

## Conflict Analysis Afghanistan Update May 2005

By Partner NGO CPAU (Cooperation for Peace and Unity)

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## 1. The current situation

The situation in Afghanistan is still characterized by substantial violent conflicts, insurgencies and challenges regarding political and social as well as security matters, and cannot really be described as "post-conflict". It is therefore necessary to consider the aid and other interventions based on these developments taking place in the country.

### 1.1 The political level

#### The central government

Progress was made in stabilizing Afghanistan's government structure and systems. Afghans began exercising their right to participate in the political process by approving a new constitution in January 2004, and elected Hamid Karzai to a five-year term as president in a generally peaceful election in October 2004 - the country's first universal suffrage, direct vote for the presidency. Afghans, including notable numbers of women, participated widely in both processes, but the legitimacy of both processes suffered due to inadequate election assistance from the international community and insufficient security and monitoring. There are similar concerns about the upcoming Parliamentary Elections, scheduled for 18<sup>th</sup> September, 2005.

Karzai has managed to strengthen his power base over the last years and significantly reduced the power of the Northern Alliance faction. The complication though exists in the inconsistency of policies not only in his government but also international forces and supporters. For example

while DDR has resulted in a significant disarmament process, coalition forces and Afghan commanders rearm groups so they support the coalition and pro Afghan forces that fight against Al Qaeda and Taliban.

Beneath the surface there are still ethnic tensions and conflict over power, among different ethnic groups being in a dominant position in their provincial strongholds. Unfortunately, the elite in most of the ethnic groups are to blame for intensifying conflict, because of the power struggle, while different local communities in many cities are living quite peacefully with each other.

On the other hand, there are some positive developments in regards to alienating the powerful warlords such as Dostum and Ismael Khan from their power bases in Mazar and Herat respectively. This is partly due to the central government pushing them to take up positions in Kabul as well as due to the expansion of international forces to various provinces. These policies probably based on international community's interest to support the creation of a powerful central government in Kabul.

By the end of March a group of political parties formed a coalition called the National Understanding Front. The leader of the coalition is Yunus Qanuni, a powerful Northern Alliance commander and political leader, with his deputies Haji Mohammad Mohaqeq, belonging to once notorious Hizbe Wahdat, and Ahmad Shah Ahmadzai, famous for his illegal businesses and properties around the capital Kabul and other parts of the country. The coalition consists of different ethnic groups with few common agendas, one of which is opposing Karzai's government.

Despite all their shortcomings, it is believed that the new coalitions and emerging political parties are somehow a politicization of the armed conflicts and other violent processes. It remains to be seen whether they abide by democratic rules and thus contribute to an emerging political culture in Afghanistan or oppose any positive developments and political process taking place in the country.

After days and weeks of deliberations and delays, the newly elected President appointed his new cabinet and introduced them to the Supreme Court. The majority of the new cabinet members come from educated and western backgrounds. This cabinet however is highly criticized for their lack of experience and background about Afghanistan. The older members of the cabinet are old autocrats, with lack of or no knowledge of new developmental, economical and political trends.

On the other hand, removing the powerful people such as Baba Jan, Kabul Police Chief, created an immense security gap, especially in the Kabul city with its consequences still felt, like kidnapping of UN personnel, CARE staff Clementina and others. This is also taught that pro Baba Jan created havoc after his removal to create an impression that he was the right person for the job.

The fact that the government under President Karzai was compromising with the warlords after having won the elections (e.g. the Chief of Staff position recently offered to Dostum) was considered detrimental to the aim of achieving peace and security in the country by many Afghans and was a reason for great disappointments and concern. Surprisingly, the inclusion of human rights violators into the new cabinet is seen as being due to the pressure of the international community, especially the USA.<sup>1</sup>

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<sup>1</sup> As James Rupert reported for Newsday.com on 23<sup>rd</sup> of April 2005, the UN eliminated the job of its top investigator on human rights in Afghanistan after the official criticized violations by U.S. forces in the country.

### **Parliamentary elections**

The Parliamentary elections are scheduled for the 18<sup>th</sup> of September this year. The speculations are that it is difficult for the election to be held on time. Looking back at the Presidential elections, with far less arrangements and management capacity requirements, the election may face delays. At the moment there is a large funding deficit as well. Even if the elections takes place successfully, there will be immense problems among the new MPs in terms of understanding their roles within this somehow new institution within the Afghan governing structures. There is a big task on the international community, especially donor countries supporting the Parliamentary Elections to continue supporting the process by building the capacity of the MPs on their roles and responsibilities toward the people and democratization of the country.

The role of political parties needs to be strengthened by revising the Electoral system from SNTV to a form of proportional representation, so participation of these parties as a check and balance over the election process is ensured. Besides, those who have the ability to participate in democratic processes are few and mostly limited to urban areas. Rural women especially, lack awareness of their rights and other issues. The majority does not have any understanding and knowledge of how to participate in complex economic and political processes, or how to choose and hold their leaders accountable. Last but not least, the traditional stereotypes prevent women from recognizing women's leadership capabilities; women therefore are rarely appointed or elected to high positions. To counter these problems, there is a series of initiatives by different Afghan NGOs (funded by JEMB, USAID and coordination role by ACSF) through civic education programs to all districts in all the provinces of Afghanistan.

### **The new NGO legislation**

Discussion on the new NGO legislation which is centred on the control of aid flow and proper use of aid is still ongoing. It was ironic that the Government of Afghanistan (GOA) had a very strong stand against the NGOs especially during last month's donors meeting in Kabul. Before that the GOA came up with this strong position through the NGO legislation (Article 8) to exclude all NGOs from GOA contracts.

But later due to obvious pressures, the GOA's position dramatically changed. A group comprising of three ministers, all pro NGOs, started working on this legislation and finally presented it to the Ministry of Justice. It is learned that article 8 of the legislation has been more moderated and it now reads that GOA can't contract NGOs for construction projects only. Though it has not yet been presented to the President's office because all these ministers need to be signatory to this decision. Apparently one of the ministers has yet to sign, whether he didn't agree with the final draft of the legislation or due to other reasons, is not clear yet.

According to the information provided by the Afghan Government's Ministry of Finance from January 2002 to September 2004, only 9.6% of donor assistance went directly to NGOs. The balance either went directly to the UN (45.5%), directly to the Government of Afghanistan (28.5%), or directly to private contractors (16.4%).

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<http://www.newsday.com/news/nationworld/world/ny-woafgh234230053apr23,0,353069.story?coll=ny-nationworld-world-utility>

### **The rule of law**

In Afghanistan still different legal systems - customary law<sup>2</sup> and the state law – operate simultaneously. Official structures such as police forces and judiciary are highly politicized and sometimes corrupt; therefore, they are hardly trusted by ordinary Afghans. Traditional structures such as councils of elders, function in some areas; however, they often reflect a narrow, traditional view of authority, which many young people and returning refugees are reluctant to submit to. Other councils have been essentially creations of aid groups, UN and government, used to channel money to communities. They may have legitimacy and be relatively representative, but their authority is not always accepted. The Judicial Reforms, with Italy in the lead, has met immense challenges such as corruption, lack of human resources and other issues. Judicial Reform is one of the most important pillars of the Security Sector Reform, taken over by lead donors such as US, Japan, UK, Germany and Italy. Judicial systems in Afghanistan are unfortunately amongst the most corrupt sectors in the country. Other sectors naturally are doomed to failure if the Judiciary systems in the country are not responding to development legal frameworks for everything in the country. On the other hand the international community needs to develop monitoring bodies to check the work and progress of Judiciary activities.

### **Local governments**

The National Assembly elections will change the structures, processes and politics of the sub-national government in Afghanistan. The Constitution stipulates that provincial, district and village councils will be formed through free, direct and secret elections. The provincial and district councils will then elect two-thirds of the Meshrano Jirga (the Upper House) of the National Assembly. The implication is that the National Assembly cannot be established without the prior formation of these councils. Yet, aside from their task in electing representatives to the Meshrano Jirga, there remain many questions about the functions, funding and linkages of these councils. There is a significant danger that poorly funded and badly supported elected bodies with an unclear role will be created. These will inevitably struggle to gain legitimacy and exert influence, in competition with other better-funded structures that have clearer links to donors and powerful decision makers.

A major concern is the lack of public debate on these issues. Moreover many, especially in the international community, are working with implicit assumptions about the value and appropriateness of decentralisation, even though there is an unclear constitutional mandate and no widespread political buy-in for even modest devolution of central government functions. It is alarming that there appears to be little recognition that decisions about specific activities or structures, including the role of elected bodies, need to follow from a political consensus on broader strategic issues.

There are three key issues that need to be resolved with regard to local governments: the unclear roles, mandates and budgetary powers of the councils; the unclear linkages of the councils to other bodies; and the overall lack of coordination between newly established provincial and district structures.<sup>3</sup>

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<sup>2</sup> Laws by customs of a tribe or clan

<sup>3</sup> for a more detailed discussion see: "Caught in Confusion: Local Governance Structures in Afghanistan", AREU Briefing Paper, Sarah Lister, March 2005

## **1.2 The security level**

The security situation is still fragile but improving. There were violent protests in the month of May in Jalalabad, Wardak, Ghazni and also some protests in Kabul which showed how volatile the security situation in Afghanistan is. The irony is that the ordinary public is confused about who is responsible for this situation. There are some negative sentiments about the international forces, especially the coalition, about how they conduct war in Afghanistan. It is widely expected that NATO as well present a clear mandate and time-bound presence in the country. Afghans expect a strong security and army forces, as a yard-stick for eventual withdrawal of international forces from Afghanistan.

Tackling conflict and providing security in Afghanistan requires a greater effort to deal with local disputes which are derived typically from land and water claims, ethnic division, family strife (frequently over women). This frequently flares to violence and leads to wider problems, often taking political and ethnic dimensions if not tackled properly. Although these attract less attention than the threat from the resurgent, they are important as they produce an environment of insecurity which destroys all quality of life for ordinary civilians and undermines the legitimacy of the Afghan government. Also traditional mechanisms for conflict resolution do not apply proactively measures, they are merely reactive.

Local commanders often exploit these disputes to consolidate their positions, further weakening the authority of the central government. In such a turmoil situation, manipulation of the prejudices by the warlords in Afghanistan has been consistent strategy that has not only reduced trust, cooperation and positive interaction between different social groups, but has also created a lot of hatred and enmity.

Women and girls continue to suffer the worst effects of Afghanistan's insecurity. Conditions are better than under the Taliban, but women and girls continue to face severe discrimination, and are struggling to take part in the political, social and economic life of their country. Soldiers and police routinely harass women and girls, even in Kabul city. Many women continue to fear leaving their homes without wearing a Chadari. The external solutions, sometimes with the feminist perspectives don't help either, since they create yet another strong backlash from traditionalists and Islamists hence further marginalizing women. What is more necessary from the feminists and others is to facilitate a long and natural process of women liberation coupled with economical, political, social and other liberties and possibly involving the traditionalists and Islamists on board.

### **The security situation and DDR**

Japan supports Disarmament, Demobilization and Re-integration process, but some other international players support very contradicting and reverse processes, namely re-arming different militia fighting the war against Taliban and Al Qaeda. The problems with DDR further lies in a holistic approach of reintegrating the disarmed bands and militia into the society taking guns away and providing vocational training without psycho-social, peace and conflict resolution trainings and providing job opportunities

Several key warlords remain in positions of influence. Political repression, human rights abuses, and criminal activity by warlords - the leaders of militias and remnants of past Afghan military forces, who took power with the assistance of the US after the Taliban's defeat - are still consistently listed as the chief concern of most Afghans. Local military and police forces, even in Kabul, have been involved in arbitrary arrests, kidnapping, extortion, torture, and extrajudicial killings of crime suspects. Outside Kabul, warlords and their troops in many areas have been

implicated in widespread rape of women and children, murder, illegal detention, forced displacement, human trafficking and forced marriages. Warlords and their troops have seized property from families and levied illegal per capita "taxes". In some remote areas, there are no real governmental structures or activity, only abuse and criminal enterprises by factions.

As the experience of the last two years show, it is unlikely that all militias can be fully disarmed and demobilized in the near future. The process has to be accelerated and every attempt made to contain these forces within the realm of law. It is hard to believe that the DDR process itself will be sufficient to incorporate former combatants into normal social life. However, Disarming and finding a job will not necessarily guarantee a change in attitude. Karim Khalili, vice president and head of DDR has announced their intention of starting 'Disbanding of Illegal Armed Groups', hearing the name of the process rings a bell that if there are 'Illegal' Armed Groups, there are 'Legal' Armed Groups as well which doesn't fall under the ANA and ANP and still recognized by the government of Afghanistan.

### **Poppy cultivation and opium trade**

The 2005 Rapid Assessment conducted by UNODC reveals a falling trend in opium poppy cultivation in the majority of the 34 provinces, mainly because farmers refrained from planting. The main reasons reported by villagers for the expected reduction in cultivation were: respect for the Government's ban on opium poppy cultivation and fear of eradication. In some areas, villagers indicated that the low yields of opium poppy in 2004 influenced their decision, as well as the increased wheat prices this year. Afghanistan is, however, still the largest worldwide producer of opium. Drug profits lead to continuing insecurity in rural areas, and stifled reconstruction and development efforts, including efforts to improve rule of law.

The fact that especially the US is planning to step up its eradication activities might cause further conflict and endanger agencies working in this field. The policies of the government of UK on these issues have not been very successful either. So far, drastic policy change from buying the crops to burning the crops created mixed expectations and results on the farmers and others. On the other hand involving the local governors in the provinces, who themselves were involved in drug business created further backlash as these governors have only destroyed their rivals' crops and yielded from their own.

### **1.3 The international level**

It was unclear whether the helplessness of Taliban to launch a major attack during the presidential election process reflects the lack of organizational capacity or it was because those providing support to the Taliban, both in Afghanistan and Pakistan, didn't want to see the potential Pushtoon vote undermined by terrorist activity. Besides, it is difficult to assess the extent to which the combined efforts of the US led coalition forces, the International Security Assistance Forces, Afghan National Police and National Army avoided potential security incidents.

The Afghan intervention was somehow different from other postwar interventions by international community such as the former Yugoslavia, where open conflict was stopped by military intervention and where the international community assumed a formal responsibility for the political process.

The role of the international community, especially the coalition forces, in supporting one group against another created a major security gap. The Northern Alliance, once totally marginalized and weakened by Taliban are now one of the major forces of destabilization, especially in the capital. Speculation is that sacking of Baba Jan (Kabul Chief of Police), a Northern Alliance

commander, famous for switching sides like Dostum, caused a continuous cycle of insecurity and violence in the capital and other parts of the country. The international community's supporting one group against another group leaves the security gap open for the foreign, specially neighboring country's intervention in the country. Supporting the moderates and women groups and alienating the traditionalists and Islamists would further the gap as the later would seek support from other countries, as it happened in the past.

#### **- Challenges as perceived by the Afghan people**

##### Domestic:

- The people loosing trust in the government
- Processes within the state system, leading to government policies and social processes, which are difficult to understand (and highly informal) and thus make it difficult to set up workable processes and implement projects
- A process of democratization which is not home-grown but implemented by Western countries
- Only a small elite participating in the decision-making process with women hardly participating
- A need for leadership to counter many peoples' feeling of being "lost"
- No civil service reform
- Nepotism
- Corruption
- Violation of human rights and no respect for Transitional Justice processes
- No space for discussions about what happened in the past
- Unemployment (Concern regarding the economic development: fake numbers are given by the UN which give a per capita income much too high since it includes income generated by the drug economy. No substantial economic development was taking place in the official economy.)
- A high degree of corruption which prevents people without contacts, with those in power, from getting into responsible positions
- The expectation of quick changes, not allowing the time needed to develop things in a realistic and workable way
- Lack of education
- Lack of awareness in different areas
- No access to health services
- The difficult situation of youth in Afghanistan. Especially a generation who has grown up in other countries as refugees with very minimum education and other opportunities.

##### International:

- Interventions by neighboring countries (mainly Pakistan and Iran)
- The role of international actors (esp. the US forces) The foreign (fighting) forces in Afghanistan and the question as to when they leave
- The perception that decisions regarding the country are taken outside Afghanistan
- Different geo-political agendas in South Asia and the Middle East and different interests of regional and international actors affecting the country
- International forces, specially coalition forces supporting, rearming different groups and makes them fight against other Afghans

## **2. Changes (since the last conflict analysis took place by the end of 2002)**

Presidential election process built credibility and provided legitimacy to the Afghan government, but it is unrealistic to expect Afghanistan build the necessary democratic values and principles in a few months or few years.

Despite the belief that parties and civil society organisations did not emerge naturally in Afghanistan but have been imposed by substantial changes initiated from the outside, the fact is that Afghanistan has its own civil society and social structures. These structures are the decision making bodies such as Shuras and Councils of elderly and others who have been working for the welfare of Afghans for centuries, hence can be called civil society players. But there are some positive developments and interest from international community with different concepts and being introduced to Afghan society and it is expected that they get rooted into the Afghan society.

Despite all mismanagement and other problems, democratic processes have started in Afghanistan. The high turnout, orderly conduct of voters and absence of widely expected violence demonstrated the strong desire of Afghans to participate in their country's political process. President Hamid Karzai won convincingly with 55.4 percent of the vote, well ahead of Younus Qanuni (16.3 percent). Despite the fact that majority of the votes were ethnically mobilized.

On the positive side education is again a priority for girls as well as boys, with 4 million children thronging back to school. There is a considerable improvement in the quantity of the education both for girls and boys. With an improved situation, an estimated 3.6 million refugees have returned – nearly one-fifth of the population – and 700,000 Internally Displaced Persons (IDPs) have come back to their homes. Perhaps most importantly, a path toward democratic self-government has been laid out; a new Constitution was signed in January 2004 and the nation's first presidential elections were held in October 2004.

### **Positive changes according to the Afghan people:**

- A constitution with equal rights for men and women (which still needs to be implemented properly)
- The level of awareness on political issues has risen
- Elections with a high female participation (out of 42% of the women who registered for elections 89% actually voted)
- The idea of democratization/elections has been brought to many people. The question remains whether it has trickled down properly. Workshops, conferences and the media contributed to raising awareness, whereby in rural areas especially the radio played an important role.
- An initial democratization/participation process has started
- Formation of political parties and civil society groups was taking place
- Afghanistan became a member of the international community again and re-established diplomatic links i.e. international UN and International Criminal Court (ICC) and other conventions
- People who do have the financial capacity and some skills are engaging themselves for the benefit of others or at least for the benefit of their own family
- The situation of women has improved
- Access to education for boys and girls has increased, which is not just driven by the government but also by the desire of the people. However the quality of education and



especially of teaching methods needs improvement According to a HRRAC Report<sup>4</sup> excellent progress has been made in the enrolment rate (grade 1 and 2) since 2001, with the rate being the highest in Afghan history. There are, however, high disparities between rural and urban areas and between boys and girls. Drop out rates are high and were high in the past, particularly for girls. Estimates go that 74% of the girls and 56% of the boys drop out of school by the time they reach grade 5.

- A free and independent media does exist, albeit with a low standard, and the freedom of expression/media is made use of

#### **Negative changes according to the Afghan people:**

- The role of the US is viewed with suspicion, assuming harmful and self-interested agendas, whereas others, European countries are viewed more positively. Clearly the US stands out in terms of negative perception by the population.
- Physical development is taking place without tackling the root causes of the problems.
- Poverty still exists and Afghanistan is not self-reliant. There are no factories; the DDR process is not successful.
- Drug production is falling this year, but still no guarantee or policies that it would continue to drop. (All this despite huge funds going into Afghanistan)
- Concern about the role of the international community:
  1. International NGOs have ambitious plans, e.g. on women's rights, but often little understanding of the local context. They try to apply their own norms and values. This proves impossible and happens too fast. A proper assessment is needed before action.
  2. More focus should be placed on capacity building, thereby reducing dependency on the side of the Afghan people. An exit strategy by the international actors was also needed.
- No clear role for PRTs. Lack of capacity at the end of PRTs in implementing developmental project
- Recognition of the rule of warlords by international, specially coalition forces, creation and supporting of small armed groups to fight against Taliban, which in itself is contradicting the DDR process
- A state of confusion, specially in Kabul of not identifying the exact causes of recent months insecurity in the Capital and other parts of the country

### **3. Reasons for change**

Afghan had high expectation of the international intervention in their country; one of the most negative outcomes of the intervention has been a growing power for the warlord, who were totally marginalized and/ or eliminated from the power and military scenes. Majority believe that the insecurity in Afghanistan today is not due to mainly Taliban and Al Qaeda but the groups who has been rearmed and came into political and military scenes after US and coalition invasion of Afghanistan.

On the other hand there is a strong commitment shown by the donor countries on their pledges and support. This however has its backlashes as the lack of capacity in both Afghan and expatriate side affected the aid and reconstruction process. This coupled with the haste by the international community to speeding up their spending caused pouring money without prior planning and management capacity. As a whole there has been negligence in the crucial

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<sup>4</sup> Report Card: Progress on Compulsory Education (Grades 1-9), The Human Rights Research and Advocacy Consortium (HRRAC), March 2004

component of intervention such as peace building and conflict resolution, gender, environment etc.

On the political there was immense pressure on Karzai to bring changes into his cabinet and sideline the warlords or violators of the human rights in Afghanistan. Karzai, under pressure, brought in a new band of cabinet members split into two groups. The first group of technocrats and ex-government employees who have been working or had worked in the system for very long time. The problem with this group is that they are not open to the new concepts and reconstruction processes in Afghanistan. The concepts such as privatization, development, NGO and other trendy concepts are of no importance to them. The second group is young Afghans mostly returning to their country, though well educated, but with less or no experience of the situation in Afghanistan. This group is in a clash between their ideas and the traditional and sometimes very accepted processes and norms in the country. They also do not have much experience in development and reconstruction of the country, though they are equipped with the theories, not practical knowledge.

This whole process of sidelining the commanders and warlords, as mentioned in the case of Baba Jan (ex-chief of Kabul police) has backlashes and the situation sometimes gets out of control for their more moderate replacements.

#### **4. Recommendations:**

##### General:

Donors need to assure sufficient fund for deployment of international observers for the parliamentary election in different levels. It is also helpful to build the capacity of future Afghan legislators. Because it is not only the ordinary Afghans but also potential legislators who mostly do not know what is a Parliament and how it is run.

For the new Administration besides loaming opium trade, mismanaged reconstruction process and security issues, corruption forms 'the core' issue. Despite formation of different administrative and regulatory bodies, still corruption is widespread. Hence the new government needs to develop an inter-agency policy to tackle this issue.

What the people want:

- effective disarmament
- a more assertive central government
- enable and strengthen the rule of law
- increase the national and international security presence
- increased civic education<sup>5</sup>

##### How to support the positive developments?

- Security should not only be understood in terms of the kind of security provided by military means but also in terms of psychological, economic and health security (human security, not just state security, the author)
- The government should promote a culture of accepting political parties and civil society
- The government must allow for participation of individuals and parties and support them actively

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<sup>5</sup> For details see: "Take the Guns Away - Afghan Voices on Security and Elections", HRRAC, Sept. 2004

- Human rights should be promoted as the basis for development
- The need to ensure truth, justice and reparations for past human rights abuses is an essential component of any process to restore lasting peace in the country and build a foundation for future stability.
- The US/UN should put healthy pressure on the government regarding the issues mentioned above

Specific to FES:

- FES can help develop a structure for consultation between the government and civil society / political parties in order to increase understanding, cooperation and collaborative actions.
- FES can play a vital role to facilitate creation of more democratic structure and processes through which Afghan civil society is strengthened and women participation is further enhanced.
- There is a positive scope for FES to work with political parties and future elites in order to facilitate the processes which can ensure politically matured environment in Afghanistan. Such an endeavour can help the political parties to interact positively and adopt constructive and peaceful approaches to deal with national issues.
- Based on this analysis FES scope of work (Future Elites / Youth Leaders, Women and Politics and Political Parties) seems to be relevant to address the current Afghan problems. The continuation and expansion of these programmes would have great potential to contribute to the creation of peaceful and politically active environment in Afghanistan.
- FES can help promote the Civic responsibilities through capacity building and training where this will enhance and increase wider participation of the people in taking civic responsibilities.

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