

# Afghanistan's transition: challenges and opportunities for peace

## Introduction

Afghanistan is at yet another crossroads in its history. The large-scale 14-year international military engagement is winding down, and while a lot has been achieved, significant challenges remain. Primary among these is the ongoing – and in fact escalating – conflict between the government and the Taliban and allied groups. If this is not resolved, the development gains made to date could easily be reversed, and the situation could worsen even further for Afghanistan's people. Afghanistan's transition needs focused leadership and genuine engagement with Afghan society, with appropriate international support. The international scale-down necessarily entails a reduction in resources allocated to the country. However, it also provides an opportunity to avoid past mistakes by focusing on fewer areas of work, bringing spending more in line with Afghan absorptive capacity and being more strategic and coherent – doing less with less. Support for the participation of Afghan civil society and citizens in peacebuilding processes needs to be a core tenet of this strategy. This briefing examines key challenges and opportunities to Afghanistan's peace and security in coming years and considers the role Afghan civil society can play in helping the country progress towards a more peaceful transition, looking at areas including governance, security sector, the position of women, and the dilemmas of international support.

## 1. Security

### The increasing conflict and the state of the security services

While 2014 was the worst year so far in terms of violence for Afghan civilians and security forces alike, the first six months of 2015 has seen another one per cent overall increase in civilian casualties, according to the United Nations Assistance Mission for Afghanistan (UNAMA) 2015 Mid-Year Report.<sup>1</sup> UNAMA reported a 22 per cent rise in civilian casualties in 2014 compared to the previous year, clearly showing a trend of increasing violence against and impact on civilians. In addition, non-governmental organisations (NGOs) are increasingly being targeted:

as of July 2015, 26 humanitarian aid workers have been killed this year, with 17 more wounded and 40 abducted.<sup>2</sup>

The armed opposition is led by the Taliban and those warlords or armed groups allied with it. These include groups like Hezb-e-Islami, led by former mujahidin leader Gulbuddin Hikmatyar; and the Haqqani network, led by another former mujahidin leader, Jalaludin Haqqani, often accused of doing the bidding of Pakistan's Inter-Services Intelligence Directorate (ISI). There are also other Al-Qaeda-affiliated groups based in Afghanistan, like the Islamic Movement of Uzbekistan (IMU), fighting against the Uzbek government; the Lashkar-e-Tayyiba, a Pakistani Islamist militant group; and others.<sup>3</sup> The increasing activity of the Pakistani Taliban has raised further concerns about the cross-border nature of the movement and the threat they pose to both governments. There are also reports of the so-called Islamic State (IS) having a small presence in the country now,<sup>4</sup> posing another security threat, with the potential to draw in foreign fighters as well as further fracture the Taliban-allied forces. The Hezb-e-Islami group has already announced its support for IS,<sup>5</sup> while the Taliban has allegedly warned that it "does not consider the multiplicity of jihadi ranks beneficial either for jihad or for Muslims" and would be "forced to react" if IS continued operations in the country.<sup>6</sup> IS's ultra-violent techniques could infuse a different dynamic into the conflict. Further divisions or splits within the Taliban movement would complicate peace talks and potentially create a best-case scenario of 'enough' – rather than comprehensive – peace, where the main insurgency ends, but some smaller groups continue operating.

Security sector development has been significant in Afghanistan since 2001. International investment has focused on recruiting, training, and equipping the Afghan National Security Forces (ANSF), which include the Afghan National Army (ANA) and the Afghan National Police (ANP). Under the new Resolute Support Mission (RSM) that replaced the ISAF (International Security Assistance Force) combat mission in 2015, the US will maintain 9,800 troops up to the end of 2015<sup>7</sup> to train, advise, and assist the ANSF and the civilian security institutions. While the RSM should only conduct limited counter-

terrorism operations, US President, Barak Obama, has quietly approved guidelines<sup>8</sup> to allow US soldiers to target militants who threaten US forces or the Afghan government.<sup>9</sup> Media reports indicate that US forces in Afghanistan have engaged in 52 air strikes in March 2015 alone.<sup>10</sup> Faced with an apparently increasing conflict, the US has now decided to maintain troops in country until the end of 2017.<sup>11</sup>

The ANSF appeared relatively capable of fighting the Taliban in 2013<sup>12</sup> and denied them new territory despite fierce fighting throughout 2014 and the gradual handover from the international forces. The armed groups, however, have increased their penetration into rural areas and have capitalised on the decreased aerial attacks by launching more conventional assaults. US intelligence agencies have warned that the ANSF may lose more ground to the Taliban in 2015, as shown by the battle over the control of Kunduz in September. The ANSF still faces challenges such as internal divisions, divisive leadership, weak procedures, and insufficient resources.<sup>13</sup> These systemic problems will need sustained focus if they are to be resolved.

The ANSF seems to have quite strong public support, with public confidence in the ANA at 86.5 per cent and the ANP at 73.2 per cent.<sup>14</sup> Maintaining this confidence will be important to long-term security as well as citizens' confidence in the new government.

The financial sustainability of the 352,000 strong ANSF is one of the greatest challenges for Afghanistan. US support is secured until 2017, after which the Afghan government plans to reduce the ANSF to 228,500 personnel,<sup>15</sup> but this will most likely be contingent on progress in ending the insurgency.

Public perceptions of the ANP<sup>16</sup> have improved slightly in the last few years, but remain less favourable than those of the ANA.<sup>17</sup> Despite disagreement with European governments, the US-supported paramilitary policing model dominates in Afghanistan.<sup>18</sup> This has left the police ill-equipped to fulfil a mandate of combating crime, enforcing the rule of law, and providing civilian policing, despite European Union Police Mission in Afghanistan (EUPOL) support since 2007,<sup>19</sup> and has instead led to the police engaging in counter-insurgency combat.<sup>20</sup>

As part of efforts to improve local security, the US also supported the Afghan Local Police (ALP) – community members who are vetted by local leaders to provide security and guard property at the local level. They have become increasingly active in combat roles and have seen significant action in 2015.<sup>21</sup> But these forces have also been criticised for being abusive, and recommendations have been made for them to be integrated into the regular police.<sup>22</sup>

EUPOL's mandate continues to the end of 2016 to provide strategic advice to the Ministry of Interior, support the professionalisation of the ANP, and better connect the police to justice reform processes.<sup>23</sup> But

to date, there is still no coherent approach among international actors for supporting the police and addressing civilian policing needs.<sup>24</sup>

### Inter-community conflict and access to justice

Conflicts also persist at the local level over land, water and property, and overlap with conflicts related to poppy production and the drugs trade. Such conflicts influence – and are influenced by – the armed conflict and are further aggravated by large numbers of displaced people and returnees, inefficient legal and governance mechanisms to resolve the conflicts, and strong-arm tactics by local warlords and criminal actors. Environmental events like droughts and floods aggravate competition for resources, and the remoteness of many communities complicates disaster responses. Ethnic, tribal, and regional dimensions can also contribute to fuelling natural resource conflicts.<sup>25</sup>

The state justice system is seen as weak and corrupt, which has resulted in widespread impunity and driven people away from the government.<sup>26</sup> Communities often use traditional mechanisms to resolve local disputes. Two institutions from the formal justice system are being used relatively frequently – 28.9 per cent of people in a 2014 public survey reported using the *Huquq* (Rights) departments of the Ministry of Justice, which are responsible for civil cases, and are present in all provinces and most districts; and 41.7 per cent reported using state courts. However, cases overlapped, so that 42 per cent also or only used the community councils (*shuras*) or tribal assemblies (*jirgas*). The results varied widely across regions and between men and women.<sup>27</sup> The combination of state and community-level justice mechanisms will likely continue in a 'hybrid model'.<sup>28</sup> The Taliban could also gain from any vacuums in access to justice<sup>29</sup> – they were popular when they first ended the lawless rule of the warlords in the 1990s, although their harsh methods eventually undermined their support.

## 2. Governance

### Contested national state

Peaceful political transition is rare in Afghanistan's history. Afghan elites have frequently resorted to violence and coercion to establish their control over the state, whether monarchy, republic, religious state, or emirate. Afghan political institutions have therefore remained weak, and the potential for political conflict high. Prior to the 1978 communist coup, a form of compromise between formal state institutions and traditional leaders and power structures helped mitigate potential conflict. The practice of client-patron relations dictated Afghan politics then, and has continued to shape relations between the centre and the periphery ever since.

However, years of war weakened traditional power structures and created new power holders such as

warlords, religious leaders (and militants), and criminal strongmen. The Taliban leaders largely emerged from madrassas with more fundamentalist views, and they were in power from the mid-1990s until 2001, applying a brutal and ultra-conservative version of Sharia law.

The post-Taliban era, with support from the large international engagement, gave birth to new political and community-based structures such as political parties, elected provincial councils, and over 30,000 community development councils. Although former President Hamid Karzai continuously engaged traditional leaders, they were no longer the sole power brokers on the ground. Local politics were in many cases dominated by jihadist leaders and commanders of armed groups, as well as those profiting from the conflict through illegal activities such as the drugs trade and cross-border smuggling.

The political settlement negotiated in Bonn in 2001 set up a transitional government with a commitment to negotiate a new constitution for Afghanistan (including public consultation through a national *loya jirga*) and to have elections for the first post-constitution government. While these steps were taken and elections held, the quality and inclusiveness of the political settlement has been called into question by many. Electoral institutions, political parties, parliament, and provincial councils were established, but the state was not widely seen as representative. In an effort to neutralise potential 'spoilers', the post-2001 governments included some notorious warlords accused of serious crimes during Afghanistan's civil wars, although the Taliban were excluded.<sup>30</sup> Tajiks and other northern groups were over-represented, but some prominent Pashtuns (like the first post-2001 president, Hamid Karzai) were included. This challenge of legitimacy was recognised to some degree – for instance, the international community included targets on making Defence Ministry staff more representative in its support.<sup>31</sup>

Despite the ongoing conflict, Afghanistan has managed to hold three presidential and two parliamentary elections since 2004. However, these were marred by accusations of large-scale election fraud, and voter turnout fell over time. The 2014 presidential elections saw relatively high turnout, and the first voting round passed without significant concerns. The second round – the run-off between Ashraf Ghani and Abdullah Abdullah – was more problematic, with widespread allegations of vote rigging. Amid the security transition and the drawdown of the ISAF, fears about the post-Karzai political transition were understandably high.<sup>32</sup>

The electoral stand-off was eventually resolved through extra-constitutional negotiations, heavily supported by international actors, and large-scale violence was avoided. On 29 September 2014, Ashraf Ghani and Abdullah Abdullah were inaugurated respectively as president and in the newly created post of chief executive officer (CEO) of the National

Unity Government (NUG). The tensions around the election and the levels of intervention needed to resolve it show that democratic processes in the country are still very weak. Yet, they may also point to a more conducive climate for political compromise and one which seems to enjoy high levels of public support despite the election fraud allegations.<sup>33</sup>

Continued political stability at the top is contingent on the NUG being able to function effectively as a government and to observe the basic tenets of the power sharing agreement. This includes commitments to undertake important electoral reforms in time for the 2015 parliamentary elections. After months of delay, the electoral reform commission was established in March 2015, but there are fears that the commission and the reform process may still be manipulated<sup>34</sup> and the delays have had a knock-on effect on the scheduling of parliamentary elections.<sup>35</sup> The electoral fraud offences from the 2014 elections have also not been addressed.

Appointing the new government has been challenging and caused frustrating delays to the NUG's ability to address Afghanistan's pressing problems. The last cabinet members were only sworn in in April 2015, excluding a defence minister – the third attempt to appoint this post failed in July 2015 when the parliamentary vote fell short. An acting defence minister therefore has to oversee the security transition amid increasing Taliban attacks.

Thus far, the NUG has seemingly struggled to operate as a cohesive and integrated political team. President Ghani is said to govern in a centralised way – working more closely with Hanif Atmar, the head of the National Security Council, than his own deputy, CEO Abdullah.<sup>36</sup> The president has allegedly appointed a large number of people from his own tribe, the Ahmadzais, and from his province, Logar, into his core team.<sup>37</sup> He has also taken back some powers – particularly around procurement deals – from ministries. On the other hand, he has brought in new, young, well-educated people, including many women, to invigorate work on finances and procurement.<sup>38</sup> This approach may result in more effective administration and less corrupt government practices, and may draw in the large youth population in Afghanistan, who otherwise have limited space to engage in national-level politics.<sup>39</sup>

Given the history of patronage politics in Afghanistan, resistance to change from those with a stake in the status quo (including those close to former President Karzai and former mujahidin leaders) is likely to be significant.

President Ghani has also prioritised the peace talks with the Taliban and has reached out to Pakistan as a way to facilitate this process. However, the road ahead is fraught with difficulty, aggravated by the recent confirmation of the death two years ago of Taliban leader Mullah Omar. While the Taliban immediately announced his deputy, Mullah Mansur,

as his successor, an internal power struggle – centred around different opinions on whether to engage in peace talks or not, and the role of Pakistan in this process – seems to have been narrowly avoided.<sup>40</sup>

The key challenges for the NUG are therefore: to establish itself as a credible, inclusive, accountable and effective government; to complete the political transition process; and to make progress on important issues, including the peace talks.

### **Traditional and 'developmental' local governance**

Afghanistan's centralised political system – reinforced by the 2001 Bonn Agreement – brings with it challenges of how to ensure decisions at the centre reflect people's needs on the ground. Political agendas, mismanagement and corruption affect the system from the national level down into communities. Resource allocations are often determined more by contacts between national and sub-national leaders than by state systems. The public has largely seen the government as inefficient and corrupt – particularly at the centre but also with some significant shortcomings at the local level. A 2014 survey revealed that 56 per cent of people feel they have an influence over local governance institutions (up from 48 per cent in 2013).<sup>41</sup> This varies greatly across provinces, and people from Pashtun or Uzbek origin are more likely to report positively (that is, that they have an influence) than those from Tajik or Hazara backgrounds.<sup>42</sup> It will be interesting to see how these perceptions change under the NUG.

At the community level, local leaders in Afghanistan include *khans* (big landowners), *maliks* (village headmen) and the so-called 'whitebeards', or elders. These traditionally played an important role in community problem solving and decision making, coming together in *shuras* or *jirgas*. They remain central to resolving problems and providing justice at the community level and are still often preferred to the formal justice institutions.<sup>43</sup> However, their authority has been undermined to some degree by the years of conflict<sup>44</sup> and, being mostly elderly men, they have been criticised for discriminating against women, ethnic and other minorities and applying conservative views without a clear regulatory framework. Some innovative work has been done with these leaders to incorporate women's rights and outlaw some of the most extreme practices disadvantaging women within an Islamic rights framework.<sup>45</sup>

In an effort to improve rural and local-level governance and development, the National Solidarity Program (NSP) was launched in 2003 under the Afghan Ministry of Rural Rehabilitation and Development. The NSP set up democratically elected community development councils (CDCs), provided block grants for community-led development and governance initiatives, and connected CDCs with NGOs and others who could assist in providing services to the area. Facilitating partners (NGOs, UN

agencies and others) provided technical assistance to CDCs to implement development and governance initiatives. The CDCs tend to have stronger representation from youth and women than the *jirgas* and *shuras* and have been relatively effective in managing and monitoring local-level development-focused initiatives. The CDC model has some promise in terms of strengthening representative and accountable local governance. However, the fact that they are compensated for their time may make them less legitimate in public eyes than the traditional local governance structures.<sup>46</sup>

### **The challenge of widespread corruption**

Corruption has turned into one of Afghanistan's most insidious problems, a source of public discontent with the government and a reason for supporting the Taliban or other armed groups.<sup>47</sup> Once considered unacceptable, paying and accepting bribes has become common practice. The Kabul Bank's US\$1 billion scandal in 2010, with immediate impact on the country's economic growth, revealed the scale of the problem. Recent perception surveys have shown how corruption has weakened and delegitimised state institutions across the country: in 2014, 53.3 per cent of Afghans saw corruption as a major problem in their neighbourhood and 75.7 per cent in Afghanistan as a whole.<sup>48</sup> In Transparency International's Corruption Perceptions Index, Afghanistan received the lowest ranking in the world in 2012 and 2013, and improved slightly in 2014 to third from the bottom.<sup>49</sup>

Corruption has affected all sectors – from elections to appointments, the judiciary, customs, extractive resources, aid, and general services. Joint government and UN research in 2012 revealed that half of all Afghans had paid bribes in one form or another to receive public services. The cumulative sum of bribes paid had amounted to \$3.9 billion.<sup>50</sup> Nepotistic political and other appointments continue, based on family, tribal, or regional alliances.

Corruption has also directly fuelled the conflict. A report done under US General David Petraeus estimated in 2011 that about \$360 million of the US's assistance in Afghanistan had ended up in the hands of the Taliban and criminals, or political elites with ties to them.<sup>51</sup>

Capacity in public institutions has improved but procedures, rules, regulations, policies, and laws that govern bureaucratic behaviour and practices remain largely overlapping, contradictory, and ambiguous. The government has recognised this challenge and promised to address it in the 'Realising self-reliance' strategy.<sup>52</sup> It has also taken a number of steps on high profile corruption cases, such as prosecuting those involved in the Kabul Bank scandal, annulling one of the Ministry of Defence's lucrative fuel contracts, reviewing tendering in the extractive sector, and reforming the Attorney General's administration.

These are promising steps, but countering corruption will require multi-faceted, sustained, and long-term

efforts and may provoke a (potentially violent) backlash from those targeted in anti-corruption efforts and prosecutions.

### 3. Social services and the economy

Over the last decade, important gains have been made in health and education provision,<sup>53</sup> with an increase in school children from one to more than eight million, of which about a third are girls.<sup>54</sup> The number of children enrolled in primary schools alone increased more than tenfold.<sup>55</sup> Health facilities increased significantly, and infant and maternal mortality rates have reduced.<sup>56</sup> Some line ministries and districts with high levels of donor engagement have demonstrated increased administrative capacity.<sup>57</sup> Infrastructure has improved. More than 34,000 km of roads have been built,<sup>58</sup> connecting some of the more remote regions to the centre. Mobile phone access has increased to more than 60 per cent of the population.

Yet despite these advances, the challenges are still huge. Afghanistan ranks 169<sup>th</sup> out of 185 countries on the UN's human development indicators list.<sup>59</sup> A third of the population lives on less than \$1 a day while half are vulnerable to falling below this line if they experience one negative shock.<sup>60</sup> Unemployment is at 35 per cent<sup>61</sup> and 80 per cent of people work as day labourers – many of those on short-term contracts.<sup>62</sup> The agricultural and service sectors have grown in the last decade, but the service sector is expected to shrink as international troops withdraw<sup>63</sup> with a significant overall impact on the economy.<sup>64</sup> While the Afghan economy grew at an average of 9 per cent since 2001, the international drawdown and political uncertainty slowed growth to 3.7 per cent in 2013 and only 2 per cent in 2014.<sup>65</sup>

The Afghan government now earns about one-third of the national budget, mostly through taxation and customs duties, while international assistance – slightly declining in the last few years<sup>66</sup> – accounts for the rest. The government hopes to be financially self-sufficient by 2025,<sup>67</sup> although this seems unlikely with the drain of security costs on the budget.

Other areas of the economy show significant potential, including an estimated potential \$1 trillion that could be yielded by exploiting gems and minerals (copper, iron ore, and lithium), as well as oil and gas.<sup>68</sup> Some important investments have already been made or agreed from Chinese, Turkish, Indian, and other companies.<sup>69</sup> Further development of these sectors will require security and continued investment, but also reliable infrastructure to transport goods and run operations.

Unfortunately, the war and illegal economies remain strong – narcotics trafficking provides an estimated \$70–100 million per year in revenue to the armed opposition groups and undermines the rule of law.<sup>70</sup> Despite heavily supported campaigns to eradicate

opium production and stop smuggling activities, Afghanistan remains one of the top three global providers of opium<sup>71</sup> and only 53 per cent of Afghans see it as unacceptable.<sup>72</sup> The Taliban also tax other economic activities, including international aid, in areas under their control.<sup>73</sup>

The illegal and war economies fuel conflict at a number of levels by providing incentives for warlords, criminals, and political leaders associated with these activities to maintain the status quo. Insufficient opportunities, services, and employment have played a role in motivating people to join the insurgency<sup>74</sup> and for local warlords to align themselves with the Taliban.<sup>75</sup>

### 4. The position of Afghan women

Public support in the intervening nations for the international military intervention in Afghanistan was partly rallied around a narrative of freeing Afghan women from the repression of the Taliban regime. The last decade has seen some significant improvements for women in the country, including a constitution that enshrines equality for men and women, and important increases in girls attending school and women in parliament and other public and professional positions.<sup>76</sup> Notably, the 2009 Law on Elimination of Violence Against Women was considered a success story of Afghan and international lobbying.

In reality, however, the improvements in women's lives are much more prevalent in Kabul and other big cities than in rural areas where most Afghan women live. Moreover, shifts in attitudes have been slow. A 2013 survey found that 94 per cent of men in Afghanistan still believe wives should always obey their husbands; only 30 per cent support equal inheritance rights for sons and daughters; and only 30 per cent believe that women should choose whether to wear a veil outside the home.<sup>77</sup> Women and girls are still being imprisoned for the 'moral crimes' of fleeing from domestic abuse or having sex outside of marriage: in 2012, 400 women and girls were in prison and juvenile detention for such crimes.<sup>78</sup>

Women still face enormous challenges in terms of their physical safety as well. The conflict is increasingly impacting on women: deaths and injuries have increased from 123 in 2009 to 559 by mid-2015.<sup>79</sup> This is partly because more women are caught up in Taliban attacks against government offices, like an attack in May 2015 on the Ministry of Justice in Kabul that counted four women prosecutors among the dead.<sup>80</sup> Losing the women at the forefront for change in society is a double loss. Given the emphasis of more conservative elements in society on women not working outside the home, such incidents can also be used to restrict women's freedoms again under the guise of protecting them.

Key to the advancement of women in Afghan society is their access to education. While support for equal access to education between women and men has been consistently high (measuring 83.2 per cent in 2013),<sup>81</sup> it is strongest for lower levels of education and weakest for post-graduate education or if women need to leave their home area or province.<sup>82</sup>

As talks with the Taliban progress, there is a real danger that women's rights could be sacrificed in order to secure a power sharing agreement. The High Peace Council, set up in 2010 to lead on talks with the Taliban, has only 9 women among its 79 members.<sup>83</sup> Only a few of the informal rounds of talks between the Afghan government and the Taliban have involved women, and only in small numbers.<sup>84</sup>

The peace talks have seemingly not laid down red lines on protecting women's rights and constitutional guarantees for all human rights – although the US supports this.<sup>85</sup> Some may again seek to portray women's rights as Western impositions, despite long-standing voting rights for women (from 1964 until the Taliban regime revoked it) and the lead role of Afghan civil society and leaders in writing the Constitution and relevant laws on women's rights. Despite an overall increase in public support for women's rights, a 2015 survey found that between 50 and 60 per cent of Afghan men and women would accept circumscribed women's rights in exchange for a peace deal with the Taliban.<sup>86</sup> This issue will therefore continue to be contentious in the transition period.

## 5. The role of Afghanistan's neighbours

Afghanistan's security and political stability will not improve unless its neighbours agree that a peaceful, democratic Afghanistan is more in their interest than a destabilised one with a strong extremist influence.

The Karzai government initiated the Istanbul Process in 2012, which brought together 14 countries from the 'Heart of Asia', including Russia, to build confidence among them with a view to finding common ground on issues affecting Afghanistan's stability, foster greater economic integration, and promote people-to-people contacts.<sup>87</sup> Another 17 countries, including the US, the UK and the EU, and 11 regional and international organisations, are also engaged with this framework. From a conflict perspective, a regional approach to resolving Afghanistan's many problems makes sense – particularly since terrorism, drug trafficking and support to armed groups are cross-border issues. But despite regular meetings, dialogues, and discussions, the forum has yet to produce any concrete results.<sup>88</sup>

### The sensitive but critical relations with Pakistan

Since the 1980s, Pakistan has been the most important regional player in Afghan internal politics, first through supporting the mujahidin and subsequently the old and new Taliban. Three major

issues have shaped Pakistan's policy towards Afghanistan: the Durand Line border dispute; fierce resistance against Indian influence in Afghanistan; and being able to use the Afghanistan-Pakistan border area as a potential rear base in case of any future conflict between India and Pakistan. Pakistani intelligence also wants a friendly government in Kabul, preferably including the Taliban, and leaving the border areas under the control of the Taliban networks.<sup>89</sup> The animosity between Pakistan and India has led to both countries supporting proxies and undermining Afghanistan's stability.<sup>90</sup>

Afghanistan-Pakistan (Af-Pak) relations are fraught with deep-seated suspicions, problems, and complications at many levels. Attempts under President Karzai to negotiate with the Taliban through Pakistan made no headway. President Ghani has set out to improve Af-Pak relations by making significant concessions to the Pakistani military establishment, hoping to convince it to bring the Taliban to the negotiation table. These have included frequent diplomatic shuttles between Kabul and Islamabad, military and intelligence cooperation against Tehrik-e Taliban Pakistan (TTP), dispatch of Afghan cadets for training to Pakistan, and the cancellation of a heavy weapons deal with India. Ghani has also reached out to China and Saudi Arabia, countries with influence on Pakistan, to facilitate the launch of peace talks.<sup>91</sup>

Pakistan has reciprocated by stopping airstrikes into northern Afghanistan and cooperating on peace efforts.<sup>92</sup> Yet Pakistan still holds many cards, including the large number of Afghan refugees and Taliban fighters housed in its territory. More recently, Pakistan has actively pressurised the almost 1 million unregistered Afghan refugees in the country to return, even though some were born in Pakistan. This is in reaction to the December 2014 TTP attack on a public army school in Peshawar that killed 132 children and at least 9 adults.<sup>93</sup> However, the Afghan government and aid institutions are ill-equipped to deal with such a large number of new arrivals, and this may lead to further instability.

The rapprochement with Islamabad has polarised political elites in Afghanistan. While some argue that cooperation with Pakistan is a precondition to a successful peace process, others like former President Karzai, have voiced concerns about jeopardising Afghanistan's security and compromising its foreign policy.<sup>94</sup> Both countries have allowed (or in some cases actively supported) militant armed groups targeting the other to operate from its territory. There are also questions about how serious Pakistan is about this rapprochement, and a sense that a much more concerted, multi-pronged, approach would be needed to really transform the relationship.<sup>95</sup>

### The influence of other neighbours

Other neighbours also play an important role. Iran, India, Russia and the Central Asian republics are concerned about the Taliban increasing its strength. Iran, India and Russia, in particular, oppose the

Taliban's return to power, viewing it both as a security threat and as Pakistan's proxy.

Iran is furthermore interested in preventing Sunni extremism in the region and hosts the second-largest number of Afghan refugees (after Pakistan). Saudi Arabia on the other hand supports the Sunni factions and has a long history of supporting the Taliban and other armed groups in Afghanistan. By stating his support for the Saudi-led military campaign in Yemen, President Ghani has a difficult balance to maintain between Saudi and Iranian interests that could feed into sectarian splits in his own country.<sup>96</sup>

Russia is particularly concerned about the poppy industry and associated smuggling. For Central Asian neighbours, there are security concerns as well, given that groups like the IMU and the East Turkestan Islam Movement (ETIM) have strong roots in Afghanistan and use it as a base against the Uzbek and Chinese governments respectively.<sup>97</sup> Most of the Central Asian neighbours would benefit economically from increased trade with a stable Afghanistan, but also have interests in terms of shared ethnic groups across borders – although this does not appear to have played a major role in decision making in the past decade.<sup>98</sup> Discussions have progressed on three major initiatives for cross-border electricity, railway and natural gas supply,<sup>99</sup> creating potential for future economic collaboration. At the moment, the interests of Central Asian neighbours seem to be specific to each state rather than a regional bloc.<sup>100</sup> As such, Afghanistan's future stability is likely to depend on how each of those bilateral relationships evolves as much as how cross-regional initiatives can help foster positive trade and security relationships.

President Ghani has also conducted an early state visit to China, partly to ask them to help facilitate peace talks, together with Saudi Arabia and Pakistan. He secured an increase in overall development assistance from China, as well as commitments to help develop Afghanistan's infrastructure, agriculture, hydroelectricity and professional training for Afghans.<sup>101</sup> The relationship with China is equally important to Afghanistan's Central Asian neighbours.

## 6. International support: peacebuilding and statebuilding dilemmas

International support for Afghanistan's peacebuilding and statebuilding processes has had mixed results: gains have been made in the delivery of social services, establishing state institutions, and movement towards a democratic political culture that respects human rights; but they may prove temporary, and huge challenges remain. Most importantly, conflict continues, and few lasting inroads have been made in tackling its most significant drivers.

The international experience in Afghanistan highlights the dilemmas of peacebuilding and statebuilding, especially in a context where international actors were motivated by counter-terrorism objectives. Prioritising the 'War on Terror' meant that less attention was paid initially to pursuing long-term goals around peacebuilding and statebuilding and ensuring the accountability of partners in the long run. State corruption, predatory behaviour, and a rentier state flourished. These dynamics became increasingly difficult to tackle and were aggravated by the narcotics trade and the huge volumes of international funding. While including warlords in the post-2001 government was a strategy intended to include those with the power to undermine peace, some of these actors significantly hampered the emergence of inclusive, responsive, fair, and accountable institutions. The absence of effective efforts to check their behaviour has seriously undermined prospects for lasting peace.

In this context, the use of aid in the service of a military-led strategy and to reinforce the emerging political settlement was criticised by many as resulting in short-termist and unsustainable outcomes. Some evidence suggests that the Afghan population came to see much of the international aid as negative and contributing to conflict and instability.<sup>102</sup> Some of the tactics used by international militaries, like illegal detention and rendition of Al-Qaeda suspects, also contravened international law and undermined the moral authority of the international project in Afghanistan and the approach to justice and accountability it needed to foster.

The NUG has much improved relations with its international partners – evidenced by the signing of the long-delayed Bilateral Security Arrangement and Status of Forces Agreement on 3 December 2014. This has allowed the continued presence of international troops beyond 2015, which reassured Kabul and potentially communicated a message to the insurgents and their sponsors that the international community remains engaged in monitoring security developments on the ground. But it also provides a rallying cry for those violently opposed to a foreign military presence.

International commitments for transition support (2014–2025) have been made within the Tokyo Framework for Mutual Accountability (TFMA), which sets out five result areas: Representational democracy and equitable elections; Governance, rule of law and human rights; Integrity of public finance and commercial banking; Government revenues, budget execution and sub-national governance; and Inclusive and sustained growth and development.<sup>103</sup> Donors have pledged \$16 billion in development aid – re-affirmed at the London Conference in December 2014. The TFMA does not explicitly deal with security issues, but the government's 'Realising self-reliance' strategy sets out security and development objectives and forms the basis for government-donor

discussions.<sup>104</sup> One of the fiscal challenges the government plans to address is to bring the security budget into the normal budget overview process during the transition period.<sup>105</sup>

The opportunity therefore exists for donors to support a long-term strategy for overall development and governance support, and to ensure that the security and justice sector goes beyond short-term counter-insurgency aims. The envisaged international aid budget will be smaller, which may be helpful in terms of reducing the worst of the corrupt practices and the rentier state culture for which Afghanistan has become known. Effective leadership from the NUG and sub-national government authorities will be crucial for this to succeed.

## 7. Civil society as agents of change

In broad terms, there is a vibrant and diverse civil society in Afghanistan, which includes *shuras/jirgas*, youth, women, civic and religious networks and associations, NGOs, the media, trade unions and others. While some structures have an articulated governance role – like the *shuras* and *jirgas* and the CDCs – most do not.

### Traditional civil society

Traditional civil society structures like *shuras* and *jirgas* play a key role in resolving local grievances and providing access to justice. They have deep historical roots in society, are present across the country, and are mostly trusted by communities. As such, they can play a substantial role in peacebuilding by resolving local grievances. These local leaders have, however, seen their authority undermined by pressure from competing local power holders like warlords and armed groups, criminal networks and religious leaders. *Jirgas* and *shuras* are usually formed in response to a particular problem or request for intervention. They therefore have a reactive and non-permanent role, which means they cannot be over-relied upon as a governance structure.<sup>106</sup> *Jirgas* and *shuras* have also at points been used by government to rubber-stamp policies. International actors on the other hand initially shunned them because of concerns that they do not respect human rights and do not meet international justice provision standards. Their decisions are usually not based on a specific set of laws or regulations and may be seen as unfair. The lack of record-keeping may also cause disputes to re-surface.<sup>107</sup>

Yet, faced with a weak state system, these structures have continued to play a central role in providing community dispute resolution and access to justice. International approaches to these bodies have also become more pragmatic and nuanced. Some NGOs with foreign funding have engaged with *jirgas* and *shuras* to incorporate human rights principles into their work and thus render decisions that are more

inclusive of women, youth, and marginalised groups.<sup>108</sup>

Efforts have also been scaled up to connect these structures to the formal justice system, thereby attempting to harness the benefits of both.<sup>109</sup> Civil society-led work done on a hybrid model, whereby *shuras* and *jirgas* are better linked to the formal justice system, has provided workable solutions at the local level. It has also addressed many of the problems of the informal system by building in mechanisms for ensuring human rights are respected, as well as the right to appeal.<sup>110</sup> The problems of the state justice system remain, however, and important reforms at the national level are still needed.<sup>111</sup>

In addition, organisations like the Cooperation for Peace and Unity (CPAU) have adopted the idea of *jirgas/shuras* to set up Peace Councils, who are provided with training and coaching in conflict resolution skills, record-keeping, women's rights, and state law.<sup>112</sup> In the targeted districts, they have seen improvements in practice and plan to expand to more areas.<sup>113</sup> Another USAID-supported programme also showed positive impact on the quality of traditional dispute resolution and a reduction in practices that are harmful to women.<sup>114</sup>

### Religious civil society

Religious leaders (*mullahs*) and networks have been prominent in Afghan society for a long time, and include pro-government and reform-friendly groups, Islamists, conservative traditionalists, and fundamentalists.<sup>115</sup> *Mullahs* can be learned scholars (*ulema*) or elected village *imams* with little or no formal education.<sup>116</sup> As such, they play different roles in Afghan society. Successive Afghan governments have used (and sometimes paid) religious leaders to legitimise policies or manipulate information given to communities during the Friday prayers.<sup>117</sup> *Mullahs* had a very strong institutionalised political role under the Taliban, but after 2001, their role has become more informal in the social and political spheres.<sup>118</sup>

Fundamentalist religious institutions in Pakistan – and later in Afghanistan – have played a key role in fuelling instability through the indoctrination of Afghan youth into Salafist/Wahhabist thought. However, some differences have also emerged between older and younger *mullahs*, with some younger *mullahs* being more committed to reconciling human rights agendas with the Islamic faith.<sup>119</sup>

At the village level, *mullahs* or *imams* act as important sources of information and education in communities, and play a conflict resolution or mediation role.<sup>120</sup> They can therefore be key to social cohesion, but could equally fuel division through their influential information-sharing role.<sup>121</sup>

Many NGOs and international actors have been hesitant to engage with religious leaders, but there seem to be opportunities to work more with at least some of them in terms of community mobilisation and

feedback on development issues – a role many of them are keen to play.<sup>122</sup>

### Civil society organisations (CSOs)

Before the fall of the Taliban, only a few CSOs operated in Afghanistan. Their increase after 2001 is partly due to the transformation to democratic politics and partly thanks to deliberate international investment. The past decade also saw a large presence of international NGOs (INGOs) in the country. The vast majority of CSOs and INGOs have been engaged in humanitarian assistance and reconstruction efforts. But an important group of organisations have also been working on human rights and peacebuilding issues.

Public views of CSOs differ widely. Some negative perceptions exist due to the slow pace of reconstruction efforts – for which CSOs have sometimes been held responsible – but also because people are not clear about the role and purpose of CSOs.<sup>123</sup> Yet more recent surveys found that more than half of people who have interacted with CSOs in their area found them to be efficient in improving services and combating corruption.<sup>124</sup> But there also seems to be nervousness about the values that CSOs promote. For instance, there is some resistance to women being employed by CSOs: only 40.9 per cent of people polled in a 2014 survey thought this was appropriate employment for women – even lower than support for women in the army or police.<sup>125</sup> The Afghan media also tends to report on problems related to aid programmes, rather than success stories. Some CSOs and INGOs prefer to keep a low profile for that reason, and for fear of being targeted by the Taliban.<sup>126</sup>

There have also been perceptions that the CSOs benefiting from foreign funding are mostly elite and Kabul-based, and thus closer to the agendas of both the international community and the government. Being centrally based has also increased the risks that CSOs could fuel clientelism because they have to rely on provincial governments to identify programme participants.<sup>127</sup> Domestic funding for CSOs is almost non-existent because people tend to give their charity contributions to their families and communities rather than public institutions, and business are not yet engaged with the non-profit sector in any meaningful way.<sup>128</sup> There has been an attempt to draft a law providing tax incentives for private donations, which may prove helpful.<sup>129</sup> But for now, CSOs remain largely dependent on international support, and smaller, rural-based and grass-roots organisations may find it challenging to access these funds.<sup>130</sup>

The Afghan government requires CSOs to register, which is difficult for small and rural organisations to afford, and there is also corruption in the registration system.<sup>131</sup>

Despite all the challenges, some important human rights and peacebuilding work has been done in the past decade by Afghan CSOs. This has included the

work by CPAU (referred to above), the Peace, Training and Research Organisation (PTRO), the Sanayee Development Organisation (SDO), and the Tribal Liaison Office (TLO). All of these have done work on strengthening the capacity of existing and new community structures in managing conflict non-violently, and have included working with religious and tribal leaders, as well as youth and women. A number of organisations, like the Afghan Women's Skills Development Centre (AWSDC), focus on women's rights and peacebuilding in particular.

Some of these organisations have also supported initiatives to connect local-level structures to state structures, for instance through the governor-authorised Commission on Conflict Mediation (CCM) in Kost Province, which engages in provincial-level conflict mediation and consists of tribal elders (supported by TLO).

The Afghanistan Civil Society Organisations Network for Peace (ACSONP) has developed a civil society peace strategy to complement the government-led peace process, with broad community endorsement and a lead role played by women CSOs. While not a legal document, the strategy has benefited from support of some female MPs and seems to have succeeded in getting the High Peace Council in engaging more with civil society, particularly women and youth.<sup>132</sup>

Since 2011, eleven Afghan civil society networks have worked with the Afghanistan Independent Human Rights Commission and support from UNAMA to consult people across the country about peace priorities. The recommendations coming out of the first phase were fed into the Bonn 2011 conference, while the second phase (started in 2013) resulted in a ten-point agenda for peace (see box). The second phase consulted almost 5,000 people across all 34 provinces and local road maps for peace have been developed for most of them.<sup>133</sup> This work shows strong potential for a civil society role in articulating public views on the peace process towards the government and international actors, and ensuring an inclusive peace process.

#### ***The Afghan People's Dialogue for Peace's 10-point plan for sustainable peace***<sup>134</sup>

1. Promote responsive state institutions and tackle corruption
2. Strengthen security institutions and curb violations by them
3. Disarm and disempower illegal armed groups and other pro-government militias
4. Promote human rights, rule of law and tackle impunity
5. Promote women's rights and their role in peacebuilding
6. Enable youth through fostering job creation and strengthening the education system

7. Realise equitable social and economic development
8. Ensure inclusivity in the peace process
9. Strengthen community-based dispute resolution mechanisms
10. Neutralise spoilers of peace (including neighbouring states)

INGOs and UN agencies have also engaged in a range of peacebuilding efforts, including peace education and peacebuilding as part of community rehabilitation programmes. And international donors have supported this work as well as CSO capacity-building programmes.

Afghan CSOs have come a long way, benefiting from international support, in terms of increasing capacity to engage at the policy as well as at the community level; in service provision as well as in changing attitudes; and in creating and defending important space for human rights (in particular women's rights) and civil liberties. For instance, CSOs engaged actively in developing the Afghanistan National Development Strategy (ANDS), although only after donor pressure on the government to allow their participation.<sup>135</sup> And about half of respondents in a 2015 survey credit CSOs with expanding women's rights and improving election participation.<sup>136</sup>

Any reduction in international funding and presence could make Afghan CSOs vulnerable to funding challenges as well as less political support for any sensitive advocacy work.

### 'Informal' civil society

Apart from the registered CSOs, there are also community-based groups that play an important role in for instance mobilising interest groups, professional groups, or social groups (women, youth) around particular issues. Some of these, like the Professional Shura of Herat (made up of doctors, lawyers, academics and teachers), have even made policy recommendations to city authorities.<sup>137</sup>

Afghan law also provides for the registration [with the Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD)] of social organisations who are voluntary and focus on organising for "social, cultural, educational, legal, artistic and vocational objectives".<sup>138</sup> Until 2013, these groups were not allowed to receive foreign funding, although this provision has been changed.

There is very little information available about the work of these groups and most of them seem to function more locally.

The March 2015 public protests against the brutal killing and burning of a young woman, Farkhunda Malikzada, by a mob for allegedly burning the Quran, indicate increased civic action, at least in Kabul. Civil society mobilisation forced government officials and local clerics to apologise for their premature

judgement and to launch an investigation into the case, which has led to some convictions. This may indicate the emergence of a new form of urban public pressure with the potential to check excesses by government and social groups.

### What does this mean for civil society's role in peacebuilding?

Civil society in all forms and at all levels has an important role to play in Afghanistan's future. In the current environment where the government seeks to advance peace talks with the Taliban, civil society can play multiple roles in informing communities of the process, facilitating consultations with a variety of stakeholders, and contributing to ideas development for a settlement. They can only do this if they have the opportunities and the political space to engage, and the institutional capacity to function.

Much progress has been made in carving out space for secular civic action – alongside religious civic action – and in advancing human rights, particularly women's rights. If the peace process compromises on these gains, it would strengthen those who seek to exclude and rule by authoritarian means. Every effort therefore needs to be made to support, on a long-term basis, civic action to safeguard these rights.

The TFMA commits Afghanistan to combating corruption and establishing an inclusive and accountable state. An active civil society – in all its variety – is crucial to this endeavour. An inclusive state does not only mean having elections that are broadly free and fair; it also means supporting processes that connect social groups across divides and with their authorities, at all levels. Local leaders and *mullahs*, associations and networks, and CSOs all have a part to play. Many interesting projects and initiatives have shown that this type of change is possible. The NSP, for instance, showed that the CDC structure enabled communities to engage in development processes, which has translated into their feeling more positive towards the government<sup>139</sup> and a higher voting percentage.<sup>140</sup> But there are fears that the impacts may not be durable and questions about how best to sustain the approaches piloted.

The strategic challenge going forward is therefore what could be done to ensure that micro-level impacts can be turned into systemic changes, and how to undertake this in a context where the armed conflict seems to be picking up. This will require supporting the government where it genuinely undertakes reforms, but also making sure that civil society across the country are supported to input into policies and maintain a critical voice. It is a long-term process, and one that will continue to be dangerous to prominent government and civil society actors, since the vested interests in corruption and virulent fundamentalism have shown their willingness to use force. International actors can assist by continuing to engage politically as well as financially, and by

helping CSOs build stronger partnerships with the state while broadening their community reach.

## 8. Recommendations

Despite the challenges, the transition period presents the international community with opportunities to turn the reduction in support into an advantage and contribute to sustainable peace in Afghanistan. They can do this by being more strategic and coherent than was perhaps possible in the last decade – doing less with less. From a peacebuilding perspective, the international community should:

### Support the National Unity Government to:

- Provide effective political leadership for Afghanistan's transition process by consolidating the two political blocks within the NUG into a more cohesive team; decentralising power and decreasing ethnicism; following through on genuine electoral reform; and professionalising senior and civil service appointments.
- Broaden participation in the talks with the Taliban to be more inclusive and consultative of Afghan society and ensure that peace talks do not reverse gains made on human rights, including women's rights.
- Counter corruption and improve transparency and accountability within the TFMA, including by implementing the 'Realising self-reliance' commitments.
- Support and engage with civil society as strategic partners in governance, human rights, and accountability issues and in the peace process.
- Support a coherent strategy and reforms to the Afghan police to focus more on civilian policing, response to safety needs, punishment of police abuses against civilians, and dissolution of irregular forces.
- Support efforts to strengthen the state justice system and its links to informal justice mechanisms, and combat judicial corruption.
- Respond to the humanitarian needs of Afghan refugees being pushed out of Pakistan and support processes of resettlement in a way that avoids fuelling further conflicts at community level.
- Continue to strengthen economic ties and positive relationships with neighbouring countries, especially Pakistan.

### Support Civil Society Organisations to:

- Investigate, report on, and mobilise a public constituency to challenge corruption, injustice, and impunity in constructive and effective ways.

- Build partnerships and networks for CSOs to collaborate and maximise the impact and reach of programmes while reducing their risks in conducting sensitive work on corruption and human and women's rights.
- Establish and access mechanisms to protect human and women's rights defenders and anti-corruption activists (some within the government structures may also need access to these).
- Engage with community forums, *shuras* and local associations in promoting attitudes that respect civic values and human and women's rights, particularly on positive gender norms.
- Continue work improving local-level justice provision and dispute resolution mechanisms in a way that respects human and women's rights, reduces harmful practices against women, and links to the formal state system.
- Conduct inter-community, inter-tribal and inter-ethnic dialogues with the purpose of reconciliation, reducing social gaps, stereotypes and misperceptions.
- Actively generate civil society input into and disseminate information emerging from the formal peace process.
- Conduct public media work on tolerance, dialogue and coexistence to tackle faith-based intolerance and violence, and discrimination based on gender and ethnicity.
- Connect Afghanistan's nascent CSOs with others in the region to enhance peacebuilding-focused people-to-people contact and facilitate work on cross-border confidence-building initiatives, especially between Afghanistan-Pakistan, Afghanistan-Iran, and Afghanistan and the neighbouring Central Asian Republics.
- Provide a people's perspective in policy processes related to Afghanistan, including UN Security Council decision making; international policies focused on counter-terror and countering violent extremism; peacebuilding and statebuilding initiatives; and in particular monitoring and review processes to ensure accountability in the Tokyo Framework.

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