

AFGHANISTAN

The Current Situation

The challenges for peace and stability in a country ravaged by more than three decades of war are considerable. Efforts to guarantee stability continue to be undermined by the Taliban-led insurgency, which has access to safe havens in Pakistan, concerns about the international community's long-term commitment to Afghanistan following the transition to Afghan security lead in 2014, as well as by the implications of a political settlement with the Taliban and other armed opposition groups.

After more than a decade of internationally supported statebuilding efforts in Afghanistan, the insurgency remains resilient, the Afghan government weak and the international community fatigued. Many analysts and policymakers have concluded that the war has reached a stalemate and Afghanistan's future stability depends on a negotiated political settlement with the Taliban. In early 2011, the US government began to openly pursue a negotiated solution by initiating talks with representatives of the Taliban movement.

While efforts to engage the Taliban in peace talks continue, the international community and the Afghan government have continued to implement the transition plan agreed to in 2010, according to which Afghan security forces will be responsible for assuring security in the country by the end of 2014. This action will allow the gradual withdrawal of the 140,000 (at their peak) international military forces from 40 countries fighting under a NATO-led coalition. Some international troops will remain for the purpose of training and supporting Afghan security forces, in accordance with the Special Partnership Agreement signed between Presidents Karzai and Obama in May 2012, and a Base Status of Forces Agreement currently being negotiated between the two governments.

In 2014 Afghanistan will also face a critical presidential election. President Karzai is barred by the constitution from running again, which means that the 2014 elections will be the first time that executive power is handed over from one person to another according to peaceful and democratic means. The most recent Afghan elections in 2009 and 2010 were regarded by observers as significantly flawed. Given the importance of the 2014 elections in ensuring a continuity of governance and Afghanistan's constitutional order, its political and electoral institutions will need to perform with much greater effectiveness and credibility. Successful elections will be crucial for Afghanistan's future stability, regardless of progress on reconciliation or on training of Afghan security forces.

The United States Institute of Peace (USIP) is actively addressing these issues through three interrelated objectives:

- informing United States, Afghan and international policy and practice;
- strengthening governance and the rule of law;
- building understanding of and capacity in conflict prevention, mitigation and resolution for Afghan individuals and institutions.

Objective 1: Informing United States, Afghan and International Policy and Practice

Access to Reliable Election Information and Reporting

Access to reliable information is key to the legitimacy of the next Afghan elections, which in turn is required for Afghanistan to experience a peaceful political transition. Technical and political actors need reliable information to plan elections, the media needs reliable information on which to base reporting, citizens need reliable information to take part in the voting process and analysts need reliable information to assess the election. This project will take advantage of the 18-24 month lead time before the next election to analyze how media and election-related stakeholders can provide more reliable access to information. This work will feed into future USIP proposals, as well as informing the strategic planning of donors and implementers conducting elections-based initiatives in Afghanistan. The project has two main focus areas: (1) assessing Afghan domestic media capacity to provide citizens with reliable election information; (2) assessing digital media-based systems that can effectively share information between a wide range of elections actors, including journalists, civil society practitioners, monitoring groups and technical experts.

Afghanistan Senior Experts in Residence Program

USIP offers, through its Senior Experts in Residence Program, opportunities for scholars and experts on Afghanistan to conduct research and communicate their insights to academic and policy audiences as well as the general public in the United States and Afghanistan. Currently, USIP hosts the following experts:

Ambassador Omar Samad—Afghanistan Senior Expert (January–December 2012)

Prior to coming to USIP, Amb. Omar Samad served as the Afghan Foreign Ministry's Spokesperson (2001-04), and as Afghanistan's ambassador to Canada (2004-09) and France (2009-11). Amb. Samad's research focuses on identifying the views of a cross section of politically engaged Afghans on key priority issues that are of current concern in the country and with international stakeholders. In addition to his research project, Amb. Samad has been an invited speaker and panelist at numerous conferences, been widely quoted in the media on Afghanistan-related issues and written several policy-oriented articles.

Dr. William Byrd—Afghanistan Senior Expert

After a long and distinguished career at the World Bank, including as the World Bank's first Country Representative in Afghanistan in 2002 following the defeat of the Taliban, Dr. William Byrd joined USIP as a Senior Afghanistan Expert in April 2012. His research at USIP focuses on economic aspects of Afghanistan's ongoing transition (2011-14). The objective is to bring insights on this area to the attention of the policymaking and analytical community working on Afghanistan, by engaging in real-time research, policy work and advocacy on selected topics related to the economics of transition through timely, policy-oriented secondary research, briefing papers, short analytical pieces, and participating in USIP's workshops and other similar events for substantive discussions of concrete policy issues.

Supporting Analytical Work on Critical Development, Peace and Stability Issues

USIP uses its existing partnerships with Afghan civil society organizations (CSOs), policy research institutions and universities to conduct fieldwork, commission research papers and host workshops and seminars. The activities include in-depth studies based both on primary and secondary data, on-the-ground surveys, key-informant interviews and focus group discussions. The objective of this project is not simply to conduct research, but to ensure that evidence-based policy research generates practical policy recommendations on key issues related to development, peace and stability. Dissemination activities will take place in Afghanistan as well as in the United States and other international locations. These activities build on existing USIP program strengths, which include a broad array of research and outreach efforts, as well as partnerships with Afghan research organization and civil society institutions. Some of the research projects that USIP is supporting include:

The U.S. Surge and Afghan Local Governance

In February 2012, USIP commissioned a research project by Frances Z. Brown, 2011-12 International Affairs Fellow with the Council on Foreign Relations and an Afghanistan Fellow with USIP, to examine both the US military's localized governance, reconstruction, and development projects and US civilian stabilization programming in Afghanistan from 2009 through

2012, based on interviews with nearly sixty Afghan and international respondents in Kabul, Kandahar, Nangarhar and Washington. Her research findings are captured in a special report published in September 2012 titled *The U.S. Surge and Afghan Local Governance—Lessons for Transition*.

Free and Fair—An Afghan Perspective:

Afghanistan's most recent elections (in 2009 and 2010) were widely criticized by international observers as fraudulent. Beyond these observers' formal conceptualization of fraud and its impact on the 'legitimacy' of the polls, more in-depth research has found that these elections have contributed in other ways to a growing distance between Afghans and their government, providing platforms for violence, intimidation and disillusionment. To further research in this direction, USIP awarded a research contract to Noah Coburn and Anna Larson for a project titled *Free and Fair—An Afghan Perspective*. The project aims to unpack the concept of a 'free and fair' election from an Afghan perspective.

The Role of Civil Society in Monitoring Afghanistan's Extractive Industries

While there is much optimism about Afghanistan's mineral wealth and the contributions that the exploitation of this wealth might make to Afghanistan's future prosperity, in the short term mining and other extractive activities in violence-affected societies with weak institutions can often generate more conflict than prosperity. This project develops a community-based approach to monitoring social, economic and environmental developments in Afghanistan's mining sector. It creates a publicly accessible database of key indicators which will be updated regularly by trained members of the community. It fosters a sense of local civic participation and ownership to reduce tensions from the effects of mining and promote stability.

Objective 2: Strengthen Governance and the Rule of Law

Engaging the Islamic Legal Community in Justice

The role of Islam in Afghanistan's justice system has always been important, but it has been differently interpreted and competes with traditional dispute resolution mechanisms that predate the advent of Islam in Afghanistan. There remains profound lack of agreement among many Afghan religious leaders, let alone laypersons, regarding what Islamic law actually says about a number of detailed legal matters including, but not limited to, the rights of women, criminal law and procedure, the binding effect of rights enumerated under international law and the larger body of fundamental rights. USIP is examining the interplay between Islamic law and customary norms in the resolution of disputes within local justice forums in order to determine the key normative orders upon which disputes are resolved and conflicts mitigated, and how the current discourse on Islamic law and its nexus with customary justice is affecting the delivery of justice for women and other vulnerable groups in Afghanistan.

Enhancing Women's Access to Justice

Ensuring women's access to justice and protecting their rights is central to building a lasting peace. The task is particularly daunting in Afghanistan, where the much-used informal dispute resolution mechanisms do not always respect women's rights, and religious and cultural norms limit their role in public life. Afghanistan has formally acceded to the principal international treaties supporting women's rights, and the Afghan Constitution affirms that women and men are equal under the law. Yet weaknesses of the formal justice institutions undermine the government's claim to be an equitable arbiter of justice. This has left women in many rural communities unprotected from traditionally conservative values and harmful practices. USIP is exploring practical and effective ways to protect the rights of women within the Afghan context (both formal and informal), and to empower advocates (both male and female) for women's rights within an Afghan framework to positively influence practices and perceptions within their communities and country.

Promoting Legal Awareness through Youth Outreach Volunteers

In 2011, USIP staff began discussions with multiple, self-funded volunteer groups that were conducting community education campaigns throughout the eastern province of Nangarhar, including in unstable districts where government actors and other non-governmental organizations (NGOs) were unable to work. These campaigns focused on basic literacy and numeracy skills, as well as Arabic, English and computer literacy. USIP's discussions revealed, however, a fundamental

lack of understanding of basic civics and citizens' rights among the population. To fill this gap, it began to work with local government authorities, CSOs and local academic institutions to create an accessible civics and rights awareness curriculum that youth volunteer groups could teach in their respective districts. The expectation is that an educated and well-informed populace can hold all parties to the conflict accountable for their actions within all the relevant legal frameworks (statutory, Islamic and customary), and begin to assure through this awareness that rights are respected. USIP's Center for Media, Conflict and Peacebuilding is assisting with the project by training the volunteers on social media and radio production skills. The goal is to enable these groups to develop advocacy campaigns based upon self-identified interests around rule of law issues.

Rule of Law Radio Programming

USIP is working with local Afghan partners to produce a curriculum-based radio drama series, which will address the challenges of dealing with Afghanistan's multiple informal and formal judicial sectors. The program will also include an interactive component, allowing listeners to use cell phones to contribute to the storyline. For example, listeners would be asked to submit their suggestions for resolving a local justice issue by using their cell phones. The production team will review the suggestions and produce an ending to be broadcast in a subsequent program which is consistent with the curriculum of the series. The program format is designed to reinforce the importance of Afghan participation in charting the path towards the equitable rule of law.

Objective 3: Build Understanding of and Capacity in Conflict Prevention, Mitigation and Resolution for Afghan Individuals and Institutions

Enhancing the Role of Women in Peacebuilding

USIP's Gender and Peacebuilding Center has brought together a community of practice that is examining the lessons learned from programs of support for women in Iraq and Afghanistan. Along with best practices derived from those programs, the objective is to strengthen the effectiveness of women's programs. This working group consists of representatives of the US Government (USG), international NGOs and the Allied Embassies, along with key members of Congress, their staff and members of the US Armed Forces. From these working group meetings, USIP's Gender and Peacebuilding Center continues to glean best practices and lessons learned in Afghan and Iraqi women's programming.

Pilot Projects on Recording and Enforcing Traditional Decisions

USIP's early research in informal dispute resolution found that while the traditional justice system is reasonably effective at bringing parties together to resolve a dispute, the dispute may arise again because there is an absence of durable enforcement mechanisms. Traditionally, social pressure from the community ensured that parties abided by decisions. The breakdown of communities due to two generations of war and shifting power dynamics within communities mean both that social pressure is far less effective and that decisions made in the informal system can be renegotiated retroactively based on who wields relative power within a community at a given time. USIP previously worked with different Afghan partner organizations to test whether creating linkages between the formal and informal system could improve the enforcement of informal dispute resolution. It is now reviewing its past work on this issue, defining lessons learned, and adapting the project to capitalize upon the previous project's strengths and learn from its challenges.

Priority Grant Competition: Civil Society Capacity Building for Peace, Dialogue and the Rule of Law

Through its Priority Grant Competition, USIP is helping strengthen the capacity of local communities to analyze and resolve conflicts through peaceful means, integrating best practices in negotiation and mediation with traditional means of conflict resolution. USIP is working on a project with BBC Media Action on a 12 month radio series that will create a better understanding among rural audiences of the peaceful alternatives to the violent resolution of conflict. USIP is also working with Future Generations Afghanistan to identify positive deviant communities in Afghanistan and create an Afghan-led network committed to amplifying successful community strategies for security, development and peace. In addition, USIP is working

with Bond Street Theatre to train youth in conflict prevention and reconciliation through a series of workshops and collaborations with theatre and NGO partners.

Provincial Dispute Resolution Commissions

The development of provincial dispute resolution councils (DRCs) builds on past district level projects with nonstate dispute resolution mechanisms by trying to address the next level of disputes—those which go beyond the scope of any district level actor to solve because they are too large or involve some other intertribal, interdistrict or interethnic issue. For that reason, these high-level conflicts have a high propensity to lead to criminal or violent action. During the scope of the project, the DRCs, which are drawn from experienced traditional leaders and mediators who represent important and diverse constituencies, will work together to resolve 10 of these conflicts in their province. They will work in close conjunction with local representatives of the Ministry of Tribal Affairs and the Afghanistan Independent Human Rights Commission, who will attend all of the meetings and provide an additional rights monitoring and government linkage function. The goal is to build an effective mechanism for improving governance at the provincial level, which may be incorporated quite easily into government operations and line ministries on a national level.

Recent USIP Afghanistan Program Publications

PeaceBriefs

- Tim Luccaro, “Providing Space for Positive Youth Engagement,” September 2012.
- William Byrd, “Mutual Accountability,” August 2012.

Special Reports

- Kathleen Kuehnast, Manal Omar, Steven E. Steiner, and Hodei Sultan, “Peacebuilding Efforts of Women from Afghanistan and Iraq: Lessons in Transition,” December 2012.
- Frances Z. Brown, “The U.S. Surge and Afghan Local Governance: Lessons for Transition,” September 2012.
- William Byrd, “Lessons from Afghanistan’s History for the Current Transition and Beyond,” September 2012.



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