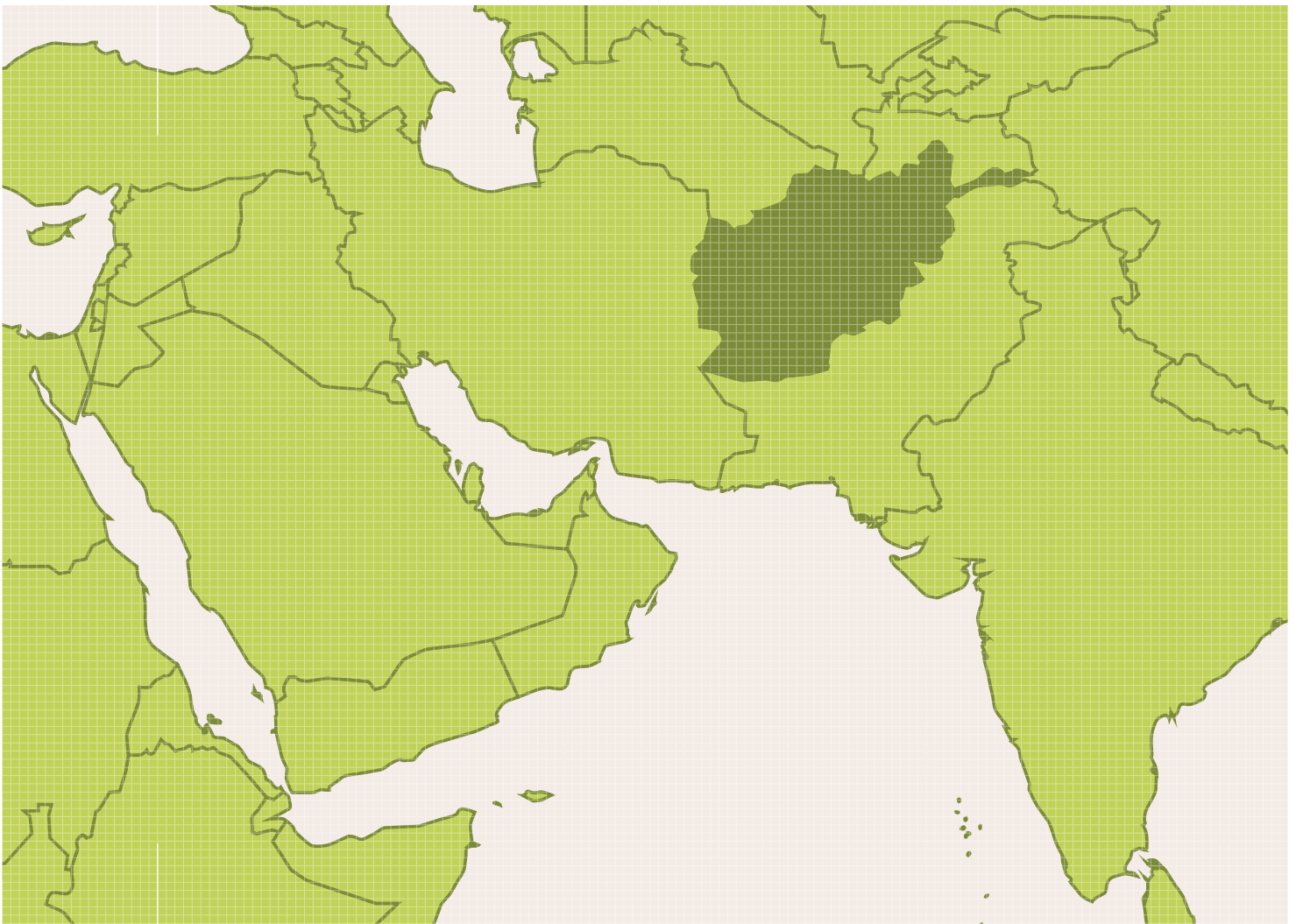


# Afghanistan: A Political Economy Analysis

Arne Strand, Kaja Borchgrevink and Kristian Berg Harpviken



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# **Afghanistan: A Political Economy Analysis:**

*Arne Strand, Kaja Borchgrevink and Kristian Berg Harpviken*

Report commissioned by the Norwegian Ministry of Foreign Affairs  
December 2017

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# Map of Afghanistan



## About the report

In June 2016, the Norwegian Ministry of Foreign Affairs (MFA) commissioned NUPI to provide political economy analyses of eleven countries (Afghanistan, Ethiopia, Haiti, Malawi, Mali, Mozambique, Myanmar, Nepal, Somalia, South Sudan and Tanzania) deemed important to Norwegian development cooperation. The intention was to consolidate and enhance expertise on these countries, so as to improve the quality of the MFA's future country-specific involvement and strategy development. Such political economy analyses focus on how political and economic power is constituted, exercised and contested.

Comprehensive Terms of Reference (ToR) were developed to serve as a general template for all eleven country analyses. The country-specific ToR and scope of these analyses were further determined in meetings between the MFA, the Norwegian embassies, NUPI and the individual researchers responsible for the country studies. NUPI has also provided administrative support and quality assurance of the overall process. In some cases, NUPI has commissioned partner institutions to write the political economy analyses.

# List of acronyms

AAN	Afghan Analyst Network
ACJC	Anti-corruption Justice Centre
AIHRC	Afghan Independent Human Rights Commission
ANA	Afghan National Army
ANDMA	Afghanistan National Disaster Management Authority
ANP	Afghan National Police
APRP	Afghan Peace and Reconciliation Program
ARTF	Afghanistan Reconstruction Trust Fund
AWN	Afghan Women's Network
BSA	Bilateral Security Agreement
CC	Citizens Charter
CDC	Community Development Council
CEO	Chief Executive Officer
CPEC	China–Pakistan Economic Corridor
DDR	disarmament, demobilization and reintegration
DOWA	Department of Women Affairs
DFID	Department for International Development (UK)
EVAW	Elimination of Violence Against Women
GOA	Government of Afghanistan
HPC	High Peace Council
IDP	internally displaced person
ISAF	International Security Assistance Force
ISI	Inter-Services Intelligence agency (Pakistan)
IS-K	Islamic State–Khorasan group
LOTFA	Law and Order Trust Fund for Afghanistan
MFA	Ministry of Foreign Affairs
MOI	Ministry of Interior
MOJ	Ministry of Justice



## List of acronyms | Arne Strand, Kaja Borchgrevink and Kristian Berg Harpviken

MORR	Ministry of Refugees and Repatriation
MOWA	Ministry of Women's Affairs
MP	Member of Parliament
MRRD	Ministry for Rural Rehabilitation and Development
NAC	Norwegian Afghanistan Committee
NAP	National Action Plan on USCR 1325 - Women, Peace and Security
NAPWA	National Action Plan for the Women of Afghanistan
NATO	North Atlantic Treaty Organization
NCA	Norwegian Church Aid
NDN	NATO's Northern Distribution Network
NUG	National Unity Government
NGO	non-governmental organization
NSD	National Security Directorate
NSP	National Solidarity Programme
NUG	National Unity Government
PPC	Provincial Peace Council
PRT	Provincial Reconstruction Team
OBOR	One Belt and One Road Initiative
QCG	Quadrilateral Coordination Group
OECD/DAC	Organization for Economic Cooperation and Development/Development Assistance Committee
SCO	Shanghai Cooperation Organization
SIGAR	Special Inspector General for Afghanistan Reconstruction
SNV	Single Non-Transferable Vote
SSR	Security sector reform
UNAMA	United Nations Assistance Mission for Afghanistan
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNIFEM	United Nations Development Fund for Women
UNW	UN WOMAN
UNSCR	United Nations Security Council Resolution
USIP	US Institute for Peace
WB	World Bank
WPS	women, peace and security

## Executive summary

This report draws attention to how the Afghan state is sustained through constant negotiations over power, resources and ideology. It focuses on the interactions and interdependency between different Afghan groups and individuals, the licit and illicit economy, and neighboring states and the international community, and how these interactions and interdependency are used to maintain and challenge power through a constant bargaining process.

### **The politics of the state**

Bargaining over the spoils of victory has been a central feature of the post-2001 “state building” process. Afghanistan received over USD 57 billion in official development assistance during the period 2001–2015. The massive inflow of aid has created a rentier state, unparalleled in the history of Afghanistan. Post-2001 Afghanistan is characterized by the repositioning of the old elites – the previous warlords, commanders and drug barons – and the emergence of a new liberal elite – the technocrats.

What began as a radical state-building and democratization project was captured by the elites and patronage networks entrusted by the international community to govern and develop the new state. However, security considerations and the strong influence of the US and NATO also overruled governance and democratization processes and development priorities, so as to circumvent any presumptive challenges to the war on terror. Distribution of state revenue (largely from external donors) has been used to secure loyalty and maintain control throughout the country. This has led to extreme centralization, hampered development of state institutions, reduced government legitimacy and reinforced

the fragmentation of actors, all of which has maintained the gap between the state and society.

Norway has had a long engagement with Afghanistan, involving both the government, military forces and NGOs. With development and humanitarian assistance to the tune of NOK 750 million annually, Afghanistan has been the top recipient of Norwegian development aid in recent years. The military engagement was scaled back from 2014, but Norwegian special forces continue to mentor a dedicated Crisis Response Unit, based in Kabul.

### **The regional dimension**

Situated between three security complexes, Afghanistan’s relationships with regional and international actors have profound effects on its security and its political and economic development. Of particular importance is the heightened tension in the Persian Gulf between Iran and Saudi Arabia. The prospects for a fundamental re-composition of the region itself, and the insecurity generated by the continuously increasing asymmetry between India and Pakistan, are also of considerable importance. At the great power level, the gradual weakening of US hegemony, the steady assertiveness of China, and the conflictual challenges posed by Russia are influential factors.

Conflicts in Afghanistan are exacerbated by the involvement of its neighbors, but the country does not have the significance, the relationships, or the capacity to bring the region together. By implication, a long-term strategic objective would be some form of neutrality, disconnecting Afghanistan from the internal dynamics, which are overly conflictual, in each of the three regions that surround it.

### **The politics of the economy**

After experiencing strong and rapid economic growth – 9 percent annually, on average – following the fall of the Taliban, the economy’s growth rate plummeted (to about 2 percent annually) after 2014, with the withdrawal of US forces and President Ashraf Ghani coming into office. Although the economy shows signs of stabilization, it is evident that economic development is severely constrained. Key factors influencing the Afghan economy and its politics include 1) the legacy and influence of the past and ongoing conflicts as well as the actors and networks involved, 2) the extremely high dependency on international financial assistance, 3) the large illicit economy that both competes with and is interwoven with the licit economy, and 4) the dependence, as a land-locked country, on agreements and relations with neighboring countries for imports and exports.

Like his predecessor, President Ghani won the presidency by associating with the “old elites.” He has since struggled to reduce their influence in, and exploitation of, the Afghan state. Many of those whom President Ghani challenges both inside and outside the government draw on the informal and illegal economy and different alliances to further and protect their interests. The high dependence on international financial support might provide a stabilizing effect, but it will not resolve the governance and development challenges imposed by internal elite politics. Further economic development depends on a negotiated settlement of the Afghan conflict(s), and whether the elites are able and dare to set aside their personal short-term gains for an opportunity for national economic development.

### **Women’s position, rights and gender equality**

After 2001, considerable attention and resources have been given to enhancing the position and rights of women. Afghanistan has developed one of the most comprehensive legal frameworks in the region for securing women’s rights. Women have gained increased access to education, employment and political position, yet women have limited power and influence. Traditional gender

norms and power structures dominate, although there are signs of change. However, the process of social change creates tension, and the transformation that has occurred is still fragile. Although President Ghani has been more supportive of women’s rights and influence than his successor, it is uncertain how much political capital he is willing to spend to secure women’s rights. Further, the social change process creates tension, and the transformation seen is still fragile.

### **Security and reform**

The security situation in Afghanistan deteriorated significantly after the withdrawal of international forces in 2014. The Taliban has increased their territorial control and the Islamic State–Khorasan group has emerged as a new actor. Civilian losses are at an all-time high. The Afghan population is facing multiple threats due to the spread of, and increase in, activities by criminal networks that are often interwoven with government networks or elites. Threats to the population include the drug-trade, cross-border smuggling and kidnappings for ransom.

Enabling Afghan authorities to take care of their country’s own security was a key objective of the Bonn Agreement, and it is the security sector that receives most international assistance. Despite efforts at reform, the army and police face widespread problems. Internal power struggles and corruption contribute to the extremely high number of defections and to the security sector’s weak legitimacy among ordinary Afghans. The Afghan security systems have come at a great cost and remain totally dependent on continued external financing and re-recruitments to the forces for sustainment.

### **Peace processes**

Several initiatives for a negotiated settlement of the Afghan conflict have been made in recent years. The Bonn agreement was a one-sided power-sharing arrangement within the alliance that defeated the Taliban, and many remain sceptical to opening up the negotiations on more equal terms. An Afghan peace will depend on the involvement and consent of regional and inter-

national powers to succeed. However, a formal agreement will not help resolve the large number of local conflicts the country faces, often over natural resources, family matters and the misuse of authority. Women remain largely excluded from negotiation processes, despite being the most vulnerable to conflicts and violence.

### **The Judiciary System**

Establishing rule of law and enhancing Afghan's access to justice became a central part of the contested process of state-building after 2001. Experience from the justice sector reform reveals that simple legal transplants of Western normative ideals are neither legitimate nor effective. Reforming Afghanistan's pluralistic justice tradition remains a challenge, but a consideration of the interplay between statutory, customary and Islamic law is paramount in increasing access to justice for ordinary Afghans.

Access to justice and rule of law is a stated priority for the National Unity Government, yet implementation has been slow. The justice sector is riddled with corruption, and many Afghans chose to settle disputes outside formal and customary justice institutions. Women in particular have little recourse to justice and face discrimination in both formal and customary traditions.

### **Human rights**

The promotion and protection of human rights has been an underlying premise for most of the international assistance to Afghanistan. These efforts are challenged both by existing cultural norms and power structures as well as by the ongoing conflict. Human rights violations are widespread and committed by all conflicting parties. The inclusion of warlords in the Bonn process after 2001 has severely hampered attempts at transitional justice. Widespread disregard for the rule of law and little accountability for those who commit human rights abuses contribute to the distrust of and opposition to the government among the Afghan population, undermining the legitimacy of the government. The Afghan Independent Human Rights Commission (AIHRC) has been central in promoting human rights

in Afghanistan, yet the space available to the AIHRC remains limited and fragile. The international community has been criticized for prioritizing political processes over human rights.

### **Development and humanitarian aid**

Sixteen years after 2001, Afghanistan is still facing formidable development challenges; poverty is on the rise and the humanitarian situation is dire. Despite major achievements in increasing access to education and health, the country is increasingly reliant on food imports. The income potential for the majority of the population has been reduced due to a lack of prioritization of the agriculture sector, which employs the majority of the Afghan population. A sharp increase in youth population and the return migration of almost six million Afghans since 2001 have placed further strains on the development potential and resulted in increased unemployment.

The massive return of refugees, increased numbers of internally displaced persons (IDPs), and rapid and uncontrolled urbanization, combined with the limited capacity to respond to these developments, provides both a practical and political challenge for the Afghan government and the international donor community. The large amount of aid that has poured into Afghanistan since 2001 has fueled corruption and contributed to the development of a war-aid economy in Afghanistan, which has favored the already powerful. So far, development assistance has not led to a marked reduction in poverty for the majority of the population, and humanitarian assistance has been used primarily as a band aid.

The analysis reveals that formal and informal institutions and licit and illicit income sources are hard to separate, and indicates that the political economy of Afghanistan must attempt to analyze how formal and informal structures intersect and shape behavior in the competition over power, wealth and ideas. The **formal** Afghan state apparatus remains totally dependent on international economic support to maintain its function, pay salaries and deliver basic services, and on international military forces to keep the Taliban and internal disintegration at

bay. What can be described as a **semi-informal** state is partly embedded in the formal state for protection; however, it supplements exploitation of state resources (and positions) with financial income from the opium and smuggling economy to further its interests and secure positions. There exists additionally a parallel, “**informal** state,” represented by Taliban and other militant groups; it draws income from drugs, taxes on the population they control and support from different neighboring countries. The informal state draws on support from a population disgruntled by the international military presence, unmet government promises and corrupt practices. Increased insecurity, unemployment, outmigration and rising poverty provide daily reminders of failed opportunities.

As long as the present elites and key persons in the government manage to convince the inter-

national community that a collapse of the present power constellation poses a threat to regional and international security, it can be expected that there will be a slow and steady deterioration, leading to further fragmentation of power and territory.

There is still room for donors to manoeuvre and improve the use and effectiveness of military, development and humanitarian assistance, provided they are aware of the context and competing interests within the formal and semi-informal state, and understand these states’ intersection with the informal state. Placing existing and planned interventions into such an analytic framework can help identify new opportunities for engagement, make possible adjustments of existing and planned development programs, and probably enlarge opportunities for a negotiated settlement of Afghanistan’s many conflicts.

# 1. Introduction

## 1.1. The study: scope and methods

This report sets out to provide an analysis of the Afghan state as it has been constructed since 2001. The report is a desk-study based primarily on secondary sources. A list of the sources is provided in the bibliography. A number of recent studies and reports on various aspects of Norway's engagement in Afghanistan have been produced in recent years (Afghanistanutvalget's rapport, NOU, 2016; Strand et al., 2017, 2016). This report draws on and complements these reports by placing the focus on the Afghan state.

Political economy analysis, as defined by the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD), is "concerned with the interaction of political and economic processes in a society: the distribution of power and wealth between different groups and individuals, and the processes that create, sustain and transform these relationships over time." The Department for International Development's (DFID) definition of political economy analysis draws particular attention to politics, understood as contestation and bargaining between rival groups with competing claims over power and resources. It is, however, equally concerned with the economic processes that generate wealth, and the political interventions aimed at regulating the control of strategic resources and distribution of power. It draws attention to the need to understand 1) the interests and incentives facing different groups in society (particularly political elites); 2) the role that formal institutions and informal social, political and cultural norms play in shaping human interaction and political and economic competition; and 3) the impact of values and

ideas, including political ideologies, religion and cultural beliefs, on political behavior and policy. Thus, a political economy analysis helps us to understand how incentives, institutions and ideas shape political action and development outcomes in conflict-affected states.

## 1.2. A note on data

In this report, we draw on secondary data and refer to the sources we use. Although we draw on recognized sources, we ought to caution that obtaining robust and reliable data is a challenge in the context of Afghanistan. There exists no population census and there has been little systematic and coordinated effort to establish baseline data in many sectors, making it difficult to assess impact and development over time. Gender-segregated data is also not available on many issues. Afghanistan has limited indigenous research capacity and many reports are produced by external consultants. Different actors operate with different datasets, all of varying scope and quality, making the available data patchy and sometimes contradictory. As in other conflict countries, getting access to data in areas with active conflict is particularly challenging, and there is likely underreporting. Political factors may also skew the data that is available.

The report has benefitted from comments from NUPI and CMI colleagues.

## 1.3. The Afghan case

Afghanistan is not a "post-conflict" country. The country has been in a state of violent conflict for the last 38 years. Only some 60 percent of the country is currently under government control (SIGAR, 2017), and civilian losses have increased

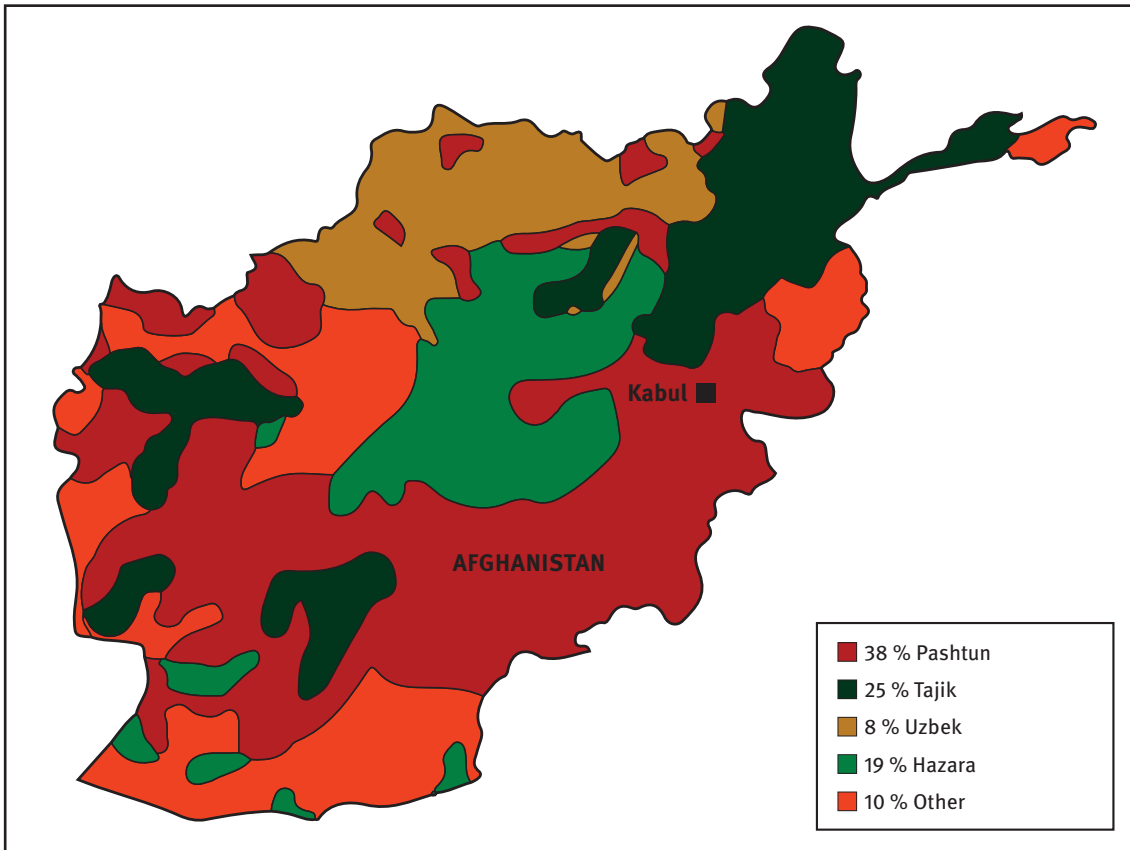


Illustration 1: Ethnic division of Afghanistan.

steadily over the last years. The prolonged conflict has had profound effects on the country's political, economic and social development.

History has shaped the present conflict and is part of the narrative. Many dwell on histories of Ahmad Shah Durrani as the founder in 1747 of the Durrani Empire and Afghanistan, which then included large parts of India. Others narrate how, in 1880, "the Iron Amir," Abdur Rahman, forced the different tribes and groups to accept him as their king. Pashtuns opposing him were sent to the northern parts of the country, where they had to maintain their loyalty to him to ensure protection from other ethnic groups. With an exception of a brief period of Tadjik rule in 1929 and under President Rabbani in the 1990s, all amirs, kings and presidents have been Pashtuns. The fact that Afghanistan has throughout history managed to resist occupation (over time) by the British Empire, the Soviet Union and,

some would argue, the United States is strongly embedded in narratives and attitudes.

There is no population census for Afghanistan yet, but the population is estimated to be 33.3 million as of July 2016 (CIA World Factbook). The dominant but undocumented assumption is that Pashtuns constitute the largest group (38 %), followed by Tadjiks (25 %) and Hazaras (19%). The latter groups are *Shia* Muslims, whereas the majority of the population are *Sunni* Muslims.

A key characteristic of Afghanistan is the underlying structure of ethnic groups and tribes, all of which have networks that extend into neighboring countries. The Pashtuns (the world's largest tribal group) are equally numerous in Pakistan. The Tadjiks, Uzbeks and Turkmens have ethnic relations across the border in the north, and the Hazaras of central Afghanistan align themselves religiously (and politically) with Iran. All groups maintain a degree of internal

tribal/group structure, regulations and justice; the most well-known is the Pashtunwali tribal codex, which governs the Pashtuns. All maintain networks that, at various times and sometimes simultaneously, are part of the state apparatus, run parallel to it, or oppose it.

A majority of Afghans live in rural areas and make their living from agricultural activities, services and trade; they are among the poorest segment of the Afghan population. Poverty, together with conflict displacement, is a key factor in the high urbanization rate witnessed over the last decade.

Women have historically had a limited role in public and social life, and had a further setback in personal freedom and access to education and health when living in areas under mujahedeen and later Taliban control. Increased rights and influence have been high on the agenda for Afghan activists and the international community, but tradition and attitudes take time to change, despite the use of quotas for the Parliament and Provincial Councils and strong encouragement for women to join the police, army and civil services.

Afghanistan remains highly dependent on international donors, for covering their military expenses, maintaining a government structure and providing development and humanitarian assistance. Violent conflict deprives the country of potential income from minerals, oil and hydropower, as well as potential taxes derived as a transit country for regional goods and energy transfer. Reduction in assistance has led to lower growth and increased unemployment, especially among the youth that constitute 63 percent of the population.<sup>1</sup> Many that have benefitted from the educational opportunities that opened up in 2002 also have higher expectations for the future, and might attempt to leave Afghanistan if they fear their expectations will not be met.

Being landlocked has made Afghanistan both dependent on its neighboring countries and, at times – depending on internal, regional

and international policies – at their mercy. The relationship with Pakistan has been a key factor over the last decades. While Pakistan is currently accused of supporting the Taliban (as are Iran and Russia) and of meddling in Afghan politics, Afghanistan (and Afghans) is dependent on Pakistan and a transit arrangement for both licit and illicit trade. Balancing (or not) their relationships with neighbors and international actors to their own benefit has been a key feature of Afghan politics over centuries, and one that is part of their present balancing act.

#### **1.4. Norway in Afghanistan**

Norway has had a long engagement with Afghanistan. Professor Georg Morgenstierne made a linguistic expedition in 1927, and in the 1970s, many Norwegians followed the “the hippie trail.” Professor Fredrik Barth did his ethnographic studies of the Pashtuns before large numbers of Norwegians became involved in solidarity, humanitarian and development work in Afghanistan beginning in 1979. This work continues, with a development budget of NOK 750 million, and a Norwegian Embassy in Kabul. The Norwegian military arrived in late 2001 as part of Operation Enduring Freedom, and continued as part of the International Security Assistance Force (ISAF) with a Provincial Reconstruction Team in the Faryab province. They currently participate with Special Operation Forces in Kabul. Norwegian NGOs have played an active role in delivering assistance, building capacity for and facilitating reconciliation and conflict mitigation at the local level. Norway has also facilitated efforts to establish national peace dialogues and negotiation, and sought involvement of women in the peace process.

Afghan youth constituted the largest group of minors seeking asylum to Norway in 2015; these numbers have been reduced over the last few years as Turkey closed the route through Greece. A number of Afghan translators for the Norwegian military forces as well as Embassy employees have applied for protection in Norway. Few have succeeded in obtaining asylum, and there is a return agreement in place between

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<sup>1</sup> 63 percent of the population is below 24 years of age (CSO, 2013).



Norway and the Afghan government for rejected asylum seekers.

There is an active Afghan diaspora in Norway, the youth of which have been especially engaged in reconciliation and peace activities and in the public debate over assistance and forced return.

The overall Norwegian development goals have been 1) strengthening Afghan institutions; 2) contributing to a political settlement; and 3) contributing to sustainable and just development, humanitarian efforts, and to the promotion of the governance, human rights and gender equality agendas. Thematic priority areas have been a) good governance, b) education, and c) rural development (Strand and Taxell, 2016).

Norwegian development funding to Afghanistan totaled NOK 5.363 billion for the period 2001–2011, and NOK 3.008 billion for the period 2011–2014. The annual disbursement over these last years was approximately NOK 750 million. This makes Afghanistan the largest recipient of Norwegian development aid during this period.<sup>2</sup>

The World Bank (WB) and the United Nations Development Programme (UNDP) have remained the main funding channels for Norwegian development aid, receiving 55 percent of the total assistance. Forty percent was channeled through Norwegian, international and Afghan NGO partners.

A key finding from the 2012 Norad evaluation of development assistance for the period

2001–2011 was that Norway’s policy and interventions “match closely the international agenda for Afghanistan and within that framework its development agenda is certainly relevant” (Strand and Taxell, 2016). The evaluation found that alignment with Afghan priorities was consistently high on the Norwegian agenda, and that the choice of aid channels remained remarkably consistent over the years. The evaluators were, however, of the opinion that “limited administrative capacity (at the Embassy) is one clear reason why policies are weak on the operational side” (ibid.).

Afghanistankommisjonen (2014) looked more broadly at the Norwegian engagement and concluded that the first and most important objective since 2001 was the alliance dimension: supporting the US and safeguarding NATO’s continued relevance. This objective was largely achieved. The second objective was helping to fight international terrorism by preventing Afghanistan from once again becoming a safe haven for terrorists. The report found that this objective was only partially achieved. The third objective was helping to build a stable and democratic Afghan state through long-term development cooperation and diplomacy to promote peace. This objective was not reached. Afghanistan has become one of the world’s most aid-dependent countries, and the aid inflow has contributed to widespread corruption.<sup>3</sup>

2 For details see <https://www.norad.no/om-bistand/norsk-bistand-i-tall/?tab=geo>

3 The full report from Afghanistankommisjonen is available at <https://www.regjeringen.no/contentassets/09faceca099c4b-8bac85ca8495e12d2d/no/pdfs/nou201620160008000d-ddpdfs.pdf>

## 2. The politics of the state

### 2.1. Background

Historically, Afghanistan was a state governed by a Pashtun and offering a large degree of autonomy to different groups and regions, provided they remained loyal to the ruler and the state structure through which he governed. Influential, often wealthy, “middlemen,” represented the interests of the different sub-groups to “the ruler” and him to his “subjects.” These middlemen (*maliks*, *arbabs*) expected to benefit from the “state’s” generosity to remain loyal, and be called upon and consulted when important decision in regard the state should be made, as through a *Loya Jirga*. It was a state structure influenced by the Pashtun tribal code that built a bureaucracy from an educated elite that was set to govern the state, the army/police and the judiciary.

The emergence of religious and ideological political factions among youth during the early 1970s, predominantly at universities, helped initiate a breach with this tradition and challenged the royal succession. Many of the students and professors who took an interest in political Islam or Soviet or Chinese communism formed organizations and parties that first opposed the Afghan state, and later either formed or opposed the communist-based Afghan government following the Soviet invasion.

The communist coup in 1978 brought changes to the state administration as loyalty was shifted from the King/President and his network to a party (the People’s Democratic Party of Afghanistan [PDPA]) and its leadership structure. Family and tribal connections were no longer sufficient on their own to secure a position in the state bureaucracy, and a rather extensive and bureau-

cratic administration was established, overseen by a very active intelligence agency (KHAD).

The militant opposition to this more centrally structured state that emerged during the late 1970s and early 1980s included a) political/ Islamic *mujahedeen* parties that were established in and approved by Pakistan and Iran; and b) local “middlemen” and traditional religious leaders – often termed commanders – who organized armed groups that exercised authority in areas under their control. These armed groups negotiated their loyalty to the *mujahedeen* parties to gain access to weapons and financial support from their international backers, such as USA, France, UK, Saudi Arabia. Much of this support was channeled through the Pakistan’s agency of Inter-Services Intelligence (ISI), which gave ISI a large degree of leverage in shaping military strategies and priorities.

In 1988, the Soviet Union’s withdrawal from Afghanistan began, followed by the Geneva Accords, but the PDPA government and state structure remained in control of major cities and parts of the countryside until 1992. The government collapsed when the Uzbek general, Ahmed Rashid Dostum, shifted his loyalty (and men) from President Najibullah to the resistance parties. Internationally recognized as the Islamic State of Afghanistan, the parties failed to form a unified government in Kabul under the Tadjik President Burhanuddin Rabbani, and the country was thrown into a devastating civil war. Commanders from the different parties, however, maintained and expanded their control over geographical areas, including border crossings (which gave them control over taxation as well) and key government installations. Although

Kabul ministries were headed by officials from the various parties, bureaucrats from the PDPA government remained, ensuring a degree of continuity that persisted under the Taliban.

The emergence of the Taliban in 1994, and their gradual capture of the South-East and Kabul in 1996, brought about a more unitary state without changing the basic governance/administrative structures, although the Ministry of Religious Affairs gained more prominence. The real change was a shift of political and religious authority to Kandahar, where Mullah Omar and his primarily Pashtun-based “Kandahar *shura*” was based. The formal administration remained in Kabul, but not the power. A system of recruiting Provincial Governors from outside the province they were to rule was reintroduced, and referred to as a reestablishment of the “Kings administration system.” The Tadjik/Uzbek opposition maintained its bases and own governance structure in the North-West of Afghanistan, and the UN-recognized Rabbani government remained and received international and regional support. Only three countries recognized the Taliban’s Emirate.

History, political affiliation, ethnic and religious representation and international affiliation were all factors influencing the discussions about the new Afghan state when those who defeated the Taliban met in Bonn in late 2001. A delicate ethnic and political/religious balance of that agreement is still maintained in the National Unity Government.<sup>4</sup> The basic governance structure was maintained with ministries (and their presence in the provinces and at the districts) and provincial representations was maintained, though a set of new commissions were added (for example, the commission on Local Governance and Human Rights), and a quota system established to ensure female representation in the Parliament and the Provincial and Community Councils.

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<sup>4</sup> This negotiated “balance” is one reason for postponing a population census; it will probably challenge the agreed numeric representation among the ethnic groups.

## 2.2. The 2001 transition and the new elites

Although the Afghan state has been a recipient of foreign aid since the 1950s (Byrd, 2012), the massive foreign support after 2001 has created a rentier state unparalleled in the history of Afghanistan. Hakimi and Suhrke (2011) argue that bargaining over the spoils of victory has been a central feature of the post-2001 state-building process.

The Provisional Agreement on Afghanistan – often referred to as the Bonn Agreement – introduced 24 cabinet positions and is indicative of the importance of formal political power in what was planned for as a post-war order. Ministerial positions ensured access to domestic and international resources and legitimized the accumulation of power and wealth through coercive and non-coercive means. Although seemingly created in the name of the Afghan state, these positions have been “dominated by a variety of personality-driven, strongman-dominated commercial and military networks” held together by the Karzai administration (ibid, p. 2-3).

The political arena, which came to include the Parliament starting in 2005, has emerged as important for elite contestations since 2001. Although armed politics has been prevalent, ex-military commanders have become “skillful politicians and entrepreneurs” (ibid, p. 1). The sudden and massive influx of foreign aid made formal political power an instrument for gaining more power and more wealth, by tapping into the soft spots of the rentier state. There were several entrées to these aid flows, with political position, military power and technocratic expertise being significant (ibid., p. 3).

The technocrats, described by some as the “liberal elite,” included a number of administrators and project managers coming out of NGO circles and an educated diaspora committed to contributing to building a new Afghan state. These technocrats filled an important role, having knowledge of international actors and the aid system, including contacts at embassies and development agencies, as well as experience from

project management and fluency in English, French and German.

Many of these technocrats were recruited to senior positions, including headships, in the Ministries and the various commissions (such as Elections and Human Rights), and constituted an opposition to the influence of the commander. Many sided with Ashraf Ghani, former World Bank (WB) staffer and Minister of Finance in the first Karzai period, when he registered as a presidential candidate, and members of this “reform elite” have gradually been recruited to key positions as governors and ministers in the President’s administration and the National Directorate of Security.

### 2.3. The post-2001 state <sup>5</sup>

Hamid Karzai was an unknown figure when he emerged on the political scene in late 2001. His father was an influential Kandahari landowner from the Popolzai tribe who was assassinated by the Taliban. Karzai himself only held a lower position in the first *mujahedeen* government. Regarded as a moderate and educated Pashtun, he fit well into a unifying role as the Chairperson of the Interim Administration, and was later appointed Interim President by the 2002 *Emergency Loya Jirga*. He did not meet any strong opposition when he stood for the first presidential election in 2004. A Constitutional Loya Jirga was then organized, providing the legal foundation for the establishment of a Parliament. The voting system preferred by Karzai and the US (and opposed by the EU), called for a Single Not Transferable (SNV) vote and excluded the role of political parties. The first election for parliament took place in 2005 and allowed the election of many former commanders, despite a provision in the constitution that prevented them from standing for election. The positive development, as seen by the international community and Afghan women activists, was a gender quota that secured female representation in the Parliament and Provincial Councils.

5 This section draws on a range of sources, among them Rashid (2009) Chayes (2006); Giustozzi (2009) Suhrke (2011) and a range of reports from Afghan Analyst Network (ANA) and the US Institute on Peace (USIP).

This left Afghanistan with a president with large formal and informal influence, a politically weak Parliament and no functional political parties to further a national policy. The members of Parliament granted themselves amnesty against any human rights abuses they had been committed during the war(s), thereby undermining the effort to document war-crimes and hold offenders accountable.

Behind this shroud of formality, the political struggles continued and the formal and informal structures and networks merged. Ministries and positions within the government were divided on the assumption that Pashtuns constituted the largest group, followed by Tajiks, Hazaras and Uzbeks. Largely symbolic representation was accorded ethnic minorities (e.g., the Nooristanis) and religious minorities (e.g., the Ismaeli). Also included were senior political/military/religious leaders, to ensure internal stability and religious acceptance of the government as well as representation on national bodies such as the High Peace Council. President Karzai kept a cohort of hundreds of paid (and at times lodged) “advisors” to secure their support and that of their networks.

There was initially an acceptance of a degree of “personal ownership” of each ministry/position. This allowed a Minister to reserve ministry positions (or create new ones, if needed) for family, tribal or political affiliates, and thus ensure (at least to some degree) that ministerial contracts were rewarded to their family businesses. Attempts at civil service reforms have only been a partial success, primarily in the ministries that have welcomed reforms.

The attempt (by Ashraf Ghani and Haneef Atmar) to use the National Solidarity Programme (NSP), introduced in 2003, to reshape power at the village level by introducing new/young leaders and women through secret balloting for the Community Development Council (CDC), partially failed as the traditional leaders and structures prevailed in parallel to the CDCs in many villages.

There has been a constant negotiation over leadership in the provinces and the districts,

where individuals with military, financial and political strength (such as Mohammad Atta in Balqh) have remained in Governor positions despite their vocal opposition to the Kabul administration. Major donors have also played a role, the US being the most visible, in selecting governors (e.g., Governor Sherzai for Kandahar and later, for Nangarhar) or (recently) in firing Ministers on corruption charges (e.g., Zia Massod, who headed the Office of Good Governance).

Although that has not yet been a census to determine the number of eligible voters, the election system has become the “bargaining chip” for negotiations over power and positions. The two latest Presidential elections have been fiercely contested, and in the end, the US intervened and negotiated a compromise solution between the main candidates to avoid new/further conflicts.

It was evident by the end of Karzai’s tenure that some of the premises for the establishment of the new Afghan state in 2001, such as getting rid of the (worst) warlords and their networks, had failed utterly, primarily due to international security concerns.

#### **2.4. The 2014 transition<sup>6</sup>**

The 2014 elections marked an unprecedented peaceful transition of political power from one elected president to another. This transfer of power did not happen without conflict, however, and so far has not brought about the changes many hoped for. In the 2014 election, the contest boiled down to a run-off between Ashraf Ghani and Abdullah Abdullah, a former Foreign Minister and, prior to the election, a senior figure in the *Jamiat Islami* party with roots in the jihadi era. The run-off was contested by Abdullah and his supporters, who threatened to violently oppose the result. In the end, after heavy international pressure and arbitration, the final vote numbers were not released and a compromise deal was arrived at. A National Unity Government (NUG) was formed after negotiations led

by the US Secretary of State Kerry in which Ghani became President and a new position of Chief Executive Officer (CEO) was created for Abdullah.

Since 2001, the realization that has dawned upon the two Presidents, the CEO and every Minister is the need to control state distribution of revenue (largely from external donors) in order to secure loyalty and maintain control throughout the country. This has led to extremely high centralization of all decisions and fund management, and to political unwillingness, despite an announced policy, to prioritize and fund sub-national governance (Democracy International, 2016).

Sarah Chayes (2015, p. 213) asserts that rent extracted from the population and through contract manipulation systematically moves up the power hierarchy and then is for the most part sent out of Afghanistan. In return, she suggests that, “the government provides free rein (“permission”) to extract resources, protection from repercussion, and punishment of officials with too much integrity.” However, resources are not only sent abroad. Some political and military actors are well aware that they have to draw on their networks and financial resources in order to maintain their positions of power in the upcoming elections for Parliament and President. Remaining inside the NUG or in a Governor position may then provide them an additional advantage.

This is where we now can place the current mobilization against President Ghani (further details in chapter 4 on security) in response to his efforts to limit the influence of patronage networks within the government and army by instituting reforms and curbing corruption (Naumann, 2017). Some of Ghani’s fiercest critics, who are now demanding his resignation, are among his own Deputy Presidents and Ministers. They are possibly supported by another main opponent, former President Karzai, who has suggested convening an Emergency Loja Jirga to “rescue the country.” Their hope is to mobilize sufficient support through their patronage systems and informal networks, and thereby out-

<sup>6</sup> The report from Afghanistanutvalget (NOU, 2016) provides a detailed account and analysis of this period.

smart reforms aimed at reducing their political influence.<sup>7</sup>

### 2.5. Religion and ideology

For fourteen centuries, Islam has served the spiritual needs of Afghans. Historically, Islam has been a unifying force and source of law for an otherwise disparate population. Throughout the decades of war, religion has been heavily politicized (Borchgrevink and Harpviken, 2010). It was used to mobilize against the *Infidel* invaders, starting with the British, later, the Soviets and now, the USA and NATO. Many Muslims who came to Pakistan and Afghanistan to join the fight against the Soviet atheists and who survived, moved on to other wars where Muslims were attacked, as in Bosnia, or joined Islamist groups in their country of origin. This influx, along with massive Saudi support, led to the increased influence of *Wahabism*, including funding for mosques. The core of the Al-Qaida leadership, including Osama bin Laden, first met in Afghanistan. In the aftermath of 9/11 and the fall of the Taliban regime, Afghan Islam was easily confused with political extremism. For most Afghans, however, Islam is much more than politics. Religion is part of everyday life and Islam is what most Afghans have in common.

The majority of Afghans are *Sunni* Muslims, in the Hanafi tradition, but there is a sizable *Shia* population – primarily Hazaras – and a smaller group of *Ismaelis*. There has been a historic *Sunni* dominance; until the 1930s, Hazaras (and thereby *Shias*) could be held as slaves. Very few *Shias* held senior government or army positions before the late 1970s, but Hazaras took positions in the Soviet- and China-oriented communist parties and received Iranian support for their mujahedeen parties. There has been tension between *Sunnis* and *Shias*, often in relation to the *Shia muharram* celebration or when *Sunni* nomads crossed into areas inhabited by *Shias*.

7 The Afghan Analyst Network (ANA) has a series of reports, see i.e. the one on the Ankara opposition <https://www.afghanistan-analysts.org/the-ankara-coalition-opposition-from-within-the-government/>

Worryingly, sectarian conflict seems to be on the rise, and IS–Khorasan group (IS–K) has claimed responsibility for several suicide attacks that targeted *Shia* mosques, led to high casualties and fear. This plays into an underlying narrative among Hazaras of a continuous oppression, especially by Pashtuns, which easily can lead to mobilization.

Afghanistan has a long tradition of religious schooling. The mobilization of the Taliban through religious schools (particularly in Pakistan) led the Karzai government to reform the government religious schools and introduce a curriculum including both religious and regular subjects (Borchgrevink, 2013). Many religious schools, however, are private and thus not directly under government control. Recent years have seen major investments in mosques/universities in Kabul with resources from Iran first and later, Saudi Arabia.

Women are also increasingly receiving religious education, seen in a marked increase in the number of female madrasa students (Strand et al, 2016). The consequences of women's access to religious education and their ability to gain religious authority remain unexplored.

### 2.6. Conclusion: the politics of the state

In a recent book, Nematullah Bizhan (2017, p 98) concludes that “the government's preoccupation with donors and the politics of patronage made it unable to overcome domestic problems and to foster government accountability.”<sup>8</sup> He argues that because aid largely followed military priorities and bypassed the state – justified by low government capacity and corruption – it “limited the development of state institutions and rein-

8 Patronage, as a political system, implies that there is little or no distinction between relations of a private and of an official character. There is a large debate about patronage systems (Stein, 1996). It should suffice, for our purposes, to point to a structure in which unequal relations, based on friendship, kinship or other types of mutual dependency, are important as a basis for political positions. The Afghan political structure has always been strongly characterized by patronage, but today, networks built in the context of the wars since the late 1970s are very significant resources for those who aspire to political office.

KEY EVENTS 2001–2015

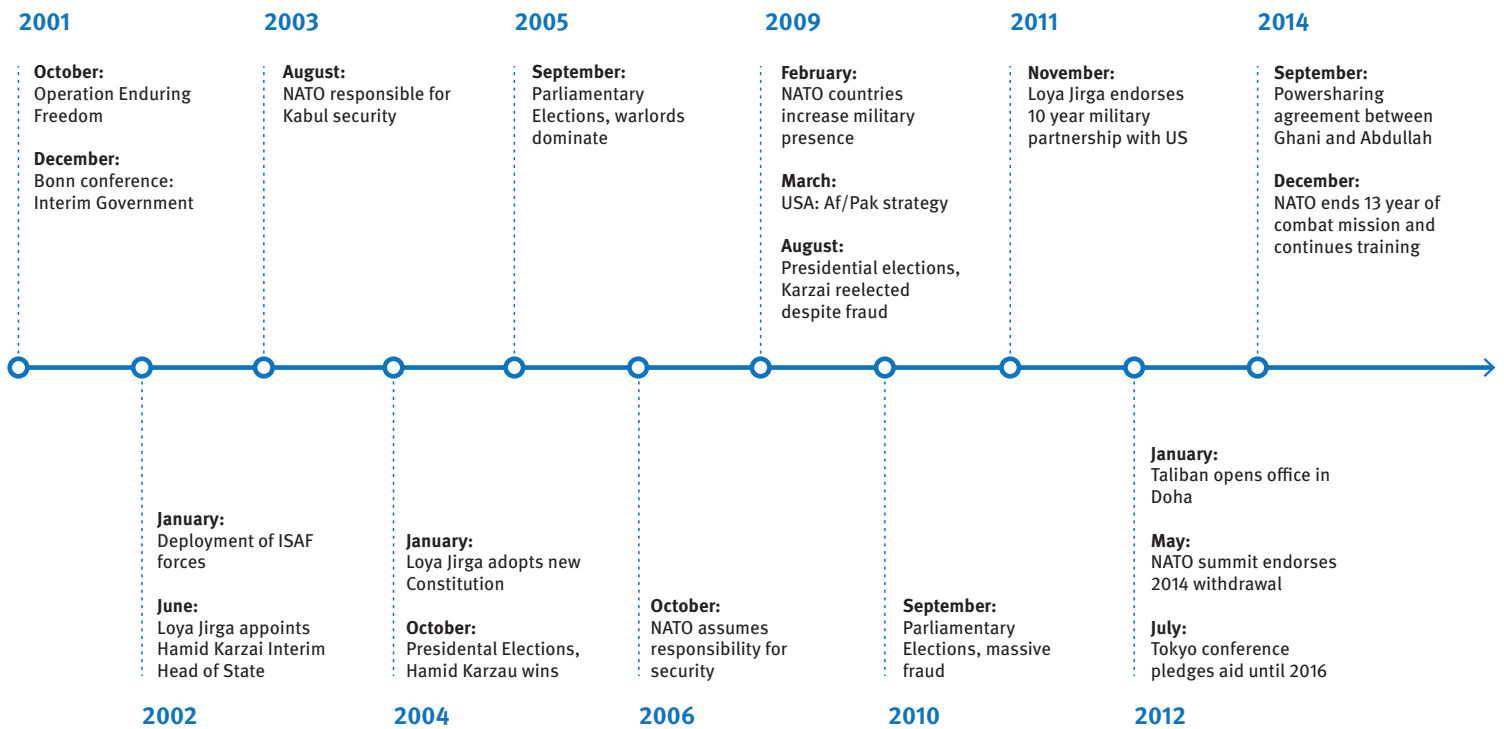


Illustration 2: Key Events 2001–2015. Norad (2016) Country Evaluation Brief

forced the fragmentation of social actors, thus maintaining the gap between the state and society” (p.161).

While this is clearly important in understanding Afghan politics since 2002, one might argue that many of those who were assigned positions in government were more concerned with maintaining their positions and networks than with assuring government accountability. To these actors, a rentier state ensured continuity of international support, and such a guarantee of continued income sustained their positions.

What began as a radical state-building and democratization project was captured by the elites and patronage networks that were entrusted by the international community to govern and

develop the new Islamic Republic of Afghanistan. Moreover, security considerations and the strong influence of the US and NATO overruled governance and democratization processes and development priorities, so as to avoid any presumptive challenges to the war on terror.

These compromises over state-building and the high aid dependency have continued despite President Ghani’s strong opinion about how to fix a failed state. A continued international military and development engagement might secure the present state administration, but it would not necessarily have any influence on the politics playing out within the state or on the willingness of state actors to pursue a negotiated settlement.

## 3. The regional dimension

### 3.1. Introduction

To Afghanistan's neighbors, the prospect that the Afghan situation will fundamentally change – at least in the direction of a functioning state where conflicts are resolved through political means – seems very distant. To them, a further deterioration towards full fragmentation at the center, even a strengthening of sub-state power-holders, seems likely. Given this, it would seem likely that what we shall see is a simple continuation of the hedging strategies dominant in aftermath of 9/11. However, changes outside Afghanistan are profound, and the potential that they may bring about fundamental alterations in the regional dynamics is certainly worth examining. Within Afghanistan's neighborhood, the heightened tensions in the Persian Gulf between Iran and Saudi Arabia, as well as the prospects for a fundamental recomposition of the region itself, are the most important. There is also the continuously increasing asymmetry between India and Pakistan, and the insecurity it generates. At the great power level, we see the gradual weakening of US hegemony, the steady assertiveness of China, and the conflictual challenges posed by Russia – all trends that will impact relations between Afghanistan and the countries in its neighborhood (Giustozzi, 2013).

The dominant perspective in Kabul and in Western capitals after 2001 has been that Afghanistan holds great potential to serve as a connector of countries in its wider neighborhood into a South and Central Asian regional entity. This vision, manifested in a variety of concrete policy initiatives – such as the New Silk Road, spearheaded by the US – has proven hard to bring to reality. A contrasting perspective is one that sees

Afghanistan as situated at the intersection of three regions – South Asia, the Persian Gulf and Central Asia – each with a strong internal dynamic of its own; this position, in turn, informs the way the member states of the respective regions choose to engage in Afghanistan (Harpviken and Tadjbakhsh, 2016). Afghanistan, whose conflicts are exacerbated by the involvement of its neighbors, does not have the significance, the relationships, or the capacity to bring the region together. By implication, a long-term strategic objective would be some form of neutrality (Andisha, 2015) that disconnects Afghanistan from the internal dynamics – which are overly conflictual – in each of the three regions that surround it, rather than seeking to build it up as the ultimate connector.

### 3.2. South Asia and Afghanistan

The dynamic within each of the three surrounding regions is very different. Within South Asia, it is the conflictual relationship between India and Pakistan that overshadows everything, dating back to the violent separation of the late 1940s. In recent years, we have seen short periods of rapprochement, but the long term-trend is negative. India's global assertiveness, in contrast to Pakistan's massive domestic challenges and internal competition for power between military forces and the government, accentuates the historical asymmetry between the two countries. Although both are nuclear powers, Pakistan's adoption of tactical nuclear capacities lowers the bar for engaging weapons of mass destruction in a future confrontation.

As seen from Kabul, no other country has caused more trouble in Afghanistan than Paki-



stan. Since 2001, India and Pakistan have basically fought a proxy war in Afghanistan, supporting various actors, operating intelligence networks, and silently seeking to demolish the capacity of the other to assert its influence there. In this context, Afghanistan is primarily a theater in which tensions in the heart of South Asia are played out. Although Pakistan is undoubtedly the one country in the neighborhood that has been most deeply involved in Afghanistan, its relations with Afghanistan are less about direct bilateral issues (such as the disputed border, Pashtun nationalism, or refugees) than it is about the South Asian security debacle. Affected as it is by India–Pakistan tensions, Afghanistan is therefore unlikely to be central in altering the balance between South Asia’s two contenders. The question is whether Afghanistan would be able to separate its security from the South Asian dynamic. The main concern of both of South Asia’s main rivals is that Afghanistan might be used by one country to build up an armed capacity to threaten the other. India’s main concern is non-state groups; Pakistan’s main concern is India’s state security apparatus. This is also the background for Ghani, as newly elected President, reaching out to Pakistan, directly, as well as indirectly, by encouraging China to put pressure on Pakistan. Ultimately, Pakistan did not pick up on this poorly veiled invitation, and Pakistan’s relations with Afghanistan have deteriorated further. There have been harsh mutual accusations regarding, in particular, support for trans-border militants. But there have also been recriminations for generally failing to push the Afghan Taliban to the negotiation table, and, since 2015, for exerting significant pressure on Afghans, including refugees, residing there. The Afghan leadership, which accepted considerable domestic political costs in its attempt to mend fences with Pakistan, has gone back to strengthening ties with India, even in the sensitive area of military equipment (a development potentially reinforced by the US president’s policy statement in August 2017).

Global powers – China, Russia and the US – influence the dynamic in South Asia, and the ways that India and Pakistan engage with Afghanistan. China is deeply involved with Pakistan, its so-called

“all-weather friend,” and has recently deepened its commitment with the ambitious China–Pakistan Economic Corridor (CPEC). At the time of this writing, in early fall of 2017, there are also heightened tensions between China and India, particularly over a disputed area at the Chinese–Bhutanese border (Lalwani et al. 2017). Simultaneously, US President Donald Trump, in the context of committing more troops to Afghanistan, has announced increased pressure on Pakistan, in particular, the Pakistani Army and intelligence agency ISI if it keeps entertaining Afghan Taliban, while also asking India to take more responsibility. The tone from Washington is tougher, but threatening pressure on Pakistan while deepening cooperation with India is nothing new. Finally, Russia has long kept its distance from the South Asian dynamics. Its main interest seems to be in cultivating relations with China, which could indirectly draw it into South Asia. This seems unlikely, however, given that Russia’s main attention is currently on Ukraine and Syria and, by extension, on challenging US hegemony. In the nine-month period after the 2016 US election, during which the future US commitment to Afghanistan was uncertain, Russia moved in, confessing to contacts with the Taliban, as well as fostering relations with various groups within the government alliance and even hosting peace conferences in Moscow (without the US presence). Also of interest is the Shanghai Cooperation Organization’s (SCO) admission of both India and Pakistan as full members in June 2017, although neither the ambitions behind this development, nor the likelihood that it will contribute to rapprochement in South Asia, are easily pinned down. The main promise for Afghanistan still seems to lie in encouraging Chinese engagement with Pakistan in order to develop political solutions to Afghanistan’s troubles. This, of course, is a recipe that has been tested before, with the so-called Quadrilateral Coordination Group (QCG), the basic foundations for which should remain in place.

### **3.3. The Persian Gulf and Afghanistan**

The Persian Gulf security dynamic, historically a trilateral rivalry between Saudi Arabia, Iran

and Iraq, has become a bilateral one with Iraq's demise. The Iran–Saudi relationship has both an economic dimension – over access to global hydrocarbon markets – and an ideological one – rooted in incompatible religiously based conceptions of the state. By extension, this rivalry manifests itself through support to various proxy militant groups and regimes in the region. Tensions have clearly escalated over the past few years: the two countries took opposing positions on the wars in Iraq, Syria and Yemen; Saudi insecurities were triggered by the Iran nuclear deal (as well as its own economic challenges); and new leadership in Riyadh is taking a more confrontational line, especially since the election of President Trump. The most recent consequence of this has been the campaign, in the context of the Gulf Cooperation Council (a regional security body for all Gulf States except Iran), to pressure Qatar to fundamentally alter its foreign policy. Significantly, for this analysis, the Persian Gulf is a region that is in fundamental flux, with complex and rapidly changing alliance patterns, and with uncertainty as to whether the region and its constituent states will remain the same.

The dynamics of the Gulf have left a clear imprint in Afghanistan. During the 1980s conflict, in which both Saudi and Iran supported groups that fought the Soviets and the so-called communist government in Kabul, the pattern of support was clear: the Iran provided support for *Shia* groups, the Saudis, for *Sunni* groups (mainly of some Islamist orientation). In the 1990s, Iran fostered relations with non-Pashtun groups more broadly, while Saudi increasingly threw its support behind the Taliban (which it also recognized, as did Pakistan and the United Arab Emirates). Since 2001, the rivalry between the two has not been as conspicuous on Afghan soil, other than in the education and cultural domain. Iran, however, has continued to extend its support to select groups within the government alliance while simultaneously building relations with a variety of actors in Western Afghanistan, close to its own border. Support for Ashraf Ghani from Arab countries in the Gulf was considerable during his 2014 presidential campaign. Given the

escalating tensions between Iran and Saudi, ranging from the civil war in Yemen to the attempts at political streamlining within the GCC, it is hard to rule out the possibility that the tensions will also be reflected in the Afghan context.

Within the Gulf, all of the three main global powers are engaged. For the US, which, for well over half a century, was the main external presence there, the game has changed, with lessened dependence on energy resources and a more inward-looking foreign policy. However, the US is unlikely to withdraw from the Gulf dynamics, and the future of the Iran nuclear deal as well as relations with Saudi and its allies, will have a solid impact in the region and on Afghanistan. US policies have become closely intertwined with Russia's, particularly after the latter moved from political to military engagement in the Syrian conflict. This raised the stakes dramatically in Syria, not only with the two global powers operating militarily in the same country, but also with Russia claiming, through its engagement in Syria, reinstatement as a main global power. (It made the same claim later yet more softly, with its move in Afghanistan). China, less conspicuous, relies on energy from the Gulf, and has recently become much more invested in the security of the region, with the high-prestige One Belt and One Road Initiative (OBOR (Small, 2017)). China has become much more assertive in its diplomacy in areas close to home, but there are as yet few indications of a similar change in more distant locations. China will pursue its interests, not least in cultivating the ground for the OBOR initiative, but any use of force seems highly unlikely. For Afghanistan, the most clearly destabilizing global-power intervention would be one that destabilizes Iran, a prospect that is hard to rule out at the time writing.

### **3.4. Central Asia and Afghanistan**

To the North, the Central Asian region is not only the seemingly most stable of those that surround Afghanistan, but it is also the one that is the least interconnected with it. To the immediate north of Afghanistan are Uzbekistan, Kazakhstan and Turkmenistan. The latter

state is using its hydrocarbon wealth to act more independently. The two former nations are two contending hegemonies; they are both small and impoverished and trying to gain favor with their natural resources. As a region, Central Asia is characterized not so much by outright enmity as by a lack of cooperation. The regimes of the region, largely autocratic outgrowths of preceding Soviet republics, are preoccupied with internal stability and regime survival. Their entrenched personalized regimes have shown little ability to reform. Within the region, the only areas where there is strong complementarity are energy and water, with some, albeit limited, implications for Afghanistan. Counter-terror is another area of cooperation, where the Shanghai Cooperation forum (spearheaded by China and Russia) has a leading role. Policies towards Afghanistan, reflective of the domestic orientations in the Central Asian countries, are guided by the worry over radical Islamism, ultimately the most vocal form of opposition, with several groups with a Central Asian orientation (and origin) having had at least one foot in Afghanistan.

The combination of a cooperative logjam at the regional level, and the inward orientation of regimes desperate to secure their own survival, by implication means little ability to engage – or interest in doing so – with the country south of the Amu Darya river. While Afghan Tajiks, Turkmens and Uzbeks find designated nation-states in their name just across the border, a long history of separation has demolished family networks and led to disparate political systems and societal values. Even the progress on the two high-profile projects frequently talked about by leaders eager to claim some successes – the TAPI gas pipeline connecting Turkmenistan to South Asia via Afghanistan, and the CASA1000 that would build infrastructure for exporting electricity from Kirgizstan and Tajikistan to Afghanistan and Pakistan – is unclear (Michel 2017). Seen from Afghanistan, the untapped potential is massive, in economic terms, in energy, in education, and in the security domain. A change may be brought about by either internal or external factors, or a combination of both. Internally,

the long-lasting stability does mask simmering dissatisfaction, and various types of shocks and regime transitions could lead to open political contention. Externally, of course, how global powers relate to the region is significant.

In rough terms, since independence in 1991, Central Asia has moved from heavy dependence on Russia (to which it was connected through Soviet infrastructure and division of labor), through a period of US attempts to build strong connections, to involvement, in the new millennium, with an economically active China that is asserting increasing influence, and, finally, to a developing modus vivendi with Russia. US – and, by extension, Western – influence is now rather moderate, with the main Central Asian interest being extracting economic support or business options, as we saw with NATO's Northern Distribution Network (NDN) from 2009 onwards. The much more assertive foreign policy pursued by Russia, not least with its annexation of Crimea and engagement in Eastern Ukraine, makes a mounting US (or Western) role unlikely. If Central Asian rulers, reliant on Russian goodwill for their survival, have to choose, they would choose Moscow. China, however, is potentially a much more serious contender with Russia, with deep economic engagements throughout Central Asia, and the new One Belt and One Road Initiative presuming both continued stability and a further deepening of ties. The Shanghai Cooperation Organization, which has taken the bold step of including India and Pakistan as full members, has chosen to retain Afghanistan in an observer status, indicating hesitation to spend the organization's political capital on resolving what most members see as an intractable crisis.

### **3.5. Conclusion: the regional political economy**

The complexity of Afghanistan's relationships with its neighbors is such that this short analysis cannot in any way do it justice. The ambition here has been to describe the basic relationships, including the roles of global powers in affecting the dynamics within each of the three regions surrounding Afghanistan, and to identify the

main factors that could bring about fundamental changes of importance to Afghan politics. There are significant actors that are not discussed here (such as Turkey, which is engaged in Syria and Iraq, and thus deeply involved in the conflict dynamics of the Gulf region, and also maintains relations with both the Afghan government and the main political opposition). There are significant clusters of states that are not discussed, such as the India–Iran–Russia alliance (which is built on coinciding interests, has lasted for years, and manifests itself in major investments, such as Chabahar port on the Iranian coast, allowing India to bypass Pakistan). Yet, the main claim made here is that the basic layout – in which Afghanistan is peripheral to the dynamics within each of the three surrounding regions, and the involvement of states in these regions in Afghanistan reflects primarily the dynamic inherent to

their region – stands. The dynamic, however – seen most dramatically in the Gulf, where virtually everything, including the composition and outer borders themselves, are in play – is not necessarily stable. There are many possible scenarios for each of the three surrounding regions, any of which can be affected by the contending roles of global powers as well as by domestic pressures and relationships under challenge. For Afghanistan, this means grave uncertainty, for a change in even just a second- or third-tier priority for any of the countries in the neighborhood will affect the country in the middle. At present, there has been no structural transformation in Afghanistan's place in the neighborhood, only a temporary one, that will last the US/NATO presence in the country lasts). Afghanistan's vulnerability to neighborly involvements has not diminished in the wake of the 2001 US-led intervention.

## 4. The politics of the economy

### 4.1. Introduction

There are some key factors influencing the Afghan economy and its politics. One is the legacy and influence of the past on ongoing conflicts as well as on the actors and networks involved. A second is the extremely high dependence on international financial assistance. A third is the large illicit economy that both competes with and is interwoven with the licit economy, and a fourth are the challenges posed by being a landlocked country largely depending on agreement and relations with neighboring countries for imports and exports. As observed in a SIPRI study: “Afghanistan’s economy has a complex mix of informal, formal, illicit and aid-sustained elements,” where the formal private sector “contributes a mere 10–12 percent to the country’s official gross domestic product” (Ghiasy, Zhou and Hallgren, 2015, p. ix).

Key factors on which further economic development depends are whether a settlement to the Afghan conflict(s) can be negotiated, and whether the country’s elites are willing to set aside their personal short-term war gains to allow national economic development.

### 4.2. Status on economy and development

Following the fall of the Taliban in late 2001, Afghanistan witnessed strong and rapid economic development. According the World Bank (2016), economic growth averaged 9.4 percent annually from 2003 to 2012, primarily driven by aid and security spending. This helped raise GDP per capita from USD 186 in 2002 to USD 688 in 2012. Investments led to an improvement in key human development indicators. School enrol-

ment rose from 1 million in 2001 to a reported 9.2 million in 2015, of which one-third were girls. Life expectancy had increased to 61 years in 2016. Primary health care coverage expanded significantly and led to a decline in infant and maternal mortality rates. Major infrastructure investments led to gains in access to water, sanitation, electricity and road connectivity.

The downscaling of international forces beginning in 2012, followed by a reduction in international assistance and increased political instability, caused economic growth to fall sharply to 1.5–2 percent in 2014 and 2015, respectively. This led, according to the WB, to sizable gaps in access to services between the poor and non-poor, and an increase in poverty rates from 35.8 percent in 2011–12 to 39.1 percent in 2013–14 (World Bank, 2016). In addition to the reduction in external funding, several other factors influenced this economic downturn. One is the high population growth and the creation of a youth bulge, leading to 400,000 new entrants into the labor force annually and a tripling of the estimated unemployment rate to 22.6 percent of the labor force from 2011–12 to 2013–14. Another factor is that 51.3 percent of the population is under age 15, making Afghanistan one of the youngest countries in Asia and one with extremely high dependency ratios. A third factor is that rural areas account for a majority of the Afghan population, and also the highest concentration of poverty. Despite efforts to promote trade and investments, and hopes to utilize vast mineral resources, agriculture remains the main source of real GDP growth, employment and subsistence for the Afghan population. Four out of every five poor Afghans live in rural areas, where female headed households are dis-

proportionately affected by poverty. Vulnerability to weather-related shocks and natural disasters is high, especially for the poorer households. A fourth factor is the high level of corruption, which reduces the value and impact of development assistance, weakens the functioning of and trust in the police and judiciary, and leads to larger differences between the extremely rich and the poor. Transparency International (TI) ranked Afghanistan as the world's 15th most corrupt country in 2016.

As mentioned, Afghanistan is highly dependent upon foreign aid which, according to WB figures, amounted to 45 percent of GDP in 2013. The World Bank notes that security expenditures remain remarkably high (with on-budget and off-budget security spending amounting to approximately 25 percent of GDP in 2014), limiting the fiscal space for much needed civilian operating and development spending.

Afghanistan's demographic trends of high urbanization and high and fluctuating numbers of IDPs – the result of increased warfare and massive forced return from neighboring countries (1 million in 2016) – makes poverty reduction challenging and increases conflicts over access to land and irrigation/water in several areas in the south and west.

The World Bank (2016), and other observers, tend to agree that the foremost constraint facing Afghanistan's development prospects is the ongoing conflict, and its broader implications for the economy and society. The WB (ibid.) reminds us that nearly four decades of protracted conflict have resulted in weakened government institutions and severe social and ethnic cleavages. It argues that the three most relevant sociological fracture lines concern 1) ethnic and tribal identity, 2) rural versus urban divides, and 3) varying beliefs about the changing role of women in political and economic life.

Fragility and the ongoing armed conflicts remain critical threats to personal safety, public service delivery and private investments. According to UNAMA (2017), civilian casualties have steadily increased over the last years. The first quarter of 2017 recorded the highest

level of conflict-related civilian deaths and injuries, with most incidents taking place in Kabul province, followed by Helmand and Kandahar. The Islamic State–Khorasan group (IS-K), has claimed responsibility for several of the attacks, including several that targeted *shia* Muslims in Kabul and Herat. According to the Special Inspector General for Afghanistan Reconstruction (SIGAR, 2017), only 60 percent of Afghan territory is under government control.

SIGAR (2017) also notes that, despite the US having provided USD 8.6 billion for counter-narcotic efforts in Afghanistan since 2002, the area under cultivation continued to rise and increased by 10 percent in 2016. While the government claims that the Taliban is deeply involved in, and is using the income from, drug production and trade to fund their activities, it is evident that a number of warlords, politicians (and their relatives, such as the brother of President Karzai), and officials in the government, army and police forces also earn substantial amounts from the drug trade. The Afghan Analyst Network (Bjelica, 2017) estimates from UN data that the Taliban earns USD 160 million annually from taxing opium production, which is a mere 5.4 percent of the total gross value of the opiate economy.<sup>9</sup> Their second largest income is from extraction of minerals (Lakhani and Corboz, 2017). A sobering reminder is that rural poverty, especially in the war-affected south, would have been much higher without the income that poppy harvesting and growing of hashish provides to farmers and day laborers. The sum of these challenges leads the World Bank (2016) to conclude: "despite earlier accomplishments, Afghanistan remains one of the least developed countries in the world."

#### 4.3. A continued war economy

Before 1979, as today, Afghanistan's private sector was predominantly informal, agrarian and subsistence-based (SIPRI, 2015). The communist- and Soviet-supported government invested

<sup>9</sup> For details, see AAN Q&A: An established industry – Basic facts about Afghanistan's opium-driven economy, available at <https://www.afghanistan-analysts.org/aan-qa-an-established-industry-basic-facts-about-afghanistans-opium-driven-economy/>

in industry and infrastructure development and in education, including for girls. The invasion led to heavy resistance from conservative and religious circles that organized armed resistance with generous international support. To a large extent organized from (and through) Pakistan and Iran, the *mujahedeen* parties gradually liberated areas in some parts of Afghanistan.

A war economy emerged in the early 1980s, with parallel and interwoven external and internal sources of income, including military and civilian aid. Individuals and political parties/groups also benefitted from an increase in the production of illicit crops in the areas they controlled, and from a well-organized cross-border smuggling/transit trade. The Afghan Interim Government established itself in Kabul after the fall of Soviet-backed government in 1992, but internal differences led into a full civil war and a continuation of a fragmented country and a “warlord economy.” Although the Taliban managed to gain control over almost 80 percent of the country from 1994 onwards, it only established a rudimentary administration in Kabul. Affected by international sanctions and a persistent drought, the economy was in flux when the Al-Qaida terrorist attacks took place in the USA. According to SIPRI (2016), this “resulted in a complex backdrop and a very low baseline from which internationally assisted state rebuilding and economic growth efforts began in 2001.”

SIPRI further noted that, under the new government under the leadership of President Karzai:

...the introduction of new organizational structures after 2001 did not constitute a decisive break with preceding economic patterns, processes or players. The Karzai administration allowed the post-intervention conflict and aid economy to create new revenue channels for an existing and emerging oligopoly. Lack of interest and incapacity by political authorities has resulted in weak formal economic institutions, largely unaccommodating economic policies and regulatory failure. In the absence of a free market with functioning state regulation, the oligopoly and local power holders determine access to economic resources in many markets across the country. (2016, p. x)

The case of Kabul Bank offers a telling illustration of how two people in the Afghan banking sector made use of political alliances within the Karzai government to secure access to a continuous cash flow and political backing for their illegal operations.<sup>10</sup> Kabul Bank became the largest Afghan bank through a USD 1.8 billion annual contract to pay the salaries for about 80 percent of government employees. The bank management made use of political connections in the Afghan government to fully utilize the financial opportunities the bank provided them. The brothers of President Karzai and First Vice-President Fahim, both active in the Afghan business sector, were provided cash gifts so that they could buy 7.5 percent shares in the bank and thereby obtain seats on the board. This allowed them to finance their own investments, including the buying up of privatized state property. It was, however, a series of failed property investments in Dubai, worth USD 160 million, that started the downfall in 2008. Houses and flats were then offered to the Afghan political elite on “grant terms.”

This setback did not prevent Kabul Bank’s leadership from trying to secure further influence in Afghan political circles. The Bank contributed (unofficially) to Karzai’s re-election campaign in 2009 and bribed parliamentarians to secure votes in cases of importance to the government. The bank’s total loss ended up at USD 930 million, following an attempt by the Afghan government to save the bank with a USD 820 million bailout grant. The two bank directors were arrested in June 2011, a year after the scandal broke, but were released in September of the same year without having to stand trial. They were taken to court when Ghani became president, but one of the directors disappeared from jail and emerged at a press conference as an investor in a government building-scheme in Kabul.

10 For further details, see Strand (2015) Elite Capture of Kabul Bank, in Tina Søreide, Aled Williams: Corruption, Grabbing and Development: Real World Challenges. Cheltenham and Northampton (MA): Edward Elgar Publishing available at <https://www.cmi.no/publications/file/5092-elite-capture-of-kabul-bank.pdf>

Other forms of elite capture have been identified in the UNDP administrated Law and Order Trust Fund (LOTFA). For example, the Ministry of Interior had a large number of “ghost police” on their payroll, and the Minister of Education alleged that funding had been skimmed off by the former Minister, who grossly inflated the numbers of children in school.<sup>11</sup> The UNDP came under heavy scrutiny and criticism for having failed to identify, report and stop evident forms of fraud and corruption in its programs, a criticism that also affected LOTFA donors. Although efforts are being made to curb corruption, as through the new Anti-corruption Justice Centre (ACJC) and the increased use of the President-led Procurement Committee, SIPRI (2015) offers a rather cautious analysis of the Afghan economy:

Consequently, the country’s economy is largely deadlocked. Its large yet functional informal economy (accounting for 80–90 percent of total economic activity, and which also comprises the illicit economy) and a weak fiscal regime limit the NUG’s ability to collect tax revenue and provide essential public services and goods. This in turn erodes government legitimacy and hampers state building efforts, including the creation of the conditions needed to stimulate economic growth. Indeed, the lack of suitable conditions for the private sector may even be driving anti-government sentiment.

An important part of President Ghani’s economic policy was to position Afghanistan as the “heart of Asia” for the transfer of commodities, electricity and gas within and through the region, situating the country on the new Silk Road. Some projects have been in the planning for a long time, such as a gas pipeline from Turkmenistan to Pakistan and eventually to India, and electricity transfer from Uzbekistan to Pakistan. The lifting of economic sanctions against Iran can open up possibilities for a gas pipeline to Pakistan. Plans have been

made for roads and railways that can carry copper and coal when Chinese and Indian companies start up production in Logar and Hajigak. Work is also underway for a railroad from the Iranian border to Herat in the west and from the Uzbek border to Mazar-e Sharif in the north.

All of these projects are vulnerable to the ongoing conflicts in Afghanistan, to regional competition and to international political developments. Competition between Pakistan and India has led to one seaport being built by China in Pakistan and another, by India in Iran. There are several competing railroad and oil/gas pipelines through Central Asia. Continued warfare is a threat to all these projects and to external investments in Afghanistan.

#### 4.4. Women and the economy

Women, in general, have had limited involvement in and influence on both the legal and illegal economy. While circumstances for women have changed for the better, the labor market remains dominated by men. As the SIPRI report (2015, p. 25) notes, “women constitute 19 percent of the labor force and have only an 11 percent total share of non-agricultural jobs.” The female labor participation rate is 18.5 percent compared to 80 percent for men, and UN Women estimates that only 5 percent of businesses in Afghanistan are female-owned (ibid. p.38). This is in stark contrast to the attitudes expressed through the Asia Foundation’s survey of the Afghan People (2016), where as noted above, as much as 74 percent of those surveyed welcome women’s participation in work outside the home.<sup>12</sup> This indicates a potential for greater women’s participation in the work force than what is seen today. The discrepancy between attitudes and practice may reflect women’s low educational levels, constrained mobility and, particularly as regards the low number of women entrepreneurs, women’s lack of access to capital. These issues are clearly interlinked with social and cultural barriers that hinder women’s

11 The extent of corruption and how it negatively affected access to, and the quality of, education is documented in an October 2017 report from the Independent Joint Anti-Corruption Monitoring and Evaluation Committee titled *Ministry-wide Vulnerability to Corruption Assessment of the Ministry of Education*.

12 There are some variations in attitudes toward women’s employment between urban (82.5%) and rural areas (70.6%); attitudes are least positive in Zabul (23%) and Wardak 50% provinces.



participation in the public sphere more generally. Strengthening women's participation in the work force requires the creation of jobs in environments (in the home or community, or in the industry) where women both feel and are seen to be safe.

#### **4.5. Conclusion: the politics of the economy**

President Ghani gained the presidency by associating with the "old elites," and has since struggled to reduce their influence in, and exploitation of, the Afghan states. The externally imposed NUG formation avoided an open conflict over power, but formalized a system of competing networks within the Afghan government. This has made the unity government vulnerable both to misuse and corruption and to individuals seeking to maximize the "spoils of power" when having access to state funding.

Although the NUG announced plans to decentralize and to strengthen sub-national governance, instead there has been increased centralization of the Afghan state. Presumably, this is the result of President Ghani's (and others') need to use access to economic resources as a political tool to both to strengthen the hand of the central government and to limit political rivals' influence and opportunities for seeking income.

Steps taken by President Ghani and reformers in the government to curb the influence of the former warlords and their networks have led to a broad political, and to some degree, ethnic, opposition to the central government. Thus far, however, no one has willingly left the NUG without being openly dismissed from office on corruption claims.

These internal struggles, which limit the governing ability of the NUG, come at a time of reduced international support and fear of further reductions in funding, including from the United States. Increased regional tension can impede the regional trade and imports that Afghanistan is dependent on, and increase its dependency on their international donors.

Many of those whom President Ghani challenges, both inside and outside the Afghan state, can draw on the informal and illegal economy as well as different alliances to further and protect their interests and limit the possibility of being completely ousted from power. The high dependence on international financial support could be stabilizing, but will not resolve the governance and development challenges imposed by internal, elite politics. This challenges only be fully addressed if a peace settlement is negotiated and accepted by a majority of the elites and the civil society.

## 5. Women's position, rights and gender equality

### 5.1. Introduction

Women's rights have been central to the international agenda in Afghanistan. The oppression of women under the Taliban was one of the main justifications for international military intervention in Afghanistan in 2001, making the "liberation" of Afghan women central to the public rationale. Women have strong symbolic value, both in Afghan cultural and political discourses and among Afghanistan's international supporters. President Karzai has been criticized for using women's rights to promote himself as a progressive leader because doing so was easier than promoting and protecting the freedom of expression or transitional justice, since the violators include not only the Taliban but also the Afghan government itself (Winterbotham, 2016, p. 41). Although there have been a number of achievements, such as the inclusion of women in Parliament, Provincial Councils and government positions, this has yielded mainly symbolic representation rather than a major increase in women's political influence. President Ghani and his wife have taken a more active stand on women's rights and access to education, with strong support from the international community.

### 5.2. Gender norms and practices

Gender is defining social structure in Afghanistan. Described as a "classic patriarchy" (Kandiyoti, 2007), Afghanistan has historically been marked by kinship and family systems organized along patrilineal lines (Kabbeer et al., 2011, p. 8). Patriarchy is still strong in Afghanistan, restricting women's access to resources, decision-making and participation in public life. These social structures are not static, but linked to "features of the

political settlement – the broader political landscape, the nature of state–society relations, security levels and the influence of particular regional and international actors at a given time" (Larson, 2016). Of course, the perception of ideal gender roles and relations varies among Afghan men and women. There are great differences between the largely urban-based, educated elite who advocate liberal-feminist norms of gender equality and the majority of the population for whom traditional gender norms (based on notions of complementarity between the sexes, with men responsible for public affairs and women in charge of the domestic arena) are still dominant. There are, however, signs of change as women are entering the public sphere in greater numbers and in new ways (as news anchors, on the TV-program *Afghan Idol*, etc.). Attitudes towards women's participation in public life are also seen to be changing, witness, for example, more positive attitudes towards women's employment (Asia Foundation, 2016).

### 5.3. Women's position through history

Reforms to improve the position of women are associated with broader modernizing reforms in Afghan history. In the 1920s, King Amanuallah Khan attempted to reform family legislation and introduced female education. Modernization reform caused a rural revolt and was dropped by his successor, King Nadir Shah. The 1964 constitution introduced under King Zahir Shah emphasized men and women's equal rights, introduced universal suffrage and opened political participation to women. Afghan women belonging to the urban, educated elite enjoyed relative freedom and opportunities to participate in public life, obtain education, work and hold political

positions. Taking power in 1978, the communist PDPA separated religion and government, banned burqas and raised the minimum age of marriage to 16. The Soviet occupation of 1979 furthered the emphasis on women's participation in public life, and introduced new social policies which led both to more women in urban areas seeking education and working and to changes in inheritance laws to allow women to claim an equal share of inheritance (Larson, 2016). The situation was the complete opposite in much of the *mujahedeen*-controlled areas and refugee camps in Pakistan, where many of the parties mobilized explicitly against measures to foster equality and promote women's rights. With the establishment of the Islamic State of Afghanistan (in 1992, led by Burhanuddin Rabbani), women continued in work and education in Kabul and other urban areas, and the fairly liberal provisions of the 1964 constitution were largely upheld. The period from 1992 to 1996 was marked by infighting between various Afghan factions and bears witness to some of the worst human rights abuses in Afghan history, including severe violations of women's rights and violence against women. In this period, women's positions continued to deteriorate and restrictions were imposed on women's public participation. These limitations were further elaborated under Taliban rule (1996 to 2001), when strict regulations were imposed on women's lives, including a ban on female education, ostensibly for security reasons, restrictions on work and political participation, enforced veiling and the requirement that a woman be accompanied by a male relative (*mehram*) if she wished to leave the house.

#### 5.4. Women's rights

After 2001, women's rights became a central part of the political agenda and considerable attention, efforts and resources have gone into enhancing women's rights and position. Afghanistan is signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and has, with the assistance of the international community, developed one of the most comprehensive legal frameworks in

the region for securing women's rights.<sup>13</sup> However, there is a huge gap between the law and its implementation. Some argue that the focus on women's rights has been used by the Afghan leadership to gain political capital with foreign donors, and that, in practice, women's rights have been compromised both by the lack of transitional justice and by the inclusion in government of former *mujahedeen* and conservatives who frequently pass or block legislation, to the detriment of women's rights (Strand et al., 2016). This indicates that women's rights cannot be ensured in isolation, and that human rights and issues related to transitional justice are necessary to secure women's rights.

President Ghani has been more supportive of women's rights and influence than his successor, and his wife has taken a visible and vocal role in promoting women's legal rights and women's right to education.

Promoting women's rights and empowerment has been a key objective among the main international donors since 2001. Norway has championed these efforts and is acknowledged by Afghan women's rights activists to be one of the main contributors to them (Strand et al., 2016). To improve women's rights, the international community has supported women's access to justice (through laws and positions in the judiciary; see chapter 6). There has been a strong focus on the advocacy of women's rights, by supporting women's organizations, in particular. Other efforts to enhance women's position have focused on women's access to health and education and on women's participation in politics. Much less effort has gone towards women's economic empowerment.

Since 2001, considerable progress has been made to construct a statutory legal framework that recognizes gender equality with respect to rights, and that criminalizes violence against women. With the Law on Elimination of Violence against Women (EVAW), enacted by presidential decree in 2009, Afghan reformists and international actors who seek to hold Afghan authorities accountable can now invoke national

<sup>13</sup> See Strand et al., 2016, for an overview.

legal standards, and not just international rights. The ERAW law makes rape a crime distinct from adultery, criminalizes under age marriage as well as a series of violations of women's civil rights, such as deprivation of inheritance, polygamous marriage under certain conditions, and various forms of harassment (Timor and Wimpelmann, 2014). The ERAW law also stipulates the government's responsibilities for protecting victims. The law remains unratified by parliament and implementation has been slow despite significant international and local pressure. The ERAW law's criminal provisions were not incorporated into the new Penal Code. This has been received with disappointment by the women's rights community. The consequences of this exclusion for the position and significance of ERAW remains to be seen.

### **5.5. Women, violence and insecurity**

Security is more than open warfare. Violence against women in Afghanistan is endemic and, for many, it is an everyday occurrence. A nationwide survey of 4,700 women, published in 2008, found that 87.2 percent had experienced at least one form of physical, sexual or psychological violence or forced marriage in their lifetimes. The forms of violence include rape, physical violence, forced marriage and so-called "honor killings" (Global Rights, 2008).

The National Action Plan (NAP) for Afghan Women was launched in June 2015 and is structured according to the four "pillars" of the 1325 (participation, protection, prevention, and relief and recovery), but adapted to Afghan needs. The most important adaptations are in relation to protection and prevention. While the 1325 primarily refers to situations of armed conflict, the Afghan NAP focuses on protection and prevention against "everyday violence," whether perpetrated in the domestic or the public arena. Although the current president has spearheaded the work on NAPWA, it is uncertain how much political capital he is willing to spend to actually implement it (Strand et al., 2016).

The attention to women's rights is not new in Afghanistan. Historically, as today, the sta-

tus and position of women in society is highly political. What is sometimes described as an Afghan women's movement has its roots in the early 21<sup>st</sup> century. Revived after 2001, women's rights organizations have grown in numbers and influence. These organizations, although not representing a unitary movement as such, have been crucial in pushing the agenda for women's rights domestically and internationally. As elsewhere, women's rights activism is largely an elite undertaking, advanced by educated women in the urban centers, predominantly Kabul. In contrast, the majority of women in Afghanistan have little knowledge of women's rights and few opportunities to take part in women's rights activism. While earlier reforms have enhanced the position of the urban elites (through increased participation in education, work and politics), they have failed to change the lives of the urban middle and working classes, not to mention the majority of Afghan women living in rural areas (Kabeer et al., 2011, p. 7). Past failures in securing women's rights and enhancing women's position are commonly blamed on the top-down, elite-oriented nature of these attempts (Larson, 2016).

### **5.6. Women's public and political participation**

Overall, women's position, in terms of formal representation, has improved since 2001. As prescribed by the constitution, 27 percent of representatives in parliament are women, and almost the same percentage serves in the provincial assemblies. Although women have been given formal representation through quotas, there are numerous obstacles to women's political mobilization, participation and influence. The Single Non-Transferable Vote electoral system, which has reduced the role of political parties in elections, can be said to have a particularly negative affect on women's political participation, since female candidates – operating in a context where social control of women are prevalent – could likely benefit from a supportive party structure.

Political participation does not equal political influence. It is difficult for women to place issues on the political agenda, and even more difficult

for them to get access to the forums where the actual decision-making takes place. The leadership role of women within the parliament is insignificant, and female MPs receive little support from their male colleagues, who show few signs of interest in their activities. Women are often relegated to dealing with “women's issues,” and are rarely included in discussions and decision-making concerning public finance, counter-narcotics, security or terrorism. Not all Afghan women support increasing female representation in key positions; many female MPs voted against the appointment of a female high court judge nominee, for example.

The NUG has made a point of selecting women for high political positions, although in quantitative terms, the number of appointments represents only a modest change from the past. By April 2016, women had been given four ministerial positions, nine women had been appointed as deputy ministers, four women had been named to be ambassadors, and two women had become provincial governors.

Women also hold few positions in the civil service. Institutions of public administration are nodes of power in the country's political economy, which is dominated by male factions (Strand et al, 2016). A slight majority of civil servants in the Ministry of Women's Affairs are women, but women hold only 5–7 percent of the positions in three other ministries that are key to the substance of women's rights: the Ministry of Interior (police), the Ministry of Rural Rehabilitation and Development (MRRD) and the Ministry of Justice (Strand et. al., 2017, p.13).

Although the number of women in public positions has increased, the work environment discourages recruitment and promotion of women and also exposes women and their families to security risks. Measures to improve the work environment have been identified and some formal changes have been made, but implementation remains inadequate. Social and cultural constraints remain long-term barriers to wom-

en's participation in politics and government, and particularly, in the security forces and the judiciary (Strand et al, 2016).

### **5.7. Conclusion: the politics of gender**

In the sixteen years since 2001, warlords, drug lords and insurgent groups continue to be influential in defining the political, economic and social spheres in Afghanistan. Conservative forces remain strong, both inside and outside the parliament. These actors suppress the voices of groups and subcultures open to gender equality and women's rights, and thus can be seen as the real threats to women's rights in Afghanistan.

In an environment like that of Afghanistan – where competition for power and control over people and resources is fierce, where men dominate public forums and where women's rights and participation are still seen by many as controversial – gender issues are easily compromised. Within such a context, it is not difficult for gender equality and women rights to be defined as “Western” concepts, and therefore as non-Afghan, un-Islamic and unacceptable. Normative ideals – such as human rights and women's rights – need be linked to issues identified as relevant to local men and women, and thus to be raised and advocated for from within these local settings. International actors should not be seen as setting the agenda, but rather, as supporting local initiatives.

Afghanistan is going through enormous changes. The country is being influenced by “modern ideas” introduced by Afghan and international experts, as well as by refugees returning home from neighboring countries. These ideas challenge traditional beliefs, practices and power structures. The current social transformation process, along with increased urbanization, is particularly relevant for the empowerment of women, and presents opportunities for change never seen before in the country. However, the process of social change creates tension, and the transformation being witnessed is still fragile.

## 6. Security and reforms

### 6.1. Introduction

The security situation in Afghanistan deteriorated rapidly and significantly after the withdrawal of the majority of international forces in 2014. This affects the individual security of women, men and children throughout the country, who are at risk not just from the Taliban and other insurgent groups, but also from attacks by Afghan and international military and militias. Women in Afghanistan are disproportionately affected by conflict and everyday violence, both in their homes and in the public sphere.

Since 2005, the Taliban has gradually expanded its influence in the south and, over the last few years, increased its presence and influence in northern Afghanistan. Despite the death of Mullah Omar and a US-sponsored assassination of his successor, Mullah Mansoor, in 2016, the Taliban has remained largely intact. It has adjusted its ideology to new ground realities (Gopal and Strick van Linschoten, 2017) and even diversified its ethnic representation (Ali, 2017). The Islamic State–Khorasan Group (IS-K) established a limited presence in Afghanistan in early 2015, but has since taken responsibility for several suicide operations with high civilian losses, despite assassinations and bombings by both the Taliban and US forces. The Afghan Army has suffered heavy losses and has made increased use of Afghan Local Police (ALP) and Afghan Public Protection Forces (APPF), in addition to instituting reforms and continuously recruiting to the Afghan Army and police forces.

There are reasons for the growing insecurity other than increased activities by the Taliban and the IS-K. In a study across five provinces (Fischstein and Wilder, 2012), the main drivers

of conflict or insecurity were identified as 1) poor governance, corruption, and predatory officials; 2) ethnic, tribal, or factional conflict; 3) poverty and unemployment; 4) behavior of foreign forces (including killing and injuring civilians, conducting night raids, and disrespecting Afghan culture); 5) competition for scarce resources (e.g., water and land); 6) criminality and narcotics (and counter-narcotics); 7) ideology or religious extremism; and, 8) the geopolitical policies of Pakistan and other regional neighbors. As many of these factors are complex, intertwined, and overlapping, it is difficult to isolate the strength and influence of each.

In addition, the contested nature of the presidential election and the consecutive power struggles following the formation of the NUG have negatively affected security and the delivery of humanitarian and development assistance, particularly in insecure areas (UNOCHA, 2017). Public disillusionment with NUG leaders is at an all-time high (Asia Foundation, 2016). Constitutional questions pertaining to the future of the NUG have been simmering in the back burner, resulting in intensified political competition among rival elites, both inside and outside the government.<sup>14</sup>

### 6.2. Looking back

A key objective of the Bonn Agreement was that the international community assist in “...helping the new Afghan authorities in the establishment

<sup>14</sup> For an overview of the growing internal opposition see i.e. this news article of 12.08.2017 [https://www.washingtonpost.com/amhtml/world/asia\\_pacific/afghan-president-under-siege-as-violence-joblessness-persists/2017/08/12/f85d680e-779b-11e7-8c17-533c52b2f014\\_story.html](https://www.washingtonpost.com/amhtml/world/asia_pacific/afghan-president-under-siege-as-violence-joblessness-persists/2017/08/12/f85d680e-779b-11e7-8c17-533c52b2f014_story.html)

and training of new Afghan security and armed forces.” These forces initially consisted primarily of fighters and commanders from the different groups that joined the US forces to defeat the Taliban, but new recruitments gradually broadened the composition of the army and the police. When the international engagement was scaled down from beginning in 2012, local groups and commanders again recruited for the ALP and APPF in order to stem the Taliban’s military expansion.

The US-led “Operation Enduring Freedom” set out to defeat the Taliban and Al-Qaida throughout Afghanistan, followed by the establishment of a United Nation Security Council-mandated International Security Assistance Force (ISAF) to protect the political process in Kabul. The North Atlantic Treaty Organization (NATO) took over command of ISAF in 2003, and then allowed by the US to move beyond Kabul as Al-Qaida was considered defeated (in Afghanistan). This was followed by a gradual deployment of Provincial Reconstruction Teams (PRTs), led by different contributing nations, and an emphasis on stabilizing and rebuilding the country. The PRT in Faryab province, to which Norway contributed and which it later led, was established in 2004. The PRT structure resulted in a more diversified military presence. Some countries, such as Turkey, sought to avoid military confrontation whereas others, notably the US and the UK, aimed to defeat the Taliban. Some used civilian support as part of a strategy to “win hearts and mind,” whereas others did not. Some, especially the US, trained and used local Afghan militias in their operations. Some groups later engaged in (or returned to) looting and extortion when their salaries were cut, and became a destabilizing factor in many areas.

The US recently suggested replacing these militias groups with a 20,000-strong Afghan National Army Territorial Force, placed under the Ministry of Defense, so as to better stem Taliban advances. Afghans and international donors express concerns that local recruitments can be influenced by local power-holders, thereby lim-

iting the possibility to control their use and their behavior.<sup>15</sup>

Following a fragmented and single-nation driven development of the security sector, the 2006 London Conference agreed on a framework for Security Sector Reform (SSR). The responsibility for the different components was distributed between five lead donors. The US led the military reform, Germany headed police reform, the United Kingdom took on counter-narcotics, Italy was tasked to oversee judicial reform, and Japan assumed the lead for disarmament, demobilization and reintegration (DDR) of ex-combatants. NATO led the International Security Assistance Force (ISAF) and took responsibility for training the Afghan National Security Forces (ANSF).

Many reforms did not meet expectations, such as counter-narcotics and the judicial reform, whereas DDR was a partial success in early disarming but less successful on reintegration (Strand, 2008). There was constant disagreement between Germany and the US on whether the police force should be “built to fight a war rather than serve in a community-policing role” (Sedra, 2014, p. 6). The police are described (ibid. p. 5) as the basket case of the SSR program, “...rife with corruption, criminality and factionalism,” with large numbers of ghost police paid through the UNDP-administered Law and Order Trust Fund for Afghanistan (LOTFA). In 2014 the fraud associated with the police was estimated at USD 200 million. This led Sedra (2014, p. 7) to state that “perhaps the defining feature of the Afghan security sector over the past decade is its ineffective, inefficient, politicized and unaccountable governance systems, an obvious dilemma that has nonetheless avoided donor priority lists.”

Despite efforts to reform, the army and police remain rife with problems. The *mujahedin* legacy is one such problem, with the continuation of separate faction and commando lines within the

15 See, e.g., this 19.11.2017 Guardian article, <https://amp.theguardian.com/world/2017/nov/19/afghanistan-militias-us-un-diplomats>

army and the police creating an ongoing power-struggle. The defection rate is extremely high, possibly because of high losses; reports indicate as many as 4,000 a month in 2015. According to SIGAR (2017), 6,785 Afghan soldiers and police officers were killed between January 1 and November 12, 2016, and another 11,777 wounded. As earlier mentioned, ghost police and soldiers have been a major problem. SIGAR has also documented massive corruption in procurement of diesel, uniforms and equipment.

The Afghan security systems have been established at great cost and remain totally dependent on continued external financing and continual re-recruitment to the forces. The target numbers set in 2009 for army and police recruitment were highly ambitious, with a total of 352,000. According to NATO (2016), by 2016 the army had approximately 183,000 registered personnel, including 10,500 special forces, the police, approximately 151,000 personnel and the Air Force, approximately 6,700, making a total of 340,700, which is just below the 2009 target (Neumann, 2017).

Norway contributed substantially to LOTFA, and, in addition, paid special attention to the rule of law, women's rights and development of the prison sector (Bauck et al., 2010). The entire SSR has suffered from a combination of fragmented donor strategies, the imposition of countries' own experts and tying of aid, which, together, undermined OECD/DAC principles of national ownership, coordination and harmonization.

The current Norwegian military contribution is to provide staff for training of Afghan army personnel and special forces for the Kabul-based Crisis Response Unit (CRU), which initially started up in 2007. The last year's increase in terrorist attacks, along with the internal differences within the government of Afghanistan, adds risk to the Kabul-based assignment, but confirm the CRU's relevance.<sup>16</sup>

<sup>16</sup> An overview of Norwegian military contributions up to 2016 (in Norwegian) can be found at <https://www.regjeringen.no/no/tema/forsvar/internasjonale-operasjoner/innsikt-intops/kronologisk-utvikling-av-det-norske-bidr/id632365/>

### 6.3. Women in security forces

Women are poorly represented in security forces (both the Afghan National Police [ANP] and the Afghan National Army [ANA]). Today, women represent just 0.7 percent of ANA personnel (Strand et al., 2016). Existing social and cultural norms prohibiting female-male interactions make women police officers essential, both to ensure interaction with and to protect the female population. In quantitative terms, there has been notable progress. In 2005, the Afghan National Police employed 180 women in a total force of 53,400 (Oxfam, 2013). By 2016, the ANP employed 2,937 women (AWN, 2016). Army personnel increased from 147 women in 2015 to 1,400 women in 2015 in a force of 195,000. Additionally, 400 female recruits were studying at the National Military Academy in 2015 (ibid.). Still, women's participation in security forces is greatly constrained by social, cultural and administrative barriers (Strand et al., 2016). For many, the security sector is not considered a "proper" place for women, and women frequently face discrimination and sexual harassment. Lack of transportation, equipment and access to advanced training represent practical challenges to women's participation (AWN, 2016). The absence of a women-friendly work environment makes it unfeasible and unattractive for women to serve in the security sector. Initiatives to enhance women's participation in the security sector have not sufficiently taken into account women's social and cultural position and the need to facilitate women's participation.

### 6.4. Conclusion: the politics of security

Whereas President Karzai became increasingly hostile to international forces, and to the US, in particular, the Ghani government set out to mend the relationship. Shortly after assuming the presidency in 2014, Ghani signed a Bilateral Security Agreement (BSS) with the USA. Different intelligence agencies were centralized into the National Security Directorate (NSD) under Haneef Atmar, leading to a more unified security policy and narrative.



The security sector has received most of the international attention and financial support, although with mixed and increasingly uncertain results. The downsizing of international forces, combined with increasing fragmentation and resentment in the population towards the Afghan government, has led the Taliban to increase their territorial control and allowed IS-K to establish itself. Civilian losses have gradually increased since 2009, not least as a result of suicide and complex attacks in urban areas. However, this provides only a partial explanation for the increase in insecurity and continued violence against women and children. Another factor is the spread of, and increased activity, by criminal networks (often interwoven with government networks/elites). Examples include the drug trade (from which the Taliban, according to the AAN, earns only about 6 percent of the total income), cross border smuggling and kidnappings for ransom.

We have recently seen the formation of an external/internal ethnic minority opposition within the NUG, called the “High Council of Coalition for Salvation of Afghanistan,” which includes an Uzbek Vice-president, a Tadjik Foreign Minister, a Hazara First Deputy to the Executive Officer and the Tadjik Balqh governor, Atta Noor. Influential Pashtuns in Nangarhar

and Kandahar provinces, as well as disgruntled bureaucrats from former President Karzai’s network, have joined in the protest over the NUG, and a number of new political parties, groups and councils have formed.<sup>17</sup> This poses a new risk and distraction to an already weakened government, and is likely part of the positioning ahead of the scheduled 2018 Parliamentary elections and the 2019 Presidential election.

An increase in the number of NATO and US troops and the introduction of a Territorial Force are not likely to change the negative military development, although they may be able to limit or stop the Taliban from taking over larger geographical areas and, for a period of time, to better protect cities by more closely mentoring Afghan forces and by using the air force. There is in fact a likelihood of both increased civilian losses and heightened opposition to the presence of international forces. The security sector is likely to draw heavily on international support and attention in the coming years, as it makes efforts to address “ghost soldiers” and reform the Ministry of Interior.

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<sup>17</sup> See, e.g., the Afghan Analyst Network’s publication on various groups and alliances <https://www.afghanistan-analysts.org/afghanistan-election-conundrum-1-political-pressure-on-commissioners-puts-2018-vote-in-doubt/>

## 7. Peace processes

### 7.1. Introduction

Over the years, there have been a number of initiatives for a negotiated settlement of the Afghan conflict. The Bonn agreement was a one-sided power-sharing arrangement within the alliance that defeated the Taliban, and many remain skeptical about opening negotiations on more equal terms. A frequently heard argument, within NATO and elsewhere, is that increased militarily efforts can force the Taliban to the negotiation table. This line of thinking is difficult to comprehend given that even when there were 100,000 more international soldiers in the field, the Taliban would not negotiate.

To succeed, an Afghan peace will depend on the involvement and consent of regional and international powers. But a formal agreement will not help resolve the large number of local conflicts the country faces, often over natural resources, family matters and the misuse of authority. Women remain largely excluded from peace negotiations, despite being the most vulnerable to conflicts and violence.

Thus, a peace agreement will not end the Afghan conflict(s) but it can provide a less violent and better starting point for addressing the underlying conflict dimensions.

### 7.2. Peace negotiations

The official contact between the Karzai government and the Taliban was initiated in 2005 (Oxfam, 2014).<sup>18</sup> President Karzai established a reconciliation commission to be headed by Sighbatullah Mojadeddi, and he expressed willingness

to consider amnesty for Gulbuddin Hekmatyar's party and the Taliban, if they renounced the use of violence. The US, the UK and the UN signaled in 2007 that they were in favor of negotiations, and primary talks took place in Saudi Arabia in September 2008. "Western officials" were included in the talks the following year which occurred in the United Arab Emirates (UAE). The Taliban made early contact with a Norwegian diplomat based in Pakistan, who had established extensive networks in both countries and earned himself a high degree of respect in many circles (Mashal, 2016). The Taliban asked Norway to facilitate a negotiation process between the Taliban and the Karzai government. Meetings took place in several countries, but ended in 2010 after Pakistan – or the ISI – arrested the head of the Taliban delegation just ahead of a scheduled meeting. This was presumably to ensure its influence in the negotiations, and over the Taliban, which was seeking greater independence.

The groundwork had been laid, however, and a number of meetings and initiatives emerged during 2010. The Taliban met with the UN Special Representative Kai Eide, bilateral talks were held in the Maldives, and, allegedly, direct contact took place between the Taliban and Germans, and later, between the Taliban and CIA and US officials. In September, the High Peace Council (HPC), headed by Burhanuddin Rabbani, was established to organize talks, and probably to secure sufficient political backing for a political settlement among Afghan individuals and groups. The talks continued in Doha in early 2011, and the Afghan government, in the presence of the US Ambassador, made public that talks had been ongoing for some time.

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<sup>18</sup> The Oxfam (2014) report, *Behind Closed Doors*, annex II, provides a detailed timeline of peace talks from 2005 to 2014.

Several setbacks occurred in 2011 and 2012, despite diverse talks with different facilitators in France and Japan, in addition to Qatar, where the Taliban was about to establish an office. Most serious was the assassination of Rabbani, the HPC head and long-term leader of the party *Jamiate-e Islami* (with a Tadjik majority). Later, talks were suspended by Karzai after the Taliban hoisted the Taliban flag at their Qatar “Emirate office.” Contact with the Taliban was maintained over the next years, officially through the HPC, and women and civil society representatives were, to a larger degree than previously, included in the talk/contact meetings, as in Oslo in 2015.<sup>19</sup>

When Ashraf Ghani was elected President in September 2014, he extended an invitation for peace talks, and efforts were made to improve relations with Pakistan. The establishment in 2016 of the Quadrilateral Coordination Group, which included the US, Afghanistan, Pakistan and China, was seen as an opportunity to ensure Chinese involvement as a major trade investor in Afghanistan and the region, and to take advantage of its leverage with Pakistan.

Little has yet emerged from these meetings. President Ghani has grown increasingly hostile to the Taliban and Pakistan since the capture of Kunduz in 2015 and the increase in attacks that have killed increased numbers of civilians. Russia has recently offered its negotiation services, and Afghan and international media report regular contacts between the NSD and key persons in the Taliban.

More low-key and civil-society based initiatives continue, such as the efforts of the Pugwash Conferences on Science and World Affairs, as well as more official peace conferences organized by the Afghan government. The peace agreement signed with Gulbuddin Hekmtiar’s party, and his subsequent return to Kabul in May 2017 following the lifting of UN Security Council sanctions in February, are regarded by some observers as constituting a test case for an agreement with the Taliban (Al-Jazeera, 2017).

However, such an agreement seems unlikely in the short run, given the worsened political climate and rifts within the NUG. President Ghani and key persons in his administration are alleged to have a “Pashtun bias” and to disfavor other ethnic groups. Such allegations are made by his own (Tadjik) Foreign Minister, whose father was killed by the Taliban, and by the (Uzbek) Vice- President, who engaged his private forces to defeat Taliban in the Northern provinces.

### 7.3. Peacebuilding

Peacebuilding is a rather ambitious term in comparison to a signed (and honored) peace agreement. For one thing, its effects are difficult to measure. Additionally, it can range from conflict prevention, such as ensuring that development and humanitarian projects do not generate conflicts, to direct involvement in conflict mitigation or resolution, to the systematic building of local capacity in order to prevent and address conflict.

A tradition of revenge, the history of a conflict and an untrusted formal justice system all add to conflict and influence the possibility of limiting or ending it. There is a saying that Afghan conflicts are primarily related to “land, water and women.” The first two first types of conflict have increased with the massive return from neighboring countries and powerful individuals (including government officials) using force to occupy land and control water sources. Matters related to women tend to be resolved within the family rather than by the formal courts, thereby often limiting the rights of women. In the Pashtun tradition, conflicts may be resolved by the exchange of women or intermarriage between/ within families.

There have been quite a few NGO and civil-society peacebuilding initiatives, dating back to the early 1990s, often under the broad headings of “local conflict resolution” and “do no harm.” Norwegian Church Aid (NCA) has worked in this area since 1994, providing, for example, systematic support for, and capacity building of, Afghan NGOs (Barakat et al., 1994), and currently being involved with and supporting “Religious Actors for Peace.” Many other inter-

<sup>19</sup> For more on women’s role in peace negotiations and peacebuilding, see Strand et al. (2017).

national and Afghan actors are also active, the US Institute for Peace (USIP) is an influential actor combining research and dialogue activities. The Afghan Analyst Network has contributed to the debate with in-depth analyses of political developments. Several Afghan organizations have specialized in the peacebuilding field, including smaller NGOs and community organisations with limited geographical or thematic scope as well as umbrella organizations such as the Afghan Women's Network (AWN). Some NGOs have emphasized the involvement and training of religious leaders, given the importance Islam places on conflict resolution and peacebuilding. Others, such as the Norwegian Afghanistan Committee (NAC), have provided conflict resolution training to midwives, on the basis of their trusted role and easy access to the local community.

The development of conflict resolution skills is included in overall community development objectives, for example, in the training of the Community Development Committees (CDC) for the NSP and now, the Citizens Charter (CC). These trainings are often organized separately for men and women.

#### **7.4. Women's participation in peace processes**

Women have been given limited opportunities to participate in peace processes and peacebuilding activities by the government of Afghanistan and the international community. Women's formal presence in peace processes is assured through quotas. But critics have argued that women's presence is merely symbolic and that patronage, rather than merit, determines who receive the quota-appointments (Strand et al., 2016, p. 6-7). Broadly speaking, women have not been consulted in drafting "the roadmap to peace." When they have, they are often not in a position to protect the interests of women. In peace talks, women's rights have been juxtaposed with peace, and women's rights have been compromised as a result. Notably, the High Peace Council's negotiations for amnesty for, and reintegration of, the long-standing militant Islamist Gulbuddin Hekmatyar and his commanders in 2016 did

not touch on a feared trade-off between women's rights and peace. Questions of power-sharing and women's rights were left untouched, although controversial questions about amnesty for grave human-rights violators were raised. With limited access to, and lack of influence in, formal peace talks, women activists find alternative, informal means of participation (such as through dialogue; see Strand et al., 2016).

The insurgency is diverse and relatively fragmented, and its impact on the community is shaped by local power struggles and alignments. These local conflict dynamics make local peace processes important, and make provincial peace councils potentially important vehicles for women's voices in the peace process (Strand et al., 2016).

#### **7.5. Conclusion: the politics of peace**

To say that ending the Afghan conflict(s) has proven difficult is an understatement. Afghan elites' willingness and ability to form new coalitions, along with the frequent shifting of political and military alliances, have so far not resulted in lasting compromises that can sustain various peace initiatives. Afghans frequently point their fingers at their neighbors for the continuation of the war(s), revealing little will to abandon their "victimhood" role and acknowledge their own conflicting interests and roles in maintaining the conflict. This practice will not be easily ended. In addition to the ethnic and religious tensions, a long history of disputes and personal grievances need to be overcome. A "war elite" has shuttled between opposition and power since 1979. Many of the key persons from the jihad period – or their sons and daughters – are in the central government, hold positions as governors or are with the Taliban.

A peace agreement is therefore not only about reaching an agreement between a legitimate and internationally recognized government and a militant opposition. Support must be sought among neighboring countries, NATO and international donors for what may not be the "ideal solution," but what will, over time, reduce the violence and isolate groups such as IS-K. In short, Afghan-led

peace negotiations must be encouraged, facilitated and protected. Many are involved in such efforts at this time, but this could be an advantage if these various mediation efforts can be coordinated.

In the meantime (and even after a negotiated peace settlement), different efforts at peacebuilding will remain important. Not only can they save lives and help protect vulnerable segments

of the population, but they can also help prevent incidents that trigger larger conflicts or lead the parties to the conflict to align themselves with more powerful groups. The ethnic and religious conflict lines are especially alarming at the moment, especially as they carry the risk that neighboring countries will decide to support their fellow ethnic or religious groups.

## 8. The judiciary system

### 8.1. Introduction

Lack of justice is commonly noted as a motivation for grievances and a driver of conflict. Providing justice was a hallmark of Taliban rule, which contributed to making the provision of justice a key area of competition between the Afghan state and the Taliban (Coburn, 2013). Justice sector reform has been high on the agenda of international supporters of the reconstruction of Afghanistan after 2001, and it became a central part of the contested process of state building. For many years, the reforms have been slow and the justice sector has been perceived as corrupt and inaccessible by most Afghans (*ibid.*). Since taking office, President Ghani has instigated a number of significant steps to speed up reform, including the replacement of the Attorney General and the development of a new Penal Code.

In Afghanistan, justice practices have drawn on a mix of customary tribal law, primarily derived from the Pashtun community's code of Pash-tunwali, Islamic legal traditions, and statutory law developed since the 1880s as part of various modernization projects (Coburn, 2013). Afghanistan's formal legal corpus is a complex mixture of Islamic jurisprudence and statutory law. The two most important bodies of statutory law – the Penal Code of 1976 and the Civil Code of 1977 – are based on mostly orthodox interpretations of Sharia (*Hanafi fiqh*) (Suhrke and Borchgrevink, 2009).

Besides the formal legal system, Afghanistan has strong “informal systems” of justice, used to set norms, settle disputes and redress injustices. These include the customary institutions, *shuras* and *jirgas*, as well as negotiations, resolutions and settlements made within and between families without the involvement of customary institu-

tions or the state (De Lauri, 2013). In 2007, the Afghan Human Development Report noted that as many as 80 percent of Afghans surveyed relied on customary institutions to settle disputes. A USIP study of the informal justice sector in Afghanistan found that the “formal sector” is perceived as “expensive, corrupt and slow,” and that “informal mechanisms” are preferred by local communities because they are perceived to be “more familiar, more credible and less corrupt” (Coburn, 2013, p. 7).

### 8.2. Justice Sector reform

In 2005, a 12-year plan to provide “Justice for All” was launched by the Ministry of Justice. It was drafted and funded with the assistance of international donors, with United States and Italy taking the lead. Enormous challenges faced the reformers in the justice sector after 2001. The dominant justice sector – customary legal practices – did not recognize the principles of international human rights or the international standards endorsed by Western donors and the UN system, particularly with respect to the rights of women and children. The formal legal system was in near ruin. The material infrastructure was heavily damaged, with courthouses abandoned, documents scattered, officials killed or in exile and the Ministry of Justice in disarray (Suhrke and Borchgrevink, 2009).

Despite massive international support, the reform of the justice sector has largely been deemed a failure. It has produced a number of outputs (such as the training of 600 judges), but has been criticized for being too project-oriented and for not aiming at longer-term substantial change (Suhrke and Borchgrevink, 2009). The slow progress can be ascribed to institutional rivalries and

resource competition among Afghan legal institutions, but more fundamentally, to the diverse and competing normative traditions underlying concepts of justice. There has been little agreement among actors in Afghanistan about which normative traditions should take precedence, and little effort has been put into developing a syncretic normative system. International supporters promoted “modernized conceptions” and “international standards of law,” which found support among modernist reformists within the Afghan Ministry of Justice. The all-male Supreme Court, on the other hand, was a bastion of conservatives and promoted the supremacy of Islamic law (ibid.)

The initial reform can be described as a “legal transplant”: its Western architects focused on the traditions and substance of Western law. The reform has been criticized for failing to sufficiently include Islamic law and customary traditions in the reform (Suhrke and Borchgrevink, 2009). Underpinned by the normative framework of human rights, international support for legal reform has emphasized the training of judges and prosecutors in human rights principles and in modern legal requirements. This is based on the assumption that, once trained, judges will be inclined to practice “modernized conceptions” and “international standards” of law, rather than customary law (De Lauri, 2013).

In practice, however, there are frequent interactions between various legal institutions and authorities (*shuras/jirgas*, state courts, Islamic courts) in everyday justice practice, although they are not officially recognized (ibid.). De Lauri (2013) argues that legal practices in Afghanistan should not be understood as constituting two parallel systems (as sometimes assumed by the concept of legal pluralism), but rather as negotiations of diverse legal traditions and practices. In Afghanistan, legal authority is frequently interlinked with the authority of local power-holders, be they police officers or other local authorities, local religious authorities or non-state actors (such as warlords or drug barons).

For most Afghans, taking a case to court is often a last resort, because it is too costly, both in economic and social terms. De Lauri (2013)

finds that most Afghans do not access either formal or customary justice institutions, but instead take justice into their own hands, settling scores and redressing injustice within families, sometimes violently. Interventions in the legal sphere can be seen as having reproduced a top-down, interventionist approach that only marginally addresses the problem of access to justice (ibid.).

Despite popular conceptions that Islamic law holds supreme legal status, its provisions are in fact often disregarded in favor of customary law intended to maintain community consensus (Coburn, 2013). This achieved consensus is often not between equals but is shaped by the relative authority of the persons resolving the dispute. Increased recognition of the significance of customary traditions in Afghan legal practices has made international actors focus on customary mechanisms and on the relationship between the different legal traditions. However, how to best integrate the different legal traditions remains unresolved.

### 8.3. Women’s access to justice

As noted above (chapter 5), substantial headway has been made towards establishing a formal legal framework that recognizes gender equality with respect to rights, and that criminalizes violence against women. Yet, in practice, women victims and defendants have little recourse to justice and are commonly discriminated against, both by formal courts and by customary institutions. Women’s legal complaints, particularly of gender-based violence, are often not addressed by formal justice sector officials (within the police and the courts). In customary institutions, in which systems are based on social harmony rather than punitive action towards individuals, women’s rights and access to justice are often compromised. Although women have equal rights to land, property and inheritance under the Civil Law of Afghanistan, matters related to inheritance and other family issues (such as child custody) are often settled in informal justice institutions that offer women little say. Existing family and community norms are strong, and the social consequences for contravening them may

deter women from seeking justice (Luccaro, T. and E. Gaston, 2014).

The lack of tolerance for “Western” notions of women’s rights (see chapter 5), and the state’s inability to enforce Afghan law, have made some women’s rights advocates fear a reversion to customary norms and practices. Emphasizing the egalitarian foundations of Islam as well as Islam’s credibility in many Afghan communities, some Afghan women’s and legal aid organizations are looking to an Islamic legal framework when that is more favorable to the protection of women than customary practices in order to promote women’s rights.

There is not one way of interpreting Islam. Among Afghans, and the Afghan clergy, one find diverse interpretations of the compatibility between Islam and women’s rights. Religious leaders, as holders of authority on issues related to law and morality, can potentially play a role in pushing for legal reforms. Supporting dialogue between actors representing different normative traditions may be one way to increase the acceptance, and therefore the sustainability, of women’s rights (Hozaynova, A. 2014).

Religion is, however, frequently used to resist women’s rights. The religious establishment has frequently opposed and mobilized against women’s rights. For instance, in March 2012, the all-male Ulema Council, composed of 150 leading clerics, issued a statement justifying certain types of violence against women, and calling for legal amendments to facilitate gender-segregated work and health facilities, mandate veiling, and require a mehram (custodian) to accompany women in public spaces. The proposal was endorsed by President Karzai (Kuovo, 2012). This example is indicative of the fragility of both constitutional gains and attitudinal change concerning women’s rights and position in Afghanistan over the past decade.

Women make up a nominal part of the Afghan judiciary. In 2010, only about 5 percent of the 2,203 judges were women (48 in the penal courts, and 60 in the civil courts), with Family and Juvenile Courts generally headed by women (AREU, 2013). In 2012, only 35 (6.4 percent) of the 546 prosecutors and 75 (6.1 percent) of the 1,241 lawyers were female (ibid). There has

not been taken affirmative action to include more women in the judiciary (Hangama et al., 2009). The lack of women in the judiciary both prevents women’s access to justice and limits Afghan women’s influence on justice sector reform.

#### **8.4. Conclusion: the politics of justice reform**

Access to justice and rule of law is a stated priority of the NUG, yet implementation has been slow. The justice sector is riddled with corruption. That 80 percent of Afghans have experienced corruption when dealing with justice institutions likely contributes to many Afghans choosing to settle disputes outside of both formal and customary justice institutions. Some living in areas where the government is not present or is seen as corrupt or unreliable turn to the Taliban’s sharia-based courts.

Experience from justice sector reform after 2001 reveals that a simple, legal transplant of Western normative ideals has been neither legitimate nor effective. To be legitimate and effective, legal reform needs to engage seriously with the foundations of justice in Afghan, i.e. Islamic law, as well as with Afghan customary traditions. Reforming Afghan pluralistic justice tradition remains a challenge, but a consideration of the interplay between the various justice institutions is paramount in order to increase access to justice for all Afghan women and men.

There are no shortcuts to women’s rights and access to justice in Afghanistan. Although important and significant steps have been taken with the development of law, tremendous challenges remain. Enhancing women’s access to justice through formal structures should remain a long term goal, and requires continued support.

Engaging with Islamic scholars as well as with informal justice institutions to create greater awareness and acceptance of women’s rights may help improve women’s access to justice in the short term. Women’s access to justice and protection does not relate only to the existence of law or to an awareness of rights, however. It also hinges on broader cultural and social change, which might be stimulated through women’s access to education and economic empowerment.



## 9. Human rights

### 9.1. Introduction

The promotion and protection of human rights has been an underlying premise for most international assistance to Afghanistan. This effort, however, is challenged both by existing cultural norms and power structures as well as by the ongoing conflict in Afghanistan. Although the notion of human rights is unfamiliar to many Afghans, Afghan human rights activists have been active throughout the years of conflict and the number of human rights organizations continues to grow. Human rights education, awareness-raising and advocacy are all central to the efforts of the international community. Human rights – and women’s rights in particular – are often framed by Afghans as “liberal” – and in dichotomy with “traditional” – norms and values. While various conservative and Islamist actors view human rights as a foreign import, and often as conflicting with Islamic and cultural values, which they wish to preserve, liberal reformers view these actors’ ideologies and practices as in need of change. Concerned with values and norms, human rights is a highly contentious issue in Afghanistan, where opinions are strong and positions are polarized.

### 9.2. Human rights: laws and institutions

The promotion and protection of human rights is a constitutional obligation, and the government of Afghanistan has ratified most major human rights treaties and conventions.<sup>20</sup> The Afghan Independent Human Rights Commission (AIHRC), formally established by presidential

decree in 2002, is the main national institution mandated with the promotion and protection of human rights. AIHRC was a result of the post-2001 Bonn process, and was funded primarily by international donors, including Norway. The AIHRC is mandated to investigate and give proof of human rights violations to competent authorities. The commission was established as an independent institution, obligated to work separately from other local institutions and power-holders (e.g. local police, strongmen, mullahs, *shuras*). The commission does not have the authority to make justice institutions (judges or governors) comply with a request, but rather uses its position to draw the attention of the media and elected representatives to specific cases. The AIHRC has been central in pushing for human rights in Afghanistan, and has been positively assessed in external evaluations (Winterbotham, 2016). The space available for AIHRC, however, remains limited and fragile.

There has been limited action to address the culture of impunity in Afghanistan, and alleged perpetrators of some of the worst human rights abuses have retained positions of power (Winterbotham, 2016). Since 2001, no concerted efforts have been made by the Afghan government to implement a process of transitional justice. By supporting the adoption of the National Stability and Reconciliation Law (known as “the Amnesty Law”<sup>21</sup>), which provides amnesty to all parties involved in the conflict, former President Karzai actively undermined the work of the human

20 For an overview, see Winterbotham (2016).

21 The bill was passed by the parliament and approved by the president in 2007; it was made effective through publication in a public gazette in 2009.

rights commission and efforts to advance transitional justice. The major work undertaken by the commission in the area of transitional justice – a report mapping and documenting war crimes and crimes against humanity since the communist era – was first stopped by President Karzai; although President Ghani vowed to release the report as part of his election campaign, he has not yet done so. Commissioners critical of the previous government have been replaced with more conservative, and less critical, commissioners.

The inclusion of warlords in the Bonn process after 2001 has severely hampered attempts at transitional justice in Afghanistan. The international community has been criticized for prioritizing political processes over human rights, as in the process leading to the Amnesty Law (2008), which revealed the continued power of mujahedeen and warlords, both within and outside of democratic institutions.

### 9.3. Human rights violations and crimes of war

Despite some progress over the last 16 years, human rights are violated on a daily basis. Arbitrary arrest and detention, and ill-treatment and torture of civilian Afghans are widespread and systematic (Grossman, 2017). Human rights violations are committed by all conflicting parties, including the Taliban and other anti-government groups, but also by the Afghan government and associated illegal militias, as well as by international military forces (UNAMA, 2017). Although party to the UN Convention against Torture for the past four decades, the Afghan government fielded its first report only in 2016.<sup>22</sup> President Ghani launched the National Action Plan against the Use of Torture in 2015, and a Commission against Torture was first established in April 2017. Despite this, the Afghan police and intelligence services are reported to use torture widely and systematically (*ibid.*). Widespread disregard for the rule of law and little accountability for those who commit human rights abuses contrib-

utes to distrust and opposition to the government among the Afghan population, and contributes to undermining the legitimacy of the government.

Suspicious of war crime have made Afghanistan the subject of preliminary investigation by the International Criminal Court (ICC) since 2006. In November 2017, the prosecutor of the ICC requested authorization for an investigation into alleged crimes either committed in Afghanistan (since 1 May 2003) or related to the conflict in Afghanistan (since 1 July 2002). The investigation could include alleged crimes by members of the Taliban and Afghan security forces during the ongoing Afghan armed conflict. It could also include alleged crimes in Afghanistan by US military and Central Intelligence Agency (CIA) personnel as part of the US detention and interrogation program that followed the US-led invasion in 2001.<sup>23</sup>

### 9.4. Media freedom and freedom of expression

In general, the conditions for Afghan media have greatly improved since 2001, with more media outlets and platforms than ever before (BBC, 2017). Yet freedom of expression and media freedom are constantly under pressure as journalists, human rights activists and women's rights activists are regularly attacked (HRW, 2015). The deadliest year for journalists ever reported was 2016, with 13 journalists killed (AJSC, 2017). Journalists are facing intimidation and attacks from the government and the Taliban and other militant groups. There is evidence of increasing violence against media and journalists by both security forces and government officials. Law enforcement agencies fail to investigate and prosecute those responsible for the attacks. Continued conflict, rising tensions between the government and other political groups, deepening ethnic divisions and the growing influence of religious authorities have all contributed to a narrowing of the space available for the independent

22 Afghanistan signed the UN Convention against Torture in 1985 and it came into force in 1987.

23 See <https://www.icc-cpi.int/Pages/item.aspx?name=171120-otp-stat-afgh>

media to function effectively and report freely without fear of threats (Winterbotham, 2016). The shrinking space for free expression of ideas and opinions could lead to self-censorship among local journalists (HRW, 2015).

#### **9.5. Conclusion: the politics of human rights**

The protection of human rights remains weak in Afghanistan. Although notable progress has been made in terms of human rights legislation and institutions, human rights are regularly violated, both by anti-government and government actors. Afghan civilians are bearing the brunt of increased armed conflict. The regular reports of arbitrary detention, torture and ill-treatment by Afghan security forces, the police and intelligence services – together with impunity for human rights violators – pose serious threats to government legitimacy.

Although international actors claim that human rights are a priority, human rights are frequently undermined by military and political objectives. The Afghan governments (both

under president Karzai and president Ghani) as well as their international supporters can be seen as simply paying lip service to human rights while they continued to include and accept well-documented human rights violators in successive governments.

This has contributed to impunity for human rights abusers, and to generally weak access to a corrupt justice system, both of which are impediments to the realization of human rights. This is particularly the case for women, whose access to justice is generally more constrained due to existing social and cultural norms; thus, the protection of women's human right poses a particular challenge.

This combination of a general distrust towards what is described as an imposed "Western" human rights agenda; the continued stabilization aim of including, rather than confronting, the worst human rights abusers in governing institutions; and the lack of political willingness to seek the disclosure of well-documented human rights abuses have made the promotion and protection of human rights an extremely challenging task.

## 10. Development and humanitarian aid

### 10.1. Introduction

In 2001, Afghanistan faced formidable development challenges. The country was at the bottom of the Human Development Index. In the absence of a functioning state, NGOs became central partners of the Afghan government, taking a lead in early implementation of development programs (with the exception of education). The first few years after 2001 were filled with optimism, and some progress was seen in social service delivery, particularly in the areas of education and health (World Bank, 2016). Infrastructure and electrification are other areas of major achievements. The low starting point made initial achievements easily recognized.

Afghanistan received over USD 57 billion in official development assistance during the period 2001–2015 (NOU, 2016, p. 40). The massive amount of aid has had only a limited impact either on poverty reduction or social indicators, partly because a large portion of the assistance went to the security sector. The Afghanistan Poverty Status Update (Wieser, et al., 2017) set the poverty rate at 39 percent in 2017.

The country is, in addition, facing a dire and worsening humanitarian situation. UNOCHA reports that as many as 9.3 million people are in need of humanitarian assistance (UNOCHA, 2017). One reason is the ongoing conflict that is forcing new groups to flee. Around 1.6 million Afghans are currently internally displaced, and the worsening economic situation along with the increasing level of poverty has heightened the population's vulnerability to economic shocks.

Aid to Afghanistan has been criticized for being too focused on quick impact projects, without addressing the drivers of conflicts and deeper

structural inequalities (Kapstein, 2017). The marriage of aid and stabilization projects as the Taliban regained influence, and the use of aid to win the hearts and minds of the Afghan people have led to both development and military actors placing quantity before quality. Studies have found that the pressure to spend large sums of money very quickly is wasteful and undermines both security and development objectives (Kapstein, 2017).

### 10.2. Status and handling capacity

Nearly four decades of conflict, coupled with climate change and environmental degradation and lack of investment in disaster preparedness, have impacted development outcomes and left Afghanistan vulnerable to natural disasters such as earthquakes, flooding and drought.

Livelihoods in Afghanistan are heavily based on farming and raising livestock. Those engaged in these activities account for about 45 percent of the active population; these activities are a source of income for over 60 percent of all households, and the primary source of income for 28 percent of households (Central Statistics Organizations, 2016). This means that the effects of climate change (drought and flood, in particular) pose serious risks (WFP/UNEP/NEPA, 2016). Moreover, the World Bank (2016) is concerned that Afghanistan's demographic trends make poverty reduction challenging. Afghanistan faces high population growth and a youth bulge. The proportion of the population aged 15 or younger is 51.3 percent, giving Afghanistan extremely high dependency ratios and making it one of the youngest countries in Asia.

The risks posed by natural disasters are often overshadowed by the more immediate and highly

visible effects of conflict and poverty (WFP/ UNEP/NEPA, 2016). However, on average, some 230,000 persons are affected by natural disasters every year (UNOCHA, 2017). Natural disasters destroy shelters, crops, food supplies and other assets, such as water and sanitation infrastructure.

UNOCHA (2017) notes that Afghanistan is witnessing a situation in which people are experiencing recurring, small-scale acute emergencies in the context of a deeper more protracted crisis. The nature and severity of needs are manifested in multiple ways. Many people experience prolonged or repeated displacement, and thus need longer-term assistance, or, in UN parlance, they have “residual acute humanitarian needs.”

### **10.3. Key development programs: NSP and the Citizens Charter**

Increasing access to primary education, providing basic health services, developing infrastructure and supplying electricity have had high priority since 2001, and good results have been obtained. There are, however, questions about the quality and sustainability of the investments that have been made.

One of the few programs with national outreach and generally positive feedback from Afghans and donors alike is the NSP, funded through the World-Bank managed Afghanistan Reconstruction Trust Fund (ARTF). On average, ARTF has disbursed USD 27,000 per community, through the Community Development Councils (CDCs). A major advantage of the NSP was its national outreach, which provided some benefits and a degree of decision-making to a majority of the population, including those in conflict-affected areas. Fishstein and Wilder (2011, p.69) provide an analysis of the expected outcomes:

The experience of the NSP and some other development projects suggests that, in terms of development, quality is more important than quantity, as is the sense that benefits are equitably shared. The research suggests that in terms of potential stabilizing benefits, the process of development, especially in terms of building and sustaining relationships, is as important as the product of development.

From 2016 on, the NSP was replaced by the Citizen Charter Afghanistan Project (CC), which had USD 800 million to disburse. The CC differs from the NSP in that it is a) an inter-ministerial program by which several Ministries collaborate on a single program, and b) implemented in both rural and urban areas. The Ministry of Finance chairs the government’s working group, and the program continues to work through elected CDCs, with implementation by a facilitating partner, usually an NGO. It remains to be seen if this more complex structure will be able to maintain the same degree of service delivery as did the NSP.

Additionally, the CC strives to ensure that IDPs and returnees in the project areas receive assistance, to warrant involvement of and support for women and vulnerable segments of the population, and to be conflict-sensitive and in a position to address local conflicts.

### **10.4. Norwegian development priorities**

As previously stated, Norway has prioritized three sectors: a) good governance, b) education, and c) rural development (Strand and Taxell, 2016). Each of these sectors has high relevance for the challenges Afghanistan and the Afghan population face. All of these areas are supported by a number of donors, and have, in different ways, struggled to meet the expectations of both the donors and the Afghan population. That stated, there have been major achievements in all areas. The questions now are how these gains can be taken further and whether a change of focus should be considered. A part of Norway’s challenge is that a large part of its development support is channeled into multi-donor trust funds managed by the World Bank and the UNDP. Thus, influencing change will require involvement with these organizations and the trust funds Boards, along with close coordination with other donors. Reduced staffing at the embassy in Kabul, and the security constraints that the employees there meet in their daily work are complicating factors.

Still, there is room to exercise influence and stimulate change. The US announcement that

governance is no longer a priority for them may open space for other donors to engage with the Afghan government with respect to setting their priorities and improving their governance. This would help strengthen President Ghani's reform processes, which have included putting new and more qualified personnel in important positions.

Although recent reports from the education sector are depressing, they do provide a more realistic picture of the present state of the sector than we had previously. They can thereby facilitate discussions about future priorities, and about what and where reforms are most required. Addressing the corruption, as identified in the MEC report, can help improve management and secure more funding for teachers and schoolbooks, as well as increase the level and quality of education within the population. Such reforms could make it possible to direct more support to vocational training and other forms of technical education. This, in turn, could be instrumental in addressing the large youth unemployment, by providing them with the skills required to develop small businesses and technical expertise useful in government-supported projects.

Rural development has primarily been supported through the NSP, and now, the Citizens Charter. It has become a more ambitious project than NSP, with more actors involved, and thus requiring close scrutiny by the donor community to ensure that service delivery is maintained throughout the country. Rural development is important, as poverty and unemployment are increasing in the countryside, leading to increased migration, urbanization and opposition to the Afghan government. The majority of Afghans gain their income from agricultural production and trade, areas that have received far too little attention and support, with the exception of the more visible projects such as the production and marketing of saffron and alternatives to drug production. Rural development, including irrigation, is an area where rather limited support can make a major difference for the majority of the population, not least for women, who could, as a result, gain more income from the work they already are undertaking.

### **10.5. Provision of humanitarian assistance**

The Afghan government has limited ability to offer humanitarian assistance, and aid is largely provided by international organizations and NGOs. After 15 years of massive development aid and humanitarian assistance, Afghanistan has a relatively well-developed aid architecture, with an established forum for coordination between the government and humanitarian actors, the most important of which is the Afghanistan National Disaster Management Authority (ANDMA), which operates with diverse objectives and accountability standards (USIP/CIGAR, 2014). The ability of many international and Afghan NGOs to prevent and respond to disasters is often limited to the geographical areas where they have a presence. Lack of capacity, as well as increased insecurity, have made subcontracting of humanitarian delivery, including for the transport of humanitarian supplies, to private companies more common. Donor agencies with limited ability to monitor humanitarian projects are increasingly reliant on third-part monitoring (Sagmeister et al., 2016). This may negatively affect compliance with humanitarian codes of conduct. Some analysts suggest that priority has been given to addressing corruption within the development and security sectors rather than the humanitarian sector because the former receive larger amounts of funding (Harmer et al., 2017).

### **10.6. Unequal distribution and aid as counter insurgency**

Ongoing conflict and increased insecurity have made Afghanistan one of the most dangerous places to work for development and aid workers (HRW, 2016). Increased insecurity has made the Afghan government and development and humanitarian agencies less able and willing to meet the needs of the people most impacted by the crisis. As noted by UNOCHA (2017), "insecurity dictates where agencies operate, resulting in unequal coverage of need." Agencies' adoption of strategies to preserve the safety and security of their staff and assets contributes to a "localization" of operation. This not only impacts the

provision of aid, but it also severely limits understanding of humanitarian needs in the less secure and harder to access areas, where need is comparatively higher. In addition, existing social and cultural norms negatively affect women's access to services and assistance. Insecure environments constrain both the mobility of women in need of assistance as well as the availability of female humanitarian staff, thus making it difficult to reach women (Haver et al., 2016).

The diverse, and sometimes contradictory, aims of international actors' interests and engagements in Afghanistan become particularly visible in the context of aid. The two projects of waging war and developing/building the Afghan state have not only been parallel processes. They also became intertwined, as aid became a central component of US counterinsurgency doctrine, beginning in 2006, and particularly, with the surge in 2009. An assumption that humanitarian and development projects can help "win hearts and minds," and undermine support for radical, insurgent or terrorist groups, led to an increase in aid programs based on strategic security considerations, and a shift of development activities to the military (Fishstein and Wilder, 2012).

Directing aid into the least secure areas led to less effective utilization of resources, higher wastage/corruption and less sustainability than would have occurred had more secure areas been prioritized. Military-led aid, notably in Helmand and Kandahar, was often not coordinated with Afghan authorities, who, it was assumed, would take on the maintenance of the investments (for example, in schools, roads and clinics). Aid provided as part of a military strategy led, moreover, to a priority on quick-impact projects, and thus fewer medium and longer term projects (Kapstein, 2017). These quick projects had only limited and short-term impact on reducing violent conflicts, or poverty.

### 10.7. Migration and internal displacement

Almost four decades of conflict in Afghanistan have contributed to large-scale displacement of people within the country and to neighboring

Iran and Pakistan. Intensified conflict continues to force people to flee within Afghanistan. In 2016, nearly 650,000 people were internally displaced due to conflict (UNOCHA, 2017). This is in addition to the estimated one million people displaced by conflict in previous years.<sup>24</sup> Fifty-six percent of the IDPs are children, placing them at risk of exploitation and abuse. Women are also particularly vulnerable, exposed to multiple forms of gender-based violence, including early and forced marriages, as well as domestic, psychological and sexual abuse (Ibid.).

The year 2016 saw a sudden and massive return of refugees and migrant workers from Pakistan and Iran. At the beginning of 2016, an estimated one million registered, and 1.5 million undocumented, Afghan refugees were believed to be living in Pakistan, and another 1 million in Iran. By the end of 2016, returnees from Pakistan numbered 616,620, and from Iran, 436,236.<sup>25</sup> The high rate of return continued in 2017.

Insecurity and lack of opportunities in Afghanistan, particularly for young people, have also contributed to massive migration of Afghans to Europe. According to the European Union (EU), 360,000 asylum applications were lodged in 2015 and 2016 (EuroStat, 2017), with 3424 youths seeking asylum in Norway in 2015. The European Union's decision to deport Afghan migrants and asylum seekers, based on the "Joint Way Forward" document, signed on 2 October 2016, laid out a plan for return as well as provision of reintegration support for Afghans whose asylum applications were rejected.<sup>26</sup> There are different views within the Afghan government and Parliament about the agreement. Whereas President Ghani supports it, others fear it will place further strain on the Afghan government's capacity to provide basic services as the country already struggles to receive those returning from neighboring countries.

24 This is likely an underestimate due to data collection challenges. See Ahmadi and Lakhani (2017).

25 This only reports returnees up to November 2016 (UNOCHA, 2016).

26 For details, see [https://eeas.europa.eu/sites/eeas/files/eu\\_afghanistan\\_joint\\_way\\_forward\\_on\\_migration\\_issues.pdf](https://eeas.europa.eu/sites/eeas/files/eu_afghanistan_joint_way_forward_on_migration_issues.pdf)

Although the government developed an IDP policy in 2014, it has not yet been implemented. Amnesty International (2016) has critiqued the Ministry of Refugees and Repatriation, which is charged with coordinating the policy's implementation, for being "badly under-resourced" and "beset by corruption allegations for years." It also criticized the international community for not assisting as much as it could where the Afghan government has been unable to. The number of IDPs has increased over the last years, with the International Displacement Monitoring Centre (IDMC) registering 653,000 new IDPs in 2016 and another 159,000 during first part of 2017. These people were, according to Ruttinger (2017), displaced from 29 of Afghanistan's 34 provinces and from 164 of its 399 districts in the first half of 2017. Thirty-two provinces and 104 districts received IDPs.

Many of those who return to Afghanistan, some after living decades abroad, do not have family connections or networks to help them to reintegrate into their place of origin. It is estimated that as many as 70–80 percent of IDPs and returnees are settling in urban centers, which is placing a strain on the existing infrastructure for health, education, water and sanitation. Many lack civil documentation, which hinders access to basic services as well as the right to claim property or heritage. This is of particular worry for women and girls returning from Pakistan and Iran. Pressure on land makes conflict over property one of the most common types of conflict in Afghanistan, and this is exacerbated by mass-return (Ahmadi and Lakhani, 2017). The influx of people is also seen to affect local market dynamics, reducing the daily wage rate for unskilled labor. This contributes to increased tension between local communities and new arrivals (ibid). Different studies have found that many returnees consider re-migration (or in some instances, continued migration) as their only option due to the security threats and limited ability to secure income in Afghanistan.

Security analysts have also voiced concern about the potential security consequences from the mass repatriation, as unemployed youth with

limited prospects could be vulnerable to joining insurgent groups (ibid).

### 10.8. Aid fueling corruption

The massive amount of aid that has poured into Afghanistan since 2001 has significantly contributed to fueling corruption (UNAMA, 2017). Insecurity, corruption and weak or absent state services have been described as the "new normal" for Afghans growing up in post-2001 Afghanistan (Democracy International, 2016, p. 15). The war-aid economy's most destabilizing contribution, however, has been its role in fueling corruption, which has delegitimized both the government and the international community.<sup>27</sup> Aid has created ample opportunities for rent-seeking and corruption through contracts and procurement; it has enriched the powerful and institutionalized corruption of varying scales.

Afghans perceive corruption as a main barrier to receiving humanitarian assistance (Harmer et al, 2017). The risk of corruption is prevalent at a number of stages within the program cycle of humanitarian programming. These include improper influence in decisions about access and area selection for programming; inappropriate interference in the selection of beneficiaries; nepotism and ethnic bias in staff hiring; an inability to reliably hold corrupt staff and organizations accountable; a lack of transparent and effective communication and feedback mechanisms with aid recipients (Harmer et al., 2017). Corrupt practices were found both within local government agencies at the provincial and sub-provincial levels, as well as within the contracting chain with national and international aid organizations (ibid.). Efforts to curb corruption have so far yielded limited results, but there is increased knowledge of the extent and manifestation of corruption practices that can help target and reduce it, depending on political will.

<sup>27</sup> Positive opinions about the government dropped from 75 % in 2014 who said the government is doing a good job to 58 % in 2015. See Asian Foundation (2016).



### **10.9. Conclusion: the politics of aid**

Sixteen years after 2001, Afghanistan is still facing formidable development challenges. Poverty is on the increase and the humanitarian situation is dire. Although there have been major achievements in increasing access to education and health, a lack of priority to agriculture, the sector that employs the majority of the Afghan population, has reduced income potential and made the country more dependent on food imports. A sharp increase in youth population and the return of 6 million Afghans since 2001 have placed further strains on the development potential and increased unemployment.

Labor migration to Pakistan, Iran and the Gulf countries provides an important income source for many Afghans. Reduced work migration and increased return will lead to reduced remittances, which provide a significant part of many (particularly rural) households' incomes and thus, livelihood strategies. Efforts by the UNHCR to establish regulated work-migration with Pakistan and Iran have so far failed.

Internal displacement is unpredictable and conflict makes it difficult to provide assistance to those displaced near their homes. This lead to many – who can afford to, or who have relatives they can stay with – shift to urban areas. Prolonged displacement makes the provision of

health services and education a challenge. The government's new Citizen Charter is meant also to provide assistance to IDPs, although it is unclear exactly how this will happen, whether there will be enough funds available, and whether the local CDCs will prioritize IDPs and the most vulnerable among them.

Considered together, the massive return, the increased numbers of IDPs, rapid and uncontrolled urbanization and the limited capacity to respond to these problems pose practical and political challenges for both the Afghan government and the international donor community. So far, development assistance has not led to a marked reduction in poverty for the majority of the population, and humanitarian assistance has been used primarily as a “band aid.”

The massive amount of aid that has poured into Afghanistan since 2001 has fueled corruption and contributed to the development of a war-aid economy, which has favored the already powerful. Moreover, the ways in which some of the aid has been delivered have contributed to instability by reinforcing uneven and oppressive power relationships, favoring or being perceived to favor one community or individual over others, and providing a valuable resource, which actors fight over.

## 11. Bargaining over the Afghan state

This present analysis draws attention to how the Afghan state is sustained through constant negotiations over power, resources and ideology. We have drawn on the OECD/DAC's definition of a political economy as an examination "concerned with the interaction of political and economic processes in a society: the distribution of power and wealth between different groups and individuals, and the processes that create, sustain and transform these relationships over time." We have also relied on the DFID's definition, which draws particular attention to politics, understood in terms of contestation and bargaining between rival groups with competing claims over power and resources. This understanding emphasizes both the economic processes that generate wealth and the political interventions aimed at regulating the control of strategic resources and the distribution of power.

We have, throughout this analysis, addressed different aspects of the interactions and interdependency among different Afghan groups and individuals, the licit and illicit economy and neighboring states and the international community, all of which are used to maintain and challenge power through a constant bargaining process. Within the framework of a "war on terror," security and stability concerns have come to overrule ideals of good governance, transparency and accountability, even in instances where the challenges came from within the Afghan government rather from an externalized enemy of the state.

The analysis highlights how formal and informal institutions, as well as licit and illicit income sources are hard to separate, and that the political economy of Afghanistan must attempt to consider how formal and informal structures

intersect and shape behavior in competition over power, wealth and ideas. The **formal** Afghan state apparatus remains totally dependent on international economic support to maintain its function, pay salaries and deliver basic services; it depends entirely on international military forces to keep the Taliban and internal disintegration at bay. What can be described as a **semi-informal** state is partly embedded in the formal state for protection, but supplements its exploitation of state resources (and positions) with income from the opium and the smuggling economy, in order to further its interests and secure its position. An "**informal** state" exists in parallel with the formal state. It is represented by the Taliban and other militant groups, draws income from drugs and imposed taxes and from support from different neighboring countries. It draws on support from a population that is disgruntled with the international military presence, unmet government promises and corrupt practices. Increased insecurity, unemployment, outmigration and rising poverty all provide a daily reminder of failed opportunities.

The democratization and state-building process embarked on in 2002 has been maintained as a facade, but was in fact captured by election fraud and in an unsettled division of authority between the Parliament and the President, leaving many doors open for bargaining. A range of laws are approved, and strategies, plans and international obligations are signed, but few are implemented. Old *mujahedeen* elites joined with technocrats (and international consultants), producing documents for international meetings and summits that even their own bureaucrats remained unaware of. Embassies ended up with a shortened institutional memories and limited

capacity due to reductions in, and shorter postings for, key staff, which was itself the result of deteriorating security and a reduction in Afghanistan's political and strategic importance.

President Ghani was elected in 2014 on a promise of change in the administration. Ghani, however, based his (disputed) victory on the votes of his deputy's (and former warlords) ethnic supporters. That, together with the introduction of a CEO position and of "his" ministers and key affiliates, distributed power across a highly fragmented government. Ghani's ambitious policy of generating trade and revenue by placing Afghanistan at the "heart of Asia" has so far failed, as did the initial attempts to mend ties with Pakistan. The Afghan state continues to depend on international support as income from the drug economy is on the increase.

Ghani and his closest circle have not given up on reforms, the reforms, however, have led to greater centralization of power and resources in "trusted hands" rather than to the promised decentralization. This has set Ghani against his own initial supporters, both among the Pashtuns and the other ethnic groups that have depended on access to state resources to maintain influence. The recent US and NATO commitment to a continued and increased military presence, and an emphasis on the need for reforms and the curbing of corruption, have strengthened President Ghani's political bargaining power and position.

However, the core problems remain and are likely to intensify with the upcoming discussions about both the long overdue elections to Parliament and the Presidential election scheduled for the summer of 2018. The underlying political, military and economic problems remain unresolved, and Afghanistan remains dependent on external financial and military resources to maintain state functions and avoid a collapse of the fragile power alliances in the NUG.

While many Afghans point to a stricter US policy towards Pakistan as a key to resolving the conflict militarily, they tend to overlook President Trump's speech encouraging a political

settlement with the Taliban. This approach resonates with similar initiatives from China and Russia, pointing to these countries' shared fear of IS-K and their realization that little gain will be gained in the international political arena from continued military conflict.

A key question that remains is whether the Afghan leaders and elites share this conclusion, or whether they continue to favor the economic gains from continuing the conflict, which is built on a nearly four decades' long history of warfare, shifting alliances and regional and international support. The Afghan leaders could meet resistance from one of the fastest growing youth populations in Asia, although until now, these youth have decided either to leave the country or to join the Taliban rather than to oppose, in any organized way, the government and elites through political means. The increased use of social media, larger numbers of educated youth, and the growing number of girls and women obtaining or aspiring to official positions could all contribute to larger resistance against "the old elite."

Still, it can be argued that a more fundamental renegotiation of the Afghan state will require either an internationally supported peace settlement with the Taliban along with continued efforts at reconciliation, or reform of the government and the parliamentary system and elections that are less corrupt than those that have been held so far. If the present elites and key persons in the government manage to convince the international community that a collapse of the present power-constellation threatens regional and international security, then Afghanistan is set for a slow and steady deterioration into further fragmentation of power and territory.

There is a real danger that the gains made after 2001 may be reversed, and the responsibility for preventing this is equally divided between Afghans and regional and international actors. The question is how to develop a joint strategy that can reduce such a risk while at the same time protect itself against spoilers and get buy-in from the majority of Afghans seeking a peaceful and more prosperous future.

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