

December 1, 2007

To Whom It May Concern,

In addition to the statements we presented to your panel in a meeting on October 27, the Afghanistan Reference Group is submitting three written documents for your consideration.

Established in September 2007, the Afghanistan Reference Group is a group of Canadian civil society organizations and individuals interested in peace, justice and development in Afghanistan. Its purpose is to facilitate information sharing among interested agencies, elaborate joint positions on particular issues, conduct research to inform policy dialogue and advocacy opportunities, educate the public and engage the Canadian government in regular dialogue on its aid priorities, foreign policy, and defence strategies for Afghanistan.

Each of our three papers are within the 10-page limit for submissions to your panel. In these submissions, we address a number of considerations fundamental to Canada's current and future humanitarian, reconstruction and stabilization support for Afghanistan. Therefore, they go beyond an analysis of the options outlined in the panel's terms of reference.

Below please find the first out of three papers, focusing on security and peace. It was written by Mr. Gerry Ohlsen (Group of 78) and incorporates contributions from Ms. Peggy Mason (Canadian Peacebuilding Coordinating Committee – CPCC), Mr. David Lord (Canadian Peacebuilding Coordinating Committee), Mr. Ernie Regehr (Project Ploughshares), Mr. John Siebert (Project Ploughshares), Mr. Graeme MacQueen (McMaster University), Ms. Surendrini Wijeyaratne (Canadian Council for International Cooperation).

Sincerely,

Stefan Lehmeier

# **Peace and Security: New Directions in Afghanistan**

## **Introduction**

Military intervention in Afghanistan has led to a progressive deterioration in the security situation in that country and the region without bringing an end to the threat to Western countries and others of terrorist attacks carried out by al-Qaeda or its Islamist allies.

The authors and endorsers of this paper believe that a re-orientation of Canada's engagement in Afghanistan is urgently needed away from an emphasis on securing an increasingly costly and improbable military victory and toward the restoration of security for the Afghan people.

Real and sustained security for Afghans and the region will depend on negotiating and implementing a comprehensive, multi-dimensional peace process that Canada and others must encourage and support politically and materially. Resolving the armed conflict and building a sustainable peace will ensure that Afghanistan is no longer vulnerable to exploitation by extremists bent on carrying out acts of international terrorism.

The wealth of Canadian political and diplomatic experience and the experience of our civil society experts in negotiation, mediation, grassroots peacebuilding, governance and democratic processes is a considerable resource we can offer Afghans to help them craft political solutions that will last.

We can also politically encourage and support Afghans, drawing on people and experience derived from the 63 UN-led peacekeeping operations and the handful of UN-authorized, but not UN-led, peacekeeping, peace support and crisis stabilization operations since the end of the Cold War.

The way forward in this process will be long and arduous and it has already begun in an ad hoc way. A more systematic approach would likely require careful pre-negotiations, followed by complex, multi-level negotiations supported by a broad range of national and international facilitators and peacebuilders. Sooner, rather than later, foreign combat missions will have to be replaced by a robust, UN-mandated peace support operation. Conclusion of a peace agreement will still only be a beginning; it will have to be implemented. Building and rebuilding institutions that Afghans can trust will have to incorporate solutions derived from the peace process for accommodating the interests and concerns of majority and minority Afghans. Giving new processes and attitudes to mediating conflict and managing political social and economic change a chance to take root and flourish will take time -- generations, not years

## **The Situation**

Far more than a localized insurgency in the south, Afghanistan faces an unresolved civil war between the Taliban-Hekmatyar factions and the former Northern Alliance (now the

United Front), with which the government in Kabul is seen to be allied. This divide, even though less deep on the societal level than the political one, has led to widespread targeting of ordinary Afghans because of their ethnic or religious identity.

Most critically, the 2001 invasion to oust the Taliban and destroy El-Qaeda bases has led to a progressively deteriorating security situation that is spreading throughout the country. On June 12, 2007 the International Committee of the Red Cross (ICRC), which has had an uninterrupted presence in Afghanistan since 1987, gave a press briefing entitled "*Afghanistan: three decades of war and no end in sight*". Their statement emphasized that the conflict had "significantly intensified" and had spread over the previous 12 months. It was no longer confined to the south, but was affecting parts of the east, west and north. Civilian losses, particularly due to the use of tactical air support by coalition forces, have continued to mount and have become a major factor in alienating the Afghan public from both the coalition and the Karzai government which it supports. The September 21<sup>st</sup>, 2007 Report of the UN Secretary General to the Security Council states that 2007 is turning out to be the worst year in security terms for Afghanistan since 2011, with an average of 548 insurgent and terrorist-related incidents a month--a 20-percent increase in violence since 2006. According to Paul Rogers of Bradford University, "there is a widespread and bleak consensus among NATO commanders: unless there is a significant change in policy, foreign forces will remain in the country for decades, tied down in bitter counter-guerrilla operations."

The roots of this growing disaster lie in the failure of the international community to appreciate the nature of Afghan society and the internal conflicts and complexities that existed at the time of 9/11 and that have intensified and been further complicated by the presence of external forces clearly allied with one side in the unresolved civil war. There have been no peace real negotiations, much less comprehensive negotiations involving key parties to the conflict. The southern Pashtuns, the largest single tribal group in Afghanistan, have been conflated with the Taliban, who were in turn lumped in with Al Qaeda. Both were left out of the negotiation of the 2001 Bonn Agreement, which created Afghanistan's governing bodies, and the 2006 London Conference that created the Afghanistan Compact. The core governance systems of modern Afghanistan were developed by a narrow group of foreigners, with only limited Afghan presence and influence. The lower house of the National Assembly, which has the power under the new Constitution to ratify treaties and international agreements, was given no role in developing or approving the Compact.

No provision was made in the Bonn Agreement for a coherent framework for peace implementation. The UN was initially confined to a narrow humanitarian coordination role, while key peacebuilding tasks were parceled out to a series of lead nations unequipped to handle them (UK – drug eradication; Germany – police training; Italy – the judiciary; Japan – Disarmament, Demobilization and Reintegration, USA – the new Afghan military.) When election planning ran into serious problems, the UN role was expanded to include it. The Afghan government-led coordination mechanism established under the London Compact (Joint Coordination and Monitoring Board) is too unwieldy to

be effective. Key activities take place completely outside its orbit, such as the Provincial Reconstruction Teams, each one unique to the international military force that created it.

Regionally, Afghanistan has long-standing conflicts with Pakistan over support for factions within Afghanistan, relations with India, the border, ethnic issues and the transit trade. Iran is a vital economic partner for landlocked Afghanistan. The issue of Taliban insurgents receiving safe haven in the tribal areas of Pakistan is inextricably intertwined with fundamental issues of governance in those areas. These are political issues that will not be resolved militarily, yet no serious attempt has been made to bring these parties to the negotiating table.

Just as the international political leadership in Afghanistan is fragmented, so is the military effort. From the beginning there have been two distinct and fundamentally incompatible military efforts: the US-led Coalition, Operation Enduring Freedom (OEF), and the North Atlantic Treaty Organization (NATO)–led International Security Assistance Force (ISAF). The Coalition, whose primary mission is defined as counterterrorism and counterinsurgency, and which enjoys freedom of action under the United States’ assertion of its right of self-defense, came to Afghanistan to ensure first the security of Americans from al-Qaeda and then of the Afghan government from the insurgency. ISAF’s mission is to help the Afghan authorities provide security according to the Bonn Agreement, relevant UN Security Council resolutions, and a bilateral agreement with the Afghan government.

ISAF was meant to be a robust peace operation loosely modeled on those deployed in the former Yugoslavia and Kosovo. It was to have been deployed while a comprehensive political settlement was worked out but, during the critical immediate post-conflict phase, when the Taliban government had been routed, ISAF was only mandated to operate in and around Kabul. This gave the US-led OEF freedom of action in the rest of the country to track down Al Qaeda and Taliban insurgents, operate on the basis of overwhelming force and make deals with local warlords, putting the security needs of ordinary Afghans constantly at risk.

In July, 2006, under relentless pressure from an American government seeking to free up troops for Iraq, ISAF expanded into the south, where the conflict had been growing in strength. The result was that it too was sucked into the counterinsurgency quagmire.

### **Getting out of the Mess: Beginning a Peace Process**

In the 1990s more conflicts were ended by negotiation than in prior decades. Between 2000 and 2005 this trend continued and there were four times as many negotiated settlements (17) as there were military victories (4). In 2006, two conflicts ended, seven were in full peace processes and 27 were positively affected by partial processes. Nevertheless, concerted efforts to support a peace process in Afghanistan have been elusive. This is as true now as it was in the 1990s, when the UN attempted to intervene among the different factions but lost momentum to the Gulf War.

UN peacekeeping was never meant to replace the central tool of conflict resolution – the negotiated settlement. “Traditional” peacekeeping was based on a negotiated ceasefire agreement and a separation of military forces, which the UN peacekeepers would monitor to allow a window of opportunity for the negotiation of an overall comprehensive peace settlement. Post-Cold War “comprehensive peacekeeping” broadened the scope of the military peace operation to encompass all the actors and elements necessary to help the parties implement a comprehensive peace settlement.

The starting point is the negotiation of a comprehensive peace agreement that addresses all relevant issues and seeks to lay the political, security and socio-economic foundations for a sustainable peace. This includes the disarmament, demobilization and reintegration into civil society of former combatants, the strengthening of the rule of law (police, judges, courts, penal system); technical assistance for democratic development, including notably the holding of free and fair elections within inclusive political structures; improving respect for human rights, reform of the military, rehabilitating economic infrastructure and, ultimately, when the situation is sufficiently stabilized, promoting sustainable development. Particularly important is the identification of mechanisms and procedures, down to the grass roots level, to allow the post-conflict society to find the right balance between justice and reconciliation. Impartial and expert third-party facilitation is a key element in the success of this endeavor.

A comprehensive peace agreement presupposes that all parties to the conflict will be involved in the negotiation. This will include all the various factions engaged in the conflict (government and rebels, all sides of the civil war). There may be some “irreconcilables” but, if there is to be any chance of success, they must be kept to a minimum. The more factions left outside the negotiation, the less chance of the peace holding. Such negotiations also must be informed by an inclusive consultative process down to the grass roots level if it is to replace elitist, exclusionary forms of power-sharing with pluralistic, inclusive and responsive political institutions and mechanisms. Similarly, there will be a number of external parties actively aiding one side or the other, possibly with military forces within the country. These external actors are involved for a variety of reasons relating to their own perceived interests. A framework expressly designed to resolve these issues is an essential part of the negotiating process.

### **Tailoring the Process to Afghanistan**

A negotiating process for Afghanistan must be designed to take into account the nature of the country and its traditions, most particularly those related to conflict resolution. Central to this is the tradition of negotiating with one’s opponents while actually engaged in armed conflict. This tradition stands in sharp contrast to the posture of the Karzai government as well as that of the Canadian government and its allies, who refuse (in varying degree) to negotiate with members of the Taliban who have not “put down their weapons”.

Clearly this is untenable; political dialogue among the Government of Afghanistan and its allies in the Northern Alliance, most elements of the Taliban, Hekmatyar and other

opposition groups has already begun and is essential to resolving the conflict. An inclusive process means one that works both at high political levels and for local communities; it must include all ethnic, religious, and minority groups in Afghanistan. Similarly, it must provide a role, both locally and nationally, for Afghan women and for Afghan civil society. Space must be made as well for refugees in other countries and members of the diaspora.

To lay the groundwork for a successful comprehensive peace process, systematic “talks about talks” are likely to be necessary. Parallel prenegotiations with both Taliban and Hekmatyar leaders may be required. Drawing distinctions between those elements of the Taliban inextricably and ideologically linked to Al Qaeda and those largely Afghani Talibs with whom negotiation is possible, as they are prepared to address their grievances against the government politically, may also be a pre-condition for larger movement. Negotiations with the Taliban must take into account the legitimate concerns of the Tajik, Uzbek, and Hazara communities. At the same time, separate contacts may be required with the former Northern Alliance leaders to address concerns about the Taliban being involved in a peace process and a possible successor government.

Apart from the necessity of engaging the full range of Afghans in the process, it will be necessary to draw in its neighbors, particularly Pakistan and Iran, but also Afghanistan’s neighbours to the north – Turkmenistan, Uzbekistan, and Tajikistan. The issue of Taliban insurgents receiving safe haven in the tribal areas of Pakistan is inextricably intertwined with fundamental issues of governance in those areas. All of these issues must be brought to the negotiating table. Beyond the region, much work lies ahead to draw all those of the external actors engaged in Afghanistan—the ISAF troop contributors, the UN Security Council, particularly the Permanent Five, and other UN, regional and non-governmental organizations—into the process at the appropriate time.

### **Moving Forward: What Now?**

What is needed now in Afghanistan is not another backroom deal forged by elites to save their political hides. Yet this is what will happen if a new direction is not taken by the international community. What is urgently needed is a UN-supported, broadly-based political dialogue in Afghanistan engaging all sectors of society and communities of interest.

While the UN may or may not be the lead entity in the peace negotiation process, and UN-led “blue helmets” may or may not provide security assistance during the peace implementation phase, only the UN Security Council can mandate a multi-dimensional peace operation under UN civilian leadership to oversee and facilitate implementation by the parties of the peace agreement. In other words, only the UN can mandate a political framework legitimizing international action, within which governments need to identify and agree on their areas of action and on specific activities within those areas of action, identifying how those support the overall strategy. Equally important, only the UN can even notionally lead the overall peace implementation process, if only because no other single entity is acceptable to the international community.

However the peace negotiation proceeds, it must be accountable to the people that have suffered the brunt of conflict. It should ensure that justice mechanisms are addressed, discourage blanket amnesty clauses, include strong weapons control and disarmament, demobilization and reintegration provisions for former combatants and be backed by a robust international commitment. As it proceeds, such a process would address the needs of the internally displaced and refugees, taking into account the potential for future movements.

As the process goes forward, community-level peace-building will be needed to resolve localized disputes and conflict and to support reconciliation and social cohesion within and between communities. Inter-ethnic and inter-group dialogue is needed, as is the strengthening of capacity in mediation, negotiation and conflict resolution techniques. Afghan civil society and women's groups have an integral role to play here.

### **Canada's role**

Canada has made an extraordinary commitment to Afghanistan, perhaps as much by accident as design. Hundreds of young Canadians have been killed or scarred forever by that commitment. Billions of dollars have been spent. The prospect, if we continue on our present course, is for more of the same. That need not be. It is time for Canadians to give new direction to that commitment, to infuse it with political energy and tangible resources to support Afghans in the pursuit of sustainable peace.

If Canada wants to exhibit international leadership, there is a vacuum when it comes to the constructive and responsible promotion of a political settlement in Afghanistan. This is not being done.

Canada can and should take the lead among our NATO allies, with the United States, with (and within) the UN, with regional governments, with the Afghan government and with the Afghan people in helping to shape a comprehensive peace process.

Equally importantly, we should provide the very considerable political and material support that this process will demand, as it begins to gel.

At the military level, Canada can lead in preparation for the redirection of ISAF from its current role to one that reflects its original intention, to be a robust peace support operation deployed to facilitate the negotiation and implementation of a comprehensive peace agreement.

Among Afghans, Canada can support and facilitate the creation of conditions favorable to inclusive dialogue and negotiation, providing, for example, technical and financial resources to Afghan political actors, women and other civil society members, to permit them to participate effectively. The CIDA and Foreign Affairs' Stabilization and Reconstruction Task Force offers an existing vehicle for this purpose.

Canadian civil society organizations also have roles to play in supporting capacity-building and skills development in both government and civil society organizations, and in supporting grass-roots peace-building through conflict-sensitive community development initiatives.

It is time for Canadians to renew their commitment to Afghanistan, not as a combatants, but as a builders of peace, security and justice in partnership with the Afghan people.

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Below please find the second out of three papers, focusing on human rights and gender. It was written by Ms. Hilary Homes (Amnesty International) and incorporates contributions from Lauryn Oates (Canadian Women for Women in Afghanistan) and Cheshmak Farhoumand-Sims (St Paul University).

Sincerely,

Stefan Lehmeier

## **Human Rights, Gender and Governance: building the future through the present**

### **Introduction**

Through the Afghanistan Compact, the Afghan government and its international partners have agreed to new financial and institutional support and oversight mechanisms. The now well known pillars of the Afghanistan Compact are security; governance, the rule of law & human rights; and economic & social development.

Much attention has been placed on “security” as precursor to the realization of the other pillars of the Compact. However, genuine security can only be achieved through commitment to, and substantial progress on, all aspects in concert. The persistent failure by many actors – both international and domestic – to prioritize and support governance, the rule of law & human rights has ultimately served to create further insecurity in Afghanistan. That international actors are sometimes implicated directly or indirectly in abuses ultimately undermines the very reforms they are trying to implement. The Afghan people, in all of their diversity, must be supported to engage with both their own emerging institutions and the international forces and agencies deployed within their country. Trust in such a fragile context is not easily earned.

### **Human Rights Promotion and Protection**

Violations of human rights and international humanitarian law in Afghanistan have been a concern for decades and continue to be pervasive. Continual conflict and repression has had a devastating effect – it has literally destroyed institutions and capacity in this area. Significant reconstruction and strengthening is needed, as is the political will on the part of both the Afghan government and the international community to make sure that happens.

In the context of ongoing armed conflict and other military operations, all of the actors – Afghan security forces and armed groups as well as the various international forces – have committed abuses including indiscriminate attacks and/or failed to sufficiently distinguish between civilians and military targets. All have also failed in their specific obligations to protect civilians. On the contrary there are instances where their actions have put civilians at risk in many ways, including some international forces which have become a magnet for attacks while operating in or moving through civilian areas. The impact is not merely loss of life but also significant displacement and the closing of humanitarian space/access.

The situation is compounded by a lack of capacity to investigate by domestic actors, and a lack of will among foreign actors even though the capacity to investigate exists. The result is a troubling lack of accountability.

This is a context in which the Afghan people themselves are often devalued – seen by the differing actors as a possible human shields; collaborators; unfortunate disproportionate

collateral damage; or potential threats if gathered as crowds, stray to close to foreign forces or simply attempt to engage in debate and dissent.

The challenges around embracing universal human rights are in many ways illustrated by concerns around the treatment of detainees. Since 2005, several ISAF contributing countries have been handing over detainees to the Afghan government, and particularly to the National Directorate of Security (NDS). When not placed there, they end up in a prison system desperately in need of both infrastructure and reform.

Both international humanitarian and human rights law prohibit in all circumstances handing over persons to the authorities of states where there is a risk of them being tortured or otherwise ill-treated or persecuted. Despite much talk of reforms, key national bodies such as Afghanistan's intelligence agency the National Directorate of Security (NDS) and provincial governments – who are charged with maintaining the rule of law – are reportedly carrying out human rights violations beyond the reach of justice.

The NDS's mandate remains opaque as the Presidential Decree which set out its mandate remains classified. In practice, the NDS appears to have an extensive mandate that includes detaining, interrogating, investigating, prosecuting and sentencing persons alleged to have committed crimes against national or international security. That these functions are not separated clearly violates the human right of suspects to a fair trial, ensures impunity for perpetrators of human rights violations and undermines the rule of law. There continue to be credible reports about torture and other ill-treatment of detainees carried out by NDS officials.

There also appears to be little or no effort on the part of the Afghan authorities to reform the NDS, ensure that its operation is properly regulated in transparent legislation which limits its powers to those which an arm of the Executive branch may legitimately hold, and put an end to human rights violations by NDS officials. By continuing to regard the NDS as a suitable place of detention, international forces are ultimately legitimizing what is in reality a highly compromised institution.

The rule of law is an essential component in the rehabilitation of Afghanistan. Failure to uphold the rule of law – particularly in a context where institutions are weak – results in continuing, widespread human rights violations, committed with impunity. In Afghanistan, this fosters the perpetuation of violence against women, whether through custom and parallel justice systems or flawed laws and practices; the renewed marginalization of vulnerable people and communities; impunity for past violations; the imprisonment of prisoners of conscience, unfair political trials, torture and ill-treatment, "disappearances" and unlawful killings.

Additional failings that continue to block the delivery of effective human rights protection, justice and rule of law in Afghanistan include:

- a judiciary with unqualified judicial personnel
- a poorly trained, poorly paid police force
- threats to judicial independence from armed groups, persons holding public office, warlords and private individuals
- unfair trial procedures, including violations of the right to call and examine witnesses and the denial of defendants' rights to legal defence and access to information
- lack of confidence in, or access to, the formal justice system resulting in reliance on informal justice systems, especially in rural areas

In 2003, the UN Commission on Human Rights called on the Afghan government to "declare a moratorium on the death penalty in the light of procedural and substantive flaws in the Afghan judicial system." Fifteen recent State executions mark an end to a three year moratorium on executions in Afghanistan, and come shortly after the Taliban executed a 15 year old in southern Afghanistan. That executions have resumed is in and of itself a concern given the worldwide move towards abolition. That it is also occurring in a context where the basic legal system is still weak is deeply troubling.

In its August 2007 report on economic and social rights, the Afghanistan Independent Human Rights Commission found that the Afghan government had not yet met even the minimum obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Of particular concern were food shortages, lack of income stability, lack of access to primary healthcare despite the existence of facilities, housing (which in turn has been an obstacle to the return and reintegration returnees), and lack of access to safe drinking water.

While there have been some improvements for some Afghans – particularly in the areas of freedom of expression, access to education and health care – the overall experience of basic human rights across Afghanistan remains weak. Human rights defenders face harassment, intimidation and even murder. To speak out is not without significant risks.

Many promises have been made to improve human rights through the mandates of international forces, the United Nations, the recent Rome Conference on the Rule of Law, and the Afghan Constitution itself. These commitments to creating and strengthening institutions – and building a broad culture of human rights to ensure their survival – must be followed through if the progress that has been made is not to be lost.

## **Recommendations**

- Ensure that Canada as an international actor upholds international humanitarian law, human rights and the rule of law during all operations in Afghanistan.
- Do not rely on “Memoranda of Understanding” or special “arrangements” as a basis for concluding that a person may be transferred to Afghan authorities without risk of torture or other ill-treatment.

- An immediate moratorium on any further transfers of detainees by ISAF forces (including Canada) to the Afghan authorities. ISAF forces must take responsibility for the custody of such detainees until effective safeguards against torture and other ill-treatment are introduced in the Afghan detention system. During the moratorium, Canada together with other NATO countries should contribute to a comprehensive plan to reform the Afghan detention system in line with UN Security Council resolution 1776 mandating ISAF to participate in “the reconstruction and reform of the Afghan prison sector, in order to improve the respect for the rule of law and human rights...” (UNSC Resolution 1776). All allegations of torture must be investigated without discrimination.
- Support legal and institutional reform in Afghanistan to incorporate and apply human rights standards for the treatment of detainees (whether transferred from ISAF forces or otherwise) and invest in human rights training for all Afghan personnel involved in arrest, detention and trial procedures.
- Provide financial and technical support to enable the Government of Afghanistan to meet the minimum core obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Such support should incorporate both urgent needs and building the framework and capacity for sustained realization of ESC rights in an effective and transparent manner. This includes enhancing domestic capacity for monitoring and evaluation.
- Provide support to strengthen both the capacity and infrastructure of the Afghanistan Independent Human Rights Commission so that it can become a truly national body and expand its range of operation to all parts of Afghanistan.

### **Gender Issues (including further concerns regarding Women’s Human Rights)**

In 2001, Canadians made a commitment to support development, reconstruction and peace-building in Afghanistan. We also made a commitment to the women of Afghanistan. The international community referred to the plight of Afghan women under the Taliban as one of the motivating factors of the “war on terror” and made the advancement of women’s rights, opportunities and freedoms a primary objective of their mandate in a new Afghanistan.

Canada has invested hundreds of million dollars in Afghanistan, and Afghanistan has been Canada’s largest recipient of donor funds through CIDA. While there have been some notable accomplishments in our efforts, six years later there is still much to be done. Canada’s financial investment has not had the impact that was hoped for by Afghan women and those of us who advocate on their behalf.

To date the international community and the Afghan government have failed to meet people's immediate, urgent priorities—the very basic needs that will let women regain their health, rights and dignity. There is an increasing sense that vast amounts of money

are being allocated to projects with very little practical impact, and not leading to the building of infrastructure, nor capacity among Afghan women themselves.

For our efforts to be relevant, effective, and sustainable, Afghan women must be engaged directly in the process. Women at the local level, and the indigenous, grassroots organizations that work on gender and women's issues are best equipped to discuss their own needs and engage in developing programs that are culturally and religiously sensitive and therefore applicable at the community level. Failure to consider and account for this in our programming has and will continue to impact the efficacy of our work.

Recognizing that Afghan women are not a homogenous, monolithic entity, Canadian support to Afghan women must be implemented through multiple channels in order to address their diverse needs and priorities. Men and women have unique security concerns and they are impacted by, or experience conflict very differently. The continued subjection of women to sexual and domestic violence is not only a violation of human rights and a basic human security issue, but also a central obstacle to women's participation in peacbuilding processes.

Although the Afghanistan ratified the UN Convention on the Elimination of all forms Discrimination Against Women (CEDAW) in 2003, genuine promotion and protection of women's human rights, and an understanding of gender beyond rhetoric, remains a distant prospect.

Women in Afghanistan continue to face serious challenges to their human rights:

- Women are desperately in need of basic services vital to the rebuilding of their lives: access to clean water, education, health care facilities including mental health and trauma treatment units, and employment opportunities. Basic medicines and primary health care reaches only 12% of women.
- Lack of public space for women. This continues to be a significant underlying cause of gender segregation, discrimination and inequality. Both men and women are not used to seeing women anywhere but in the private home. Until this changes, it is difficult for women to embrace other, public roles (eg. going to school, earning money, starting a business, or even running for parliament).
- General insecurity (landmines, kidnappings among other threats).
- Lack of higher educational opportunities everywhere but Kabul.
- Poverty and lack of viable economic opportunities for women.
- The normalization of violence generally, domestic abuse (including physical restraint, severe injuries and attempted murder), and sexual violence. This is further complicated by the stigma of being a victim of abuse, lack of services, indifference from the authorities, and cultural and familial condoning of abuse. A

recent large-scale survey in Afghanistan found that almost 80% of women had experienced at least one form of violence within their household. Nevertheless, there is no police capacity to address domestic and sexual abuse, no prosecution of abusers or forensic facilities and only a handful of low capacity shelters for women available to respond to this growing crisis.

Without freedom from gender-based violence, women cannot meet their daily needs, or participate in elections, attend public debates, or engage in leadership roles in their communities. Hence, their concerns are often overlooked by those involved in programming, aid and governance. This becomes a vicious cycle: women's security is not sufficiently addressed because women are not at the table; women are not at the table because their security is not addressed.

Lastly, for all concerned with Canada's role in Afghanistan, we must demonstrate our accountability and commitment through measurable impacts that reflect real and lasting improvements in the daily lives of Afghan women.

### **Recommendations:**

- Consult directly with Afghan women in defining programming to effectively address their unique gender issues.
- Put women's basic human development needs at the centre of Canada's response.
- Recognize both diversity and diverse needs of Afghan women. Canada's support to Afghan women should be directed through multiple channels and incorporate the broad range of concerns including, but not limited to, the following areas already identified through consultation with local NGO partners:
  - justice for victims of domestic violence
  - legal reform and rule of law
  - police reform and law enforcement to better protect women
  - reducing sexual violence
  - making it safe for girls and women to pursue education
  - security for women's economic development
  - women's political participation
  - assistance to refugee women and internally displaced women
  - justice for women in peace processes

### **National Governance**

Weaknesses in governance are increasingly cited by Afghans as a reason for dissatisfaction with the government as they hinder service delivery and undermine the legitimacy and credibility of state-building as a whole, thereby contributing to greater insecurity.

Government systems and processes are opaque, bureaucratic and convoluted, giving rise to opportunities for graft. Corruption is widespread, endemic and, as the Joint Coordination and Monitoring Board puts it, 'continues to flourish'. [Annual Report, Joint Coordination and Monitoring Board, May 2007, p4.] Despite some improvements, the institutional and technical capacity of line ministries is weak and there are profound deficiencies in human resources. Female participation in government institutions and in decision-making remains limited.

There is uncertainty about the roles and responsibilities of state entities, with poor coordination between them. They are subjected to only limited, *ad hoc* scrutiny, and parliament is yet to establish an effective system for scrutinising government policies.

These problems are compounded by the opium economy, where there are links to the heart of government, and weaknesses in the justice sector, where, 'rule of law remains precarious, governance is fragile, and the judicial system is ineffectual and inaccessible'. [Annual Report, Joint Coordination and Monitoring Board, May 2007, p4.]

The problems cannot all be attributed to the government: donor programmes have in many cases failed to build institutional capacities or establish proper systems of governance. Incoherent, wasteful and short-term programmes, with weak financial oversight, have to some degree accentuated problems of corruption, inefficiency and lack of coordination.

### **Recommendations:**

□ **Strengthen public administration reform:** Several mechanisms, such as the Advisory Panel on Senior Appointments and the Independent Administrative Reform and Civil Service Commission, have been established to ensure fair, transparent, and merit-based appointments, but have not yet delivered results. These bodies must themselves be transparent, subject to independent scrutiny, and comprise only those members who are demonstrably independent. It is the duty of the international community – whose funds are at stake – to press for such changes.

Pay and grading reform, due to be implemented over a four-year period, should be expedited. Continued efforts must be made to strengthen the capacity of civil administration, clarify responsibilities, and improve coordination between ministries. Reform of *sub-national* governance is a priority, which is outlined in following section.

□ **Enhance anti-corruption measures:** Rigorous implementation of the national anti-corruption strategy is essential. The Anti-Corruption Commission should be overhauled to ensure its transparency and integrity. With international support there should be concerted measures to enhance transparency of government operations, especially in tax, procurement and expenditure; build stronger mechanisms for monitoring, oversight and audit; eliminate bureaucracy, and streamline processes and procedures. Measures to

address corruption in politics, the police, counter-narcotics institutions and the private sector are equally important.

□ **Reform the legal and institutional framework:** As part of broader reform of the justice sector, the legal and institutional anti-corruption framework must be strengthened. This will require measures to enhance the capabilities, independence and integrity of the judiciary and anti-corruption institutions, and to implement and enforce the UN Convention Against Corruption.

## **Rural Development and Sub-National Governance**

While aid has undoubtedly contributed to progress in Afghanistan, especially in social and economic infrastructure, the development process has not sufficiently benefited the majority of the population who live in rural areas, where essential services, such as water or electricity, remain scarce or insufficient.

Line ministries are over-centralised and dominate resource allocation, management and planning from Kabul. Provincial line departments have limited autonomy and are subject to interventions by Governors' Offices which creates operational problems and deters the de-concentration of resources. In villages and districts government is either non-existent or weak and ineffective having limited capabilities and profoundly inadequate human and financial resources. [source: Sub-national Training Needs Assessment Report, IARCSC and UNDP, 2005] There has been very little donor or government activity to build institutional capacity at district and provincial level, and no such efforts with national coverage.

At sub-national level there are a number of administrative, appointed and elected entities, which have unclear or overlapping responsibilities, with insufficient or uncertain resources. For example, at provincial level: the Governor's Office, Line Departments, Provincial Council, Administrative Assembly and Development Committee.

There is excessive bureaucracy, lack of transparency and significant disparities in the distribution of government resources throughout the country. For example, some provinces have more than twenty times the per capita funding for health than for others. [source: Service Delivery and Governance at the Sub-National Level in Afghanistan, World Bank, July 2007, p34.] In a number of provincial centres corruption is endemic and tribal and ethnic factors, rather than competency, determine key appointments. [source: The situation in Afghanistan and its implications for peace and security, Report of the UN Secretary-General, 21<sup>st</sup> September 2007, paras 8 and 21.] Municipalities have unclear responsibilities and revenue-raising powers, weak financial management and limited accountability.

The National Solidarity Programme (NSP) has succeeded in channelling resources directly to elected Community Development Councils (CDCs) in over 25,000 villages, over 70% of Afghanistan's communities. Through the Programme NGO assistance is provided for community-directed development projects, for example water supply or

school construction, and there have been several positive assessments of the Programme in terms of project implementation, governance and stabilisation. Yet funding for the NSP programme has been irregular and its future is uncertain; the expanded role of CDCs set out in a new by-law and their relationship to other elements of local government is also uncertain.

### **Recommendations:**

□ **Build local government to deliver essential services:** Intensive efforts are required to build the capacity of the Afghan government to deliver or oversee the delivery of essential services at local level, especially education, water, sanitation and health (where most provision is indirect). Reform must seek to de-concentrate the centralised powers and resources of ministries, and build institutional systems and capacities at local level. Donors and key ministries, including the new Independent Directorate for Local Governance, should establish a group to intensify and coordinate efforts on this issue.

□ **Reform sub-national governance:** Legislative reform is required to clarify the roles, responsibilities and relationships of sub-national state entities at provincial, municipal, district and village level, including CDCs, and to rationalise and clarify coordination and planning. Reform should ensure that the primary role of the Governor's Offices is provincial coordination and planning, rather than involvement in the operation of line departments. Greater technical and financial support should be provided to elected bodies, principally Provincial Councils, to support monitoring, oversight and representation, particularly on development issues. [source: Service Delivery and Governance at the Sub-National Level in Afghanistan, World Bank, July 2007] Measures are also required to enhance local government transparency, simplify procedures and strengthen ongoing public administration reforms.

□ **Increase support to communities:** More resources should be channelled directly to communities by (1) ensuring a timely and sufficient flow of funds to CDCs, and providing guaranteed funding to secure the future of the Programme; (2) through CDCs, channelling funds for sector-specific and multi-community projects; and (3) where CDCs do not exist, using other means of providing support to communities, such as through local NGOs.

December 1, 2007

To Whom It May Concern,

In addition to the statements we presented to your panel in a meeting on October 27, the Afghanistan Reference Group is submitting three written documents for your consideration.

Established in September 2007, the Afghanistan Reference Group is a group of Canadian civil society organizations and individuals interested in peace, justice and development in Afghanistan. Its purpose is to facilitate information sharing among interested agencies, elaborate joint positions on particular issues, conduct research to inform policy dialogue and advocacy opportunities, educate the public and engage the Canadian government in regular dialogue on its aid priorities, foreign policy, and defence strategies for Afghanistan.

In these submissions, we address a number of considerations fundamental to Canada's current and future humanitarian, reconstruction and stabilization support for Afghanistan. Therefore, they go beyond an analysis of the options outlined in the panel's terms of reference.

Below please find the third out of three papers, focusing on humanitarian aid, development and governance. It was written by Ms. Carrie Vandewint (World Vision Canada) and incorporates contributions from Ms. Lina Holguin (Oxfam Québec), Ms. Surendrini Wijeyaratne (Canadian Council for International Cooperation), Ms. Sonia Lebesgue (Development & Peace), Mr. Stephen Cornish (CARE), and Lauryn Oates (Canadian Women for Women in Afghanistan).

Sincerely,

Stefan Lehmeier

## **“A Better Helping Hand: Recommendations to Increase the Effectiveness of Canada’s Humanitarian and Development Assistance In Afghanistan”**

### **Introduction**

The humanitarian and development needs in Afghanistan are well-known. It is currently ranked 174<sup>th</sup> out of 178 countries measured in the United Nation’s (UN) Human Development Index. Some of the latest figures produced through the Afghanistan National Human Development Report (2007) released recently<sup>1</sup> speak to the glaring need for effective support to humanitarian assistance, reconstruction and development. Despite the billions of dollars that have been provided to Afghanistan by donors -- including the Canadian Government<sup>2</sup> -- for the aforementioned aims, progress has been slow or in some places even stalled.

Long-term efforts to build the comprehensive governmental institutions a stable Afghanistan requires are faltering. These efforts are intended to realize the goals established in the Afghanistan Compact signed in January 2006. Almost two years after the Government of Afghanistan and its international partners committed to this document, even those most closely associated with the process admit that it has yet to have much impact. Afghans and internationals alike still need to demonstrate the political will to undertake deep-rooted institutional changes if its goals are to be met.<sup>3</sup>

As organizations who have been supporting humanitarian and development programming in Afghanistan for decades – some long before the fall of the Taliban – or who have been analyzing the context from the Canadian perspective for years, we feel the need to speak out on behalf of Afghan communities. Through our relationships on the ground and our long-term understanding of this country, we have detailed recommendations for how Canadian aid funding could more effectively support tangible, community-owned dividends for Afghans and strengthen the very fragile compact between citizen and state there that is so crucial to the stability of this country.

Before launching into our analysis and recommendations however, a crucial distinction in terms of terminology must be made between humanitarian assistance, reconstruction, and development. “Humanitarian assistance” is also known as emergency assistance and is focused on saving lives and alleviating suffering. According to international humanitarian law, it is based on the principles of impartiality, neutrality, independence, and humanity. The first part of the paper will focus on specific recommendations for how humanitarian assistance can and should be supported in the Afghan context. The second half of the paper provides different recommendations for supporting development in Afghanistan. “Development” is a much more complex process that

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<sup>1</sup> 25% child mortality rate; life expectancy of 43.1 years; adult literacy rate of 23.5%; 6.6 million Afghans (20 % of the population) do not meet their minimum food requirements; 50 % of Afghan children under five are underweight; Only 31 % of households nationwide have access to safe drinking water. Centre for Human and Policy Development, “*Afghanistan Human Development Report 2007.*” Kabul: CHPD, September 2007.

<sup>2</sup> Canada has pledged \$1.2 billion between 2001 and 2011 for development and reconstruction in Afghanistan. Between 2001 and March 31, 2007, the Government of Canada had spent an estimated \$600 million on development assistance for Afghanistan. In February of this year, Prime Minister Harper announced an additional \$200 million in 2007 for development and reconstruction.

<sup>3</sup> ICG Policy Briefing: Afghanistan’s Endangered Compact. January 2007.

involves a community-based, long-term approach focused on building the capacities of individuals and communities to become self-sufficient and productive. To be sustainable, it normally requires the active participation and support of local government or local leaders. Understanding the distinctions between “humanitarian assistance” and “development” and what should be done to support these different spheres is crucial for making sense of the complex debate on aid in Afghanistan.

Thus, this paper begins with outlining the key principles that, under international law, form the basis of humanitarian assistance. Subsequently, the challenges to humanitarian space and humanitarian access that have arisen due to the humanitarian roles Provincial Reconstruction Teams (PRTs) and the military have undertaken in Afghanistan will be outlined. Specific recommendations are provided on how Canada can therefore be supporting safer and more effective responses to humanitarian needs in Afghanistan. The second half of the paper focuses on the realms of development and local governance in Afghanistan. The unequal distribution of resources in Afghanistan (favoring urban areas and regions of high insecurity) and how that hinders development progress is described. Current gaps in national development programs are outlined, especially highlighting the lack of comprehensive support to livelihood enhancement. The ways in which the military is demonstrating in Afghanistan to be an ineffective and inefficient implementer of development assistance are explained. This ineffective – and even dangerous – role of military actors in the development sphere is contrasted with the crucial role that non-governmental organizations (NGOs) play in sustainable, community-owned development that can simultaneously build the capacity of local government. Finally, the importance of international donors like Canada playing a strong role in helping the Government of Afghanistan to make incredibly important progress in developing its local government structures is outlined. At the conclusion of this second section, specific recommendations for Canadian support to development and local governance are detailed.

## **Humanitarian Assistance**

For many decades, non-governmental organizations have been playing a leading role in providing humanitarian assistance to suffering civilian populations. That populations have a right to assistance without discrimination is one of the fundamental principles of the humanitarian imperative and is enshrined in both international humanitarian law and in the Geneva Conventions. In order to gain access to war-zones and create the space necessary for delivering humanitarian assistance safely and for providing a reasonable degree of protection for beneficiaries, principles of neutrality, impartiality, and independence were devised to govern humanitarian activities. These principles have helped over decades, in a wide range of conflicts to obtain the consent of belligerents and the trust of communities for humanitarian actors *outside of the conflict lines* to provide crucial assistance.

However, increasingly in unconventional and irregular conflicts involving Western militaries, humanitarian and development efforts are seen as a key tool for counterinsurgency campaigns undertaken in these conflicts. As prominently stated by former Secretary of State Colin Powell, humanitarian and aid programming is viewed by militaries to be a key force multiplier in such conflicts.<sup>4</sup> Thus, in key contexts like Afghanistan, military actors in their efforts to stabilize regions see humanitarian and reconstruction programming as tools in their efforts to win hearts and minds, and ultimately, the conflict.

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<sup>4</sup> Colin Powell, “Remarks to the National Foreign Policy Conference for Leaders of Nongovernmental Organizations,” Washington, DC, October 26, 2001.

In Afghanistan currently, more than 800 international and indigenous NGOs operate humanitarian, reconstruction, development and peacebuilding programs. In addition to these actors, United Nations agencies and various private, for-profit companies also engage in similar activities. These numerous humanitarian and development actors operate in the very same regions of Afghanistan as two of the largest current international military missions in the world: the UN-mandated International Security Assistance Force (ISAF) and the American-led Operation Enduring Freedom (OEF). In addition to their combat and stabilization operations, these two military missions have also made humanitarian assistance and reconstruction a central part of their strategy, thus blurring the lines between civilian and military spheres. The primary means ISAF and OEF are using to provide security and local development in various regions in Afghanistan are the Provincial Reconstruction Teams (PRTs). Although they vary in different locations throughout the country, PRTs are normally military units ranging in size from 80 to 300 military personnel combined with a small number (usually about 10 percent of the total) of civilians from a development background or the diplomatic corps.<sup>5</sup> Their mission statement is to ‘assist the Islamic Republic of Afghanistan to extend its authority, in order to facilitate the development of a stable and secure environment in the identified area of operations, and enable Security Sector Reform and reconstruction efforts.’<sup>6</sup> In substance and form, they are essentially a military actor that carries out development and reconstruction programming in specific geographical areas. Currently, there are 25 PRTs under ISAF command, covering most provinces of the country.<sup>7</sup>

How these two spheres relate to each other and how their differing mandates, principles and activities impact on each other’s efforts is one of the most important debates currently in Afghanistan. This debate revolves primarily around the preservation of humanitarian space – “a conducive humanitarian operating environment that is offered some semblance of protection under international humanitarian law through the principles of neutrality, impartiality, independence and humanity.”<sup>8</sup> The basic idea underlying this concept is that unarmed, civilian agencies can only operate safely in a conflict context and get access to people in need if all parties to the conflict see and respect them as non-political, non-military actors. As soon as aid becomes politicized, there is a risk that parties to the conflict will consider aid providers as partial and therefore deny them access to certain areas or even target them and their beneficiaries militarily. Thus, the main question in the debate on civil-military relations therefore is to what extent the military, by taking on humanitarian and even reconstruction roles, is eroding humanitarian space, endangering civilians providing and receiving humanitarian assistance, and therefore increasingly preventing humanitarian professionals from reaching and helping the most needy populations.

As mentioned above, ISAF is providing humanitarian assistance and support for reconstruction and development mainly through its PRTs. At the same time, these PRTs are also used for political and military tasks such as extending the authority of the Afghan government and training Afghan security forces.<sup>9</sup> Furthermore, the areas where ISAF troops and Afghan forces conduct combat operations against insurgents often overlap with the areas of operations of ISAF PRTs. Given the fact that expatriate NGO and UN staff often come from the same countries as ISAF and OEF combat troops and that both NGOs and ISAF are closely cooperating with the Afghan

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<sup>5</sup> Human Rights Watch Report on Education, Vol 18, No. 6

<sup>6</sup> PRT Executive Steering Committee, January 27, 2005.

<sup>7</sup> ISAF website, [http://www.nato.int/isaf/topics/recon\\_dev/prts.html](http://www.nato.int/isaf/topics/recon_dev/prts.html)

<sup>8</sup> Pearson Peacekeeping Centre, “Final Report: Three Block Wars and Humanitarianism: Theory, Policy, and Practice” January 2007.

<sup>9</sup> [http://www.nato.int/isaf/topics/recon\\_dev/prts.html](http://www.nato.int/isaf/topics/recon_dev/prts.html)

government or even with each other, it is inevitable that Afghans get the impression that both civilian and military actors are part of the same counterinsurgency effort.

This deep conflation of military and assistance roles is a new development in the humanitarian and development sphere, and very important negative ramifications of this change have begun to emerge. Firstly, by providing humanitarian assistance, reconstruction support, and even development assistance as part of their stabilization and counter insurgency strategy, military actors are endangering the lives of both civilians and humanitarian workers. When military actors undertake development and humanitarian roles, opponents and insurgents are more likely to view aid workers, foreign military forces, and the civilians they serve as all part of the same effort and therefore considering all of them as legitimate targets. Unarmed humanitarian workers and innocent civilians are also comparably easier targets than soldiers and yet their deaths have similar negative effects in terms of a military's efforts to win support among the population for its efforts.

Thus, when a military takes on reconstruction and development roles and aid organizations are therefore seen as part of this whole security effort, the ability of aid organizations to access those in need actually decreases. The attacks that have been launched on aid workers in Afghanistan have increased dramatically in just a few years; in this year alone, 34 humanitarian workers have been killed and another 76 abducted. Afghanistan is among the top 6 most dangerous places for aid workers.<sup>10</sup> In the face of these threats, aid agencies have been forced to withdraw from operating in many areas of the country, thereby reducing humanitarian access.

In terms of maximizing limited resources and creating coherency, it is important to achieve coordinated approaches between humanitarian, development, security, and diplomacy initiatives. However, sacrificing the integrity, effectiveness, and sincerity of humanitarian and development initiatives in order to achieve some sort of security and win the war is often referred to as "security first" logic. This type of rationale is actually counter-productive in long-term peace-building and reconstruction efforts, as it fails to build the legitimate, binding contract between a government and its citizens that is so crucial in fragile or failed states. The Canadian Government along with its Afghan partners and other international actors can and should find ways to achieve coherency and coordination of these wide-ranging efforts while simultaneously ensuring that humanitarian and development objectives are not co-opted as tools to achieve political or security goals.

### **Recommendations**

- The Canadian government should consider NGOs and specialized United Nations agencies as the preferred agencies for humanitarian assistance, reconstruction and development due to their relationships with communities, their technical knowledge, experience and capacity, and their ability to clearly monitor and report on results;
- Promoting peace and providing human security for the population of Afghanistan should be the primary focus for international and national forces. A balanced and sustainable approach to security sector reform is required, providing for a professional and democratically accountable national army and police. Canada should increase its support in the latter role through its specialized police and military training units. However, police and defence reform should be balanced by an increased investment in other aspects of the rule of law, in particular the support to judicial reform
- Humanitarian assistance provided by the Canadian military should be **an exception** and should only be carried out to save lives when no other actor can perform this role;

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<sup>10</sup> IRIN News, UN warns of humanitarian crisis in inaccessible areas, *29 October 2007*

- When such exceptions are made, the Canadian military must take strong measures to ensure that the provision of such assistance is not perceived to be driven by political or military objectives.

## **Development & Governance**

In order for Canada, along with other members of the international community, to help rebuild Afghanistan, all efforts must be focused on increasing the legitimacy and capacity of the Government of Afghanistan to provide for its people. In other words, the stability, security, and economic productivity of Afghanistan lie predominantly in fostering changes to ensure the will and capacity of the government to deliver services for its people. Contributing to this positive change should be at the heart of all development and governance efforts in Afghanistan, including Canada's.

The challenges inhibiting significant progress in the spheres of development and governance in Afghanistan are present at the higher-level national framework for engagement in these areas, but also with the way support is being provided through this framework. These higher-level macro as well as lower level implementation challenges will be presented, along with specific recommendations for how the Canadian government can more aptly overcome these challenges to provide crucial support to sustainable development and effective local governance in Afghanistan.

### **Macro-level Challenges to Development and Governance**

Thus far, the development process has been too centralized and insufficient. It has been prescriptive and supply-driven, rather than indigenous and responding to Afghan needs and priorities. The Afghanistan Compact is meant to bring all Afghan stakeholders into the process of reconstructing the country while measuring progress. However, even without the insurgency, many of its timelines and benchmarks are overly ambitious, with little prioritization and sequencing. The current approach to implementing and supporting the Compact is currently being approached too much as a bureaucratic matter of ticking off a formal checklist rather than a serious commitment at a high political level – Afghan and international – to do the tough work necessary to build a state genuinely based on rule of law.<sup>11</sup>

Part of the problem for the rather formulaic and donor-driven approach to implementing the Afghanistan Compact may lie in the structure created to oversee its implementation. This structure is called the Joint Coordination and Monitoring Board (JCMB), and it consists of Afghan ministers and major international players. Its recommendations need to be actively pursued, but the Board's own unwieldy nature is a serious impediment to efficient and timely progress. It meets quarterly, and between sessions there is little international engagement in the process.<sup>12</sup>

### *Unequal distribution of resources*

The allocation of government resources is historically a very sensitive issue in Afghanistan. For many years, rulers of Afghanistan have favored some ethnic groups over others, creating the deep divisions along ethnic and tribal lines that are currently plaguing the country. Today, some of the same unequal allocation of resources is occurring, albeit due to different factors. Specifically, our concerns in terms of where aid is being channeled focus on two main areas:

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<sup>11</sup> ICG Policy Briefing: Afghanistan's Endangered Compact. January 2007.

<sup>12</sup> ICG Policy Briefing: Afghanistan's Endangered Compact. January 2007.

A) To areas of high insecurity: Currently in Afghanistan, a considerable amount of donor resources and capacity-building are unevenly distributed, favoring areas of high poppy cultivation or regions of high insecurity. International focus on the South and East is creating the false impression that the international community is only interested in insecure areas or those with high levels of opium cultivation, thereby creating perverse incentives among the population and grievances that leave them vulnerable to being swayed by the Taliban. Poverty levels are extreme throughout the country. It is therefore critical that all parts of the country benefit from international support. Humanitarian, reconstruction, and development aid should not be used as tools to achieve political or security objectives; they should be targeted according to need and strategies developed through participatory approaches in the target country. Only if aid is channeled in such ways can its by-product be increased stability, positive growth, and good governance.

(B) To large urban centres: Currently, a vast amount of donor funding and government budgets are spent in Kabul or in the large urban centres, and very little ends up trickling down to the grassroots. For instance, in 2004-2005, only 30% of non-salary government expenditures was counted as spent outside of Kabul.<sup>13</sup> A big part of the reason for this disproportionate spending is the large concentration of foreign and national capacity residing in the capital and not enough living and working in the rural areas. Clearly, in order to increase the confidence of the population in the efforts of the international community and the legitimacy of their government, the benefits of foreign assistance must be spread equally and must be felt more by communities at the grassroots.

Beyond concerns for where development aid is being channeled, there are also problems related to what development areas are being prioritized and how development aid is reaching communities.

### *Gaps and Challenges Related to National Development Programs*

Development funding channeled to the Government of Afghanistan is predominantly allocated for its national priority programs (NPP).<sup>14</sup> These programs were designed to foster the transition from recovery and rehabilitation to sustainable development. Core programs currently include the National Solidarity Programme (NSP), the Micro-Finance Investment Support Facility for Afghanistan (MISFA), the National Emergency Employment Programme (NEEP), and the Basic Package of Health Services (BPHS), with NGOs often subcontracted to implement the activities. There have been serious problems in translating these funds into tangible results on the ground for communities. Most of the delays and shortfalls in achievements can be traced to inadequate financial systems of the key ministries through which these programs are channeled. Delays and bottlenecks within the government are however stalling the development process and leaving large gaps in the delivery of urgently needed, basic services to communities.

Although most of these national programs have come to be considered as 'alternative livelihoods' programs, they only partly achieve these objectives. For instance, none are designed to directly support agricultural development.<sup>15</sup> The availability of sustainable livelihoods is one of

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<sup>13</sup>Hamesh Nixon, "Aiding the State? International Assistance and the Statebuilding Paradox in Afghanistan," AREU Briefing Paper, April 2007. However, this figure does under-represent some central spending that diffuses to provincial departments.

<sup>14</sup> ACBAR Briefing Note, November 2006.

<sup>15</sup> Ibid.

Afghanistan's primary challenges. Agriculture, and connected trades, is the mainstay of the nation, supporting 80% of all Afghans, yet it is severely under-funded.

In addition to livelihoods, one of the key gaps in the focus of these large national programs is civil society development. A vibrant and healthy civil society is key to countering the widespread human rights abuses throughout the country and fostering the positive development of the very young democratic process in Afghanistan. International and Afghan NGOs are skilled and experienced in fostering the positive development of local civil society organization (CSOs) and opening spaces for community dialogue that bring in a wide range of stakeholders. Donors need to recognize and support this essential sector in the development of a young, post-conflict nation and support it strongly as a complement to government programs.

The diversity from region to region requires local solutions and flexibility. NGOs can and should be supported more strategically to build up the capacities of community groups and private businesses through innovative partnerships with the government rather than as powerless subcontractors.

#### *Military an ineffective development actor*

The assumption of relative stability upon which the Afghanistan Compact was premised has been undercut by the insurgency in the south and east, diverting time and resources to this troubled region. While the insurgency is sustained by cross border sanctuaries and support, disillusioned, disenfranchised Afghans are also responding to the call of extremists. Progress that results in real change in everyday life is therefore vital. However, the spiraling violence has exacerbated tendencies among the government and its international partners to favor short-sighted, quick fixes and to work around, not through, the new democratic institutions.<sup>16</sup>

There is therefore increasingly a trend to channel reconstruction and humanitarian funding through military actors. It is true that there is currently very little research and data available to assess the cost effectiveness of aid delivered through the military against the costs of other development actors. However, there are already concerns circulating in Afghanistan about poor quality results and cost effectiveness/sustainability of reconstruction or development-type projects supported by the military.<sup>17</sup> Military actors are not humanitarian and development professionals, and therefore too often employ approaches that do not cultivate community ownership or capacity-building to support community maintenance over time. In the effort to "get the job done," quick impact is all-too-frequently synonymous with short-term and ineffective assistance.<sup>18</sup> Furthermore, it has been found that projects directly implemented by the Provincial Reconstruction Teams (PRTs) or sub-contracted by them are often more expensive than development activities implemented by NGOs.<sup>19</sup> The military have much higher overhead costs for their operations (salaries, benefits, transport and administrative expenses) than those of either the government or NGOs.<sup>20</sup>

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<sup>16</sup> International Crisis Group (ICG) Policy Briefing: Afghanistan's Endangered Compact. January 2007.

<sup>17</sup> Agency Coordinating Body for Afghan Relief (ACBAR) Briefing Note, November 2006.

<sup>18</sup> Ibid.

<sup>19</sup> For example, two schools built through the Commander's Emergency Response Fund (CERF) in Nawkeez, Zabul in 2005/6, cost \$122,382 for 8 classrooms, each. This is \$15,298 per classroom, which is more than the government standard of \$9,000 and significantly more than what NGOs can build a school for. For the \$244,764 spent on these two schools by the military, the Government or an NGO would have been able to build four schools. (ACBAR Briefing Note, November 2006).

<sup>20</sup> Ibid.

There are major disparities in funding and activities between PRTs and many projects are not in alignment with provincial or national plans, or the interim Afghanistan National Development Strategy (I-ANDS). Being nation-led, they are often driven more by available funding or the political interests of the nation involved rather than development considerations. Frequent use of local contractors, especially in the south, has meant many projects are badly implemented; systemic or political pressure and frequent rotations has tended to result in a large number of small-scale, short-term projects. The absence of community participation, or association with the military, has led to projects that are unsuitable, unused or targeted by militants.

Given the historic suspicion of foreign intervention, such efforts to win ‘hearts and minds’ are naïve. It is unsurprising that the huge expansion of PRT activities has not prevented the deterioration of security. The development process needs to be owned and led by Afghan communities; only this approach will ensure that projects are suitable and sustainable in the complex reality of rural Afghanistan.

Development and humanitarian assistance is most effective and sustainable when channeled through civilian actors, in particular the appropriate Afghan government authorities at central and provincial level. Afghan NGOs and international nongovernmental organizations can also play a role in providing basic services in those areas beyond the capacity and reach of the Afghan government; in building the capacity of local and central government to provide those services in the longer term; and in holding the Afghan government and donor agencies accountable on the reconstruction process, protecting civilians, promoting human rights and democratic governance. Quick impact projects (QIPs), carried out by military forces, can have a detrimental effect on the long term sustainability of development efforts, particularly if undertaken in sectors where development agencies have been, over many years, building local and national capacities.

*Important role that NGOs play in recovery and development work in fragile states, especially when they partner with the government*

In Afghanistan, NGOs are fairly consistently allocated 13 to 14% of the humanitarian and development funding channelled to the Government of Afghanistan’s external budget. Large multilaterals like the United Nations (UN) and World Bank as well as private contractors receive the remaining 86 to 87%.<sup>21</sup> When compared with UN and private contractors however, NGOs – including Afghan NGOs -- have a very important comparative advantage in humanitarian and development programming. Unlike the UN, World Bank, and private contractors, NGOs tend to have had a long-term presence in the communities they serve and therefore understand better the needs and the socio-economic dynamics of the population, affording them a better chance of supporting sustainable, community-based reconstruction and development activities. Secondly, NGOs have different policies and methods of operating that see them serving the most needy in very remote areas, while UN staff and offices are based normally in urban areas providing them less access and focus on these remote areas. Thirdly, NGOs by their very nature are more agile and responsive than the vast majority of large, multilateral actors with many levels of decision-making. NGOs, working in partnership with the Afghan Government, can avoid creating parallel service delivery mechanisms while simultaneously strengthening the capacity of government ministries. Finally, with often higher percentages of indigenous staff and lower levels of salaries and benefits, there are arguments to be made for the greater cost-efficiency of NGO programming. It stands to reason that increasing the amount of funding provided to international

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<sup>21</sup> ACBAR Briefing Paper, “Aid Effectiveness in Afghanistan: At a Crossroads.” November 2006.

and national NGOs for humanitarian and development programming would increase the potential of activities that are based on the real needs of the target population, carried out in marginalized, remote areas, and which are potentially more cost-efficient and beneficial to communities.

### *Support needed for developing sub-national governance systems and strategies*

By refusing to exclude undesirable elements from positions of power in the new institutions because it was thought they could help on priority matters such as the struggle against terrorism, the international community all too often honored the Bonn Agreement more in letter than spirit. State-building in Afghanistan was warped from the beginning. To serve its own interests and those of the Afghan people better, the international community must now show more spine by demanding serious steps of the Karzai government to remove corrupt officials and establish clearer time-tables for action, and it must be prepared to impose penalties when the government fails to implement commitments to end impunity. Even at the cost of some short-term pain, the focus must remain on the Compact's long-term goal of a "democratic, peaceful, pluralistic and prosperous state".

State-building and counter-insurgency efforts must be seen as complementary. To advance the Compact, the Afghan government and its international supporters should concentrate on:

- countering the flourishing culture of impunity, which is the enemy of genuine reform;
- addressing the widely varying capacity of ministries to deliver on commitments;
- developing a comprehensive framework for sub-national governance; and
- bringing the hitherto largely ignored legislative branch into the heart of the governance process.<sup>22</sup>

The corruption and lack of capacity so prevalent in the government structures in Afghanistan are severely hampering recovery and development gains. Due to these weaknesses, in 2006, the Government of Afghanistan was only able to spend 44% of the humanitarian and development funding allocated to it by international donors.<sup>23</sup>

Without effective governance, especially on the provincial and district level, communities cannot build on development efforts to sustain gains and support them in the longer term. Such weaknesses in the local government exist because there are no effective, integrated and coherent Government-led sub-national governance strategy and systems. To this point, the predominant amount of international support to governance development has focused on the central government level. Such an approach is actually counterintuitive for Afghanistan, given the extremely high importance culturally and historically of the local-level leadership in the perspective of Afghan communities.

Intensive efforts are required to build the capacity of the Afghan government to deliver or oversee the delivery of essential services at the local level. Reform must seek to de-concentrate the centralized powers and resources of ministries and build institutional systems and capacities at the local level.

## **Recommendations**

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<sup>22</sup> ICG Policy Briefing: Afghanistan's Endangered Compact. January 2007.

<sup>23</sup> Jonathan Goodhand and Mark Sedra, *Bargains for Peace? Aid, Conditionalities, and Reconstruction in Afghanistan*. Netherlands Institute of International Relations. August 2006, p.3.

- A multi-stakeholder strategy should be developed to ensure the provision of agricultural support comprehensively throughout Afghanistan at the local level, covering arable and livestock farming, rural trades, and improved land and water management. It must ensure relevant support for the economic and occupational activities of rural women.
- The Canadian PRT should adhere to its mandate: to facilitate the development of a stable and secure environment; it should only exist where security conditions make it absolutely necessary, and it should only provide humanitarian assistance when no other actor is available to do so.<sup>24</sup>
- Canada should increase funding and support for UNAMA, which is severely under-resourced, as a coordination mechanism in Afghanistan
- Any development funds allocated to the PRT should be re-routed to local and international NGOs that partner directly with the Government of Afghanistan to jointly implement development programming.
- The Canadian Government should ensure that official development assistance (ODA) is not be used to fund PRT or military objectives such as force protection, intelligence-gathering or ‘hearts and minds’ operations. The legal basis for development and humanitarian assistance, as defined under the OECD Donor Assistance Committee eligibility criteria for ‘Official Development Assistance’, is clear. Aid should be focused on tackling poverty, and not be diverted towards military-strategic goals.
- The Canadian Government should ensure that geographic spread of CIDA’s assistance allocation for Afghanistan is driven by Afghan needs and priorities, not the needs of military operations to win support.
- The Canadian Government should conduct a thorough evaluation of Quick Impact Projects and other projects supported through the PRT for their effectiveness and impact on the local population
- The Canadian Forces (CF) must adhere to the Government of Canada Guidelines on Humanitarian Action and Civil-Military Coordination (2003)
- Donors and key ministries, including the new Independent Directorate for Local Governance, should establish a group to intensify and coordinate efforts to develop a comprehensive strategy and functioning systems of local governance.

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<sup>24</sup> “Service Delivery and Governance at the Sub-National Level in Afghanistan,” World Bank, July 2007, p.xiv