to the government and also for his ability to influence ‘fence sitters’.¹⁵ The US SF also recognised that Ghulam Mohammed was ‘instrumental’ in arranging meetings between AP3, the US forces and insurgent leaders.¹⁶

Strictly from a security point of view, AP3’s impact is hard to assess given the lack of reliable and accessible data. The Afghanistan NGO Safety Office (ANSO) reported that insurgent attacks in the area rose sharply between the second quarter of 2009 and the same period in 2010, when AP3 was most active.¹⁷ US officials with access to confidential assessments of security in Wardak, however, claimed that security had improved in this period.¹⁸ Even more importantly, beyond a narrow security focus, the broader socio-political impact of AP3 raises serious questions that require further evaluation.

Despite claims of ‘success’, the programme was never expanded to other provinces.¹⁹ The main reason appeared to be that AP3 was slower and more resource-intensive and bureaucratic than initially foreseen. It was decided that efforts should instead be concentrated on more easily manageable programmes and development of the regular ANP. At the end of 2010, the programme was, however, still ongoing in Wardak with the plan to incorporate the personnel into the newly announced Afghan Local Police (ALP). Created by presidential decree on 14 July 2010, the stated aim of

¹² Interview with senior ANP officers, Kabul, February 2010.

¹³ The chief of police at the time, General Muzaffaruddin was a staunch Hizb-e Islami supporter. Wardak is a hornet’s nest of rivalries, for example between different Mujahedin ‘parties’. The rivalry between Harakat and Hizb-e Islami was particularly hard fought in Wardak.

¹⁴ Based on interviews conducted by the author in February 2010.

¹⁵ The original intent was not to appoint a provincial commander for AP3 out of ‘fear that this would lead to the formation of a “militia”’. Interview with US military officer, February 2010.

¹⁶ US military report on AP3 in Wardak obtained by the author.

¹⁷ The number of attacks rose from 139 attacks in 2009 to 183 in 2010. See Afghanistan NGO Safety Office (ANSO), *Quarterly Data Report Q.2 2010*.

¹⁸ Interview with US official, Kabul, September 2010.

¹⁹ Interview with US Embassy staff, Kabul, February 2010.

the ALP was to create ‘a comprehensive framework for unification of the activities implemented under different titles such as the programme in Maidan Wardak province’.²⁰ How this will pan out in the long run, given the personalities involved and the problems with command and control, remains to be seen.

2. THE LOCAL DEFENCE INITIATIVES (MID-2009 TO JULY 2010)

The Local Defence Initiatives (LDI, *ibtikar-e defa’-e mahali*) were created in part out of frustration with the slow pace of progress and the cost of AP3. US SF planners were eager to test smaller security programmes involving local populations, hoping these could reverse Taleban gains at the village level.

LDI never amounted to a full official programme but was rather a series of experiments that started in mid-2009, building on several previous community-based security initiatives that had been tried in different parts of the country with minimal coordination. Early forms of LDI were tried in parts of Arghandab (Kandahar province), Khakrez (Kandahar), Nili (Daikundi), Achin (Nangarhar), Gereshk (Helmand) and ‘areas in Paktia’, among others.²¹

Though practice largely preceded policy, a March 2010 strategy paper on LDI produced by the Afghan and US governments shed some light on the programme’s intents.²² The document, which bears little resemblance to what actually happened on the ground, states that LDI aimed to ‘secure local communities by denying insurgents access to and support in local communities’. This was to be achieved by countering the ‘reasons insurgents are effective at the village level – poverty, unemployment, lack of adequate protection, lack of education’ – and intended to provide ‘responsibility and employment to village members’ so that ‘villagers no longer provide sources of support for insurgents’ and ‘will not allow insurgents to live within their village or allow village members to join the insurgents’.

On the structure of the programme, the document states that ‘the District Governor will work with the Community Development Councils (CDC) or the village *shuras* and will coordinate through a District Council (ideally the ASOP council) to select, vet, and locally supervise LDI’.²³ Individual payments to the ‘defenders’ were set at ‘50 per

²⁰ MoI implementation plan discussed in August 2010. MoI document obtained by the author.

²¹ Interview with several officials working closely on the program, March 2010.

²² Final Draft Local Defence Initiative Strategy, March 2010.

²³ CDCs are village-level elected bodies created under the auspices of the Ministry of Rural Rehabilitation and Development.

cent of the current ANP rate and will be provided through the MoI pay process'. It was further specified that LDI was 'an auxiliary force to the district police' with 'no arrest or detention authority'. Defenders were not to be provided with a weapon but expected to bring their own. The paper finally states that 'support and assistance' to the community would be delivered 'through development programmes and projects tied to local security'.

LDI was taken to its most advanced stage in Nagahan village in Arghandab district of Kandahar province.²⁴ According to the US SF, discussions about LDI took place in October 2009 after elders from Nagahan and nearby villages invited the US SF to move into the area. At its peak, there were 25 full-time paid defenders, recruited from the area and living with the US SF, and an additional 50 unpaid defenders selected from the area and living in their own homes.²⁵

No specific *shura* was established to select the defenders and manage the programme, but the existing village *shura* was revived and used for discussions on LDI. Elders interviewed did not link this *shura* with other programmes such as the CDCs, IDLG or ASOP. Several cash-for-work and crops-for-work projects tied to LDI were managed for the US military by a US organisation called International Relief & Development (IRD), said to have benefited about 9,000 people.²⁶

The US military initiated a much larger and very different project in Achin district of Nangarhar province in late 2009, when they attempted to recruit members of the Shinwari tribe en masse. The programme ran into considerable difficulties in its first few weeks, and US military officers said it was shut down entirely by March 2010 following a disagreement with the Shinwaris over the establishment of small international military bases in the district.²⁷

An LDI project was also initiated in Nili district, Daikundi province, although its formal status was never clear. In early 2010, several people from Daikundi reported that the US military had recruited Sedaqat, a notorious jihadi commander and criminal from Khedir district, to assemble up to 500 men to assist with either security in the

²⁴ Arghandab is one of the smallest districts of the province with a population of about 51,600 people; it is located close to Kandahar city. The population is fairly homogeneous, with 80 per cent belonging to the Alikozai tribe.

²⁵ Interview with Arghandab elders, Kandahar, February 2010.

²⁶ Ibid.

²⁷ See Alissa J Rubin, 'Afghan Tribal Rivalries Bedevil a U.S. Plan', *The New York Times* (11 March 2010) and Dexter Filkins, 'Afghan Tribe, Vowing to Fight Taliban, to Get U.S. Aid in Return', *The New York Times* (27 January 2010).

province or to help the US military fight the local Taleban in Gizab district. Faced with opposition by local officials, the plan was never implemented.²⁸

In Delaram district of Nimroz province, officials working on LDI say that local elders were receptive to the idea but were scared off by Taleban threats of reprisals.²⁹ In Kunduz, the US military officials claim they decided against starting an LDI, because US officers became wary that what they describe as ‘traditional militias’ would take over.³⁰

As LDI expanded throughout 2009 and early 2010, a number of turf battles emerged back in Kabul. On the Afghan side, the Mol, IDLG and Wolesi Jirga Member Arif Noorzai, who had been appointed head of a new department responsible for the security of ‘highways and public property’, fought for control of the programme. US military and civilian agencies, particularly the US SF and the State Department, also clashed over control of the projects.³¹ In reality, on the ground, LDI was developed and implemented almost single-handedly by the US SF military working directly with local power brokers.

A number of fundamental disagreements on LDI remained unaddressed when the programme was officially transitioned to the ALP programme in July 2010. This included, among others, the potential benefits and the risks involved in using this type of programme as a vehicle for reintegrating low-level Taleban fighters. Other concerns also remained including the risks involved in rearming potentially irregular fighters or former fighters; the ability, or inability, to manage who is recruited into the programme (and who may co-opt it); the potential upsetting of the local power balance when bringing in former combatants to act as local police; and adding to the sense among ordinary people that only fighters get rewarded.

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²⁸ Communication with AAN analysts, February 2010.

²⁹ Interviews with US officials involved in LDI, February 2010.

³⁰ Ibid. Initial discussions were reportedly conducted with Mir Alam Khan, one of the most prominent commanders (Jamiat) in the area.

³¹ See for example Greg Jaffe and Rajiv Chandrasekaran, ‘U.S. Ambassador Puts Brakes on Plan to Utilize Afghan Militias against Taliban’, *The Washington Post* (22 January 2010).

Joanna Buckley

Building the Police through the Focused District Development Programme

It was not until 2006 that the international community fully recognised the importance of an effective police force for tackling the growing insurgency in Afghanistan or became aware of the scale of the problems faced by the institution. Following the international intervention in 2001, comparatively little effort was expended in building the capacity of the Afghan National Police (ANP) or the ministry of interior (MoI), the ministry responsible for the ANP. As with other state sectors, the ANP was quickly co-opted by self-interested factions. The ANP soon gained a reputation as a coercive and corrupt force, composed of poorly trained and predominantly illiterate policemen.¹

From 2002 to 2007, Germany had overall responsibility for the coordination of the international community's support to the ANP as the 'lead nation' or 'key partner' for the police. In 2007, the German mission was subsumed within the newly formed European Union Police Mission in Afghanistan (EUPOL). Germany had made important contributions to the policing sector, including opening and managing the Kabul Police Academy. However, there was growing frustration, particularly from the US, that these efforts were too limited and too slow.

¹ For background on the ANP in Afghanistan see 'Reforming Afghanistan's Police', *International Crisis Group* (30 August 2007), available at [www.crisisgroup.org/~media/Files/asia/south-asia/afghanistan/138_reforming_afghanistan_s_police.ashx](http://www.crisisgroup.org/~/media/Files/asia/south-asia/afghanistan/138_reforming_afghanistan_s_police.ashx), and Andrew Wilder, 'Cops and Robbers? The Struggle to Reform the Afghan National Police', *Afghanistan Research and Evaluation Unit Issues Paper Series*.

The Focused District Development (FDD) programme was designed to be the biggest police reform programme in Afghanistan, operating nationwide. The initial budget for the financial year 2007 was estimated at US\$2.5 billion.²

1. THE PROGRAMME

The FDD programme, which was launched in November 2007, was designed to train and build the capacity of the Afghan Uniformed Police (AUP) – one branch of the ANP – at the district level.

The goals of the FDD included enhancing the capacity of the AUP, building linkages between the AUP and the local prosecutor's office, and strengthening ties between the district-level police forces and ANP command at the provincial, regional and zonal levels. FDD was to be combined with other programmes in the justice sector and was intended to build the capacity of the MoI by involving the ministry in the design, implementation and management of the programme. Overall, the hope was that FDD would allow the Afghan government and ministry of interior to 'project success'.

FDD was the brainchild of the Combined Security Transition Command, Afghanistan (CSTC-A), the US military component charged with the training and reform of the Afghan National Army (ANA) and the ANP.³

The basic idea was that district-level AUP forces would be taken out of the district to be re-trained at a regional training facility and then put back into the district, accompanied by mentors for a period of two to three months. If there was a lack of policemen in the district in question, there would be a recruitment process to ensure that the district had fulfilled its *tashkeel* (the MoI staffing structure that lists the number of policemen designated to each area of the ANP and across the country). All AUP would be trained to similar standards and receive the basic police curriculum for incoming policemen. During the training period, the Afghan National Civil Order Police (ANCOP) would 'backfill' and be placed into the district to ensure a continuing police presence. At the same time, each district would be assessed for its policing and justice needs by a task force comprised of Afghan government officials and

² It was very difficult to get precise figures on the budget for FDD. The figure of US\$2.5 billion was an estimate based on meetings with Combined Security Transition Command, Afghanistan (CSTC-A) officials during 2007. See Frederik Rosén, 'Third Generation Civil-Military Relations and the "New Revolution in Military Affairs"', DIIS Working Paper 14, available at www.diis.dk/graphics/Publications/WP2009/WP09-03_New_Revolution_in_Military_Affairs_web.pdf.

³ In November 2009, CSTC-A was merged with the NATO Training Mission, Afghanistan (NTM-A) to form a coordinated training mission.

representatives of the international community, and a district-specific tailored assistance programme would be developed.

An FDD 'cycle' was to last for six to eight months for each district, with approximately five to six districts included in each cycle. FDD was structured around six phases:

1. Assessment and recruiting – approximately 60 days;
2. Insertion of a temporary covering security force – put in place during a ten-day period;
3. Recruitment and training of the new District Police Force – eight weeks;
4. Reinsertion of the new District Police Force into the district – during a one-week period;
5. Mentoring by Police Mentoring Teams (PMTs) with continued collective training in the district – 2–4 months;
6. Sustained operational mentoring – indefinite.

As of April 2010, 83 districts had completed FDD. At that time, a new programme, called the Directed Police District Development (DPDD) programme, was also being implemented. The DPDD programme is similar to FDD but with training conducted in the districts rather than at regional training centres.⁴ It has proven difficult to access current information or statistics on the FDD. A more recent US Department of Defense (DoD) report makes no mention of either programme.⁵

2. PROGRAMME ANALYSIS

FDD represented a welcome shift in attitude, with the international community recognising that efforts had to be made to improve the police force at the district level rather than focusing almost entirely on provincial or Kabul-level developments. This concept was coupled with the notion of hands-on and sustained mentoring from PMTs working alongside the district police force. Not only would this provide the AUP with direct support and oversight, it also offered the opportunity for PMTs to gain a real insight into the realities of policing in Afghanistan.

In its presentations on the FDD, CSTC-A consistently emphasised that the MoI was to be involved in every step of the programme's planning and implementation. In reality, however, the MoI ended up merely rubber-stamping a programme designed

⁴ 'Report on Progress toward Security and Stability in Afghanistan', Department of Defense Report to Congress, April 2010, 122, available at www.defense.gov/pubs/pdfs/Report_Final_SecDef_04_26_10.pdf.

⁵ See 'Report on Progress toward Security and Stability in Afghanistan', Department of Defense Report to Congress (April 2011), available at www.defense.gov/news/1231rpt.pdf.

by American military planners. Lieutenant General Abdul Hadi Khalid, then first deputy minister of the MoI, initially raised some objections to the programme design – including the limited amount of training and the selection of districts (see below) – but these were quickly brushed aside. Other officials in the MoI were loath to criticise a programme that promised the investment of a couple of billion dollars in the police force. Nevertheless, this still marked a change in the mentality of the US military, recognising the need to engage Afghan officials directly as part of programme implementation.

The programme involved the deployment of the Afghan National Civil Order Police (ANCOP). Established in 2006, ANCOP was designed as an elite police unit, receiving double the training of regular ANP (16 weeks in comparison to the standard 8 weeks) and higher pay. Local communities responded positively to a better trained and more disciplined police unit. This reinforced the need to ensure that the AUP was trained not just as a paramilitary fighting force but as a civilian police force able to respond to and respect the needs of the communities, and not tarnished by a reputation for corruption and abuse. ANCOP demonstrated that more rigorous recruitment and vetting, creating incentives for good performance and conduct, and providing more thorough and extensive training could have a significant impact on the performance of the police.

By 2009, the US Department of Defense reported that there had been an 85 per cent decrease in local national casualties in the districts that had completed FDD.⁶ However, there is very little information on how these figures were collated or what this figure actually means – in other words, whether it refers to deaths or injuries, what type of injuries and how such casualties are caused.

Despite these positives, FDD did not fulfil expectations. In part this was a result of the programme's ambitions. FDD initially envisaged developing holistic reform programmes for each district – combining police reform efforts with programmes in justice, development and public works within very limited time frames. In reality, FDD was scaled down to focus almost entirely on policing issues.

Of more consequence was that there was little attempt to develop lessons learned and to use these to re-design and nuance the programme to be more effective as it developed. FDD was driven by the need to achieve something, and to achieve it quickly. It came to represent the largest undertaking in the area of police reform by CSTC-A under General Robert W Cone's leadership. Suggestions on how the programme could be altered were considered a criticism and rebuffed.

⁶ 'Progress toward Security and Stability in Afghanistan', Department of Defense Report to Congress (January 2009), 45, available at www.defense.gov/pubs/OCTOBER_1230_FINAL.pdf.

In particular the programme suffered from weaknesses in the six following areas.

2.1 District Focus

The FDD programme included an initial assessment phase of each district's needs and requirements. District Assessment Reform Teams (DART teams), comprised of international and Afghan government officials, were to deploy to each district in advance and collate information to be used in the design of the programme for that specific district. However, there was often difficulty in securing participation from government officials. As a result, the assessments were conducted by US military personnel who had little knowledge of the districts or local policing and justice issues. Part of the explanation for this was the lack of buy-in for the districts selected (see below).

2.2 Curriculum

While the FDD was supposed to be tailored to the specific district in question, each AUP force was trained according to the standard national curriculum, designed and implemented by the US Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL). Several organisations, including EUPOL, as well as officials within the MoI, had for a long time requested changes to the curriculum through the International Police Coordination Board (IPCB)⁷ and in bilateral meetings with CSTC-A and INL, including a greater focus on the rule of law and justice and basic numeracy and literacy skills.⁸

In discussions with former diplomats involved with the FDD, one reason given for the initial reluctance to adapt the curriculum was the contractual relationship between the US Department of State and DynCorp International. DynCorp, a for-profit organisation, was contracted to provide training at the Regional Training Centres (RTCs).⁹ Attempts to coordinate training efforts, adjust curricula or build on training modules using experts on police subject matter would have reduced demand for

⁷ The International Police Coordination Board was formed to ensure better coordination between the Ministry of Interior and the international actors working on police reform.

⁸ Literacy training is now included as part of the training for the Afghan National Security Forces (ANSF), which include both the ANP and ANA. In its current form, the ANSF Literacy Program began in September 2010.

⁹ See DynCorp press releases of 2011, 2008 and 2005 respectively, available at [www.dyn-intl.com/news2011/news021411-di-llc-awarded-afghan-training-and-mentoring-contract-valued-at-up-to-\\$1-billion.aspx](http://www.dyn-intl.com/news2011/news021411-di-llc-awarded-afghan-training-and-mentoring-contract-valued-at-up-to-$1-billion.aspx); and www.dyn-intl.com/news2008/news080508.aspx; and www.dyn-intl.com/news2005/news090705.aspx.

DynCorp's services and, ultimately, affected potential profits. As summarised by a former diplomat, 'In the case of FDD, corporate interests seriously undermined the ability of the international community to coordinate and deliver a comprehensive and synchronized program.'¹⁰

2.3 Evaluation

When FDD was first proposed in September 2008, several embassies and organisations were asked to provide comments and analysis on the draft proposal. Although detailed comments were submitted by, for example, the European Union using combined input from the office of the special representative of the European Union in Afghanistan, the European Commission and EUPOL, there was no response to the comments. It soon became clear that the programme had been decided upon and there was little scope for any changes.

As an example, members of the IPCB suggested conducting an independent programme evaluation at the end of the first cycle of FDD. CSTC-A did not agree to this proposal. Instead, they established the FDD After-Action Review meetings (AAR) to provide continuous analysis and evaluation. In practice, these meetings focused entirely on the technical aspects of the FDD (including troop movements and training facilities) and substantive issues were not discussed. It remained difficult throughout the programme to obtain up-to-date information or analysis on the FDD.

2.4 District Selection

CSTC-A initially sought the involvement of relevant agencies, including the United Nations Assistance Mission in Afghanistan (UNAMA), in the selection of districts for each cycle of FDD. Despite meetings to discuss district selection, it became evident that district selection was to be driven almost entirely by the operational priorities of the NATO-led International Security Assistance Force (ISAF). At the beginning of the FDD, this involved securing crucial supply routes around the ring road, which is the main road connecting all major centres in Afghanistan. As a result, the districts in which the FDD was implemented were spread out across several provinces. Little attention was paid to the dynamics between various districts within and across provincial boundaries or to designing a more objective criterion by which districts could be selected. As late as 2009, UNAMA attempted to influence the selection of districts for FDD to coincide with a programme – referred to as the Integrated

¹⁰ Discussions with former diplomat in Afghanistan, November 2010.

Approach, which focused on districts in which there was a rapidly declining security situation – with little success.

CSTC-A had envisaged that other organisations would implement development, justice and public work programmes alongside the FDD. However, the list of districts selected and the time lines for implementation, which were presented without consultation, showed no understanding of the time required by other organisations to develop programmes or secure funding. Instead, many of the CSTC-A officials felt that this was just another example of civilians being uncooperative, slow and inefficient.

Part of the difficulty was that FDD was being rolled out without any coherent idea of what the police force was being trained to do. CSTC-A and the US military were almost entirely focused on developing the police as a paramilitary force with which to meet the security threat, whilst other actors felt that the international community should focus its efforts on developing a civilian enforcement agency.

2.5 Recruitment

In those districts where the number of existing policemen did not fulfil the *tashkeel* for the district, CSTC-A implemented a recruitment drive. It was very difficult to get information on how these police were recruited or how they were vetted. In the summer of 2008, Task Force Phoenix (TF Phoenix) conducted a survey of the number of policemen in Afghanistan. US military personnel informed district chiefs of police that they would be conducting a count of police personnel two days in advance. Even with this method, which allowed police chiefs to mobilise policemen that may have otherwise not reported for duty, TF Phoenix found that the police force was at only 80 per cent of its official strength. It was estimated that attrition rates amongst the ANP at this time were at 21 per cent.¹¹

Despite these findings, FDD did little to address problems of retention within the ANP. As an example, Canadian officials informally reported that turnover in Kandahar remained high. There were unconfirmed reports that following the implementation of FDD in the district of Panjwayi in Kandahar province, there was 100 per cent turnover in personnel within the AUP.

¹¹ See 'Policing in Afghanistan: Still Searching for a Strategy', International Crisis Group, Asia Briefing No. 85, 18 December 2008, quoting from 'Review of the Quality, Structures and Accountability of the Afghan National Police', presented to the JCMB VII, January 2008, 6.

2.6 EUPOL

EUPOL took over from the German policing mission in the summer of 2007. The mission's mandate limited its activities to the zonal, regional and provincial levels, which meant that EUPOL was unable to take part in what became the largest international effort in the policing sector. EUPOL staff attended meetings and sat on FDD committees, but their role was nominal, and they were unable to assert any influence on the programme's direction. This also fractured EUPOL's efforts. EUPOL staff comprised secondments from different countries, including EU member countries, Canada and Norway. The objective was to ensure that all countries involved coordinated their operations and followed an agreed mandate to prevent dislocated efforts driven by national agendas. However, those countries that wanted to participate in FDD had to divide their forces. Canada, for example, had some police officers under the umbrella of EUPOL and others acting independently and participating in the FDD. As a result, EUPOL's reach and influence over national forces operating in the field were reduced.

3. CONCLUSION

US government officials quickly acknowledged that FDD was constrained by factors including a lack of police mentors, restrictions in the number of training places available at the RTCs and a shortage of trained ANCOP units.¹² However, by 2010, the DoD admitted that 'many districts have only had minimal success after completing the FDD training program, due to the lack of reform in other areas such as governance and rule of law. Without these institutions in place, police training efforts will only be minimally effective.'¹³

In many ways, the FDD marked a welcome transition with the international community finally paying focused and sustained attention to the reform of the ANP. However, there was little recognition that operational and technical programmes to improve the capacity of the AUP would be of limited benefit without concomitant political efforts to tackle the systemic problems plaguing the ministry of interior and the ANP including corruption, links to the narcotics industry and political interference.

¹² 'Progress toward Security', 46 (See FN6).

¹³ 'Report on Progress', 122 (See FN4).

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Steve Brooking

Private Security Companies in Afghanistan, 2001–11

Private Security Companies (PSCs) rose without supervision in Afghanistan after the fall of the Taliban.¹ Attempts to regulate them were thwarted by collusion between weak government officials and powerful companies, until President Karzai issued a decree banning them all within three months. Then the military and diplomatic community took the issue seriously and negotiated a compromise, the effectiveness of which remains to be seen.

Pre-2001 there was no private security industry within Afghanistan. However, the arrival of the coalition forces and the re-opening of embassies in late 2001 brought an immediate influx of 'private security', starting with Blackwater and Dyncorp that came to guard the CIA headquarters and US Embassy respectively. In addition to these international companies, the fledgling (special) forces of Operation Enduring Freedom were establishing small forward operating bases (FOBs) in various locations around the country and using men provided by local 'commanders' to guard their outer security ring. At the time there was no official Afghan army. The commanders were paid directly by the foreign forces and passed on a proportion of this money to their men, thus laying the foundation for the first informal Afghan-run private security 'companies'. It was the lack of capable state forces that initially forced those looking for security provision to turn to 'the private sector'; this, combined with international PSCs seeking new fields as the US wound down in Iraq and 'surged' in Afghanistan, led to the industry's growth.

¹ This chapter was originally written in December 2010. It was updated by AAN in August 2011.

There were several early attempts at control: two departments of the Afghan Interior Ministry (Mol) – the Criminal Investigation Department and the Uniformed Police – both started issuing licenses in 2006. The Office of the National Security Advisor asked for foreign advice in controlling PSCs, as they regarded them as a potential threat to national security – as they provided ex-commanders with an opportunity to legitimise their forces rather than submit them to the disarmament processes: the Disarmament, Demobilisation and Reintegration programme (DDR) and the Disbandment of Illegal Armed Groups programme (DIAG). The UN Assistance Mission in Afghanistan (UNAMA) also assisted with early attempts to draw up regulations. Finally the Afghan Mol and the Disarmament and Reintegration Commission drew up guidelines for the registration of PSCs in October 2007. The document stated in the preamble that the guidelines were ‘intended to improve transparency, accountability, and the quality of private security services in Afghanistan’.² At this point in 2007 it seemed the trend was towards increasing regulation, based on clear concerns as to the real intent and activities behind many existing PSCs. However, after further internal discussion, the government of Afghanistan, at a Cabinet meeting in January 2008, instead decided on an immediate ban on all PSCs working in Afghanistan. Ten days later at a meeting of the Policy Action Group,³ the internationals said that they ‘of course respected the sovereign right of the Afghan Government to enact such a ban’, but clearly laid out the consequences: no more NATO or coalition offensive operations and a suspension of at least 50 per cent of aid projects. The government withdrew the ban. A new preamble to the guidelines written in February 2008 included many of the above points but made it clear that the activities of PSCs were only to be temporary: ‘currently the government has given

² The guidelines were ‘intended to improve transparency, accountability, and the quality of private security services in Afghanistan. Equally it should serve as a quality assurance for those purchasing private security services, as well as the end-users and the general public. . . . It is paramount that the services should be delivered in a professional way that leaves absolutely no room for abuse. The Afghan Government cannot allow any gaps in assuring the Afghan people that illegal armed groups are neither supported to re-emerge as PSCs, nor linked with any illegal and criminal activities, weapon smuggling and drug trafficking. . . . As a conflict-torn country Afghanistan cannot afford to contend with anything less than strict regulations on the establishment and operations of PSCs. . . . A thorough verification process will identify those PSCs that comply with all the procedural and legal requirements and standards as eligible for obtaining new operating licenses.’ Disarmament and Reintegration Commission Draft Guidelines on Regulating PSCs, October 2007.

³ The Policy Action Group was the highest-level coordination group between the Afghan Government and the international community; it was chaired by the National Security Advisor and comprised of Afghan ministers, key foreign ambassadors, the United Nations Special Representative and senior international military.

conditional permission to hire reliable and professional PSCs that can adhere to Afghanistan's laws and accepted international standards to provide security to the military bases, embassies, and large reconstruction projects, so that Afghanistan's reconstruction process is not disrupted.⁴

As part of the regularisation process, in May 2008, the cabinet accepted and licensed 39 companies to operate as PSCs within Afghanistan. In August 2009, an additional 13 companies were added to the list. However, there appears to have been little attempt to conduct checks on the companies and who owned them. For instance the son of the defence minister, the son of the chairman of the senate, and other 'connected people' were all granted licenses in spite of a clause banning close relatives of senior officials from heading a PSC. A number of PSCs, both local and international, complained about systemic corruption among the MoI officials appointed to oversee the process, including demanding bribes for adding individuals, weapons or vehicles to the lists. The official fees charged raised some US\$3 million in revenue for the Afghan government.

The appointment of Haneef Atmar as interior minister in late 2008 led to a review of the various strategies and to some changing of priorities. After a number of incidents in which PSCs shot dead civilians, Atmar decided upon the establishment of a new 'nationalised' private security force called the Afghan Public Protection Force (APPF), which would replace PSCs and remain under firmer MoI control. Localised APPF units were set up in 2009 and used to guard an Asian Development Bank-funded road-building project in Faryab province, the Indian government-funded Salma Dam project in Herat, and the massive Chinese-contracted Aynak Copper Mine in Logar, as well as two new banks, Azizi Bank and Ghazanfar Bank. The concept was written into the five-year National Police Strategy: 'The Afghan Public Protection Force will provide protection for those facilities for which donors, international agencies, and private sector organisations currently contract PSCs. . . . Subject to Government approval, APPF will gradually replace PSCs in the future.'⁵

This was, however, at odds with the desire of President Karzai who, in his inauguration speech after his re-election in November 2009, had called for the abolition of private security within two years, rather than the five years outlined in the police plan. In August 2010, he went further and called upon donors to stop supporting private security, which he said did not work for the benefit of Afghan national interests but actually undermined the work of the national police and army

⁴ Disarmament and Reintegration Commission Draft Guidelines for Regulating PSCs, February 2008.

⁵ Ministry of Interior National Police Plan 2009–14.

and fuelled corruption. He then followed this up with a decree (No. 65) banning all PSCs by 31 December 2010.

There then followed a period of confusion with various government ministries, the palace and the international community all trying to apply different interpretations of the decree, since it had stated that diplomatic security and NATO bases would be exempt. A change of interior minister in July 2010 meant that the APPF build-up had been put on hold, and the MoI and donors were concerned that there was insufficient capacity for the APPF or police to take on the security done by the PSCs.

A series of meetings with worried parties followed, and the president finally relented and authorised Dr Ashraf Ghani Ahmadzai to undertake detailed negotiations and to plan, in conjunction with the minister of interior, to replace all PSCs with the APPF by March 2012 in line with the wider transition of security authority to the Afghan government. Ghani met mainly with the International Security Assistance Force (ISAF), the US embassy and USAID to hammer out an agreement during March 2011. Ghani also persuaded the president that the seven PSCs that were too closely linked to government officials should be closed and disarmed. (This was finally put into effect in mid-2011, although one, Watan Risk Management, run by the Popal brothers, was eventually granted an exemption.)

The agreement allowed PSCs guarding diplomatic premises and ISAF bases to continue past 2012 (as per the Presidential Decree 65), but manpower in excess of 500 people would have to be part of the APPF manning. Moreover, all other PSC activity, including the guarding of development projects, would have to transfer to the APPF by March 2012, starting in November 2011. Attempts to have a potential 'roll-over for PSCs to March 2013 if the APPF was not ready' were firmly rebutted by Ghani. In essence, the ISAF and the diplomatic community preserved their own interests, whilst sacrificing those of the commercial and development partners. The price NATO had to pay was an undertaking to assist much more with the setting up of the APPF as a state-owned enterprise and to help with training facilities and mentors.

In addition, Ghani insisted that PSCs that had flouted the Afghan tax and visa laws, and ignored the previous regulations, should pay appropriate fines and back taxes, which was partly a way to provide 'seed money' for the new state-owned APPF enterprise. PSCs were assessed and given a finite time to appeal and pay. For most the MoI process seemed fair, and there were few complaints, with some genuine appeals upheld. However, there were some reports that the tax department of the ministry of finance used the opportunity to demand outrageous sums (as high as US\$120 million in one case) with unsubtle hints that, for a generous sum paid into (private) accounts, the overall fine could be reduced considerably. There was also some genuine confusion as some PSCs had 'assumed' that diplomatic contracts were

tax-free, whether or not this had been agreed upon with the tax authorities as required, and thus were faced not only with back-dated tax demands but also huge fines for 'late payments'.

If most PSCs were sanguine about the agreement, the same could not be said for the development and implementing partners. In August 2011 they sent a letter to the new US ambassador stating that they wished to work constructively to help build the APPF, but they had certain 'red-lines', which included a wish to retain a small number of armed expats as an 'inner circle' on projects; they also wished to be included in a review of APPF progress to date. NATO contested this and advanced the argument that the development partners cared more about their profits and would stay whatever happened; the review was to include only MoI, NATO, the US embassy, and US forces. At the time of writing, there was a survey underway by the Overseas Security Advisory Committee of the US embassy to see how many companies would leave if their concerns were not met.

Thus PSCs will continue in a limited form around NATO bases and diplomatic entities. Whether the APPF will be able to take on the security duties for implementing partners remains to be seen, and it may be that a number of companies will leave, thus reducing the client base of the APPF. This would potentially put a large number of armed and trained men onto the streets at a time when the whole transition process is already causing commentators to raise concerns over power groups vying to fill the 'power vacuum' that could be caused by transition. The rise of party or ethnic-based 'local police' groups also fits this pattern and fuels concerns that some elements are preparing for the possibility of renewed internal fighting.

The fact that the president felt the need to issue his decree (and the subsequent reaction) has highlighted the tensions between the Afghan government and donors. How did the situation come to this when there were supposed to be existing regulations?

If one examines the theories of state control and private security, there has been an underlying disagreement between Western donor nations and Afghan officials, with the former regarding private security as a 'norm' that is not only allowable but can even be encouraged as part of the 'market', while the default position of Afghan officials is that private security is at all times less preferable than state-provided security. This divergence of opinion lies at the heart of many subsequent problems. Moreover, when it comes to regulation and the alleged involvement of PSCs in criminal activities, the Afghan government did attempt to follow international best practices in drawing up the rules; this was initially largely disregarded by the international community who either completely ignored the regulations or negotiated exemptions from clauses that they did not like, such as the 500-man cap.

The international community itself did not have a consistent policy: at the strategic level the diplomatic and military leadership were calling for 'Afghanisation' involving greater cooperation and synchronisation with the views and policies of the Afghan government, while at the operational level contracts continued to be awarded to PSCs, including unlicensed ones, and the ISAF continued to press for PSCs to be allowed to expand in order to fulfil tasks that the ISAF could not do with its own assets. Donors, such as USAID, made little attempt to ensure that the PSCs with whom their implementing partners sub-contracted were of a uniform and acceptable standard. There was minimal supervision of such sub-contracts by either the military or civilian donor communities. The excuse that the internationals used was that because the Afghan Government had licensed the PSCs, it was up to the government to monitor them, yet they knew that the government had limited capacity to do so within the capital, Kabul, and even less outside. The Weberian notion of 'discharge of powers' assumes that the state has adequate supervision over the powers that it delegates to others to perform on its behalf, which was clearly not the case in Afghanistan and which now worries people about how the new APPF will function. (The Asian Development Bank (ADB) started to seek foreign PSC 'management' for their APPF contract in Faryab, which indicated an unhappiness with the overall performance.)

Another source of tension has been the bilateral agreements (such as the USAID protocols with the government of Afghanistan, the US Department of Defence agreement with the Afghan Ministry of Defence, and the NATO Military Technical Agreement), which supersede all Afghan domestic laws and regulations and that grant immunity from Afghan prosecution to the contractors. Indeed, in very few cases have foreign donors or clients followed up on allegations made against the PSCs that they use. There have been a few specific foreign-led or joint investigations, but allegations have generally been left to the Afghan authorities to follow up.

The Afghan government itself has made no real attempts to enforce its own regulatory code, even in areas in which it could: PSC licenses have been granted for political gain, and blind eyes have been turned to many illegal but powerfully-connected groups offering security outside the capital; even in Kabul corruption has meant that some PSCs get away with crimes whilst others are harassed. The PSCs are not entirely blameless either: whilst many have sought to obey the regulations to the best of their abilities, others have taken the path of least resistance in condoning bribery, obtaining weapons by whatever means possible, sheltering behind the connivance of their clients to break regulations, and generally giving the appearance of cooperation whilst doing as little as possible. When PSC staff has been caught acting illegally, most PSCs have moved as quickly as possible to sack them and

distance themselves from the accusations. As usual, the actions of some PSCs have been blamed on everyone in the industry.

Little effort has been made to portray the positive side of PSCs to the Afghan government. Only in the face of the 2010 presidential ban was any attempt made to quantify the extent to which PSCs were vital for the 'success' of Afghanistan in terms of the development, reconstruction and military efforts. This was a failing of the international community, their implementing partners and the PSCs themselves.

A number of the criticisms levelled at PSCs lack foundation: there is no evidence to show that the presence of PSCs prevents the proper build-up of the Afghan National Security Forces (ANSF) or inhibits state-building; numbers of recruits are not a problem; the ANSF has reached its growth ceiling ahead of time; and regulations (if properly-enforced) prevent the recruitment of young people most likely to be wanted. The public evidence is that PSCs are involved in less criminal activity than the police.

Although there was a fairly comprehensive set of regulations, the main problem was that the regulations were not properly enforced; the writ of the central government does not run large in the outlying provinces, and local power-brokers may have different agendas that render control of local PSCs in those areas very difficult. It is clear therefore that the Afghan government alone cannot control PSCs. It is also clear that, despite all the claims of adherence to self-regulation, many PSCs only pay lip-service to codes of conduct. Part of the responsibility should have been and must therefore be borne by the parties contracting with private security, be they governments or private businesses. It is difficult to regulate private deals between commercial entities, but in Afghanistan nearly all the money being spent on security was donor-granted which meant that sovereign governments could have a say in how that money was spent. They should have insisted on good practice in the hiring of private security by their implementing partners and sub-contractors.

The 2010 recommendation of the USAID inspector general was that all private security contracts need approval from the USAID office and that standards should be applied to such contracts. Similarly the US military set up an Armed Contractor Oversight Directorate in Afghanistan in 2009 in order to bring a level of supervision to all their contracting of private security and move it onto a footing that met both Afghan and US regulations; this was followed in 2010 by the creation of Task Force SPOTLIGHT to exert greater control.

The US remains the largest single user of private security in the country but by no means has a monopoly, and other nations, particularly ISAF troop contributors, continued to contract with unlicensed private security or to claim that existing contracts could not be cancelled or that they were not responsible for the security sub-

contracts. When the Afghan government revoked a PSC license, as they did for one PSC in August 2010 when they were caught weapons-smuggling, the international community, rather than supporting such moves and ending contracts with the PSC, argued on behalf of the contractor because they were concerned about the immediate consequences of 'losing' security. On the other hand, the Afghan government failed, as per the regulations, to give the requisite two-month period to allow the contracting party to make alternative arrangements with another licensed PSC.

The Sarajevo Client Guidelines urge prospective users of PSCs to check backgrounds thoroughly to ensure no links to undesirable groups, human-rights abusers or corruption (such as 'conflict of interest' links to government). The guidelines also say that low cost should not be the prime consideration. These guidelines have been sadly ignored. The ISAF has also ignored advice based on their own intelligence about the undesirable connections of certain PSCs in Afghanistan and has claimed that 'if they are licensed by the government then that is sufficient proof that they are credible PSCs'. By not becoming 'involved', the ISAF worsened the situation and contributed to the frustrations of the president and people of Afghanistan with PSCs.

A properly managed private security industry should have been able to assist in the reconstruction of Afghanistan by filling a security vacuum left by the over-stretched ANSF and international military, and to a large extent it has done so. Had the Afghan government better enforced its own regulations and had the international community taken a more proactive and 'best-practice' approach earlier, then events would not have reached the current more difficult and potentially confrontational point in which the senior Afghan leadership is convinced that private security causes more problems than it solves. This is a lesson to be applied to other post-conflict scenarios.

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Steve Brooking spent 20 years working for the British Diplomatic Service and served from 2001–04 as Political Counsellor and sometime Charge d'Affaires in Kabul. He returned to Kabul in 2006 in a private capacity and worked as a consultant for a number of clients including the UN Development Programme and the Office of the National Security Advisor. Since 2008 he has been an advisor to the Minister of Interior. He has also served as an expert consultant to the Swiss Government in drawing up of the International Code of Conduct for PSCs.

PART III

**How the
Aid Architecture Worked**

Anja de Beer

Afghanistan's Early Aid Architecture and How It Has Changed

In the midst of the discussions around timing and agenda for the second Kabul conference of the Joint Coordination and Monitoring Board (JCMB), I was approached to write a piece on the Afghanistan Development Forum (ADF) for this volume. The ADF was organised in 2003, 2004, 2005 and 2007. I remembered it from when I headed the Agency Coordinating Body for Afghan Relief (ACBAR),¹ and NGOs and other civil society organisations prepared statements and discussion papers for the various development forums. When searching for documents and talking to people I knew had attended the meetings, I realised that the events themselves had left only a very thin paper trail and had made very little impression on those present at that time.

The ADF at the time represented part of the process to ensure greater Afghan ownership of the post-Taliban aid coordination mechanisms, and to understand its role, one first needs to go back to the beginning.

The first discussion on a new aid architecture took place at a senior officials meeting in Washington, DC, at the end of November 2001 to prepare for the upcoming reconstruction effort. Since there was no official Afghan representation that could

¹ ACBAR was created in August 1988 in response to the demand of the many aid agencies and their donors for a coordinated approach to assistance in Afghanistan. Membership of ACBAR consists of national and international NGOs. The author was director of ACBAR from August 2003-April 2009.

represent the interests of the Afghan people – the government was not yet established² – the proposed structure would take on the role of the Afghan government in the interim.³

Out of the November meeting came two new aid fora: first, the Afghanistan Reconstruction Steering Group (ARSG), chaired jointly by the United States, European Union, Japan and Saudi Arabia, which was to give overall direction to the reconstruction process and resolve political issues; and second, the Afghanistan Reconstruction Implementation Group (IG), co-chaired by the Asian Development Bank, the Islamic Development Bank, the United Nations Development Programme (UNDP), the World Bank, and the chairs of the ARSG, created at the ministerial meeting in Tokyo in January 2002. The IG was intended as a Kabul-based forum for the implementing organisations on the ground.⁴

After the establishment of an internationally acknowledged representation with the establishment of the Afghanistan Interim Authority (AIA) on 22 December 2001, the Afghan government claimed its role as the main coordinating body already during the first Implementation Group meeting in January 2002 in Tokyo.

In February 2002 the interim government established the Afghan Assistance Coordination Authority (AACAA) to attract, guide, facilitate and coordinate the flow of international humanitarian, reconstruction and economic assistance to Afghanistan. The AACAA was formalised by presidential decree in April 2002.⁵ At the second IG meeting in April 2002 the AACAA presented the country's first draft of the National Development Framework (NDF). The NDF stated, 'The Government will not insist that

² Under the Bonn Agreement of 5 December 2001, an Interim Authority came into power on 22 December 2001. The Bonn Agreement is officially titled, 'Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions'.

³ Alastair J McKechnie, 'Humanitarian Assistance, Reconstruction and Development in Afghanistan: A Practitioners' View', CPR Working Papers No. 3 (2003): 12.

⁴ McKechnie, 'Humanitarian Assistance', 13 (see FN3).

⁵ Arne Strand, 'Aid Coordination in Afghanistan', Bergen, CMI, Commissioned Report, 2002, 10. The AACAA was governed by a board that consisted of a chairman, the ministers of finance, foreign affairs, planning and reconstruction, the head of the Central Bank, and several key players from the public sector. The AACAA had an aid coordination structure responsible for supporting line ministries to communicate reconstruction priorities, coordinate aid and implement the national development budget process and maintained the Donor Assistance Database (DAD) which tracked donor support within and outside the budget. Dr Ahraf Ghani Ahmadzai was appointed director of the AACAA. He retained this position after his appointment as minister of finance two months later. In July 2003, he was replaced by an acting director, Malik Mortaza.

all monies spent on reconstruction in Afghanistan go through our channels, but we expect donors to fund and implement only those projects consistent with the goals and strategies outlined in the NDF.⁶

The NDF identified 12 national priority programmes and three national security programmes under three pillars: human capital and social protection; physical infrastructure; and private sector development, security and rule of law.⁷

To develop the programmes outlined in the NDF further, the AACA established twelve programme working groups, each headed by a lead ministry and with the technical support of a programme secretariat. However, this mechanism was deemed ineffective by line ministries and donors alike and by the end of 2002 the AACA had established a new mechanism of 13 Consultative Groups (CGs).⁸

According to the government's information booklet 'Afghanistan – Rebuilding our Nation', dated March 2003, the CGs were responsible for

- Preparing public investment programmes;
- Ensuring consistency of recommendations with the NDF;
- Tracking of aid flows in support of the budget;
- Monitoring progress in programme areas; and
- Incorporating cross cutting issues and reporting back to the CG Standing Committee.

The Consultative Groups were supplemented by Advisory Groups, established to mainstream cross cutting issues within the budget (gender, environment, human rights, humanitarian affairs and monitoring and evaluation). Each CG was chaired by a lead ministry with support from a CG focal point. The whole process was overseen by the CG Standing Committee. The CGs prepared plans and budgets that were presented to the ADF on an annual basis.

The Afghanistan Development Forum was considered to be the overarching national Consultative Group and the forum where Afghan government, UN agencies, international organisations and NGOs discussed the progress of the National Priority Programmes, future priorities and the national budget.

⁶ 'National Development Framework', version 2, 2002, 6.

⁷ 'Afghanistan: Rebuilding our Nation', government publication, 2003, 3.

⁸ Pillar 1 included refugee and IDP return, education and vocational training, health and nutrition, livelihood and social protection, cultural heritage, culture and sports. Pillar 2 included transport, energy, mining, and telecommunications, natural resource management and urban management. Pillar 3 included trade and investment, public administration and security and rule of law.

But how important was the ADF? Despite all the effort that went into organising the different forums, the gatherings were mostly overshadowed by the many large international aid coordination meetings that took place between the Bonn Conference of December 2001 and the Paris Conference of June 2008.⁹

As a consequence, the focus of the ADFs shifted; it became more about process, reporting and funding than about being a platform for policy dialogue, which the organisers had initially intended it to be. This was illustrated by the remarks of Jean Arnault, then UN Assistance Mission in Afghanistan (UNAMA) special representative of the secretary-general, at the opening session of the third ADF in 2005: 'The organisers of this year's Forum have requested to stay away . . . from the recitation of past accomplishments and contributions by donors and to engage in serious dialogue around future strategic priorities.'¹⁰

One important outcome of the 2005 ADF was the agreement that the government of Afghanistan would start the process of formulating an Afghan Poverty Reduction Strategy, which the government named the Afghanistan National Development Strategy (ANDS). At the London 2006 Conference, the Interim ANDS (I-ANDS) was presented. The outcome of the London Conference, the Afghan Compact¹¹ and the endorsed I-ANDS, marked the end of the aid coordination structure under the NDF. In the aftermath of the London Conference, it was decided that there was no need to organise an ADF in 2006.

The new post-London aid coordination structure was governed by the by the Joint Coordination and Monitoring Board (JCMB), which was established to provide overall strategic coordination of the Afghanistan Compact.¹² The work of the JCMB is supported by three standing committees, which correspond with the priorities of the ANDS: social-economic development, governance and rule of law, and security.¹³

⁹ In this period, 10 international high-level meetings on aid coordination were held. This does not include all the preparatory meetings and minor conferences that took place outside Afghanistan during that period.

¹⁰ Statement by Jean Arnault at the opening session of the 2005 ADF, which took place from 4–6 April 2005, *Afghan Links* Issue 13–14 (April 2005).

¹¹ The Afghanistan Compact was a document outlining a five-year framework for cooperation between the Afghan government, the UN and donors.

¹² The Afghanistan Compact, London 2005, 15.

¹³ *A-Z Guide to Afghanistan Assistance*, Afghanistan Research and Evaluation Unit 2009, 41.

The fourth and last ADF in 2007, as a result, functioned merely as a sounding board to gather feedback for the final ANDS document, which was presented to the international community at the Paris Conference in June 2008.¹⁴

Currently the implementation of the Afghanistan National Development Strategy is focused around five clusters with a total of 22 National Priority Programmes.¹⁵ The Afghan government and the international community agreed on the current structure for donor coordination at the London and Kabul conferences in 2010. This is referred to as the Kabul Process.

Under the Kabul Process, the role of the JCMB and the standing committees have been again changed, but the old structure of working groups has not been replaced by a formal new structure. Consultation with the international community is now organised around the development of the National Priority Programmes and 100-day progress reports.

The system is far from perfect. There are the old complaints that there are too many meetings, accompanied by requests for even more meetings; that too little attention is paid to substantial policy dialogue and that the focus is too much on process. On the positive side, there seems to be a greater willingness from both sides to stick to the process and to let it evolve and improve as it moves forward.

The ‘Kabul Conference Communiqué’ of July 2010 echoed the issues and concerns that had troubled the aid coordination in Afghanistan from 2001 onwards: Afghan ownership, alignment of donors with government priorities¹⁶ and requests for on-budget support to encourage effective and efficient programme delivery to the Afghan people. And as in 2001, the National Priority Programmes are still seen as the main vehicle to achieve these objectives.

The Bonn II conference on 5 December 2011 has only reaffirmed the commitment of the Afghan government and the international community to the Kabul Process. Now it is a matter of just carrying on and trying to make it all finally work.

¹⁴ The priorities of the ANDS were organised under three broad pillars: first, security; second, governance, rule of law and human rights; and, third, economic and social development. The document comprises strategies for 17 sectors under eight sub-pillars and strategies for six cross-cutting issues.

¹⁵ The five clusters are agriculture and rural development, infrastructure development, human resource development, private sector development, and governance and security. The clusters group different ministries that are relevant for the sector and are each headed by a cluster coordinator.

¹⁶ ‘Kabul Conference Communiqué’, article 8, 2–3, available at www.unama.unmissions.org/Portals/UNAMA/Documents/Kabul%20Conference%20Communique.pdf.

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Ann Wilkens

National Prestige Is Big – Even for Small Countries

Suddenly he tosses me his telephone.

It is February 2008. I am in Tokyo, sitting in the Nordic delegation to the second international meeting of the Joint Coordination and Monitoring Board (JCMB). I am seated behind the Norwegian representative, Ambassador Kai Eide, who is about to deliver his speech. It is a longish speech, elaborating on possible solutions to the problems of Afghanistan and the Norwegian contributions to the country, substantial as they are.

I listen attentively, while wondering what to do with the telephone in case it starts ringing. The speech is unscheduled, tagged onto the common Nordic speech, delivered by the representative of Denmark, currently chairing the Nordic group. This intervention has not been coordinated within the group; in fact, it is a sales pitch for Eide's candidature as the UN Secretary-General's Special Representative (SGSR) in Afghanistan, with the high-level meeting of the Joint Coordination and Monitoring Board (JCMB) providing an opportunity that the Danish representative is not in a position to refuse. Lord Ashdown has just been discarded by the Afghans, a move which has opened the door for other candidates. As is customary, the Nordic countries back the Nordic candidate, in this case Ambassador Eide.

Still, it is a bad omen. The idea behind the shared Nordic seat was to pool the Nordic representations to the JCMB into one voice, thereby gaining strength but also setting an example: if more like-minded countries would follow suit, meetings would be shorter, more efficient and provide the participants with more clout. We, the donors, are at a stage now, where clout is needed in order to follow through with the optimistic bench-marks set for the Afghan government in the Afghanistan Compact

endorsed by the London conference in January 2006. The JCMB was created as the instrument for this follow-up, and we are now, two years later, gathered in Tokyo for the second international meeting (the first was in Berlin in January 2007), in an atmosphere of growing cynicism regarding the viability of these goals. Compact means partnership – but does the Afghan government really have the political will to carry out the agreed-upon reform package?

The biggest problems rest with the second section of the Compact, the ‘Governance, Rule of Law and Human Rights Pillar’. This is also where the Nordic countries traditionally have a particular interest and a common perspective. Respect for human rights, gender equality, the freedom of expression, transparency and the fight against corruption, as well as the importance of UN leadership and coordination, are flagships for all of us. At the same time, they are issues that tend to be pushed into the background when hard-core military questions are on the table – as they are in Afghanistan. So here is definitely a slot for the Nordics to act as a watchdog and dynamo. The other rationale for creating the common Nordic seat at the JCMB is expediency. There are already at least 30 international actors with differing vested interests in Afghanistan around the table. At the regular meetings in Kabul, which take place every three months in between international meetings, there are even more participants – scores of them. Meetings tend to take on the allure of diplomatic conferences, rather than deal with the acute and growing problems on the ground. Statements are delivered, at the cost of a genuine dialogue. Nobody is put on the spot, not the Afghan government, which is not delivering on important scores, nor the donor countries that have made commitments they cannot, or will not, honour. As in all diplomatic contexts, causing loss of face is taboo.

While honouring an old tradition of Nordic cooperation in multilateral forums, the Nordic countries have gone into this particular cooperation from differing points of departure: Norway is a relatively big contributor to Afghanistan, both in terms of troops and development assistance. Denmark is also bigger than Sweden on both scores and, unlike Norway, is part of the coalition participating in the US-led ‘Operation Enduring Freedom’, the primary purpose of which is to hunt down al-Qaeda and put an end to international terrorism. In the larger context, Sweden remains a small donor, contributing troops to a relatively peaceful area in Northern Afghanistan and delivering development assistance to the tune of US\$70 million per year, amounting to approximately 1 per cent of the total international assistance. Finland’s contribution is even smaller; it is cooperating with Sweden in the north. Iceland’s role is, naturally, insignificant, but it has an interest as a member of NATO, as do Norway and Denmark (whose prime minister at the time, Anders Fogh Rasmussen, is now the secretary-general of NATO). For Sweden and Finland, being in the good books of NATO is still

important, as well as, more generally, being a responsible and competent member of the EU and the international community at large.

But even if we are all minor actors in Afghanistan, Afghanistan is big for us, involving our largest number of troops sent abroad and a significant chunk out of our development budgets. With the exception of Iceland, we are on the list of good donors, those who reach or surpass the UN goal of 0.7 per cent of GDP for development assistance. So we have some moral high ground from which to operate.

From Tokyo, and the first bad omen, let us now take a leap three years into the future. Today, there are three Nordic seats on the JCMB: one for Norway, one for Denmark and one for the remaining three countries (Sweden, Finland and Iceland), representing 'the Nordics'. So what happened? Norway, the biggest donor of the group, was perhaps never very comfortable with the common seat. Albeit the largest contributor in the group, Norway felt reduced in comparison to Denmark, Sweden and Finland that, as EU members, were also represented by the EU chair, the EU Special Representative (EUSR) and the EU delegate heading the office of the Commission. (Later, the offices of the EUSR and the EU delegate were merged.) Ambassador Eide's candidature for the post of UN SGSR was also successful, which created certain lopsidedness within the Nordic group during the period of his tenure (2008–10): internal coordination meetings tended to become forums where the Norwegians shared – or did not share – inside information, and there was certain reticence on their part to speak out on problems, which other members would have liked to put on the table at the JCMB meetings.

Nobody, in fact, wanted to give up their right to intervene at the regular JCMB meetings in Kabul, be it from a position at the table or from a back seat. The efficiency dividend of the arrangement was largely lost when representatives from different Nordic countries continued to make use of their right to speak – the only difference being that all of them started their interventions by pointing out that all Nordics were in agreement on what was being put forward. Still, the attempt at coordination, albeit flawed, was not lost on other JCMB members and earned the Nordics some respect.

But already six months after the Tokyo meeting, Norway started to raise the possibility of having a national Norwegian seat in addition to the common Nordic one. In a volte-face of logic of a kind common in diplomatic dealings, it was now argued that such an arrangement would, in fact, strengthen the Nordic voice, through duplication. Sweden, still being the minor donor of the Scandinavian countries (Sweden, Norway, Denmark), found it difficult to appear to deny Norway the right to get full diplomatic dividend on its deposit. So we had to go along. Denmark, being the only Nordic country active in the

actual war zone of Afghanistan, and thus carrying the highest human losses, felt that if Norway was to have a national seat, Denmark should certainly have one, too.

The end result in terms of representation on the JCMB of the different Nordic countries, all relatively marginal contributors to the international intervention in Afghanistan, is as follows:

- Norway: national seat, party to common Nordic seat, party to NATO representation;
- Denmark: national seat, party to common Nordic seat, party to NATO representation, party to EU chairmanship, party to EUSR;
- Sweden: party to common Nordic seat, party to EU chairmanship, party to EUSR;
- Finland: party to common Nordic seat, party to EU chairmanship, party to EUSR;
- Iceland: party to common Nordic seat, party to NATO representation.

What is the lesson to be learned? In the diplomatic game, national prestige trumps almost everything. It certainly trumps efficiency, and it is sure to put big stumbling blocks on the path towards coordination. Big countries have big prestige – but small countries have big prestige, too.

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Nick Horne

Throwing Money at the Problem

US PRTs in Afghanistan

First formed in Gardez in 2003, Provincial Reconstruction Teams (PRTs) have become the dominant development actors in much of Afghanistan. Numbering 26 and present in almost every one of Afghanistan's 34 provinces, their combined budgets pushed from modest millions into the billions of dollars. As NGOs and UN agencies were forced by deteriorating security to scale down and withdraw from much of the country, the role that PRTs play became much greater than originally envisaged.

Provincial Reconstruction Teams are based on the premise that a development project can win the support of a community, secure its loyalty to the Afghan government and cause it to oppose the Taliban insurgency. Many question this logic,¹ but within this piece I shall accept it, examining the practical challenges that PRTs face. I contend that PRTs largely fail in their objectives because the operating model is fundamentally flawed. I will use the example of the US PRTs in the four provinces of Southeast Afghanistan to illustrate this because I am most familiar with them and also because there are twelve US PRTs in total across Afghanistan that are very well-resourced and well-funded. (The other PRTs are led by different nations and operate based on widely varying models.)

¹ See for instance Andrew Wilder and Stuart Gordon, 'Money Can't Buy America Love', *Foreign Policy* (1 December 2009), available at www.foreignpolicy.com/articles/2009/12/01/money_cant_buy_america_love; and Matt Waldmann, 'Falling Short', Oxfam International ACBAR Advocacy Series, March 2008, available at www.oxfam.org.uk/resources/policy/debt_aid/downloads/aid_effectiveness_afghanistan.pdf.

Based in UNAMA's office in southeast Afghanistan and covering the four provinces of Paktya, Paktika, Khost and Ghazni, I worked closely with the four PRTs in the region. Envious of their resources, far in excess of what we in the UN could dream of, I was thoroughly impressed by the dedication and approach of the twelve PRT commanders with whom I worked during eighteen months and that of their staff. Many in the civilian aid community are dismissive of PRT staff, regarding them as over-resourced and overbearing amateurs blundering into a field in which they themselves have made their careers. But while it is true that few PRT staff have a background in development, most are reservists, and some have civilian careers in project management, engineering or related fields. And although a few of the PRT commanders and their senior staff with whom I worked tended towards the arrogant, the majority was earnest, dedicated and sincerely committed to working with the Afghan provincial authorities.

A standard US PRT is 80-persons strong. Of this, 40 make up the security force whose sole purpose is to protect the PRT, particularly when on mission. Only around 10 of the 80 are involved in substantive work: projects, liaison with the government and other partners, and information operations. Force protection rules require a mission to deploy with at least four vehicles, each carrying up to five people. In theory, a PRT could run two separate field missions concurrently. But given the need to attend frequent meetings in the provincial capital, which usually requires the same level of security, a PRT can realistically manage only one field mission at a time. Given deteriorating security and an increased risk of improvised explosive devices (IEDs), PRTs often require 'route clearance packages' – specialised vehicles and personnel – which they have to borrow from manoeuvre units already over-stretched with an increasingly kinetic campaign. This significantly limits the mobility of the PRT staff.

Paktya is one of Afghanistan's smallest provinces. To drive from one end to another takes approximately five hours through beautiful mountains. But the PRTs based in Gardez could rarely find the time or muster the resources to reach the furthest end in Dand-e-Patan district, which butts up against Kurram Agency of FATA (Federally Administered Tribal Areas). Paktika on the other hand is a vast province little served by roads. It could take a few days to drive from the provincial capital of Sharana in the province's extreme northwest to the opposite end in WazaKhwa district. The province is extremely dangerous, and the chances of encountering IEDs while traversing the province are high.

The Commander's Emergency Response Program (CERP) – the 'money as a weapons system' – that is the principal source of funding for US PRT projects comes with rules attached. PRTs are compelled to run a competitive tendering process and can only award contracts to private companies, as opposed to community or government

departments. PRTs must then visit project sites themselves to perform 'Quality Assurance and Quality Control' (QA/QC) before authorising payments.

This means that PRTs must visit each of their project sites before, during and at the end of the implementation. Given the logistical challenges of running projects in remote and often highly insecure districts, projects usually tend to run in the more accessible and secure locations. Paktika PRT illustrates this point well. Unable to access regularly the insecure, rural areas, successive PRTs chose instead to build from scratch the provincial capital, constructing large and impressive government buildings. Unfortunately, as the government seems unable to attract civil servants to work in this remote, insecure and non-lucrative province, these buildings are practically empty – a folly of governance, in which even former Governor Khpalwak's pet peacocks had their own office.

Granted, this is an extreme example. But among the standard portfolio of PRT projects, most will be clustered around the provincial capitals and some of the district centres. Given the difficulties of accessing sites and managing contractors, a PRT can perhaps manage at any one time 40-50 projects ranging from a few tens of thousands of dollars to a few millions. The constraint is not so much money but management.

Provinces typically contain upwards of 900 communities, some many more. For the development-security continuum to work, all of these communities (or a large and preferably contiguous proportion) would need to benefit directly from at least one project. Such are intra-tribal and inter-tribal rivalries that the good fortune of a neighbouring community in attracting a PRT project is less likely to engender warm feelings and goodwill than envy and resentment. What is needed is a major programme of small projects distributed across many villages, along the lines of the National Solidarity Programme (NSP). However, US PRTs are not capable of managing such a programme but are only able to manage a limited number of discrete projects.

Money not being much of a constraint, there are always ways to spend it. From my own experience, it is clear that PRTs are obtaining poor value for their money. A good comparison to make is that of school construction, as schools tend to be built according to designs standardised by the Ministry of Education. The NSP can construct a school within its maximum budget of US\$30,000. UNICEF, working through the provincial departments of the ministry of education, is able to do so for approximately US\$50,000. In contrast, it usually costs the US PRTs in the Southeast upwards of US\$150,000. Even allowing for differences in specification, it is evident that PRTs are being ripped off. How can this be? Especially as PRTs are following open and competitive tendering procedures, and some are even running capacity-building workshops for local construction firms. In Southeast Afghanistan there are a

limited number of companies capable of writing a decent proposal that a PRT could realistically consider. As payments are staggered and PRTs are not allowed to pay money up front, only firms with a certain level of operating capital can afford to take PRT business. There are also a limited number of firms willing and able to work in dangerous districts. Given the small pool of Afghan companies willing and able to bid for PRT work, it is obvious that there is a cartel effect at work; there is enough work to go around as we try to throw ever more money at the problem. Contractors can afford to charge PRTs much more, in the knowledge that their few competitors will do likewise. Furthermore, it is hardly even a matter of contention that it is increasingly necessary for local firms to factor into their prices bribes to insurgents to not attack their staff or the projects and to make payoffs to government officials.

Those firms to which the work is awarded frequently sell the work to others less placed to deal directly with the PRTs. In a phenomenon best termed as 'serial sub-contracting', projects are sold down a chain until the firm that actually does the work has a budget so small they cannot afford to do the job properly. PRTs are not blind to this practice, but it is hard to prevent it when many Afghan firms are of an informal nature with a fluid workforce.

Adding to this mix, there is usually a gatekeeper effect with PRT national staff, interpreters and government officials. During my time in the Southeast, I learnt that certain provincial governors and chiefs of police owned contracting firms and were getting rich on PRT contracts. These factors conspired to make PRT projects spectacularly expensive. In addition, with an estimated US\$1 million per year to maintain an American soldier in Afghanistan, PRTs are carrying an overhead of some US\$80 million dollars per year before running a single project.

Finally, for the development and security nexus to work, PRT projects should build support not so much for the PRTs themselves but for the Afghan government. PRTs with whom I worked were generally very good about consulting with the provincial governors and heads of departments and would be faithful attendees of interminable meetings of the Provincial Development

Committees (which usually consist of departmental directors pushing pet projects in the few areas they could safely access).

Having played a part in project selections, local government usually has minimal involvement in their implementation, limited though their capacity may be to assist in any way. At the completion of a project, the governor or senior official will be wheeled out, often under duress, by the PRT to take credit for the project in a ribbon-cutting ceremony that fools nobody. The communities know how little involvement the government has had. So if the aim is to build links between

communities and their government through project delivery, the PRT model is hardly a sound one.

Visitors to PRTs, treated to a show of PowerPoint slides and an impressive list of projects, then meeting the earnest and capable men and women that comprise the team and perhaps taken nearby to an immaculate new school that the team has built, often cannot help but be impressed, perhaps even inspired. These men and women deserve our respect and gratitude. They work incredibly hard, in difficult circumstances and at considerable personal risk to deliver projects that may be valuable and even valued by those who benefit. The failures of the PRT concept are not those of its staff. Nor is it a lack of resources, and it is certainly not a lack of money. But even if we continue to assume that development projects can build stability, it is time to take a more critical look at the limitations of the PRT model.

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Nick Horne worked closely with PRTs, first of all covering development and humanitarian coordination for UNAMA in the southeast of Afghanistan between June 2007 and December 2008 and then co-chairing the PRT working group on behalf of UNAMA as a civil affairs officer based in Kabul from January to the end of October 2009.

Hamish Nixon

The ‘Subnational Governance’ Challenge and the Independent Directorate of Local Governance

1. INTRODUCTION

From early in the post-Bonn period it was apparent that extending state authority to the diverse regions of Afghanistan would be a key challenge. Historically, especially since the late nineteenth century, formal state authority has been highly centralised in the monarchy and ministries, while its reach throughout the country has been limited and mediated through customary law, tribal alliances and religious leadership. The state largely funded itself through foreign aid and customs revenues rather than taxation of economic activity, and the administration never extended much beyond district centres. The conflict since 1979 further weakened that reach by empowering regional and local strongmen who gained prominence in the anti-Soviet resistance and the internecine struggles that followed. The Afghan governance context is thus characterised by formal centralisation combined with de facto local fragmentation.

The Bonn Agreement¹ adopted the core provisions of the 1964 constitution including a unitary state administered according to the 'principle of centralisation'. A key challenge was mitigating the power of regionally based strongmen and re-establishing revenues from border posts to the treasury. This process was advanced in 2003–04 through the incorporation of several such individuals into cabinet posts and the development of a relatively robust single treasury account and public finance law.² This system enabled multi-donor mechanisms including the Afghanistan Reconstruction Trust Fund to channel resources to on-budget national programmes, but its centralisation and controls were also a brake on decentralisation of fiscal powers. The 2004 constitution maintained a unitary state, currently divided into 34 provinces and 398 districts. There are approximately 217 municipalities that have the unique ability to raise and retain some revenues. A key feature of this structure is that – excepting municipalities – there are no local governments as such, only local administrations, and no separate budgets for subnational tiers of the state. The constitution allows delegation of 'certain authorities to local administration units' while 'preserving the principle of centralism', and mandates elected bodies at village, district, provincial and municipal levels but provides little guidance for reforms to the subnational governance system.³ However, keeping a constitutional unitary state came as a response to a deep suspicion of decentralisation stemming from the factional conflicts of the early 1990s.

2. BEFORE IDLG: LACK OF STRATEGIC FRAMEWORK

Successive frameworks for reconstruction and development – including the 2002 National Development Framework and the interim and full Afghanistan National Development Strategy in 2006 and 2008 – emphasised improving governance at all levels but failed to provide a coherent reform agenda. Instead, disparate initiatives proceeded with no clear direction for the long-term roles of subnational administration.⁴ The National Solidarity Programme (NSP) established (by election) Community Development Councils to manage local development grants, but their relationship to formal government or constitutional village councils was not defined. District development councils were also introduced through the UN Development

¹ 'Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions' Bonn, United Nations, 5 December 2001, available at www.unama.unmissions.org/Portals/UNAMA/Documents/Bonn-agreement.pdf.

² World Bank/DFID, 'Public Financial Management Performance Assessment', June 2008.

³ *Constitution of the Islamic Republic of Afghanistan*, 2004, Arts 137–140.

⁴ Hamish Nixon, 'Subnational Statebuilding in Afghanistan', Synthesis Paper Series, Afghanistan Research and Evaluation Unit, Kabul April 2008.

Programme's (UNDP) National Area-Based Development Programme (NABDP) but with few funds and poorly defined linkages to community councils or state administration. In August 2005, a law on provincial councils that was passed in advance of provincial council elections did little to establish clear roles and relations with other subnational institutions for the new councils.⁵

In addition, subnational governance became a focus for military and civilian personnel in the Provincial Reconstruction Team (PRT) bases as they spread throughout the country from 2003 to assist in extending the authority of the Afghan government. Spurred by a lack of government responsiveness, outreach or services as well as a newly evident insurgency, PRTs relied on Quick Impact Projects (QIPs) or 'capacity-building' of local officials to try to generate local progress. These efforts often appeared to have as much a force protection, counter-insurgency or domestic political purpose as any sustainable reform agenda.⁶ In addition to locally-contracted development spending, US PRTs spent largely via the military Commander's Emergency Response Fund (CERP), while other nations' PRTs generally had fewer resources. Initially modest, these initiatives grew dramatically in size and quantity: in 2010 approximately US\$1 billion was appropriated for CERP, equivalent to the previous nine years combined.⁷ While there has been some coordination with provincial governors – often taken to represent provincial interests – in general these initiatives have tended to replace government capacity rather than build it, create unsustainable infrastructure, and undermine strategic planning and prioritisation by the government.

Among PRTs and other subnational governance donors such as UNDP, much emphasis has been placed on provincial planning and budgeting through local consultations on priorities and the creation of 'Provincial Development Plans' (PDPs). However, these efforts did not address the absence of a provincial budget to plan against, resulting in elaborate 'wish lists' that either were funded through off-budget parallel systems or created unfulfilled expectations. A focus on development spending and the bifurcation of Afghanistan's budget into operating and development components meant that the recurrent costs of providing services were

⁵ Sarah Lister and Hamish Nixon, 'Provincial Governance Structures in Afghanistan: From Confusion to Vision?' AREU Briefing Paper Series, Afghanistan Research and Evaluation Unit, Kabul May 2006.

⁶ Barbara Stapleton, 'A Means to What End? Why PRTs Are Peripheral to the Bigger Governance Challenges in Afghanistan', *Journal of Military and Strategic Studies* 10 (Fall 2007): 1.

⁷ Colin Cookman and Caroline Wadhams, 'Governance in Afghanistan: Looking Ahead to What We Leave Behind', Center for American Progress (12 May 2010), 30.

rarely considered.⁸ Even Ministry of Finance pilots to increase subnational input into planning and budgeting resulted in repeated costly technical assistance exercises with limited sustained impact due to centralisation in the fiscal system.⁹

3. THE IDLG: CONFLICTING IMPERATIVES, UNSOLVED POLICY DILEMMAS

In 2006–07, momentum built around the idea to create a focal point for subnational administration and policy, probably due to a convergence of three imperatives:

- First, major donors, concerned about poor government performance and corruption in light of the worsening security situation, pushed for the separation of the appointment and management of governors and their offices from the Ministry of Interior, which was increasingly viewed as unreformable.
- Second, there was increasing recognition of the need for more coherent policy in the subnational governance area if reforms were to reverse the problems of extreme centralisation.
- Finally, the Karzai government may have seen an opportunity to wield more influence over subnational appointments and institutions, potentially important levers in the run-up to 2009 presidential elections.

The Independent Directorate of Local Governance (IDLG) was established 30 August 2007 with Jelani Popal, a Popalzai like Karzai and an experienced NGO administrator, as its first director. Its mission was 'to consolidate peace and stability, achieve development and equitable economic growth and to achieve improvements in service delivery through just, democratic processes and institutions of good governance at subnational level'. This broad scope was reflected in the wide-ranging expectations the new institution was saddled with by government and donors alike, and the IDLG struggled to reconcile three competing identities. As inheritor of the section of the Ministry of Interior responsible for provincial and district governors'

⁸ The Afghan national budget is presented as two components: an ordinary budget for recurrent expenditures such as salaries, operations and maintenance that is partially funded by Afghan revenue and by donor sources such as the ARTF; and a development budget for capital investment and other development spending that is wholly donor funded. In reality, many recurrent functions of government are funded via the development budget through national programs.

⁹ Islamic Republic of Afghanistan, 'Provincial Budgeting Assessment and Way Forward', Ministry of Finance Budget Department, Kabul 12 April 2009.

offices, the new institution took on board approximately 10,000 civil servants, with all the existing problems of patronage implied by that structure. At the same time, the directorate became a focus for program development for ‘the promotion of cooperation and partnership with government’ to dampen spiralling insecurity.¹⁰ Emblematic were the Afghanistan Social Outreach Programme (ASOP), which created appointed councils at district level to manage local issues, and the ‘Performance-based Governor’s Fund’.¹¹ These programs followed a pattern of intense international interest and a counter-insurgency focus, followed by implementation delays brought about by efforts to create national program frameworks and fund the programs through the budget – unsuccessfully due to lack of consensus in the Afghan cabinet and among donors regarding the initiatives.

Third, the IDLG was tasked to develop a subnational governance policy that ‘creates a unified framework of sub national governance entities’ and have it passed by a cabinet subcommittee.¹² The IDLG leadership, with management support from international partners, embarked on a truncated consultation with mid-level ministry officials, eventually releasing the draft policy in late 2008. The document, in English and more than 400 pages, was an unwieldy amalgam of sound situation analysis, broad aims and complex policies that assigned wide-ranging and ambiguous responsibilities to many subnational governance institutions, rather than clarifying roles and relationships. A key weakness was an attempt to address over-centralised budgeting through a technically and politically unsound proposal to divide the development budget into separately planned components, without differentiating the functions of those components or taking into account key features of the fiscal system.¹³ Subsequent drafts failed to address these issues, and only donor pestering led to the conditional approval of the policy by the Afghan cabinet in mid-2010 despite concerns among several ministers. An impasse with the Ministry of Finance on the fiscal proposals persists at the time of writing.

IDLG, rather than a neutral mechanism for generating policy and representing the interests of subnational tiers of administration and local populations, became another arena for political contestation and the centralising instincts of the

¹⁰ Islamic Republic of Afghanistan, ‘Afghanistan Social Outreach Programme: Programme Document’, IDLG, October 2008, 1.

¹¹ Ibid. See also Independent Directorate of Local Governance, *Performance-Based Governor’s Fund: Program Handbook*, IDLG/The Asia Foundation, 15 February 2010.

¹² Islamic Republic of Afghanistan, ‘Decree on Drafting and Reviewing of the Sub National Governance Policy’, 8 May 2008.

¹³ ‘Interim Joint Donor Comments on Draft Subnational Governance Policy’, policy note provided by informal donor Sub-national Working Group to IDLG and JCMB, 18 September 2008.

government, possibly contributing to Popal's resignation in 2010. Donors, keen on counterinsurgency (COIN) doctrines that prioritised the short-term need for stabilisation over a technically and politically viable approach to local governance, contributed to the failure of the policy process to develop a vision of systemic reform to state institutions. It is indicative that none of the programme initiatives developed by IDLG formed part of the policy framework the same institution developed. The latest manifestation of these conflicting imperatives – the District Delivery Programme – does attempt to involve other government ministries but risks unbalanced and unsustainable resource-flows to insecure areas rather than long-term development of a viable fiscal and administrative system at the local level.¹⁴

4. CONCLUSION: UNRESOLVED ISSUES

The key challenges to improving subnational governance and services in Afghanistan largely remain what they were several years ago.¹⁵ There is confusion between the responsibilities of line ministries and provincial and district governors in delivering services. While the national budget is allocated among ministries, many subnational efforts have empowered or funded governors, and the accountability relationships between them, local representative bodies and central government remain muddled. This confusion has worsened contradictions in local appointment policies, with counterinsurgency agendas conflicting with attempts at introducing regular procedures.¹⁶ The national budget process and responsibilities within ministries for spending remain extraordinarily centralised, resulting in unresponsive planning and inefficient and incomplete use of existing budgets. Off-budget spending dwarfs the use of government systems in some places, while virtually ignoring others, and no system for a just horizontal distribution across regions has yet been applied. Spending remains focused on projects and not recurrent costs of providing services.¹⁷

From the international side, these pathologies are in part a product of increasingly desperate short-term counter-insurgency imperatives coupled with the absence of a

¹⁴ The District Delivery Program has gone through multiple iterations but generally consists of efforts to direct extra resources and efforts to staffing district administration and funding projects via both on and off-budget means.

¹⁵ The Asia Foundation, 'An Assessment of Subnational Governance in Afghanistan', Kabul 2007; and Nixon, 'Subnational Statebuilding in Afghanistan' (see FN4).

¹⁶ Martine van Bijlert, 'Between Discipline and Discretion: Policies Surrounding Senior Subnational Appointments', Briefing Paper Series, Afghanistan Research and Evaluation Unit, Kabul May 2009.

¹⁷ World Bank, 'Service Delivery and Governance at the Sub-National Level in Afghanistan', Report No. 40617, Kabul July 2007.

clear vision of the roles, resources and accountability relationships of local administration. This lack of vision stems in turn from an absence of will in the central government to explore politically acceptable means of de-concentrating or devolving power to local levels, or giving representative institutions a real role in governing. Even modest reform of local governance is politically fraught and protracted under the best of circumstances, and in Afghanistan most efforts have worked around or deepened these challenges rather than encouraging the emergence of a political and technical process that can confront them systematically.

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Jolyon Leslie

Urban Recovery, or Chaos?

Few would deny that Afghanistan's urban centres face huge challenges. The physical chaos that prevails today in most towns and cities is routinely explained by Afghan civil servants as a consequence of decades of conflict, population growth and lack of public investments. All of these are indeed contributory factors, but the core of the problem lies in the failure to undertake institutional reforms, particularly related to outdated systems of planning and urban management. Beset by turf-wars as to their respective mandates, the civil servants concerned seem unable or unwilling to transform the dysfunctional systems that they have inherited, and which continue to hamper effective urban development, while providing lucrative opportunities for some to benefit from the speculative urban construction that now characterises most towns.

At six per cent growth per year,¹ Afghanistan has amongst the fastest rates of urbanisation in Asia. The likelihood of a surge in urban growth in the country was highlighted immediately after the international intervention in a 2002 joint needs assessment by the World Bank, United Nations Development Programme (UNDP), and Asia Development Bank (ADB) identifying priorities for rehabilitation across all sectors. Despite this and subsequent studies and strategies, international support for Afghanistan's urban sector has been, at best, half-hearted. Added to this, in a context with very limited indigenous capacity for planning and urban management, the UN has singly failed to provide leadership or effective technical assistance, let alone to fulfil its mandate for coordination.

In seeking to fill this vacuum, international agencies have engaged since 2003 in ad hoc sharing of information and, in response to requests for support from the Ministry

¹ UN Development Programme, 'Millennium Development Goals', Islamic Republic of Afghanistan Country Report 2005, Vision 2020 summary, 2005.

of Urban Development, contributed to processes that might have laid the ground for a national strategy for urban development. Not as consultative or inclusive as many would have wished, these processes have been both fitful and reactive, driven to a large degree by the cycle of donor conferences. One of the consequences has been a tendency to be accumulative, rather than selective, avoiding effective prioritisation. For example, the joint formulation of a National Urban Programme (NUP) in 2004 comprised five sub-programmes:

- Governance and management was to address ‘the overarching political, administrative, managerial and technical institutional structures and mechanisms that will deliver effective, efficient and accountable urban governments’;
- Community-based upgrading foresaw ‘the integrated upgrading of conditions for households living in informal and under-serviced housing areas, with special emphasis on marginalised and vulnerable communities, through community participation to determine investment in infrastructure and services’;
- Land development and management was to facilitate ‘the development of urban land – with special emphasis on sites and services development for housing – and associated technical mechanisms, such as town planning, land registration and transfer, cadastral mapping, etc., that will increase the supply of serviced land in urban areas’;
- Infrastructure and services were to be improved through ‘expansion of main infrastructure networks and services to standards commensurate with the availability of resources, and the strengthening of the operating agencies to ensure effective and efficient service delivery’;
- Heritage conservation and revitalisation aimed at ‘strengthening communities’ links with urban heritage, through conservation of historic buildings and areas, retaining their essential character while finding roles that can sustain urban activities’.²

Without the human or financial resources to realise this highly ambitious array of sub-programmes, the NUP seems to have been forgotten by civil servants and donors alike.

This tendency to present encyclopaedic wish lists has made it difficult for potential donors to identify priorities, in contrast to sectors in which more convincing cases for specific investments have been made. A succession of Ministers of Urban

² Ministry of Urban Development and Housing, National Urban Programme: ‘Consolidated Strategy’, August 2004.

Development and mayors have bemoaned this lack of investment (only 2.5 per cent of the 1383–86 budget was earmarked for urban projects, with even less actually disbursed) without acknowledging that a lack of focus, along with inertia and persistent malpractice within the institutions they lead, may be a factor in their failure to secure resources.

Almost six years after the formulation of the NUP, only limited progress had been made in two of the areas defined in the programme. One was in infrastructure, with improvements in access to piped water in Kabul and 11 other cities as a result of German-funded investments in networks, along with the ‘corporatisation’ of what was a parastatal national water utility. The World Bank-funded Kabul Urban Rehabilitation Programme (KURP) enabled the rehabilitation of infrastructure in five districts of Kabul, building on a number of community-based initiatives focusing on upgrading and urban conservation that were implemented by Afghan and international NGOs and the UN Centre for Human Settlements (Habitat).

With a reported backlog of some 40,000 applicants for municipal plots in Kabul alone, and only a tiny fraction of urban inhabitants having secure tenure, the system of management of urban land is in need of urgent review. The manner in which powerful individuals have ‘rendered’ valuable city-centre land and property suggests, however, that the current system is very beneficial for the few. While international media coverage of the highly-visible urban building boom has tended to suggest that it is a sign of a vibrant recovery, there is less debate about the social and environmental cost at which this speculative ‘development’ is being achieved, or why it remains largely un-taxed. If, as has been projected,³ Afghanistan’s urban population doubles by 2015, there is a likelihood that the three-quarters of households presently denied access to basic services will increase yet further, with unknown social and political consequences.

Rather than addressing this volatile reality, much official energy since 2006 has been devoted to plans for an ‘eco-neutral’ new city in Dehsabz, to the northeast of the capital. Japanese-funded consultants formulated a master plan, subsequently endorsed by the Afghan cabinet, for a city that might house 3 million inhabitants by 2025. While it remains difficult to secure resources for the rehabilitation of Kabul’s threadbare infrastructure networks, claims that this far-fetched scheme will be funded largely from sales of residential and commercial land are implausible, as are those of the ‘recycle-oriented resource use’ that might prevail in this brave new urban world. On a less ambitious scale, regional and ‘strategic plans’ prepared by the

³ Government of the Islamic Republic of Afghanistan, ‘Securing Afghanistan’s Future: Accomplishments and the Strategic Path Forward’, March 2004.

Ministry of Urban Development risk remaining on paper unless there is some will to enforce their provisions on the ground.

A similar form of disconnect seemed to characterise the provisions for urban recovery that were included in the Afghanistan Compact of 2006,⁴ namely that

by end 2010; municipal governments will have strengthened capacity to manage urban development and to ensure that municipal services are delivered effectively, efficiently and transparently; in line with Afghanistan's MDGs, investment in water supply and sanitation will ensure that 50 per cent of households in Kabul and 30 per cent of households in other major urban areas will have access to piped water.

By even the most optimistic estimates, fewer than one in ten urban residents across the country have access to piped water, with this proportion only likely to decrease as growth outstrips investments. Previous claims that 'public-private partnerships' would close this gap and enable a significant expansion of infrastructure seem to have been quietly forgotten.

As part of efforts to bridge the gap between the upbeat official line and the grim urban reality, an analysis of challenges facing the sector was included in initial drafts of the urban component of the Afghan National Development Strategy (ANDS) in 2008. Undertaken by a group of Afghan and international specialists under the leadership of the Minister of Urban Development, the formulation process was handicapped from the start by chronic institutional rivalry, with the result that few municipal staff participated in consultations and critical data was not shared. In addition, much of the analysis was dropped from the highly-sanitised final version of the ANDS document, which instead set out a case for a National Urban Policy (with barely a reference to the 2004 exercise), Institutional Reform Action Plans, Revenue Improvement Programs and Infrastructure Investment Plans, but with little detail on how these might be practically be achieved. As seems to have been the case in some other sectors, there has been minimal follow-up on the massive ANDS process.

The launching of the 'Kabul Process' in July 2010, along with the ongoing 'transition planning' on the National Priority Programmes, has helped to focus attention on the crisis facing most urban centres in the country. The challenge now is to ensure that the new initiatives that may emerge, including an ambitious proposal for an Urban National Solidarity Programme, not only draw on earlier sectoral strategies but also take account of the volatile reality of Afghanistan's current urban landscape, where private interests seem to prevail over any processes of institutional reform that could

⁴ The Afghanistan Compact was a joint statement of intent issued at a conference on Afghanistan held in London on 31 January and 1 February 2006.

pave the way for programmes to address the needs of a fast-growing number of urban residents.

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Jennifer McCarthy

Questioning the NSP

Agency and Resource Access in Faryab Province

INTRODUCTION

Technocratic ‘top-down’ approaches to development began to incorporate participation both conceptually and practically in the 1970s.¹ However, the model of participatory development that has dominated policy discourse and programme implementation has not, for the most part, been a genuine opportunity for engagement in the development process. In this brief chapter I draw upon one woman’s revealing story about her struggle to survive in Faryab province (Figure 1) to demonstrate that Afghanistan’s example of this participatory development model, the National Solidarity Programme (NSP), has struggled to create an environment in which some of the country’s poorest families can access the resources they require to survive. I draw upon this personal story, communicated to me by Seema herself primarily through photographs, to argue that the NSP has not enabled marginalised villages and individuals to increase the degree of agency they exercise to access resources such as water and food. Agency is defined here as ‘the ability to define one’s goals and act upon them.’²

¹ Anthony Bebbington, ‘Reencountering Development: Livelihood Transitions and Place Transformations in the Andes’ *Annals of the Association of American Geographers* (2000) 495–520; as well as Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World*, Princeton, NJ, Princeton University Press 1995; Richard Peet and Michael Watts, *Liberation Ecologies: Environment, Development, Social Movements*, London, Routledge 1996; James D Sidaway, ‘Spaces of Postdevelopment’ *Progress in Human Geography* 31, 3 (2007): 345–61.

² Naila Kabeer, ‘Resources, Agency, Achievements: Reflections on the Measurement of Women’s Empowerment’ *Development and Change* 3 (1999): 438.

Figure 1.
Map of Faryab Province



I was driven to conduct this research after observing over a number of years that, despite the implementation of the NSP, residents of the villages and households in Faryab province continue to struggle to feed themselves. The NSP is a participatory development programme with a complex series of impacts on rural villages. From the

early days of its implementation in 2003 there have been rumblings of discontent from within NSP villages across the northern province of Faryab and indeed across the country.³ This chapter draws on qualitative research conducted in Faryab province in 2008 and 2009 to identify how and why some vulnerable families have not been able to improve their lives after several years of NSP implementation.⁴

1. THE NSP

As a key government stakeholder in Kabul conveyed to me in an interview in June 2009, the National Solidarity Programme (NSP) sits proudly at the top of the long list of Afghanistan's development interventions. It is being implemented in all of the country's 34 provinces and has been advertised as a success in, among others, *The Economist*⁵ and *The New York Times*⁶ for mitigating corruption, facilitating dispute resolution and engendering ownership over development projects. It is my contention that the pitfall of this programme, and this model of participatory development generally, is rooted in the lack of recognition of the actions and strategies already practiced by households across the country prior to the start of NSP. I argue that the NSP and this model of development programming can be more effective when time is taken to understand how households and communities already access resources. The existing practices need to be incorporated into the design of such programmes so that the programmes build on and strengthen the actions and strategies that are already effective instead of trying to establish new ones.

³ Palwasha Kakar, 'Fine-Tuning the NSP: Discussions of Problems and Solutions with Facilitating Partners' Afghanistan Research and Evaluation Unit 2005.

⁴ Seema's story, only part of which is shared here due to space constraints, is only one among many from wider research discussed in more substantial pieces, including McCarthy, 'Reframing Participatory Development and Livelihoods in Afghanistan's Rural North: A Power Analysis to Understand Variegated Realities of Vulnerability', Unpublished PhD Dissertation, King's College, London 2011; McCarthy and Mustafa, 'Despite the Best Intentions? Experiences of Water Resource Management in North Afghanistan' in *Strengthening Post-Conflict Peacebuilding through Natural Resource Management*, Cambridge University Press 2012.

⁵ Behre Kamal, 'Wise Council: Village-development Councils are Taking on More Serious Roles' *The Economist* (25 March 2010), available at www.economist.com/node/15772771 (accessed 12 October 2010).

⁶ Sabrina Tavernise, 'Afghan Enclave Seen as Model for Development', *The New York Times* (12 November 2009), www.nytimes.com/2009/11/13/world/asia/13jurm.html (accessed 12 October 2010).

2. CASE STUDY 1: WATER

Figure 2 shows the garden in which Seema and her husband Ehsanullah have been working as labourers for twelve years, approximately six years before the NSP began in their village, Lower Charvak. They are landless and their payment for this work is half of any food that is produced. The presence of the NSP in their village since 2003 has not resulted in any significant alleviation of the pressures facing Seema and her family. Central amongst a host of other issues they face, such as increasing debt and tension within their extended family, is the problem of accessing irrigation water.

Figure 2.

A view of the garden in which Seema and Ehsanullah are labourers



Photo credit: Seema, Lower Charvak, Faryab Province, Afghanistan, 2009.

The stakes for Seema and Ehsanullah are high in this line of work. If Seema and her husband fail to grow any food for the landowner, they must pay a steep fine. Seema states that in 2008 they were forced to pay the landowner AFG 3000 (approximately US\$60):

[The landowner] said it doesn't matter if you were able to grow food or not, you should pay. . . . [He asked,] 'Why can't you produce any food on this land? If I were to give this land to anyone else to work, they could grow food.'⁷

This was a harsh penalty since not only did Seema and her husband not benefit from any food for their efforts, they had already invested in agricultural inputs such as seed, fertiliser, as well as a water pump and piping for the 2008 growing season. The payment of this fine forced them to take a high-interest loan in order to have enough money to feed their family. The lender visits their house frequently demanding the money, which they do not have to pay back. The productivity of this land is of paramount importance to Seema and Ehsanullah. Because the garden provides their primary livelihood, Seema felt forced to come up with another way to ensure that it can be productive despite a lack of rain during the growing season. She decided to steal water.

Seema and her husband pay an initial AFG 500, equivalent to around US\$10, to the *mirab* who is responsible for overseeing the distribution of water within the streams. This is all they can afford and yet it does not provide enough water to keep the garden irrigated throughout the growing season. So in addition, under the cover of darkness during the summer months, they pump more water, for which they have not paid, from the irrigation stream into their storage hole (Figure 3) before using it to water the garden. The hole is four meters deep and was dug collectively over two days by Seema, Ehsanullah and their two eldest children. Seema fears that if the *mirab* were to find their pump he would take it away from her, charge a hefty fine, or worse. During daylight hours she keeps the water storage hole covered, the pump hidden in a mulberry tree, and only puts their plan into action at night when their neighbours are asleep. As it is for so many women and their families in many countries, accessing irrigation water is neither a straightforward nor an equitable process for Seema.⁸

⁷ Focus group discussion, Lower Charvak village, June 2009.

⁸ Farhana Sultana, 'Fluid Lives: Subjectivities, Gender and Water in Rural Bangladesh', *Gender, Place and Culture* 16, 4 (2009): 427–44.

Figure 3.

The temporary water storage hole used by Seema as part of the plan she devised to ensure the garden is irrigated as required



Photo credit: Seema, Lower Charvak, Faryab Province, Afghanistan, 2009.

Seema took these photographs and shared this narrative with us in order to illustrate how the presence of the NSP in her village has not had a positive impact on her and her husband's ability to access water, perhaps their most vital resource. The NSP, which resulted in the creation of a community development council (CDC), some road improvements and a shallow well in Lower Charvak, has not in any way provided Seema with what she needs to support herself and her family. Seema demonstrates that exercising her own agency to access essential resources is an important element in building an effective livelihood strategy. She is adapting to her circumstances and has managed to devise a strategy by which, albeit with a degree of risk, she can access the water she needs to irrigate the garden and fulfil her livelihood duties as a mother and a labourer. While she feels that the NSP has been implemented and very much left her and her family behind, she is not entirely powerless in that she is an active agent in exercising her power to access water as required.

3. CONCLUSION

Agency is possibly the single most vital factor determining how and when people access resources. The NSP creates spaces of power and participation that are experienced differently by men than women, and the ability to exercise agency within these gendered spaces can at least partly determine patterns of participation and, as my wider research demonstrates, access to resources. Blind to the existing strategies employed by target populations in accessing resources, this prevailing model of participatory development exemplified by the NSP can be somewhat disconnected from the realities of rural life. I argue, and also fear, that programmes like the NSP may become increasingly irrelevant to vulnerable or disadvantaged groups who rely on the exercise of their own agency to forge participatory spaces themselves rather than waiting for the NSP to do so for them.

I suggest that if programmes such as the NSP are to increase the lasting positive impact they have on people's lives, the planning and design phases must take long enough to acquire a better understanding of how people are coping with the difficult conditions they face on a daily basis. For example, the NSP's implementation in Faryab province may have had a more positive impact on Seema's family if those who were facilitating the programme were able to recognise how important water is to her and had addressed what she really needed to survive—a small grant or loan, for example, to ensure she could pay for enough irrigation water, enjoy a productive harvest, and begin to pay back her debt.

Seema is only one story of many in her village of Lower Charvak. I learned from other research participants that the rising price of water due to scarcity was becoming a challenge for other landless families as well. If the NSP were to prioritise learning about the agency that is being exercised to access resources, particularly in times of scarcity, and then incorporate a reflection on how these exercises of agency can be built upon in consultations with the women and men who most need support in accessing resources, then simple and inexpensive steps could be taken to dramatically improve someone like Seema's chances at providing for her family.

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Frauke de Weijer

Capacity Building in MRRD

A Success Story

Many efforts to build the capacity of state institutions in Afghanistan have not reached their anticipated potential and have received criticism from government, donors and citizens. In contrast, the Ministry for Rural Rehabilitation and Development (MRRD) is often mentioned as a success story, a poster child of rapid transformation of institutional capacity. This paper looks at some of the factors that turned MRRD into a success story, sheds light on some of the weaknesses in its approach and aims to extract lessons for other, less successful ministries. It focuses on the early period, from 2002 to 2005, when the ministry rapidly transformed itself from a weak ministry to a well-respected institution channelling millions of dollars to reconstruction programs.

General criticism of capacity-building projects in Afghanistan include the fragmentation of capacity-building efforts into incoherent projects; the risk of donor-funded experts pulling the ministry into different policy directions; a focus on building individual competencies rather than addressing broader systems and procedures; and the lack of a comprehensive approach to issues of weak institutional capacity. To a large degree, capacity building is still operationalised through the provision of technical experts, and these are often perceived to be of insufficient quality. The short assignment durations and high turnover contribute to this unsatisfactory cost-quality ratio. In addition, these technical experts tend to prioritise the achievement of outputs described in their own terms of reference rather than strengthening the ability of counterparts to achieve these results. Capacity building therefore often becomes capacity substitution, which may actually reduce the

chances of improving the performance of the existing administrative apparatus as the more skilled and ambitious civil servants become increasingly disgruntled.¹

The MRRD is often mentioned as a positive exception, where institutional capacity has been successfully built up rapidly (although criticism about operating on borrowed capacity remains). What were then some of the characteristics that made MRRD a relative success? What were its weaknesses? And how easily can this strategy be replicated in other situations?

First and foremost, MRRD started off in 2002 with a strong visionary leader, Haneef Atmar, who acknowledged that government capacity, though a scarce resource, is crucial to long-term progress and requires a strategic approach. He recognised that institutional capacity takes a long time to build and that there was a wide gap between the reality on the ground and the international standards on which aid flows are premised.

At the time the pressure to produce results was extremely high. Yet the desired results were defined differently by the three constituencies of the ministry: the citizens (and their representatives), the donors and the civil servants. Donors wanted comprehensive strategic approaches based on principles of non-discrimination, inclusiveness and equal access, which take time to roll out. Citizens, often represented by visiting delegations from the provinces, came to have their problems fixed, preferably yesterday. And the civil service was caught between a desire to see positive change and a concern for their positions, as well as a general scepticism about the direction that change seemed to take. Communist notions of direct and free delivery of services by the government remained strong and are inconsistent with the revised role of the government as facilitator and monitor rather than direct service provider. These conflicting demands placed on the MRRD greatly reduced its space to manoeuvre.

The leadership in the MRRD realised quickly that with such high pressure and such limited space to manoeuvre, it was much easier to build up a thin layer of capable strategists in the top layers of the ministry than to reform the whole institution and build implementation capacity throughout all its layers. The latter takes a lot of time, as it requires a slow and gradual building of trust within the ministry, which then provides the leadership with a little more space to push through necessary reforms. In addition, the full reform of a ministry requires clear results on the ground in order to give both the population and the civil servants a positive perspective about the

¹ Serge Michailof, 'Review of Technical Assistance and Capacity Building in Afghanistan', Discussion Paper, Afghanistan Development Forum, April 2007, available at capacity4dev.ec.europa.eu.

changes taking place. In this approach the leadership is caught on the horns of a dilemma: it needs results to build trust and credibility, but it needs reform before it can obtain these results.

Atmar responded to this dilemma by forming a core team to lay the foundations for obtaining quick results; they were to develop the strategic vision of the ministry, establish strong financial management procedures, formulate policies and (co-) design national programmes. The implementation of these programmes was being outsourced, while sustainable capacity was being built up.

The core team initially consisted of a small group of hand-picked and mostly international advisers. In addition, Atmar consulted regularly with the key donors. He kept firm hold of the reins, fought many a fight with UN agencies that didn't want to lose control, and did not engage with those donors who did not adhere to his vision. Many of the advisors stayed loyal to the MRRD for long durations, and the turnover was low. Over time the international advisors were complemented by high-level Afghan consultants, paid for by donor agencies, and, with progress on the Public Administration Reform, a number of them moved into senior positions in the ministry. Simultaneously, but slowly, Atmar moved the most competent civil servants into director positions, and communication started to flow through the cascade of advisors to the directors. Formally the advisors were not part of the reporting hierarchy, but in practice they were, particularly in the beginning. However, increasingly the directors themselves were held accountable for the performance of their departments, and parallel communication was reduced. In this way, the top layer in the ministry became increasingly Afghan.

The outsourcing of implementation carried the risk that capacity would be drawn out of the ministry and that opportunities for capacity building would be lost. This did indeed happen as the program implementation units and oversight consultants operated in a very isolated fashion. As a result, institutional linkages only existed at the top, while at lower levels the organisational units functioned totally independently. Learning opportunities were lost without the creation of closer institutional relationships between program implementation units and the civil service at all levels. For instance, the civil servants could have taken on more planning, monitoring and regulatory functions at all levels of implementation, which would have helped establish a stronger regulatory capability in the ministry while simultaneously providing opportunities for learning about program implementation. Junior civil servants could have been designated to perform specific functions within the program implementation units as interns. This would also have created opportunities for a gradual transition of implementation of national programmes back to the ministry. Nonetheless, in spite of these missed opportunities, the

strategic choice to outsource program implementation was justified considering the institutional challenges faced by the ministry.

For the slower build-up of capacity throughout the ministry, MRRD made strategic use of the United Nations Development Programme (UNDP)-funded National Area Based Development Program (NABDP). The NABDP was managed directly from within the ministry and aimed at strengthening strategic-planning capability at all levels of the ministry. In the early days, the program suffered from severe management challenges and a lack of focus, but it slowly took off once it started to connect grassroots-level planning capability with sub-national planning. The National Solidarity Programme (NSP), through its community development councils, started to build up planning capability at the grassroots level, while the NABDP in its early years conducted strategic planning exercises at the provincial level. Connecting the outputs from these two programs, as the NABDP has been doing in recent years, was a way to stretch capacity building all the way from grassroots to the centre. At the same time it allowed the MRRD staff to benefit from the work conducted by the NSP, even though they had not been directly involved in its implementation. This can be perceived as an alternative way of gradually channelling capacity back into the MRRD from processes that initially took place outside of the MRRD.

What this analysis of the MRRD's strategy shows is that Atmar made clever use of the mandates of the different donors and put together a portfolio of assistance that suited his tiered strategy. The fact that the donors themselves had not managed to harmonise and streamline their approaches allowed the MRRD to pick and choose according to its needs in a way that resulted in a relatively coherent package of programs and assistance. Atmar did not bow to pressure to accept technical assistance with hidden, donor-supported policy agendas, and he kept firm hold of the reins. In a situation with strong donor fragmentation he used his leadership to turn these disparate forces in one direction, fighting the donor community as much as being supported by them. He was fighting the tide as much as he was carried by it. Leadership was essential in the positive outcome of this process.

In addition to the obvious challenge of weak donor coordination, there is another deeper obstacle: the persistent tendency among the international community to view capacity building primarily as the elevation of technical skill levels and the establishment of rule-based procedures. What is often overlooked is that these are outcomes of more complicated processes of cultural and institutional change. Change management is about more than merely establishing systems and procedures and strengthening technical and managerial competencies. Change management is equally about managing fear of uncertainty, mitigating loss and dealing with anxiety and a sense of a loss of dignity. It is about creating a new vision in an organisation with a sense of purpose that the members of an organisation can

rally behind and that creates the motivational incentives to promote systems and procedures that work more effectively towards the common goal. It is about aligning purpose, organisational values, strategies and systems, procedures and skills. It is about allowing an organisation to experience what works and adjust its systems accordingly. Processes of civil service reform are necessary but not sufficient to bring about such change.

The MRRD was successful mostly because Atmar (and later his successor and previous deputy, Ehsan Zia) managed to inspire the staff and bring them along in the reform efforts. He was able to do so because of the renewed sense of purpose he managed to instil in the ministry, the large flow of funds and the associated incentives in terms of career opportunities.

The leadership used an incremental approach, balancing the need to gain legitimacy with both the foreign donors and its own staff, in order to create the space for change. Atmar pushed new values of meritocracy and principles of universal access to service without regard to the person as fast as he could in order to please donors but slow enough not create a mutiny. The MRRD existed in two parallel universes simultaneously, and its leadership had to ensure that the gap would narrow, not widen.

Initially the minister himself was the interface, translating concepts and visions into words digestible to both universes, but with time he created systems to bridge the gap through his cascade of foreign advisors, Afghan consultants and department directors, who increasingly became consolidated into one universe.

Institutional capacity is still weak in the MRRD, as it is in all other Afghan ministries. But the MRRD has shown that transformation is possible and that capacity substitution can lead to the consolidation of institutional strength. However, patience is required, and donors could certainly do more to support these processes rather than acting as the proverbial oxen that are all pulling the cart in different directions. The bad news may be that with visionary leadership having been crucial, the MRRD does not provide any real lessons on how such processes can be obtained in other ministries that lack this essential asset.

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Royce Wiles

Trophy Libraries and Strategic Opacity

Information Management Challenges in the Afghan Legal Sector (2004–11)

In July 2004, Afghanistan's Independent National Legal Training Centre (INLTC) was established by a memorandum of understanding signed by the minister of justice (MoJ) of Afghanistan, the minister of higher education, the attorney general (AGO), the chief justice of the Supreme Court, head of the National Security Council (NSC), and the donor governments of Italy and the United States. It was set up as part of the larger push to foster the reconstruction of the country's judicial systems,¹ specifically for the enhancement of legal professionalism and strengthening academic, ethical and specialised professional skills for Afghan law institutions. The building for the INLTC on the campus of Kabul University (North Road) was built by the government of the Italy and furnished by the United States. Subsequently, pursuant to Presidential Decree Number 1564 on 9 June 2007, the INLTC officially became an independent component of the Afghan government. Funded by USAID, the Afghanistan Rule of Law Project (ARoLP), 2004–09, provided support for the centre and specifically for the library as part of the overarching project. In addition, the International Development Law Organization (IDLO) based in Rome provided support (including technical support for the hiring of staff, sponsoring training courses, etc.). The Supreme Court pulled out of the project in 2006, which reduced the utility of the project for raising national standards of legal education (the Supreme Court wanted

¹ 'New Law Library in Kabul and Number of Women Studying for High Court is Up', USAID press release, available at www.dd-rd.af/events/usaidd.pdf, accessed on 20 August 2011.

to have its own training centre).² The library was officially opened on 27 August 2008.³

There can be no question about the education and resource gaps the INLTC was meant to fill: a survey of training needs of judges by the Afghanistan Supreme Court in 2006 evidenced the need for better legal education, finding that 43 per cent of judges had not completed their training, while 36 per cent did not have sufficient access to laws.⁴ The fact that the Norwegian Refugee Council found it necessary to produce a land law manual for Afghanistan in 2005 (in English and Dari) also illustrates the wide experience of gaps in legal information.⁵

In terms of concrete achievements, the project provided the abovementioned new building on the edge of the campus of Kabul University for law lecturers and students and designed a curriculum for training. In terms of the management of legal information management, the project made two singular contributions: the associated ARoLP project to reproduce a complete set of Afghan laws (scanned versions as well as reprinted hardcopy sets) and the INLTC library.

A consistent gap in assistance, reconstruction and development initiatives in Afghanistan has been the undervaluing of the role of information management. The example of the INLTC highlights three issues: a systematic ignoring of the utility of information management; (unsurprisingly) poor coordination of any activities with an information provision role, and finally the underestimation of the specific information management challenges present in the Afghan context.

1. A GENERAL UNDERVALUING OR IGNORING OF THE UTILITY OF INFORMATION MANAGEMENT

I know of only four development or assistance programmes that have set up dedicated information management facilities in Afghanistan: the INLTC library, the Afghan Energy Information Centre,⁶ the health policy library set up by Management

² 'IDLO Italian-Funded Projects (2005–2008) for Legal and Juridical Reform in Afghanistan: Evaluation Report', International Development Law Organization Monitoring and Evaluation Unit, August 2008, 32, available at www.idlo.int/DOCNews/277DOC1.pdf, accessed 20 August 2011.

³ 'Afghanistan's First Full-Service Law Library Opened', USAID, 27 August 2008, available at afghanistan.usaid.gov/en/Article.386.aspx, accessed 25 September 2010.

⁴ 'Judges Survey of Training Needs: Preliminary Report' Supreme Court, Kabul 2006, 2.

⁵ Conor Foley, 'A Guide to Property Law in Afghanistan' Oslo, Norwegian Refugee Council 2005.

⁶ Learn more about this organization at www.afghaneic.com.

Sciences for Health (MSH) through the Rural Expansion of Afghanistan's Community-Based Healthcare (REACH) programme in the ministry of public health, and the library at the Independent Electoral Commission (IEC). Most other projects either ignore this area or assume that setting up a website with some downloadable documents fulfils the need for professional information management.

Local actors need to be consulted for the design of development and assistance projects, but a major hurdle is the level of knowledge that Afghan government officials, and those involved in designing projects, have of the technical aspects of information provision and organisation. Planners seem to be only rarely consciously aware of the advantages accruing from the provision of information management components for development or assistance projects. In the case of legal information, however, the gap was so fundamental it could not be ignored.

The INLTC project made a valiant effort but in the long run has not been able to find information professionals in Afghanistan to run its library. Of those working in development, few are aware of the inputs needed to set up, develop and run an information management facility. When this combines with the general and institutionalised inability seen in Afghanistan to share information, the result is a significant gap in the design of assistance projects. When the United Nations Development Programme (UNDP) was providing training for library staff at the Afghan Parliament, they advertised a training position for seven days to teach information management (specifying the use of overheads or PowerPoint). The usual training period for a cataloguer in academic libraries is two years of hands-on training (after formal information management studies of some kind – either undergraduate or postgraduate). It is not possible to train anyone to enter standardised data for a library system in a week and expect it to work without considerable follow-up.

Judging by the information on the website of the INLTC library today (three years after its opening in 2008), there is still no library catalogue for the legal materials collection. Internationally no library would ever be opened without a functioning catalogue (even if only on cards). Setting up library software for Dari and Pashto materials certainly has its challenges, but they can be faced when taken seriously. This is a specialised task that needs adequate resources.

As with other projects – e.g., the IEC – once the INLTC was handed over to the Afghan government and salaries dropped back to national level norms, almost all the trained library staff left. The situation at the IEC was the same. The Asia Foundation had been the major donor and set up the IEC library with a custom-built three-language archival software system, which also listed the library materials. It was handed over (along with the virtual archive) in 2005. When I last saw it in action (in mid-2010), all the elements had been preserved, but not a single item had been added to the

holdings; those staff members who had received library training left at the same time that the hand over to the government system took place.

2. POOR COORDINATION OR PURPOSEFUL MIS-COORDINATION?

The new INLTC building and library were set up on the campus of Kabul University less than 25 metres from two existing law faculties (and their separate libraries) with apparently no formal or informal coordination or discussion between these libraries or their donors. The issue of poor coordination for much development work in Afghanistan (and elsewhere) is both well known and long standing.⁷

Across the driveway from the INLTC, the Faculty of Law and Political Science at KU had a law library of approximately 1,500 titles, which had received funding from the Goethe Institut over two years for training and resources. The Asia Foundation had also made donations there (including one of the archival sets documenting the 2003 Constitutional Loya Jirga deliberations). The KU Faculty of Shari'a (the next building on the KU campus past the INLTC) had its library restored (at the same time as the INLTC was being set up) with funding from the IDLO in Rome (approximately 2,000 titles). Putting the resources of all three libraries together (even if only virtually) would have provided a stronger basis for legal education of all kinds at KU. Why didn't Afghan aid recipients attempt to at least limit the redundancy here?⁸ The usual answer is that the donors are providing the money and so donor activities and views drive the process. However, Afghan institutions must also take some responsibility.

⁷ Nicholas Stockton, 'Strategic Coordination in Afghanistan' Afghanistan Research and Evaluation Unit, August 2002, available at www.reliefweb.int/sites/reliefweb.int/files/resources/F04F9B76A959E35CC1256C8B002E8D39-areu-afg-31aug.pdf. See also, 'Aid and Conflict in Afghanistan', International Crisis Group, 4 August 2011, 17 (on PRT-NGO coordination) available at www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/210-aid-and-conflict-in-afghanistan.aspx.

⁸ A similar example comes from the Ministry of Agriculture, Irrigation and Livestock (MAIL), which has five libraries on the one ministerial campus: a useful agricultural library donated by the Iranian government of approximately 5,000 textbooks and reference books (all in Persian); the surviving rump of the old ministry library in a small room with a hodgepodge of materials and a government staff member; the United Nations Food and Agriculture Organization (FAO) library set up to house all FAO publications as a national reference set; a small policy-focused NGO library set up to provide access to Afghanistan-specific material with one staff member; and finally the forestry department of the ministry requested a library, and USAID has supplied sets of English-language periodicals from US government libraries; the staff appointed could not decipher the titles, let alone list them or provide access to the contents.

A feature of Afghan society that may also play a role here and needs to be made explicit for donors is this: the practice of establishing status (ie, self-aggrandisement) by all manner of responsible individuals (be they senior officials, academics or bureaucrats). Status and the ability to make a good impression are key features of seniority in Afghanistan (as elsewhere), and the possession of a 'library' is sometimes seen as a way to do this. As a result, 'libraries' are set up which are visible but in effect non-functional. Almost every faculty at KU wants to establish an independent 'library', duplicating the activities and resources of the central library and starving it of funds.

I have seen Afghan ministries and other agencies establish or maintain a 'library' that looks good to local taste (large desks, gauzy tasselled curtains, gold lettered name plates, alpha-male furniture to sit on, etc), but those same agencies fail to resource, staff or train the 'library' workers professionally. I have coined the term 'trophy library' for these: they look like a library but in fact are usually only a meeting room containing books. In a development or reconstruction context the establishment of non-functioning libraries absorbs resources and does not further information management. Donors need to recognise these for what they are.

3. SPECIFIC CHALLENGES

The example of the scanned set of the Afghanistan *Official Gazette* (prepared by the ARoLP project and donated in hard copy to the INLTC library) highlights another example of cultural or attitudinal disjunction between international and local actors: public access to government (and other) information can directly challenge the status quo and, therefore, entrenched systems of reciprocity and influence.

The ARoLP (USAID) project to set up the INLTC did excellent work over several years by scanning copies of all known laws to cumulate a complete set of legal materials. They also scanned earlier *Usul-namahs* and *Nizam-namah* (these traditional terms cover regulations, laws, decrees, etc.). The potential utility of public access to laws in controlling abuses of power, calling government agencies and individuals to account, etc., is presumably self-evident.

The set of scanned laws in PDF form was also produced as a DVD and hundreds of copies were given away to law libraries, judges, interested NGOs, etc., by the ARoLP. The DVD set had two HTML index pages, one Dari and one Pushto, with the clickable PDFs arranged chronologically by gazette number and indexed by title. Early in 2009 this arrangement of PDFs with index page was also handed over to the MoJ for posting on their website (www.moj.gov.af).

The materials appeared on the Dari and Pushto pages of the MoJ website in late-2009 but as a simple numerical list from 1–900, i.e., the titles of the laws were no longer present so users would now need to open each of the 900 links to locate any particular law. In other respects the index pages were identical to those of the AROLP DVDs. Whatever the reasons for the loss of the titles, judging from the database as released on the MoJ website, access to the laws was hindered.

The MoJ did begin to supplement these files by adding new PDFs of laws as they were published. However, some laws never appeared, and sometimes merely a placeholder PDF was uploaded with no content, although it appeared to the casual observer that a law had been uploaded. This brief period of publicly available laws ended around mid-2010 when, with the re-design of the MoJ website, everything was taken down. As of late-2011, no laws had been added, but the entire *Official Gazette* backset was once again available.

The set of laws released as separate PDFs just mentioned was supplemented by a ‘full-text’ searchable database of all existing Afghan laws also prepared by the AROLP and handed over to the ministry. This allowed searching of terms appearing in all the laws. It has not become available on the MoJ website, and it is unclear if it is being updated or is even still available.

It seems that entrenched attitudes towards information provision within the Afghan state apparatus have come into play (here as elsewhere). The need to share, exchange and promulgate public information is (more or less) well established in other countries where open access to certain categories of government information is a foundation of democratic systems, since it promotes government accountability and is also one factor in limiting abuses of power and corruption. In Afghanistan, the reluctance to share documentation is assumed to be a legacy from the Soviet period, or earlier days, when little information was released. Donors are also guilty of omissions, and few of them have done anything to counter this tendency within Afghan government institutions, e.g., the Joint Coordination and Monitoring Board (JCMB) papers have similarly gone off-line in the past two years.⁹

There is an additional cultural feature at play here: in most cases, networks (personal, professional, etc.) are needed to get anything at all done when dealing with Afghan government agencies, be it getting the power supply (re-)connected to a

⁹ ‘The Joint Coordination and Monitoring Board (JCMB) is a high-level governing body established in 2006 to provide overall strategic coordination of the Afghanistan Compact. . . . It aims to ensure greater coherence of efforts by the Afghan government and the international community to realize the goals set forth in the Compact.’ From the ‘A to Z Guide to Afghanistan Assistance’, Kabul, AREU 2011, 40.

house, a *tazkira* (Afghan identity document) re-issued, a driver's licence, etc. People need to call in favours or ask for assistance from well-placed relatives or acquaintances. The use of favours and influence (*wasita*) produces (at best) an implicit expectation of reciprocity. The idea of information sharing as a public good has little history in Afghan government agencies: the idea of anyone from the public sphere having the right to ask for, and receive, government information is new and challenging to the established system of reciprocal favours. Sharing information publicly is perhaps an affront to this system since it opens up ways for otherwise disempowered or non-influential people to call or hold powerful or influential people to account, particularly with regard to information about government decisions, financial or legal matters. It also has the potential to de-mystify the legal professions to some extent by making the text of laws, decrees, regulations and judgements available to all.

By having the ministry place the law PDFs on its website, the ARoLP initiative was showing that it regarded free access to Afghan laws as a public right. However, this seems to have challenged the MoJ, and they removed all laws from the website with a re-design in mid-2010. The donor project ended, and control has returned to the MoJ. The earlier principles of less transparency have won out. Similarly the website of the president does not give access to any presidential decrees, nor does the website of the Supreme Court contain any records of their decisions.

I term this tendency of Afghan government agencies (and at times international donors) to hide or at least not release information 'strategic opacity'. By not releasing definitive statements, documents, budgets or minutes, they control the flow of information outward. In the ensuing murkiness, individuals and agencies are able to continue with existing systems and potentially existing abuses.

4. CONCLUSION

Acquiring, organising and making available information sources are specialised tasks. The value of information management as part of development and assistance projects is poorly understood or resourced in Afghanistan (by both international and local actors). Institutionally, international agencies are only rarely able to conceive of information management needs as part of an overall development or assistance agenda. This is partly because in developed countries the work of information professionals is taken for granted and is therefore mostly invisible, in much the same way as universal literacy, street-lighting, all-weather roads, public open spaces, etc. Afghan decision makers do not seem to value or have experience with functioning

knowledge management systems and tend to consistently devalue or de-prioritise them.

Only sustained pressure from donor agencies toward greater transparency, organisation of information and public accountability coupled with consistent and informed grass roots demands for access to information can push against the tendency of Afghan government and other agencies to continue to prevent public access to information.

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Andrew Pinney

An Afghan Population Estimation

The 2001 Bonn Agreement,¹ which established a future framework for Afghanistan, requested the United Nations to facilitate a population census before the end of 2008. In preparation for the census, a household listing was conducted during the period 2003–05 and a pilot census in 2007. A full census scheduled for the following year (2008) did not take place because of poor security. In preparation for the re-scheduled census in 2011, another household listing exercise was conducted from August 2009 to March 2010 with support from the United Nations Population Fund (UNFPA).

Population data in Afghanistan is extremely sensitive, among other reasons because it has been the basis for determining the composition of the Lower House of the National Assembly (the Wolesi Jirga). While this paper suggests that the current official estimates are not made on a re-basing of the population estimates that made full use of the latest available data, widely publicising this could have negative consequences, especially for the government body responsible, the Central Statistics Office (CSO). The CSO is currently undergoing reform. The population estimate compromise of 2004 described below was done under previous management and was largely imposed from the president's office.

¹ 'Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions', Bonn, United Nations, 5 December 2001, available at www.unama.unmissions.org/Portals/UNAMA/Documents/Bonn-agreement.pdf.

1. THE 2004 POPULATION ESTIMATE

The first and only Afghan census was held in 1979, but insecurity resulted in enumeration of only 67 per cent of the population. For those areas where security prevented the census count, the household estimates from the pre-census household listing were used. A set of sub-national growth rates were derived from comparison between the pre-census household listing and the census data and then subsequently used to project population estimates annually up until 2004.²

The CSO conducted a household listing between 2003 and 2005, supported by UNFPA, in preparation for a full census. Again insecurity resulted in several provinces not being fully enumerated. For those districts where security prevented enumeration by the end of 2005, population estimates were obtained from the local *shura* (council) leaders. The results of the 2003–05 house listing were published,³ but prior to that, an official population rebasing took place to produce the 2004 population estimates that have been used as the basis for all subsequent annual population estimates. The official rebasing in 2004 was in response to the need for provincial population estimates in order to determine the composition of the Lower House of the National Assembly (the Wolesi Jirga). The rebasing was calculated by taking the average of the provincial estimates of the 1979 census projections for 2004 and the 2003–05 CSO household listing for those 29 provinces where both these population estimates were available. For those provinces without data from the 2003–05 household listing at the time of the rebasing, the 1979 census projections for 2004 alone were used. These re-based population estimates of 2004 were made official through a presidential decree.

The official population estimate for 2008–09 (a continued projection of the 2004 rebased estimates) was 23.51 million for the settled population only, to which an estimated 1.54 million nomadic Kuchi should be added in order to estimate the total Afghan official population of just over 25 million. Several alternate current population estimates are in the public domain: the US Census bureau estimate for

² Central Statistics Office, 'Estimated Population of Afghanistan: Settled Population by Civil Division', Urban and Rural and Sex Annual Reports 1974/5–2009/10.

³ Central Statistics Office/UN Population Fund, 'Afghanistan: A Socio-economic and Demographic Profile', 2007.

midyear 2010 was 29.12 million;⁴ the UN Department of Economic and Social Affairs also estimated a population of 28.15 million for the year 2009.⁵

The official population estimates for the provinces of Helmand, Zabul, Daikundi and Paktika were based solely upon the 1979 census projections, as the 2003–05 household listing data was not available at the time of the rebasing. The official population estimates for these provinces thus represent a significant underestimation, as they have not incorporated any element of the estimate from the 2003–05 household listing.

Despite several shortcomings in data collection (eg, missing districts, no specific Kuchi enumeration and variation in methodology for defining households), the 2003–05 household listing produced an almost complete population count and is the best basis for current estimates and population sample frame, until superseded by either a new household listing or complete census.

The 2009–10 household listing exercise, if conditions allowed a full count of all settled population, could provide a credible household estimate if published (except for nomadic Kuchi), which may in turn be the basis for providing an updated population estimate.

2. CHALLENGES TO POPULATION ENUMERATION IN AFGHANISTAN

2.1 Enumeration of Kuchi Nomadic Pastoralists

While summary data on the Kuchi nomadic pastoralists were collected in the village facility survey accompanying CSO's 2003–05 household listing, the full Kuchi enumeration originally intended to accompany the household listing was never conducted. The CSO resorted to taking the estimate of the total nomadic pastoralist population from the National Multisector Assessment of Kuchi (NAMAK) conducted by the Ministry of Rural Rehabilitation and Development and which consisted of enumerating all Kuchi tribes in their winter locations in early 2004 before the spring migration.⁶ The NAMAK estimated that in 2004 there were 1.42 million truly nomadic pastoralists, with another 1 million sedentary Kuchi, who are assumed to be enumerated with the settled population during the 2003–05 household listing.

⁴ See www.census.gov/population/international/data/idb/country.php.

⁵ See www.un.org/esa/population/publications/wpp2008/wpp2008_highlights.pdf<http://esa.un.org/unpp/p2k0data.asp>.

⁶ 'National Multi Sectoral Assessment on Kuchi', Ministry of Rural Reconstruction and Development, Kabul, MRRD 2005.

In the 2009–10 household listing, enumerators were instructed to ask village leaders or key informants whether there were any months of the year during which nomadic Kuchi pastoralists settled around the village and if so, how many tents. With this household listing taking place over six months encompassing the period of summer–winter location migration, it is not clear how the CSO would have been able to generate a robust estimate of the nomadic Kuchi population, while avoiding double counting some of the Kuchi.

2.2 Production of an Official Geo-referenced, Geo-coded Settlement List with Population Estimate

The recent modified household listing exercise for 2009–10 was a collaboration between CSO, the Afghan Geodesy and Cartography Head Office (AGCHO), and the Independent Directorate of

Local Governance (IDLG). These agencies jointly undertook a village list resolution at the district level, which revealed that the vast majority of the ‘new villages’ had resulted from areas within large villages being referred to by their Community Development Council (CDC) names rather than the original village names. This is an interesting side-effect of the ‘success’ of the National Solidarity Program and provides reassurance that the CSO 2003–05 household listing did not omit a significant number of rural settlements. If successfully implemented, the exercise can lead to a publication of an official geo-encoded geo-referenced rural settlement list. This would provide the much-needed geographic standard for indexing urban and rural settlements, which would still be of value, even if the estimated settlement population is not included.

2.3 High Levels of Immigration and Migration

A comparison of the age-sex pyramid between the CSO’s 2003–05 1/200 household demographic corrected data⁷ and the National Risk and Vulnerability Assessment (NRVA)⁸ 2007–08 data shows significant differences in sex ratios in different age

⁷ A full listing of all household members, their ages and sex was conducted on every 200th household encountered during the 2003–05 household listing exercise. This 1/200 sample of fully enumerated households provided the basis for construction of an age-gender pyramid. Certain typical demographic corrections were made to the age-gender data based upon assumptions of underreporting of young and particularly female children.

⁸ A regular national multi-topic household survey conducted by the CSO.

cohorts.⁹ Afghanistan is still experiencing significant simultaneous refugee return and exodus,¹⁰ and this is likely to result in sex ratios changing over short periods. NRVA 2007–08 indicates that there had been much more male than female out-migration in the year before the NRVA 2007–08 survey. The data indicates that it is 7.6 times more likely that a male migrated out of Afghanistan than a female. The age profile of the male out-migrants coincides with those age groups that have a low sex-ratio in the NRVA 2007–08 demographic data (ie, 20–44 years old) providing some degree of support for the hypothesis above that out-migration since 2005 is responsible for the change in the population of young and middle-aged males. Further support comes from considering the level of immigration during the year before the enumeration of the NRVA 2007–08. Estimated total immigration in the year preceding the NRVA 2007–08 survey was much lower than emigration, totalling just 196,000 and almost evenly split between males and females. Emigration, on the other hand, was significantly higher and predominantly male, with an estimated 1.73 million males and 113,000 females leaving Afghanistan in the year before the households were enumerated for the 2007–08 NRVA.

This underscores that the Afghan population was, for the reference period of this analysis, still very mobile with significant numbers of Afghans moving in or out of Afghanistan influenced by various factors including drought, insecurity and repatriation efforts by Iran and Pakistan. This ongoing flux of large numbers of Afghans ensures that year-to-year population projections based upon a fixed growth rates will likely become increasingly inaccurate when compared to countries where the bulk of the population is more stable.

3. CONCLUSIONS

Despite its shortcomings, the 2003–05 household listing produced an almost complete population count and is the basis for the best population estimates and population sample frame until superseded by another published household listing or, better still, a full census.

The official 2004 population rebasing, and subsequent population estimates, was a political accommodation between the status quo estimates from the projected 1979 census and the 2003–05 household listing, thereby diluting the value of the latest

⁹ A Pinney, 'Data Quality Assessment of NRVA', DFID, December 2010. Available upon request.

¹⁰ A Pinney and S Ronchini, 'Food Security in Afghanistan after 2001: From Assessment to Analysis and Interpretation to Response', in *Reconstructing Agriculture in Afghanistan*, eds A Pain and J Sutton, Rugby, UK, Practical Action Publishing and FAO 2007.

almost complete count of the Afghan population over the period 2003–05. It is likely that this system of deriving annual population estimates will remain in place until a fully-completed census yields new estimates.

Particular caution should be exercised when using the official population estimates in provinces of Helmand, Zabul, Daikundi and Paktika, as these are based solely upon the 1979 census projections because no household listing data was available at the time of the population rebasing in 2004. These official estimates represent a significant under-estimate, and it is recommended that alternate estimates based upon household listing projections be used for programmatic purposes.

The most credible estimates of Afghanistan's population are derived from the US Census Bureau model¹¹ or the United Nations,¹² which both produced comparable estimates of approximately 29 million for the year 2010. The US Census Bureau model utilises the following data: 1979 census, Afghan Health Survey (2006), NRVA (2007–08) and the UN High Commission on Refugees (UNHCR) Statistical Yearbooks (2009 and 2010). No details are available for the UN model, but given its almost complete convergence with the US Census Bureau model, its empirical basis is likely to be very similar.

The 2009–10 household listing, if successfully enumerated and published, could provide a credible update to the settled population estimate. For the fully nomadic Kuchi, currently no robust methodology appears to be in place to ensure a credible enumeration of this group. With the unlikely prospect of being able to fully conduct a census in 2011, resorting to the 2009–10 household listing for the best empirical based estimates of the population is a likely scenario. The data from the current listing exercise could be converted to a population estimate multiplying the number of households by an average household size from various household surveys. This should provide the best available empirical basis for a new estimate of the settled Afghan population. Unfortunately, such an estimate is unlikely to be sanctioned as the basis for the new official population estimates. In anticipation of an incomplete or delayed enumeration, UNFPA and CSO are considering developing alternate methods for estimating the population where direct enumeration of every household is not possible because of security reasons.

¹¹ US Census Bureau, 'World Population Estimates: Afghanistan' at www.census.gov/population/international/data/idb/country.php (accessed 8 September 2011).

¹² 'World Population Prospects: The 2008 Revision: Highlights', United Nations, New York 2009, www.un.org/esa/population/publications/wpp2008/wpp2008_highlights.pdf (accessed 8 August 2011).

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Andrew Pinney, trained in both applied statistics and natural resource management, has experience in food security, household surveys, agroforestry and rural livelihoods in Africa, Asia and Latin America. For most of the four years he spent in Afghanistan from 2002 to 2006, he supported an Afghan government team to develop a regular national household multi-topic survey to provide regular updates on food security, poverty and Millennium Development Goals. In 2009–10 he produced a series of reviews of key Afghan datasets for the Department for International Development (UK Aid). As a consultant he has worked for the British Red Cross, World Bank, UNDP and DFID and as a researcher for the International Centre Research in Agroforestry and Bradford University Centre for International Development. He has a PhD in applied statistics and an MSc in tropical agricultural development, both from the University of Reading UK.

Holly Ritchie

Beyond the Value Chain Model

Deconstructing Institutions Key to Understanding Afghan Markets

1. INTRODUCTION

Despite the on-going conflict in Afghanistan, entrepreneurial activity is 'ubiquitous',¹ and business is thriving, particularly amongst certain families. There is an assumption by the aid community that all entrepreneurship is productive and will facilitate prosperity and peace. Yet findings from Africa suggest that entrepreneurship may not always generate economic growth and development, as previously suggested by Baumol et al.² There has been increasing discussion by development theorists about the complex role of social/cultural institutions (i.e., norms, values) in 'market-oriented' development and the role of social regulation (as a result of gender,

¹ Tommaso Ciarli, Saeed Parto and Maria Savona, 'Conflict and Entrepreneurial Activity in Afghanistan: Findings from the National Risk Vulnerability Assessment Data,' UNU WIDER Discussion Paper for Workshop on Entrepreneurship and Conflict INCORE, University of Ulster, Northern Ireland 2009.

² William Baumol, 'Entrepreneurship in Economic Theory', *The American Economic Review* 582 (1968): 64–71.

ethnicity and caste) in causing exclusion or ‘adverse incorporation’.³ Harriss-White highlighted the role of ‘non-state regulative structures’ and suggested that markets comprise ‘*bundles of institutions*’ embedded in broader ‘regulating institutions’.⁴ Pain suggests that traditional markets in Afghanistan cannot be disentangled from the nature of the current context of the Afghan state and society governing their behaviour, both in the problematic formal regulation and extraction of ‘bureaucratic rent’ and in the non-economic forces of control.⁵

Facilitating development led by the private sector is viewed as the key strategy to Afghanistan’s economic growth, as indicated in the Afghanistan National Development Strategy (ANDS) and key donor policy documents. Yet little appreciation is given to prevailing societal institutions, related information asymmetries and the prevalence of non-economic obligations.⁶ Priority sectors have been selected (both for export and import substitution⁷) and value chain projects formulated (particularly by USAID and GIZ). A great deal of effort is now being channelled into these enterprise-development initiatives with varying degrees of success. Markets are assumed to be open and free, and social and political dimensions are largely ignored. All that is conceived to be required to jumpstart markets is ‘entrepreneurship’ support. Little discussion is held about the market itself or the underlying forces of influence beyond the basic nature of exchange, e.g., factors influencing supply and demand such as competitive pricing and efficiency.⁸

A core emphasis of private sector development projects – such as USAID’s Economic Growth Programme⁹ – is accelerating ‘Small and Medium Enterprise’ (SME) development in Afghanistan, with an implicit assumption that this will gradually resolve all other market failures and inhibit the growth of ‘terrorism’. Activities

³ Susan Johnson, *Making Markets Work for Poor People: The Role of Social Regulation*, UK, University of Bath 2006.

⁴ Barbara Harriss-White, ‘On Understanding Markets as Social and Political Institutions in Developing Economies’ in *Rethinking Development Economics*, ed H Chang, London, Chicago and Delhi, Anthem Press 2003.

⁵ Adam Pain and Jackie Sutton (eds), *Reconstructing Agriculture in Afghanistan*, UK, FAO and Practical Action 2007.

⁶ Adam Pain and Sarah Lister, ‘Markets in Afghanistan’ in *Reconstructing Agriculture in Afghanistan*, eds Pain and Sutton (see FN5).

⁷ For example, exports include dried fruit and nuts, carpets and cashmere. Imports include vegetable oil, poultry products, dairy products, wool, bottled water and soap/detergents (Afghanistan Ministry for Rural Rehabilitation and Development).

⁸ Pain and Lister, ‘Markets in Afghanistan’ (see FN6).

⁹ USAID’s Small and Medium Enterprise project aims to specifically increase opportunities for trade, employment and investment by improving private sector productivity. See www.afghanistan.usaid.gov/en/Program.22.aspx (accessed September 2010).

include business development services to encourage the establishment and growth of SMEs and public-private partnerships as well as facilitating ‘internal and external market linkages’ to strengthen value chains in priority sectors. Yet steps to resolve root social and cultural constraints to equitable economic development (decoupled from politics) in Afghanistan remain absent. Using the lens of institutions, this article argues that a more realistic, cautious and subtle approach to market development is required. The article discusses market development and the much-hyped value chain approach, the informal nature of Afghan markets and the importance of social networks, the trading elite and power, and the context of risk and the poor. It then highlights innovative mechanisms of grassroots social change towards more inclusive and pro-poor economic development with a particular focus on gender.

2. MARKET DEVELOPMENT AND THE VALUE CHAIN APPROACH

Evolving predominantly from new institutional economics, the value chain approach has been a popular tool used to facilitate market development.¹⁰ In addition to its use by the private and public sector to promote economic growth, the value chain approach has been increasingly adopted by development agencies to enhance market participation of poor producers in global value chains and to facilitate their improved earnings. This economics-driven approach is hailed as the new silver bullet for accelerating developing country markets towards comprehensive poverty reduction. Yet it has stumbled on market complexities arising in fragmented contexts and on incorporating the influence of socio-cultural factors. Where formal institutions are weak, the social, cultural and political framework may determine access and scope of participation in markets. Understanding the informal institutional context is therefore imperative, particularly in how this may affect clientelism and social, political and cultural exclusion in socio-economic structures. Market development programmes tend to overlook the fundamental importance of these evolving institutions and local contexts and their influence on social relations, trust and cooperation. Over the long term, this risks becoming counterproductive.

¹⁰ A value chain is defined as the entire range of activities through which a product or service passes from initial production to final delivery to the consumer (Raphael Kaplinsky and Mike Morris, *A Handbook for Value Chain Research*, IDRC 2002). The value chain approach aims to provide insights into the nature and determinants of competitiveness and dynamics of inter-linkages between market actors, to identify returns on activities and to assist with the formulation of appropriate leverage points to resolve value chain constraints towards improving the participation of market actors in global markets.

Pursuing a strictly economics-based strategy may indeed perpetuate and exacerbate the nature of existing social exclusion,¹¹ particularly in an informal and unstable context.

3. THE REALITY OF AFGHAN MARKETS

Since they are characterised by informality and power distortions, understanding Afghan markets requires looking at how the trade is embedded, assessing the distributional spread of income and profits, and identifying control mechanisms within the chain.¹² It is also essential to consider the context of risk/distrust that leads to the perpetuation of predictable trade linkages.¹³ Yet despite their informality, Afghan markets should not be portrayed as simply ‘traditional’, and solely based on subsistence-based agriculture and antiquated techniques. This somewhat misses the 1960s global market orientation of major sectors such as dried fruit (particularly raisins) and karakul lambskins.¹⁴ The agricultural market context may be more appropriately characterised as adaptable to ‘episodic development interventions, recurrent drought, periodic conflict and the regional politico-economic situation’¹⁵

History sheds light on Afghan institutions and markets. During three decades of war and instability, nascent (pre-conflict) formal institutions were weakened or destroyed. Informality has thus persisted with limited control mechanisms, shaped by a context of risk and distrust. This has led to the evolving ‘distorted’ nature of Afghan business, where trading remains dominated by powerful and traditional players. While some recent efforts have been made to formalise trading, poor enforcement, continued uncertainty and discriminatory (social) institutions result in power asymmetries and high transaction costs that are mostly borne by producers (including identification of trustworthy suppliers/buyers, and costs associated with negotiation, measuring, transfer, monitoring and contract enforcement).¹⁶ It is argued that current (inequitable)

¹¹ Ian Christoplos and Dorothea Hilhorst, *Human Security and Capacity in Fragile States*, Wageningen University 2009.

¹² Pain and Lister, ‘Markets in Afghanistan’ (see FN 6).

¹³ Holly Ritchie and Anthony Fitzherbert, *The White Gold of Bamyan: A Comprehensive Examination of the Bamyan Potato Value Chain from Production to Consumption*, Kabul, Solidarites 2008.

¹⁴ Ian Christoplos, *Out of Step? Agricultural Policy and Afghan Livelihoods*, Kabul, AREU 2004.

¹⁵ Ibid.

¹⁶ Laurence Smith and Mike Stockbridge, ‘Facilitating The Provision of Farm Credit: The Role of Interlocking Transactions between Traders and Zamindars in Crop Marketing Systems in Sindh’, *World Development* 27, 2 (1999): 403–418 (cited in Christoplos, *Out of Step?* See FN14).

economic growth in Afghanistan may not necessarily lead to improved broader political governance (and institutional development) as many policy makers suggest. In fact, current market functioning may indeed have a negative impact on political governance and state building.¹⁷ It may also lead to ‘unproductive’ economic growth and social discontent.

4. AFGHAN MARKET DYNAMICS: NETWORKS, SOLIDARITY AND RISK

Despite extensive private sector support, Afghan markets remain embedded in local social relations and networks. Social organisation is complex and diverse in Afghanistan, reflecting the linguistic, ethnic and geographical heterogeneity (and related power dynamics) and the importance of bonds and reciprocity.¹⁸ Traditional trust and interconnected networks of kinship, friendship, ethnicity and regional affiliation are part of the intricate web of Afghan social relations. Afghanistan’s resilience and survival during decades of conflict have been greatly attributed to the formation and development of ‘social capital’ in ‘strategic family alliances’ and solidarity networks and relations with diverse groups. Tribal-based *qawn* and religious *ulema* networks are the informal norm-based social networks in Afghanistan that influence societal interaction and relations. In the absence of a strong state, often such traditional relational networks and associations are considered to thrive (rather than break down) as people depend on them for trust and solidarity.¹⁹ In the context of chronic conflict and instability in Afghanistan, people have indeed depended on these networks for their very survival.²⁰ And inevitably, with high levels of risk and vulnerability, such relational ties dominate both social and economic behaviour. These exclusive relations and networks determine the nature and scope of market participation and development.

¹⁷ Pain and Lister, ‘Markets in Afghanistan’ (see FN6).

¹⁸ William Maley (ed), *Fundamentalism Reborn? Afghanistan and the Taliban*, Lahore, Pakistan, Vanguard Books 1998.

¹⁹ Carolyn Nordstrom, ‘Shadows and Sovereigns’ *Theory, Culture and Society* 17, 4 (2000) 35–54.

²⁰ Michael Bhatia and Jonathan Goodhand, *Profits and Poverty: Aid, Livelihoods and Conflict in Afghanistan*, London, Overseas Development Institute 2003.

5. TRADING ELITE AND POWER

As a result of these traditional networks, there are high levels of integration within business chains, and deals are still largely conducted on the basis of ‘personalized client and social relationships’, which are grounded in ethnicity, family relations, history and religion.²¹ Pain and Lister contend that the business elite is strongly connected to political power holders, facilitating tax exemptions, trading security, access to contracts and channels to launder money. The current thriving business environment may be characterised as an ‘oligopoly’ and is predicted to lead to increased social inequality.²² Sectoral evidence suggests that sectors are indeed growing in Afghanistan,²³ but the challenge is in facilitating an increase in participation in markets with benefits of more widely distributed growth and reduced inequality. While a broader political strategy should promote good governance decoupled from business, key practical steps towards improving competition incorporate (formal) institutional building to combat corruption and awareness-raising initiatives for external actors.²⁴ To boost the inclusion of smaller players, other activities include instituting tax reforms, improving micro credit markets, and stimulating collective action through associations.²⁵

6. MAINTAINING RELATIONS IN RISKY CONTEXTS: THE POOR’S ‘FAUSTIAN BARGAIN’?

*Risk due to institutional uncertainty is a key factor that locks households into dependent, client-based relations.*²⁶

²¹ Pain and Lister, ‘Markets in Afghanistan’ (see FN6).

²² Ibid.

²³ Ritchie and Fitzherbert, *The White Gold of Bamyan* (see FN13); Holly Ritchie, *Sub-Sector Analysis and Business Plan Development/North Region, Afghanistan: Carpets, Melon and Almonds*, Kabul, Afghanistan/MRRD (unpublished) 2007; Holly Ritchie, *Assessment of Selected Producer Food Processing Enterprises in Kabul, Herat, Badakhshan, Afghanistan*, Kabul, FAO (unpublished) 2009; Holly Ritchie, *Medicinal and Wild Plants Market Assessment Afghanistan*, Kabul, FAO (unpublished) 2010.

²⁴ Pain and Lister, ‘Markets in Afghanistan’ (see FN 6).

²⁵ Ibid. The Ministry of Agriculture is indeed promoting associations and cooperatives of producers to facilitate marketing, although the national strategy remains weak (Ritchie and Fitzherbert, *The White Gold of Bamyan*. See FN13.).

²⁶ Pain and Lister, ‘Markets in Afghanistan’ (see FN6).

While formal institutions may improve market efficiency, it is unclear whether the more marginalised and vulnerable producers will manage to compete due to the traditional bounded nature of 'trust and market-based relations'.²⁷ Rather, the challenge is in facilitating gradual change in these 'deep-seated causes of non-competitive behaviour, which are rooted in complex patterns of social relations affected by decades of conflict and lawlessness'.²⁸ The persisting context of uncertainty and risk in formal institutions is indicated to lead the poor to nurture and maintain strong patron-client relations, prioritising immediate survival over new opportunities and future prosperity. Wood uses the concept of 'adverse incorporation' to describe the behavioural imperatives of 'risk aversion' in the present in favour of short-term security,²⁹ which is typical in these unstable contexts. Patron-client relations play a major role in facilitating access to land, inputs, credit and markets but also in providing protection.³⁰ Pain adds a fourth dimension (beyond state, market and family), citing Gough, Wood et al and their adaptation of the Esping-Anderson Model for developing country contexts: that of the 'community' in its critical role in determining social relations and identities and providing a means to achieve security.³¹ The context of risk is a structural/institutional element in Afghan livelihoods, beyond external shocks (eg, drought) but entrenched in inequality, class, power dynamics and social exclusion, affecting access to employment, assets and resources, and influencing degrees of poverty.

In viewing market-based growth as a solution to poverty, it is thus imperative to appreciate the risky nature of markets in Afghanistan. Small market players may often be trapped at a 'micro-level' of activity or be constrained by marginalisation. For example, agricultural or craft producers may be locked or tied into relationships with middlemen that are formed on the basis of personal trust, with small margins.³² But traditional relationships and systems may alternatively help in reducing risk particularly in transit, where theft, seizure and bribes are commonplace.³³ Local politics and relations also influence how businesses grow: many rural small- and medium-sized enterprises choose not to expand formally because they fear being

²⁷ Christoplos, *Out of Step?* (see FN14).

²⁸ Pain and Lister, 'Markets in Afghanistan' (see FN6).

²⁹ Geoff Wood, 'Staying Secure, Staying Poor: The Faustian Bargain' *World Development* 31, 3 (2003): 455–71.

³⁰ Ritchie and Fitzherbert, *The White Gold of Bamyán* (see FN13).

³¹ Ian Gough, Geoff Wood et al, *Insecurity and Welfare Regimes in Asia, Africa and Latin America: Social Policy in Development Contexts*, UK, Cambridge University Press 2004.

³² Anna Paterson, *Going to Market: Trade and Traders in Six Afghan Sectors*, Kabul, AREU 2006.

³³ Adam Pain, *Opium Trading Systems in Helmand and Ghor*, Kabul, AREU 2006.

‘noticed’ and ‘coerced by corrupt elements’.³⁴ Citing the World Bank, Paterson suggests that high levels of close support networks were a ‘positive force allowing poorer people to become entrepreneurs’.³⁵ But such support networks and relationships of trust may also limit access and trading partner choices (and related benefits) in the risky context of Afghanistan.

7. INCLUSIVE ECONOMIC DEVELOPMENT THROUGH PROGRESSIVE SOCIAL INSTITUTIONS

In an attempt to go beyond the status quo, market development projects endeavour to facilitate new trading relationships between producers and (non-local) buyers. Yet the project pace, strategy and expectations are often inappropriate. In the rush to channel produce in a new ‘more profitable’ direction, little consideration is given to existing social ties/obligations – for example, between farmers and traders – in developing new relations, trust and cooperation, particularly in a context of risk.³⁶ Meanwhile, projects with women stumble upon socio-cultural barriers to both entry and participation in enterprise initiatives.³⁷ In Afghanistan, gender norms (eg, *purdah*)³⁸ mean that economic practices are particularly constrained for women, limiting the scope of their activities, with the reality that ‘most women are not linked into markets’.³⁹ Women are usually confined to specific trades (eg, handicrafts) and do not work outside of the home. Some traditional activities such as carpet making

³⁴ Saeed Parto, Anna Paterson and Asif Karimi, *Enabling or Disabling: The Operating Environment for Small and Medium Enterprises in Rural Afghanistan*, Kabul, AREU 2007.

³⁵ World Bank, *Social Capital in Poverty Reduction and Economic Development* at www.go.worldbank.org/73YYBBN320 (accessed September 2011) cited in Paterson, ‘Going to Market’ (see FN32).

³⁶ Holly Ritchie, *Market Support to Apricot Associations [Bamiyan]*, Kabul, (unpublished) Solidarites 2009.

³⁷ Holly Ritchie, *Understanding Gender in Enterprise Development in the Context of Afghanistan: Barriers and Solutions*, Kabul, Harakat 2011. This paper drew off broader PhD research, ‘*Institutional Construction in Value Chain Development: Shaping Economic Development in Afghanistan*’ (2010–11), exploring the transformation of *purdah* in women’s enterprise development in Afghanistan. The research included three case studies of poor women’s businesses in Kabul, Herat and Parwan.

³⁸ *Purdah* is defined as ‘the practice in certain Muslim and Hindu societies of screening women from men or strangers’ (Oxford Dictionary online, accessed September 2011). Strict interpretations of *purdah* tend to confine the women to the household influencing the extent of women’s social and political life, access to services and resources, and engagement in economic activities (Ritchie, *Understanding Gender in Enterprise*. See FN37).

³⁹ Adam Pain and Jo Grace, *Rethinking Rural Livelihoods in Afghanistan*, Kabul, AREU 2004.

can even be ethnically selective with long-term links between ‘producer’ communities and traders.



Women’s self-help group in Balkh province preparing tomato paste for the local market.

While rights campaigners view formal laws as the mechanism to promote broader social, economic and political roles and opportunities for women, the policy discourse suggests that new formal institutions must resonate with the prevailing culture to enable a sustainable change in behaviour.⁴⁰ Several innovative community initiatives have indeed taken an alternative grassroots-oriented approach to facilitating inclusive economic development and in the process transformed local attitudes towards women in business and community life. These projects have demonstrated that socio-cultural constraints with women can be (gradually) overcome, and new roles can be facilitated with far reaching consequences for the future social/economic development of communities.⁴¹

⁴⁰ World Bank, *Afghanistan, World Bank Approach Paper 23*, Washington DC, World Bank 2001.

⁴¹ Ritchie, *Understanding Gender in Enterprise* (see FN36).

7.1 Networks and knowledge precipitate new socio-economic activities

In northern Balkh and Badakhshan provinces, the Indian-modeled Self Help Groups (SHGs) have increased women's skills in money handling and access to microcredit as well as boosted social networks between women and community power holders.⁴² Simple food processing businesses have been initiated, and older (and more mobile) women have started basic trading activities such as buying/selling garments to relatives in neighbouring villages.⁴³ While the economic impact may be modest (in the short term), the social impact is significant. SHGs have subtly boosted women's confidence and demonstrated their capacity to be active household contributors, which is broadening ideas on the potential role of women in communities. This has promoted attitude changes towards female involvement in enterprise, social exchange beyond the confines of the family, and women's participation in community decision-making.⁴⁴

7.2 Progressive religious education: laying the platform for new business roles

Meanwhile, in the western province of Herat, another progressive – and notably strategic – approach to promoting 'attitude change' was adopted by a local NGO involved with women's enterprise development.⁴⁵ A powerful combination of acquiring community trust as 'non-foreign' outsiders and the provision of Islamic education (eg, highlighting the role of the prophet Mohammed's wife in business), alongside literacy support and storytelling, has facilitated support for women's changing roles. In particular, a re-examination of the Koran has led to the revision of cultural and religious 'codes'.

These progressive educational initiatives have expanded ideas on women's roles in business in addition to supporting women's own knowledge on Islamic practices. This has permitted the emergence of new economic practices (such as marketing) and increased women's standing in the household and community. Twenty women's

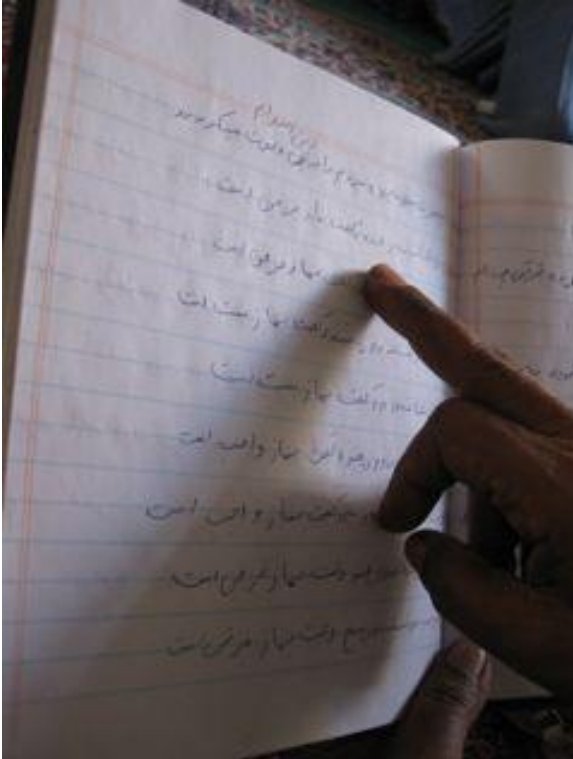
⁴² Self Help Groups (SHGs) or Savings and Credit Groups (SCGs) organise people (approximately 15–20 in one group) with similar wealth backgrounds to learn basic accounting and initiate/expand economic activities.

⁴³ This includes milk candy (mostly limited to Ramadan), chutney and pickles, tomato paste, jam, juice and syrup, dried products and almond oil. Some of these replace Iranian products in the market. Holly Ritchie, 'Assessment of Selected Enterprises' (FN23).

⁴⁴ Ritchie, *Understanding Gender in Enterprise* (see FN36).

⁴⁵ Ibid.

community groups have now evolved into a full-fledged food processing enterprise, supplying the local domestic market in Herat. While the project has now met its goals in establishing a women's enterprise, it has been perhaps most successful in facilitating the development of *less discriminatory (social) institutions*, influencing subsequent economic (and social) development pathways.



Learning messages from the Koran on religious practices and women's roles

8. FRAGILE SEEDS OF CHANGE?

Going beyond the simplistic donor view on private sector development, this discussion has highlighted the informal nature of Afghan markets, which is

constrained by a context of risk that influences both economic and social behaviour. It has also highlighted critical mechanisms of change. Grassroots initiatives have demonstrated the importance of facilitating gradual social and cultural institutional change in promoting equitable and more inclusive economic (and social) development. Yet, without subsequent supporting law and order, new roles and practices remain fragile due to the prevailing conservative attitudes in neighbouring communities, uncertain local politics and persisting instability.

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Doris Buddenberg

Crop Substitution and Narcotics Control, 1972–2010

1. INTRODUCTION

In 1972, a UN Food and Agriculture Organisation (UNFAO) mission outlined four objectives to achieve drug control in Afghanistan:

1. The drafting and passing of new legislation and regulations;
2. The strengthening of the country's law enforcement capacity;
3. Measures of assistance to opium producers in 'hard-core' areas; and
4. Studies of the extent of drug addiction and the amelioration of related health problems.¹

Production of wet opium in Afghanistan at the time was estimated at approximately 200–300 metric tons (mt).

In April 2009, the UN Office on Drugs and Crime (UNODC) presented the Strategy Paper 2009–11 for Afghanistan. The priorities at the national level in counter narcotics were identified as:

1. Afghanisation of policy, planning and coordination in counter narcotics;
2. Upgrading the capacity of law enforcement agencies – an incremental approach;
3. Consolidating success: providing farmers with an alternative;
4. A curse to be avoided: drug addiction and HIV/AIDS.

¹ 'Problems Concerned with Narcotic Drugs in Afghanistan', Report of Joint UN/FAO Exploratory Mission, Sep-Oct 1972.

In 2008, opium production peaked with 8,200 mt, falling to 6,900 mt in 2009. In 2010, only 3,600 mt were produced due to the spread of disease in major poppy growing areas. Because of a 164 per cent price increase at the farm gate in the same year, the overall value of the production remained the same.²

From 1972–2010, counter narcotics policy, strategy and programme formulation had not changed, with the narcotics control programme fluctuating in size according to the political situation in the country: The higher the political instability, the lower the implementation of narcotics control programmes. Simultaneously, the higher the instability, the higher the production of opium.

It was during the 1980s that opium poppy cultivation spread to previously unknown volumes in the Mujahedin-controlled areas in Afghanistan. From no recorded cultivation in the early 1980s, when Pakistan was the main producer of opium, 400–600 mt were produced in Afghanistan by the end of the 1980s. During the entire 1980s, no substantial narcotics control programme was implemented, except awareness campaigns on behalf of the then government. From 1990 onwards, cultivation expanded (2,000 mt in 1992–93, 2,200–2,400 mt in 1993–94) in the rural areas controlled by the Mujahedin factions, above all Nangarhar and Helmand, which accounted for 80 per cent of Afghan production in the 1994–95 season.

Under the Taleban, production remained steady at about 2,200–2,800 mt until a peak in 1999 with 4,500 mt. In 2000, the Taleban announced a complete ban on opium, resulting in only 185 mt production in 2001. From 2002 onwards, a steady increase followed to unprecedented heights in 2007 with 8,200 mt.³

The correlation between poppy production and insecurity in Afghanistan has now become part of the UNODC assessments in its regular reporting to the international community.⁴

Afghanistan is characterised as an area suffering from both drug cultivation and insurgency.⁵ The same report states that the heroin trade there is ‘controlled by well-established trafficking networks of various sizes in cooperation with corrupt officials

² ‘Afghanistan Opium Survey 2010’, UNODC, Summary Findings, September 2010, 2, available at www.unodc.org/documents/crop-monitoring/Afghanistan/Afg_opium_survey_2010_exsum_web.pdf.

³ ‘World Drug Report 2009’, UNODC, available at www.unodc.org/documents/wdr/WDR_2009/WDR2009_eng_web.pdf.

⁴ ‘Afghanistan Opium Survey 2010’, UNODC (see FN 2).

⁵ ‘The Globalization of Crime: A Transnational Organized Crime Threat Assessment’, UNODC 2010, available at www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf.

with a range of international connections.⁶ Based on the development of the opium economy, it can now safely be assumed that the establishment of these networks dates back to the 1980s.

This brief focuses on the crop substitution approach, also called alternative development or alternative livelihood or rural development, in areas with narcotics production or variations thereof, as noted in the both of the points 3 above. Over the decades the programme's priority was always to substitute the poppy crop with other agricultural products rather than to develop a licit rural economy regardless of drug control issues.

2. NARCOTICS CONTROL AT THE CULTIVATION LEVEL, BEFORE AND AFTER

In the 1980s, while the United Nations Fund for Drug Abuse Control (UNFDAC),⁷ like other UN agencies, ran their main programmes from Peshawar, small projects were run in provinces bordering Pakistan. In November 1990, the Agency Coordinating Body for Afghan Relief (ACBAR) in its report on UN Programmes for Afghanistan reported, 'UNFDAC has funded NGOs to run small-scale programmes covering awareness-raising, detoxification and training. Crop substitution programmes cross-border have run into considerable difficulties and many in the UN and NGO community remain sceptical of their value.'⁸ At the time, UNFDAC's geographical priorities were Nangarhar, Badakhshan and Kunar provinces, and the projects followed the classical area development model, though at a very small scale, covering irrigation, water supply, education, reforestation and income-generating activities.

During the decades before 2001, UNODC and its predecessor organisations were the main providers of these alternative development or crop substitution projects. The scale depended on donor interest to fund such projects, and efforts were small-scale, with investment not exceeding a few million USD for all projects. The UN International Drug Control Programme (UNDCP) initiatives, still coordinated from Pakistan, were 'targeted at the provincial and district levels in areas where relative peace prevails' and foresaw, above all, a 'heightened advocacy and resource

⁶ Ibid, 247.

⁷ UNFDAC was the predecessor organisation to the United Nations International Drug Control Programme (UNDCP), which was then followed by the United Nations Office on Drugs and Crime (UNODC).

⁸ Felicity Lawrence, 'UN Programmes for Afghanistan', Agency Coordinating Body for Afghan Relief, November 1990.

mobilisation role for UNDCP',⁹ a phrase indicating work at up-stream levels and limited, if any, implementation on the ground. A Poppy Crop Reduction and Elimination Project was targeted at

Nangarhar, Helmand and Badakhshan for an estimated cost of US\$7.8 million, but only one third of the funds could be raised, and implementation focussed on Nangarhar.

In 1994, under the Islamic government of Rabbani, production in Afghanistan was estimated at between 600 mt (US data) and 2,200–2,400 mt (UNDCP data). UNDCP continued its attempts to reduce poppy, focussing now on a programme of drug awareness and crop monitoring. Actual rural development to substitute opium poppy with other crops had been given up for two reasons: first, lack of funding, as donor priorities had shifted, and second, the political situation, which did not seem to allow sustainable programme development. Small efforts continued in provinces bordering Pakistan, implemented through local NGOs.

After 2001, UNODC never included rural development efforts or the alternative development approach in its Afghanistan portfolio. However, due to the economic significance of the narcotic sector, as established by UNODC data, the World Bank attempted to mainstream narcotics control into its large-scale development programmes, including the National Solidarity Programme.

Mainstreaming drug control objectives into rural development programmes is a sustained long-term effort and was based on the following assumptions:

That the development of governance, institutions and education will progressively create a climate of mutual responsibility between state and citizens, that economic growth will in the long run remove the necessity to engage in opium production, and that judicial reform and law enforcement will progressively tackle criminal elements.¹⁰

This approach has not shown results as measured by either production of opium or hectareage under cultivation. Traditional cultivating areas continue to produce, even increase, production and new areas for cultivation start up and/or give up cultivation independent of alternative/rural development efforts.¹¹

⁹ 'Programme Design Afghanistan 1996–1998', UNDCP.

¹⁰ Christopher Ward and William Byrd, 'Afghanistan's Opium Drug Economy', World Bank, December 2004, 120ff.

¹¹ See the series of annual opium surveys by UNODC over the past decade indicating provinces that are starting up cultivation or joining the 'poppy-free' provinces.

In 2002–03, the government of the UK, as the custodian of the Counter-Narcotics Pillar in Afghanistan, attempted to buy up the opium harvest, among others in Nangarhar. Official records of this attempt remain difficult to access. However, the effort resulted in the death of farmers and unrest. The programme showed a remarkable lack of understanding of market mechanisms. In the short term, with a definite certain buyer (the international community), without the need to fear law enforcement, with prices fixed along those paid by the black market, more farmers would cultivate poppy, since a high income would be guaranteed. In principle, it is questionable whether Afghanistan needs to have its poppy crop subsidised in this way and whether funds to buy up increasing productions would be available.

Therefore, neither in the short term (with a steady market and fixed high prices, more farmers will cultivate) nor in the long-term (subsidising poppy crops) can such an approach be successful.

Experience in Latin America has shown this as well. In the early to mid-1990s, a US-backed Bolivian programme paid Bolivian farmers US\$2,000 per hectare to grow and deliver coca. No real impact in coca/cocaine production in the medium to long term resulted as the programme was an incentive to plant more coca to get the cash reward.

A look at the continuously applied crop substitution approach reflects what can effectively be achieved in this development agenda. Within the parameters of international drug control, with its objective to reduce or eliminate production of opium, and with its set conditions of dealing with an agricultural crop with high international demand, rural development in support of developing conditions for farmers to switch to other crops is and remains the main option. In this respect, there is no choice for international drug control but either to advocate this approach or to do nothing and ignore it. Variations over the past four decades simply lay in the scale of the projects, which remained small. A no-win situation for rural development against poppy cultivation is the outcome.

This has been well documented in evaluations and research. A detailed study of alternative development programmes in Afghanistan, released in 2010, reaches the conclusion that 'It is increasingly recognised that only economic and political development can lead to a sustainable reduction in opium poppy cultivation.'¹² World Bank studies come to the same conclusion: 'In particular, without strong economic and development underpinnings, other counter-narcotic efforts cannot achieve sustained success.' And: 'Chasing quick fixes in the hope of rapid reduction of opium production creates illusions and undermines long-term impacts. A strong

¹² Charlotte Dufour and Domitille Kauffmann, 'Strategies to Counter Opiate Production in Afghanistan: Are We on the Right Track?' Groupe URD 2010.

institutional framework needs to be built, based on the promising community institutions already set up.¹³ 'All in all, and not surprisingly, given past experience and the size of the drug industry, there are no easy answers, only difficult trade-offs in the search for a multi-pronged, sustained and effective response to the drug problem in Afghanistan.'¹⁴

3. OTHER NARCOTIC CONTROL OPTIONS AT THE CULTIVATION LEVEL

Apart from rural development, two other theoretical options for narcotic control at the level of cultivation remain, i.e., serious forced eradication and legalisation. The latter is not possible under current political conditions. The international drug control framework based on UN Conventions and signed also by Afghanistan would need to be reviewed and substantially changed to allow for legalisation of drugs. This would need the approval of a majority of the world's countries, an improbable event to say the least.

Large-scale forced eradication, specifically through spraying, is currently in nobody's interest, given predictable political challenges and the impact on the national economy. Too many households rely on income from the opium economy, and large-scale spraying would lead to large-scale political unrest. The side-effects of spraying in Afghanistan, with small land-holdings and poppy land adjacent to land with cereal and vegetable crops, would have enormous side effects on the agriculturally used lands, animals and people, since discriminate spraying is impossible. In addition, high-level Afghan officials' involvement in the trade and need for allies in the fight against insurgents (even though they may be criminals) have prevented large-scale spraying so far. Whether political changes in Afghanistan and the neighbouring countries including Russia will pave the way for a reconsideration of this option is an open question.

4. NARCOTICS AS A PILLAR IN AFGHANISTAN'S ECONOMY

From an economic point of view, a shift in perspective offers a different understanding. In times of economic crisis, the informal sector, including the illicit

¹³ Christopher Ward and David Mansfield, 'Afghanistan Economic Incentives and Development Initiatives to Reduce Opium Production' World Bank and DFID, February 2008, iii and xvi.

¹⁴ William Byrd and Christopher Ward, 'Drugs and Development in Afghanistan', World Bank Social Development Papers No. 18, December 2004.

one, compensates for the shortcomings of the formal sector. The limited reach of the formal economy in Afghanistan has contributed to the narcotics sector becoming one of the main pillars of the Afghan economy.

12. Afghanistan's economy is dominated by the informal sector, not only in agriculture but also in mining, manufacturing, construction and infrastructure—in addition to illicit activities such as opium. . . .

14. The cultivation of poppies for opium and heroin production remains the most important economic activity in Afghanistan (Box 2). Gross revenues from the illegal drug trade in Afghanistan are equivalent to over one-third of licit GDP. Some 2.4 million people and 370,000 households remain directly involved in poppy cultivation and the livelihoods of a large part of the population are indirectly affected.¹⁵

Within Afghanistan, the narcotic sector is organised exclusively by Afghans. Based on accepted patterns of land holdings, the complicated system of owning, renting, leasing and subcontracting, with all the levels of payments between land-owners, middle-level farmers, renters and seasonal labourers, the poppy production and opium marketing system in Afghanistan works efficiently. With a continuously high production since 2001; with ever more efficient breeding of new poppy varieties; with a harvesting effort involving up to 300,000 migrant seasonal labourers and their needs for food, housing, transport and payment; with market intelligence on prices reaching all relevant communities from the north to the south; and with a network of collection, storage and conversion facilities geared to national and international market demands, Afghanistan has built a functioning system around its one crop that remains in international demand.

The system not only benefits the poppy farmers, but traders from the local village to national ones, transporters, seasonal labourers, conversion facility workers, exporters, government officials and, last but not least on the other side, the large numbers of national and international counter-narcotics police and administrators. The Afghan farmers, transporters, heroin lab owners and traffickers are meeting the demands of the time and of the international development agencies: building an efficient and profitable agricultural production system responsive to market demands. The problem is that it deals with illegal opium.

¹⁵ 'Interim Strategy Note for Islamic Republic of Afghanistan for the Period FY09–FY11,' The World Bank, Report No. 47939-AF, 5 May 2009, available at <http://siteresources.worldbank.org/AFGHANISTANEXTN/Resources/305984-1237085035526/5919769-1245293050780/AFISN2009.pdf>.

5. CONCLUSION

Under the prevailing parameters of the international drug control system, no sensible sustainable solution to reduce drug crop cultivation is possible. This is evidenced by the well documented global experience of decades. Above all, however, the failure lies in the inherent contradictions of the international drug control system and its global context. A perfectly marketable product, fulfilling all conditions of the market – except one: legality – is supposed to be given up for what? Tomatoes?

Rural development, be it called alternative development or development for alternative livelihoods in crop producing areas, has shown its failure as a crop substituting strategy. While rural development remains a crucial development sector for Afghanistan, above all as a survival sector for the majority of Afghans now and beyond 2014, its objective cannot be to reduce opium poppy cultivation. In this respect, it has failed.

As long as the informal illicit sector guarantees income and survival, benefiting millions of Afghans, it will continue. A perfectly functioning economic system around cultivation and marketing of the drug crop has been built up. This system can only be changed by the Afghans themselves, once new economic opportunities arise.

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Heather Barr

Settling for Nothing

International Support for Anti-Corruption Efforts

Afghanistan occupies the wrong end of many scales – maternal and infant mortality, death rates and life expectancy, female literacy, the Human Development Index, GDP per capita, opium production and inflation being just a few. In recent years, corruption has become another area where Afghanistan leads in the wrong direction. Transparency International’s annual Corruption Perception Index (CPI) ranks countries by ‘the degree to which corruption is perceived to exist among public officials and politicians’. Afghanistan first appeared in the CPI in 2005, ranking 117, with 158 as the worst. After disappearing from the CPI in 2006 due to lack of data, Afghanistan reappeared in 2007 as 172/179, in 2008 as 176/180, and by 2009 had fallen to the second-lowest scoring country, ahead of only Somalia. In 2010 and 2011, Afghanistan shared second-to-last place with Myanmar, trailed only by Iraq in 2010 and by Somalia and North Korea in 2011.

The CPI rankings have been denounced by the Afghan government as lies, but they mirror a perception by Afghans and international observers that corruption is increasingly rampant in Afghanistan. Some have gone so far as to characterise the Afghan government as a ‘vertically integrated criminal enterprise’ existing primarily to facilitate corruption.¹ Attempts to explain the extraordinary prevalence of corruption highlight the massive flow of international cash, lack of political will, weak central government, fragile rule of law, traditional client/patron relations, malignant

¹ Dexter Filkins, ‘Letter from Kabul: The Great Afghan Bank Heist’, *The New Yorker* (31 January 2011).

influence of the narcotics trade, and the short-term mentality that inevitably accompanies long-term insecurity.

The story of how the international community has sought to fight corruption offers an illustration of the arc of international involvement in many issues in Afghanistan:

- Gradual awareness spurring overreaching get-tough measures;
- Blocked by cold reminders of the limits of international influence;
- Regrouped through attempts at pragmatic partnership with the government;
- Halted by the recognition that shared goals were not so shared after all;
- Resolved in the end by realisation that the international community has one goal left in Afghanistan – to leave – and this isn't it.

International attention to corruption in Afghanistan was at a low simmer for years, in spite of the fact that the 2006 Afghan Compact listed 'Combat corruption and ensure public transparency and accountability' as one of its principles of cooperation and the inclusion of anti-corruption as a cross-cutting issue in the 2008–13 Afghan National Development Strategy (ANDS). In 2004, Afghanistan signed the United Nations Convention Against Corruption and the same year created the General Independent Administration for Anti-Corruption (GIAAC). Over time the GIAAC grew discredited through perceptions of inaction (or worse) and image problems stemming from the appointment in 2007 of a head who had served prison time in the US for drug sales.² In 2008, the GIAAC was disbanded and replaced by a new institution, the High Office of Oversight and Anti-Corruption (HoO). The creation of the HoO was welcomed by an international community weary of the GIAAC, but questions were raised from the beginning about political will for the HoO to be effective and about the independence of the HoO, especially as the HoO's director general at the time, Professor Yasin Osmani, was appointed by and reported solely to the president and held a dual role as advisor to the president. Overall the response of the international community to the newly-established HoO was scepticism and limited financial support.

But in the fall of 2009, the issue ignited. After a flawed election that profoundly damaged the relationship between the president and his international partners, corruption became a rallying cry for the international community. Rhetoric by the international community at the time linked corruption with the counterinsurgency effort, describing an Afghan citizenry 'driven into the arms of the insurgency' by the daily trial of graft by government officials. Talking tough about corruption allowed embassies and others to feel that they were taking action in response to the

² Justin Huggler, 'Afghan Anti-corruption Chief is Drug Dealer', *The Independent* (UK) (10 March 2007).

awkwardness many felt over the messiness of a heavily internationally-orchestrated election – without reopening the still very tender wound of the election itself.

In this moment of new determination to fight corruption, there were ambitious ideas. Hillary Clinton and the UK government called for the establishment of an anti-corruption commission. On 15 November 2009, Clinton came out swinging:

I have made it clear that we're not going to be providing any civilian aid to Afghanistan unless we have the certification that if it goes into the Afghan government in any form, that we're going to have ministries that we can hold accountable. We are expecting there to be a major crimes tribunal, an anti-corruption commission established and functioning, because there does have to be actions by the government of Afghanistan against those who have taken advantage of the money that has poured into Afghanistan in the last eight years.³

The idea of an anti-corruption commission – a model used in numerous countries with mixed success – was discussed by the international community in great detail, including the composition of the commission, particularly the role of internationals, as well as the relationship of the proposed commission to the HoO. These discussions took place against the backdrop of preparations for the January 2010 London Conference, where international partners planned to push for solid commitments from the president on fighting corruption, including the creation of this commission.

These plans were punctured by an unexpected messenger. Ashraf Ghani, after running an unsuccessful campaign for president against Hamid Karzai, had subsequently joined forces with the re-elected Karzai, acting as a point person for the London Conference. In the lead up to the conference, Ghani invited representatives of the international community to gather at his home to discuss corruption. He explained, in no uncertain terms, that the palace would never agree to an internationally-controlled anti-corruption body.

The international community rushed to regroup and move toward London with a compromise that would still represent progress. The result was an agreement at London to create a new body, known by different names at different stages but eventually named the Monitoring and Evaluation Committee (MEC). The MEC, a six-member committee composed of three Afghan and three international experts, after a long struggle over its terms of reference, was inaugurated in December 2010 with authority to establish anti-corruption benchmarks and monitor progress toward achievement of these benchmarks. In order to perform these functions, the MEC was

³ John Amick, 'Clinton Sets Benchmarks for Progress in Afghanistan', *The Washington Post* (15 November 2009).

to convene in Kabul quarterly for approximately two weeks and issue semi-annual reports.

While the lengthy process to finalise the terms of reference, establish funding and create a secretariat for the MEC as well as select the MEC members was ongoing, other events moved forward. In summer 2010, the International Security Assistance Force (ISAF) dramatically increased its focus on corruption, expanding a few positions into a 38-member military and civilian task force named CJI-ATF Shafafiyat ('transparency'), headed by Brigadier General H R McMaster. With a broad mandate to lead ISAF's involvement in all aspects of anti-corruption, Shafafiyat represented a view by ISAF that fighting corruption was essential to their counterinsurgency (COIN) strategy, and Shafafiyat's establishment was accompanied by much discussion about how ISAF would increasingly identify and target corrupt actors.

There was bad news ahead, though. In the early hours of 25 July 2010, police raided the home of Mohammad Zia Salehi, an advisor to the president, armed with evidence of corruption, including wiretaps, sufficient to convince the attorney general to personally approve the arrest. The evidence had been collected by two specialised detection units – the Major Crimes Task Force (MCTF) and the Special Investigations Unit (SIU). Though Afghan, these units were heavily supported and mentored by international partners including the US and UK.⁴ The MCTF and SIU, along with a specialised anti-corruption unit (ACU) within the attorney general's office, represented the international community's best effort to establish an island of excellence – within Afghanistan's deeply flawed criminal justice system – that could put behind bars perpetrators of the highest-level corruption occurring in the country.

The date 25 July 2010 largely represented the death of the hopes that had been poured into the MCTF, SIU and ACU. By the end of the day, Salehi had been released, on orders from the president's office.⁵ The president denounced the arrest, saying that Salehi's rights had been violated and that the arrest was in violation of the constitution.⁶ In the following months, international mentors were prevented from reviewing files or even speaking to Afghan colleagues they had previously mentored, and hopes of high-level non-politically motivated corruption arrests and prosecutions gradually faded.

In the aftermath, the international community sought to regroup. The US back pedalled from the tough talk of fall 2009, talking instead of prioritising efforts to combat low-

⁴ Karen DeYoung and Joshua Partlow, 'Congress Growing More Wary about Corruption in Afghanistan, Sen. Kerry Says', *The Washington Post* (15 August 2010).

⁵ Michael Isikoff, 'Karzai Faces Crucial "Test" of Will to Fight Corruption', *NBC News* (6 August 2010).

⁶ Karen DeYoung, 'Karzai Move Threatens US Aid', *The Washington Post* (6 August 2010).

level corruption.⁷ The US and UK worked to encourage the government to allow mentors back into the MCTF and to encourage creation of a legislative framework for the MCTF that would, it was hoped, protect its work and autonomy. At the time of writing, the Ministry of Justice had prepared a draft law on the MCTF, but there were significant international concerns about the content of the law.⁸

In September 2010, the first reports of trouble at Kabul Bank emerged. Although rescued from collapse by a bail-out, reports during the following weeks depicted Afghanistan's largest private bank as operating as a piggy bank for its shareholders, who included close associates of the president. A standoff between the government and the International Monetary Fund (IMF) over whether the government would implement IMF-demanded measures to address both the Kabul Bank crisis and flaws in the banking system that permitted the crisis to occur delayed renewal of Afghanistan's IMF programme for more than a year.⁹

In December 2010, President Karzai announced his selection of the chair of the MEC – none other than Professor Yasin Osmani, the director general of the HoO, the institution whose perceived ineffectiveness had led to the creation of the MEC. Beyond frustration, internationals had no choice but to accept that they had been cleverly out-manoeuvred. Finally, adding insult to injury for some, a new HoO director general was appointed in February – Dr Azizullah Loudin, the former head of the Independent Election Commission who had been removed from that post following international outcry about his role in the fraud surrounding the 2009 presidential election.

The mood in the international community in relation to anti-corruption is bleak these days indeed. ISAF talks of 'an acceptable level of corruption' being a criteria for an area to be ready for transition from international military control. The game of chicken between the IMF and the Afghan government is ongoing but widely expected to be resolved through face-saving compromise that is short on real reform. The MEC has convened for a second time but has power only to provide technical advice that may well fall on deaf ears. In embassies, technical experts have accepted that international influence on corruption would require partner governments to expend political capital and bring in tough measures like aid conditionality – an approach most unlikely as leaders of troop-providing nations, including the US, focus increasingly on getting troops home before their next elections. In government

⁷ Ernesto Londono, 'As Anti-corruption Measures Lag in Afghanistan, U.S. Looks to Grass-Roots Effort', *The Washington Post* (18 October 2010).

⁸ Chief among these concerns was the fact that the draft law established a new body that was independent of existing law enforcement structures.

⁹ 'Afghan Parliament Approves \$51m Payout over Kabul Bank', *AFP* (16 October 2011).

offices, an end of days feeling has taken hold – a belief that this time the international community really is leaving, bringing desperation to cash in before the money vanishes.

Corruption will diminish in Afghanistan eventually. It will diminish because international money will dry up, leaving fewer opportunities to steal. It may diminish because fed up individuals and communities demand an end to it or refuse to pay. Business owners may decide that corruption has more detriments than benefits, and the media may become effective at shaming people. New political leaders may bring fierce political will to the problem. But none of this is happening this year, and none of this is happening because of international efforts, no matter how hard we tried.

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