

GOVERNANCE CONTENTS

Key Events	109
Elections	110
Quarterly Highlight: Elections Preparations and Challenges	111
New U.S. Civil-Military Strategic Framework for Afghanistan	119
Reconciliation and Reintegration	121
National and Subnational Governance	124
Judicial Reform and Rule of Law	130
Anticorruption	134
Human Rights	139

GOVERNANCE

As of September 30, 2013, the United States had provided nearly \$24.7 billion to support governance and economic development in Afghanistan. Most of this funding, nearly \$16.7 billion, was appropriated to the Economic Support Fund (ESF) administered by the State Department and the United States Agency for International Development (USAID).²⁴²

KEY EVENTS

Preparation for the 2014 presidential and provincial council elections continued during this quarter. The Afghan Independent Election Commission (IEC) concluded registration of candidates for president and provincial councils on October 6, 2013.²⁴³ Twenty-six candidates for president, along with candidates for first and second vice president, officially registered for the election.²⁴⁴ On October 22, the IEC issued an initial list of presidential candidates with only 10 of the registered candidates approved.²⁴⁵

The IEC and Electoral Complaints Commission (ECC) began work with new commissioners during the quarter. President Karzai appointed nine IEC commissioners for six-year terms in July 2013 and later appointed five members to the ECC.²⁴⁶

The top United Nations (UN) official for human rights warned after a recent visit to Afghanistan that “The momentum of improvement in human rights may have not only peaked, but is in reality waning.” The UN High Commissioner for Human Rights cited issues related to women’s rights and the Afghanistan Independent Human Rights Commission as areas of particular concern.²⁴⁷

The United States Ambassador to Afghanistan and the Commander of United States Forces-Afghanistan (USFOR-A) issued a revision to the U.S. Civil-Military Strategic Framework for Afghanistan in August 2013. The framework provides strategic guidance for all American civilian and military personnel serving in Afghanistan.²⁴⁸

The governor of Logar Province, Arsala Jamal, was killed in a mosque in the provincial capital in October. Mr. Jamal is the second Logar provincial governor to have been assassinated with a predecessor having been killed in September 2008. One of Mr. Jamal’s top priorities was the Aynak

FIGURE 3.28

PRELIMINARY LIST OF PRESIDENTIAL CANDIDATES WITH THEIR ELECTION SYMBOL

		Qutbuddin Hilal
		Dr. Abdullah Abdullah
 1477		Dr. Zalmi Rassoul
		Abdul Rab Rassoul Sayyaf
		Abdul Rahim Wardak
 1545		Qayoum Karzai
		Dr. Ashraf Ghani Ahmadzai
		Gul Agha Shirzai
 1267		Sardar Muhammad Nader Naeem
		Hedayat Amin Arsala

Note: IEC approved candidates for president as of October 22, 2013. The candidate symbols have been used since the 2004 presidential election to help illiterate voters identify candidates. For example, former Nangahar governor Gul Agha Sherzai opted for the symbol of a bulldozer to match his nickname.

Sources: Independent Election Commission, "Presidential Candidates," 10/22/2013, accessed 10/22/2013; Radio Free Europe, "Afghanistan: Ballot Papers Feature Unique System of Candidate Symbols," 9/14/2005, accessed 10/22/2013; AFP, "Afghan election body disqualifies 16 presidential candidates," 10/22/2013, accessed 10/22/2013.

cooper mine which is located in Logar Province.²⁴⁹ The quarter also saw the defection to the Taliban of a serving district governor and former senator from Sar-e-Pul Province. The district governor became the highest-ranking Afghan civilian official to have joined the insurgency.²⁵⁰

ELECTIONS

The IEC accepted nominations for president from September 16 to October 6.²⁵¹ Twenty-six candidates were nominated with only ten presidential candidates initially approved by the IEC for inclusion on the preliminary list of candidates, as shown in Figure 3.28.²⁵² Prominent candidates include former Foreign Ministers Abdullah Abdullah and Zalmi Rassoul, former Finance Ministers Ashraf Ghani and Anwarul Haq Ahadi, former Defense Minister Abdul Rahim Wardak, former parliamentarian and mujahedeen commander Abdul Rasoul Sayyaf, former Senior Minister Hedayat Amin Arsala, and former governor of Nangahar Gul Agha Sherzai.²⁵³ Several presidential and vice presidential candidates were required to resign their government posts before they nominated themselves for the presidential election, as shown in Figure 3.29 on page 121.²⁵⁴ According to Human Rights Watch, the slate of candidates include former military and militia commanders implicated in serious rights abuses, war crimes, and crimes against humanity.²⁵⁵

The IEC announced a preliminary list of approved candidates on October 22 and will issue a final list of candidates on November 16, 2013. The IEC announcement of the preliminary list of presidential candidates was delayed by three days partially due to verifying the nationality of the candidates. There were several reasons for candidates being disqualified including the lack of university degrees, holding dual nationality, and failing to provide 100,000 voter cards from at least 20 provinces. According to the IEC Chairman, disqualified candidates have 20 days to raise any objections.²⁵⁶ The official election campaigning will begin in February 2014.²⁵⁷ The IEC also announced that 3,056 candidates, including 323 women, filed nominations for the 420 provincial council seats. Of those who registered, IEC confirmed 2,704 candidates, including 308 females, as preliminary candidates for provincial council.²⁵⁸

Preparations for the April 5, 2014, elections are further advanced than at comparable points in any previous Afghan election, according to State. State said the promulgation last quarter of two key electoral laws, rapid appointments to election management bodies, and the roll-out of a voter registration update represent significant progress toward ensuring an orderly and timely process. Afghan authorities have registered over 1.5 million new voters.²⁵⁹

For a full discussion of the election planning and challenges see the quarterly highlight on pages 111–118.

ELECTIONS PREPARATIONS AND CHALLENGES

Afghanistan’s presidential and provincial council elections are scheduled for April 5, 2014. Parliamentary elections are scheduled for spring 2015. The constitution prohibits two-term President Hamid Karzai from running again. A successful election to replace him would represent the first democratic transfer of power in the country’s history. The government of Afghanistan committed in the Tokyo Mutual Accountability Framework “to conduct credible, inclusive, and transparent Presidential and Parliamentary elections in 2014 and 2015 according to the Afghan Constitution, in which eligible Afghan citizens, men and women, have the opportunity to participate freely without internal or external interference and in accordance with the law.”²⁶⁰

This quarter, U.S. Special Representative for Afghanistan and Pakistan James F. Dobbins called Afghanistan’s electoral process the “single most important development which will affect Afghanistan’s future over the next year.”²⁶¹

Craig Jenness, the director of the United Nations’ Electoral Assistance Division, told SIGAR that donors and Afghans agree on the overall strategic principles: (1) the ultimate goal is an outcome broadly accepted by Afghans; (2) participation and inclusivity must be a priority; (3) the technical process must be (and be seen to be) unbiased and sound enough to defend the outcome; and (4) antifraud measures should be both robust and strategic.²⁶²

U.S. ELECTIONS SUPPORT AND UNDP/ELECT II

The United States is providing an estimated \$99.4 million in assistance to support the 2014 elections through a variety of programs, as shown in Table 3.8.²⁶³ The most important is the United Nations Development Programme’s (UNDP) Enhancing Legal and Electoral Capacity for Tomorrow-Phase II (ELECT II).²⁶⁴ ELECT II evolved out of ELECT, a UNDP program set up in

TABLE 3.8

U.S. PROGRAMS INTENDED TO SUPPORT THE 2014 AFGHAN PRESIDENTIAL AND PROVINCIAL ELECTIONS		
Mechanism	Budget Estimate	Life of Project
UNDP Enhancing Legal and Electoral Capacity for Tomorrow-Phase II (ELECT-II)	\$55 million	January 2012–December 2015
Support for Increased Electoral Participation in Afghanistan (SIEP)	\$15 million	September 2008–September 2013
Afghanistan Electoral Reform and Civic Advocacy (AERCA)	\$7.5 million	July 2009–June 2014
Supporting Political Entities and Civil Society (SPECS)	\$6 million	July 2013–June 2016
Promoting Afghan Civil Engagement (PACE)	\$4 million	TBD 2013–TBD 2018
Initiative to Promote Afghan Civil Society, Phase II (IPACS II)	\$1 million	October 2010–December 2013

Source: USAID, response to SIGAR data call, 9/30/2013.

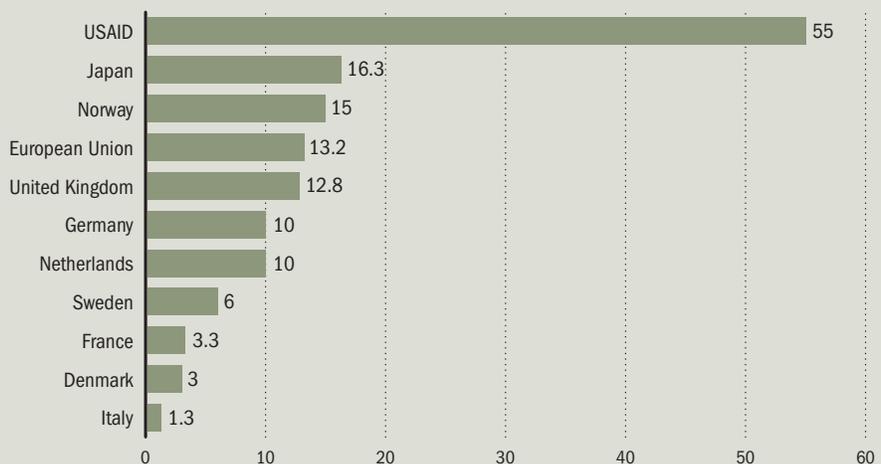
2006 to help the Afghan government prepare for and manage the 2009 and 2010 elections. The country’s first elections in 2004–2005 were co-executed through the Joint Electoral Management Body, which included the UN and Afghanistan’s Independent Election Commission (IEC).²⁶⁵ ELECT II aims to support the IEC and the Elections Complaint Commission (ECC) to:

- improve and consolidate its institutional capacity,
- improve and consolidate the professional and electoral skills of its staff via a skills transfer from ELECT II personnel,
- increase its capacity to implement elections so that technical assistance will not be required in the medium-to-long-term,
- sustain and develop its facilities, management and information systems, and infrastructure,
- encourage democratic participation, and
- mainstream the importance of gender equality across all its activities.²⁶⁶

USAID will contribute \$55 million of the total \$129 million ELECT II estimates is necessary to support the 2014 elections. The United Kingdom, the European Union, Italy, Germany, France, the Netherlands, Sweden, Denmark, Norway, and Japan are contributing the remainder, as shown in Figure 3.30.²⁶⁷ This funding will also allow UNOPS, an arm of the United Nations, to provide operational assistance through the UNDP subcontracting process to the newly established permanent ECC, which will adjudicate complaints.²⁶⁸ The International Foundation for Electoral Systems (IFES) will also provide advisory support to the ECC under the same process.²⁶⁹

FIGURE 3.30

ELECT II DONOR COMMITMENTS FOR THE 2014 PRESIDENTIAL AND PROVINCIAL COUNCIL ELECTIONS (MILLIONS U.S. \$)

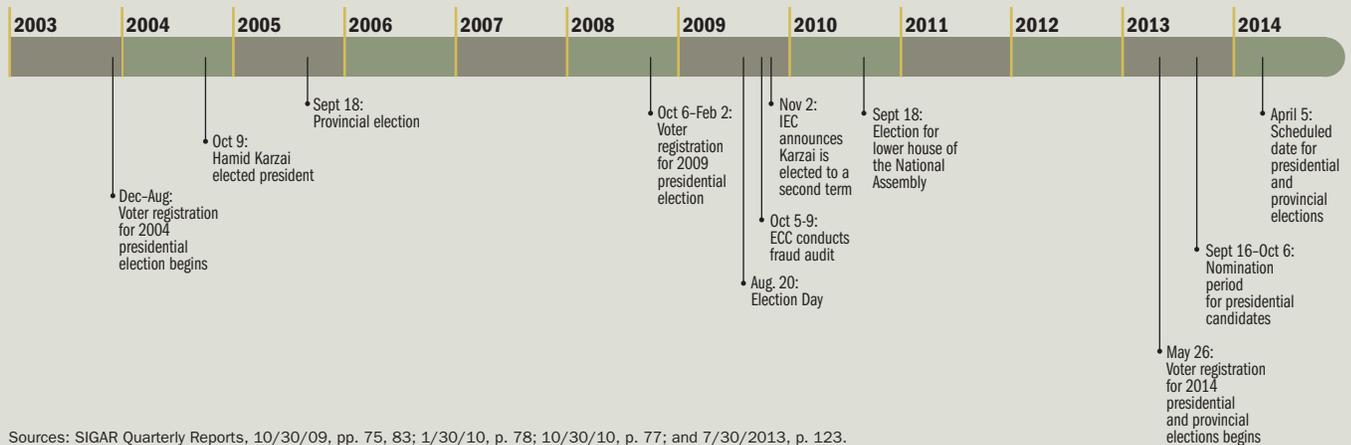


Source: UN Department of Political Affairs, Electoral Assistance Division.

QUARTERLY HIGHLIGHT

FIGURE 3.31

AFGHANISTAN'S ELECTORAL HIGHLIGHTS



Sources: SIGAR Quarterly Reports, 10/30/09, pp. 75, 83; 1/30/10, p. 78; 10/30/10, p. 77; and 7/30/2013, p. 123.

ELECT II's total estimated budget of \$248 million for the 2014–2015 elections is considerably less than the \$331 million ELECT budgeted for the 2009–2010 elections.²⁷⁰ (See Figure 3.31 for a timeline showing the highlights of Afghanistan's elections since 2004.) Jenness told SIGAR the UN has sought to reduce the international footprint in each successive Afghan election. In 2004, the international body that managed the election included about 500 international advisors. In 2009, ELECT had some 120 on hand. Only about 50 international advisors will play a role in the upcoming elections, he said.²⁷¹

Jenness added that for the first time, in the spirit of Afghanization and the requirements of the Tokyo Mutual Accountability Framework, approximately 20–23% of the electoral budget will likely be on-budget through the Ministry of Finance. He said this should help to build sustainable mechanisms for future Afghan-led and owned elections.²⁷²

USAID is also spending \$21 million to (1) strengthen political parties and coalitions; (2) develop domestic election and polling agent monitoring; (3) facilitate international election observation; and (4) encourage greater citizen participation in the elections and political process. Of this total, \$15 million was spent on the Supporting Increased Electoral Participation (SIEP) project and \$6 million will be spent on a follow-on project called Supporting Political Entities and Civil Society (SPECS) that will be implemented by the National Democratic Institute (NDI), IFES, and Internews, a non-governmental organization whose mission is to empower local media.²⁷³

USAID is spending \$7.5 million to support the Afghanistan Electoral Reform and Civic Advocacy (AERCA) project implemented by Democracy International (DI). AERCA has been facilitating an Afghan-led electoral



U.S. soldiers deliver voter-registration books to Afghan officials in Zabul Province. (DOD photo)

reform dialogue to strengthen Afghan democracy and foster innovations in governance.²⁷⁴

USAID will use an estimated \$6.5 million to support the initial roll out of the e-tazkera.²⁷⁵

USAID/Office of Transition Initiatives will use \$5 million for an information campaign encouraging peaceful citizen engagement in the electoral process in targeted areas of the south and east. The campaign is intended to counter insurgent messages aimed at preventing Afghans from participating in elections.²⁷⁶

The agency is also planning on spending \$4.4 million for elections-related civic-education programs through its Initiative to Promote Afghan Civil Society (IPACS II) project and forthcoming Promoting Afghan Civic Engagement (PACE) project.²⁷⁷ The program aims to engage voters and raise their awareness of their civil rights through a wide variety of mediums.²⁷⁸

In addition to USAID, the Public Affairs section at U.S. Embassy Kabul is implementing 26 grants and cooperative agreements for approximately \$7.67 million to support the 2014 Afghan elections. These programs will focus on raising awareness and encouraging voter participation nationwide, especially in the provinces where voting rights for Afghan women and youth are a challenge. Such programming includes town halls, radio and television broadcasts, as well as election polling.²⁷⁹

Independent Elections Commission

This quarter, President Karzai appointed nine commissioners to the IEC, who elected Yusuf Nuristani as the IEC chairman.²⁸⁰ Nuristani previously served under Karzai as deputy defense minister and governor of Herat. He told *The Wall Street Journal* that insurgent violence remains his main preoccupation in preparing for the presidential election in April 2014.²⁸¹ Under the new electoral law passed last quarter, the commissioners were chosen from a shortlist given to the president by a selection committee composed of the two speakers of Parliament, the head of the Afghanistan Independent Human Rights Commission, the head of the Supreme Court, and a representative of civil society organizations.²⁸² According to the UN Secretary-General, civil society organizations failed to agree on a representative and had no official representative in the selection process as required by the law.²⁸³

VOTER REGISTRATION

SIGAR recommended in an audit of the 2009 elections that Afghanistan improve its voter registration process.²⁸⁴ The IEC has no database of voter registration cards.²⁸⁵ Deceased voters have never been removed from the rolls.²⁸⁶ Voter registration cards in circulation outnumber eligible voters.²⁸⁷ Voters are not assigned to any particular polling station.²⁸⁸ The former head

of the IEC admitted that his organization was unable to identify counterfeit cards.²⁸⁹ The UN's Jenness noted the prevailing view that the problem has not been multiple voting but rather ballot stuffing or "wholesale fraud." Jenness said that last year the UN asked the international community to fund compilation of an entirely new Afghan voter registry. The new registry would have been the first real attempt to establish a voter registry linking voters to polling stations.²⁹⁰ However, the donors balked at the cost.²⁹¹ USAID disagreed with Jenness's account, saying the Afghan government made the decision not to go forward with a new voter registry.²⁹²

The IEC has instead embarked on a process of topping-up the existing registry. The commission is issuing new voter registration cards to potential voters who either have reached the age of 18 since the 2011 elections, have not previously registered, changed their electoral constituencies, repatriated to Afghanistan from abroad, or whose cards were lost or seriously damaged.²⁹³ As a result, Jenness said, "we will have the same criticism of the registry that we always have."²⁹⁴

The IEC began registering voters on May 26, 2013.²⁹⁵ The Afghan government has extended voter registration at the district level by 45 days, or until November 16, 2013, to give remote communities and women more opportunities to participate fully in the elections.²⁹⁶ The IEC has said it plans to distribute between 2.5 million and 3.5 million new cards.²⁹⁷ Reuters reported that voter registration cards are being sold for less than \$5 and that it is fairly easy for one to register to vote with false information.²⁹⁸ According to Reuters, voter cards have become a form of currency and are being



Thumbs blue with ink show voter-registration officials that these Afghan women have used the fingerprint alternative to a photo ID. (DOD photo)

exchanged for bags of rice and potatoes in parts of Kunduz Province, with most of those buying the cards working for candidates as campaigners.²⁹⁹ An IEC commissioner told Tolo News that fraud through the purchase of voting cards and votes is presently more of a concern for the IEC than security.³⁰⁰ The Afghanistan Analysts Network reported previously that the manual, paper-based system of voter registration makes it possible for people to obtain multiple voter registration cards.³⁰¹

SECURITY

Jenness and his political officer on Afghanistan, Asma Nassery, said the UN sees the biggest challenge facing election officials in 2014 as a lack of security that may prevent a significant number of voters from casting their ballots.³⁰² The Ministry of Interior has a comprehensive plan to secure polling places, according to UN officials.³⁰³ Under the plan, the Afghan National Security Forces will provide security, with the International Security Assistance Force (ISAF) offering assistance only upon request from the Afghan authorities for logistical, informational, and in urgent situations requiring in-extremis support.³⁰⁴ Afghan forces are already providing security for the IEC's activities, including outreach, voter registration, and movements of material, largely without reliance on ISAF.³⁰⁵ Jenness said ISAF has offered to transport sensitive materials by air if requested, a role they have played in past elections.³⁰⁶

Meanwhile, according to the head of the IEC secretariat, the Afghan security forces have guaranteed security for only 3,435 of 6,845 total polling stations.³⁰⁷ The most recent assessment offered by security officials found that 3,410 polling centers are still under threat. Of those centers under threat, 945 are classified as low-threat; 1,074 are medium-threat; and 1,132 are high-threat.³⁰⁸ A total of 259 were classified as being in areas under militant control in the provinces of Nuristan, Helmand, Ghazni, Badakhshan, Faryab, Parwan, Sar-e-Pul, Kandahar, and Paktika.³⁰⁹

This September, the Taliban claimed responsibility for assassinating the provincial head of the IEC in Kunduz.³¹⁰ According to the Associated Press, the Taliban leader Mullah Omar sent a message on the eve of the Muslim Eid al-Adha holiday calling on Afghans to boycott the election.³¹¹ SIGAR reported in 2009 that over 100 violent incidents took place on election day.³¹²

FRAUD PREVENTION

In 2009, insecurity, intimidation, a lack of observers, and, at times, a lack of adequate training of temporary poll staff led to widespread fraud.³¹³ In its audit report on Afghanistan's 2009 elections, SIGAR found that lessons learned included identifying polling stations well in advance to ensure sufficient logistics and security support, controlling printed ballots to prevent fraudulent voting, enabling and educating candidate representatives and

election observers, completing electoral activities before sundown due to security, tallying votes quickly to avoid manipulation, making results forms tamper resistant, tabulating votes in a transparent manner, and addressing and resolving complaints quickly.³¹⁴

With the help of ELECT II, the IEC has published a detailed, 20-page fraud-mitigation plan for the 2014 elections. State said the plan has three objectives: fraud prevention, fraud identification, and fraud correction.³¹⁵ The plan drew from an IFES report on the integrity of the Afghanistan elections that was prepared in February, State said. The report indicated that a large amount of fraud in 2009 was conducted by the temporary elections staff hired to administer polling stations.³¹⁶

To prevent recruitment of these former IEC employees and contractors, the IEC has developed a database with information about persons who committed fraud and misused their positions in previous elections. All IEC provincial offices have access to this database and are expected to use the data to screen recruits. Currently the IEC has only hired a few hundred temporary workers for the voter registration process, but in the months to come, it will hire thousands of temporary employees to staff polling stations and administer the election. The Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) has volunteered to monitor this process, State said.³¹⁷

USAID plans to fund domestic observers for the election through its SPECS project and its AERCA program. Through SPECS, USAID plans to set aside \$1.4 million in sub-grants to fund domestic election-observation missions, advocacy groups, and watchdog organizations. Through AERCA, Democracy International will fund two domestic observation organizations. USAID has not yet decided whether to fund international election observers.³¹⁸

The UN's Jenness said the IEC will be walking a fine line in the elections between instituting strict antifraud measures and disenfranchising voters. He said that while improprieties in the 2009 elections led to nearly a quarter of the votes being thrown out, overly strict antifraud measures could lead to a result like the one in Ghazni's 2010 parliamentary election. In that case, 117 out of 272 polling stations failed to open due to insecurity or had their ballots invalidated and the members of the majority Pashtun ethnic group failed to elect a single representative. "We think a major challenge is that in the south, in these insecure areas, there are people who have the right to vote," he said. "Don't you have to do the maximum to enfranchise these people? The key to the legitimacy of the upcoming elections will be the balance of maximal participation and strategic antifraud measures."³¹⁹

THE ELECTORAL COMPLAINTS COMMISSION

On September 19, the five commissioners of the newly established ECC were sworn in. President Karzai had signed a law last quarter making the

ECC the country's adjudicator of electoral complaints. Under the new law, the ECC no longer has international commissioners. The same selection committee that chose the IEC commissioners, with the addition of a civil society representative, presented the president with a short list of Afghan nominees, drawn from 300 applications, on September 12. On September 16, the presidency announced the final list of ECC commissioners. State said the members broadly reflect Afghanistan's ethnic and geographic diversity. Four members are men and one is a woman. The new commissioners elected Abdul Satar Saadat as chairperson.³²⁰

The ECC faced the challenging task of establishing 34 offices in all 34 provinces before the end of the candidate-nomination process on October 6. State said the ECC had accepted a proposal from the IEC to share offices with the IEC in the provinces, but to have an independent headquarters in Kabul. The ECC's next step was to propose nominees for the provincial ECC to the president, who would finalize their appointments.³²¹ The ECC has not yet presented nominations for provincial commissioners and instead has asked those with complaints to submit the evidence to the IEC provincial office which will then forward the request to the ECC in Kabul for consideration.³²²

These provincial commissioners were to constitute the core of the ECC's staff in the provinces. They will adjudicate electoral complaints at the provincial level, although their decisions can be appealed to the ECC in Kabul.³²³

WOMEN'S PARTICIPATION

Another SIGAR audit found that the IEC and the UN lacked sufficient focus in 2009 on resolving the issues that limited Afghan women's ability to fully exercise their political rights to register, campaign, and vote. For example, at least 80,000 female polling staff were needed, but only 43,341 were successfully recruited.³²⁴ UN officials said the IEC is working hard to make it easier for women to vote in the 2014 elections. They said ELECT II is supporting the IEC to incorporate a gender perspective in all public outreach initiatives, including the recent broadcast of radio and TV public service announcements encouraging women to register and participate in elections. UNWOMEN, a UN organization dedicated to gender equality and the empowerment of women, is considering a separate electoral support project aimed at the civil society sector.³²⁵

The IEC's extension of district-level voter registration for an extra 45 days is likely to improve female registration, according to State. However, the IEC warned in August that a shortage of female police officers could keep women from voting. The IEC said it needs 12,000 female body searchers at polling stations, but by the end of August, there were only 2,000.³²⁶

FIGURE 3.29

Executive Branch Officials Running for President or Vice President



Note: Listed in chronological order of their registration. Two other executive branch candidates who had resigned to run for president, Azizullah Ludin (Head of the High Office of Oversight and Anti-Corruptions) and Anwar-ul-Haq Ahadi (Minister of Commerce & Industries), were disqualified by the IEC from running. As of late October 2013, there are five other tickets of candidates running for president.

Sources: ToloNews, "Complete List of Registered Presidential Tickets," 10/7/2013, accessed 10/7/2013; Tolo News, "IEC Announces Preliminary List of 2014 Presidential Candidates," 10/22/2013, accessed 10/22/2013.

E-tazkera

The distribution of Afghanistan's new biometric national identity card, the e-tazkera, has been tied to the National Assembly's passing a law on registration of the population. The lower house passed a bill in July that included the controversial provision that an individual's ethnicity would not be printed on the face of the card, although it would still be recorded in the biometric data contained within the card's electronic memory. The law is currently under review in the upper house. Once the population registration law has been enacted, under the European Union leadership and with the support of USAID, the Afghan Ministry of Interior has agreed to fund a nine-month pilot project to distribute the cards in 12 to 14 districts of Kabul City.³²⁷ The cards will be accepted as a form of national ID for the April elections, as well as in other interactions with the Afghan government.³²⁸

NEW U.S. CIVIL-MILITARY STRATEGIC FRAMEWORK FOR AFGHANISTAN

The U.S. Ambassador to Afghanistan, James B. Cunningham, and the Commander of USFOR-A, General Joseph F. Dunford, signed the U.S. Civil-Military Strategic Framework for Afghanistan which they say

GOVERNANCE

“articulates the vision for pursuing U.S. national goals in Afghanistan, while reflecting policy updates and changes related to the passage of time.”³²⁹ It includes improving governance and the rule of law as part of the U.S. national goal of strengthening Afghanistan so that it can never again be a safe haven for international terrorism.³³⁰ The framework document names political reconciliation and reintegration and advancing women’s role in society as cross-cutting efforts that will remain an important focus for the U.S. government.³³¹

According to the framework, a key U.S. goal is to empower the Afghan government and help its institutions become representative, accountable, responsive, constitutionally legitimate, and capable of performing key functions.³³² Under the new strategic framework, the United States has four priorities in the governance sector:³³³

- supporting the 2014 Afghanistan presidential elections
- strengthening checks and balances both within the Afghan government and independent institutions such as civil society
- strengthening governance functionality to enable service delivery
- stemming corruption

The framework notes that U.S. government support will shift away from parallel systems of direct service provision and toward strengthening the Afghan government’s role in sub-national governance, revenue collections, and budgeting to improve service delivery.³³⁴

The United States also seeks to help Afghans develop a legal structure that enhances stability by encouraging good governance, a vibrant civil society, economic growth, and women’s rights.³³⁵ The framework outlines four rule-of-law priorities:³³⁶

- building the capacity of the Afghan government justice and legal systems
- combating corruption within Afghan government agencies and institutions
- increasing access and understanding of the formal justice systems to empower civil society and protect women’s rights
- strengthening linkages between formal and customary justice sectors

The framework assumes that the Afghan government will do the following:³³⁷

- make acceptable progress on indicators outlined in the Tokyo Mutual Accountability Framework leading to continued financial support from the international community
- hold successful presidential elections resulting in a peaceful transfer of power in 2014
- provide continued support for political reconciliation

The new U.S. strategic framework also assumes that there will be sufficient security for implementing partners to conduct assistance activities and enough U.S. civilian and military personnel to adequately monitor and evaluate

progress.³³⁸ The framework itself does not offer specific indicators or metrics of progress for governance and rule of law other than the reference to indicators found in the Tokyo Mutual Accountability Framework. The Tokyo Mutual Accountability Framework governance-related indicators include:³³⁹

- developing an election timeline through 2015
- ensuring that an electoral architecture is developed
- ensuring respect for human rights of all citizens
- implementing the Elimination of Violence Against Women Law (EVAW) and National Action Plan for Women (NAPWA)
- enforcing the legal framework for fighting corruption
- raising the ratio of revenue collection to gross domestic product (GDP) from 11% to 15% by 2016
- improving budget execution to 75% by 2017
- enacting a legal framework to clarify roles and responsibilities of government agencies at national, provincial and district levels in line with the 2010 Sub-National Governance Policy
- developing a provincial budgeting process that includes provincial input into the relevant ministries formulation of budget requests, linked to a provincial planning process in which provincial councils have their consultative roles

RECONCILIATION AND REINTEGRATION

According to the Civil-Military Framework, the U.S. government views political reconciliation as “the solution to ending the war in Afghanistan.” The framework said the United States will pursue high-level diplomatic engagement for political reconciliation that includes leadership elements of the insurgency as well as support for the Afghan government reintegration program.³⁴⁰ The Special Representative for Afghanistan and Pakistan, Ambassador James F. Dobbins, indicated in September that the Taliban are currently unwilling to engage in dialogue with the United States or Afghan government, and that it is not clear when the situation will change. He also pointed out that the Taliban political office in Doha is currently closed following a “false start” at negotiations in June 2013.³⁴¹

Neither the United States nor the Afghan government made any progress towards establishing a peace process with the Taliban. The Afghan government continued its efforts to revive peace talks with the Taliban this quarter, but its overtures failed to bear any fruit. President Karzai visited Pakistan to discuss opportunities for cooperation between the two countries in support of reconciliation efforts.³⁴² Following the visit, Pakistan’s Foreign Ministry announced plans to release Mullah Abdul Ghani Baradar, the former Taliban second in command.³⁴³ According to news reports, however, Taliban commanders have refused to meet with Mullah Baradar because he is being escorted by Pakistani security agents and remains detained by Pakistani



An audience member addresses representatives from the Afghan High Peace Council during a panel discussion at the end of a women’s peace conference at the governor’s palace in Nangarhar Province. (DOD photo)

authorities.³⁴⁴ *The New York Times* reported that a spokesman for President Karzai stated that there had been no contact between Mullah Baradar and the Afghan government while Radio Free Europe quoted President Karzai saying “We are trying to find a contact number or his address to talk to him.”³⁴⁵ Pakistan also released an additional seven Taliban figures this quarter to facilitate the peace process in Afghanistan.³⁴⁶

High Peace Council

The U.S. and Afghan governments continued this quarter to stress that the High Peace Council is their preferred intermediary for any peace talks with the Taliban. In a September 16 press conference, Ambassador Dobbins said the U.S. supports an Afghan-led peace process which would involve talks between the Taliban, the Afghan government, and the High Peace Council.³⁴⁷ The Chairman of the High Peace Council travelled with President Karzai to Islamabad in August to ask Pakistan for the release of high-profile Taliban prisoners into Afghan government custody.³⁴⁸

Afghan Peace and Reintegration Program

According to the Department of Defense (DOD), the Afghan Peace and Reintegration Program (APRP) has made strong progress but is not a major influence on the conflict.³⁴⁹ According to the Department of State (State) and DOD, the Joint Secretariat completed reforms that improved the APRP’s financial-reconciliation process, largely addressing the financial-flow stoppages that had stalled the program every quarter.³⁵⁰ As of September, only four Provincial Joint Secretariat Teams (PJST) out of 33 were over 60 days delinquent in filing financial reports.³⁵¹ According to State and DOD, the PJSTs’ inability to conduct financial reconciliation had essentially shut down the APRP until this quarter.³⁵² State and DOD consider this change to be a significant improvement for the two and a half year-old program.³⁵³

According to State and DOD, the \$50 million U.S. contribution in support of APRP via the Ministry of Rural Rehabilitation and Development’s (MRRD) **National Solidarity Program (NSP)** has not been linked to the APRP for fear of increasing the risk to NSP non-governmental facilitating partners. The U.S. funds have instead been subsumed into the broader Afghanistan Reconstruction Trust Fund (ARTF) budget rather than being used in support of specific reintegration initiatives. The World Bank recently completed a mid-term review of the NSP and assessed the overall progress as satisfactory; however, the review did not include the Community Recovery Intensification and Prioritization (CRIP) component of NSP that is in support of the APRP.³⁵⁴ The MRRD planned to use \$10.4 million of the \$58 million pledged to NSP for use in support of APRP in 1390 and a further \$20 million in 1391.³⁵⁵

During the quarter, the number of small grants in support of APRP increased to 70. State and DOD state that 435 new reintegrees joined the

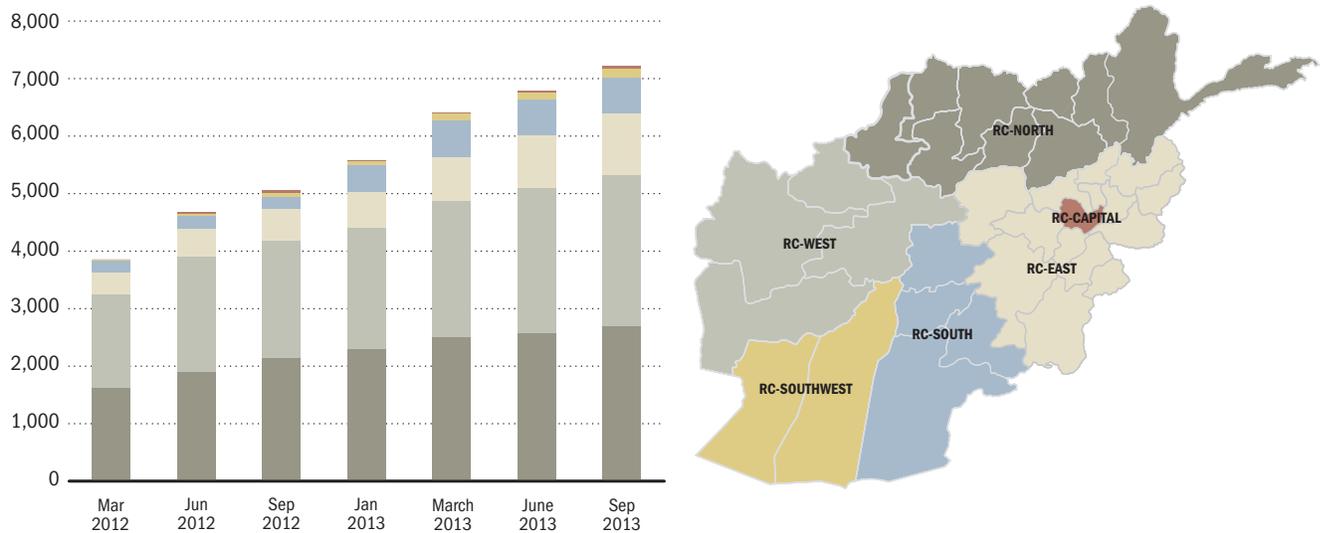
The National Solidarity Program (NSP):

was conceived and launched by the Ministry of Finance and Ministry of Rural Rehabilitation and Development (MRRD) in 2003. The NSP is designed to strengthen community level governance and to improve the access of rural communities to social and productive infrastructure and services by channeling resources to democratically-elected Community Development Councils (CDCs). The NSP outsources project implementation to facilitating partners that mobilize communities to form CDCs and provide CDCs technical guidance for managing block grants and planning and implementing subprojects at the village level. NSP receives support from the World Bank’s International Development Association (IDA), the World Bank-administered Afghanistan Reconstruction Trust Fund (ARTF), and bilateral donors.

Source: World Bank, Emergency Project Paper on a Proposed Grant in the Amount of SDR 27.2 million (U.S. \$40 million Equivalent) to the Islamic Republic of Afghanistan for a Third Emergency National Solidarity Project, 6/10/2010, pp. 3, 14.

FIGURE 3.32

REINTEGRES BY REGIONAL COMMAND, MARCH 2012–SEPTEMBER 2013



Source: State, responses to SIGAR data call, 4/2/2013, 1/2/2013, 10/2/2012, 7/5/2012, 3/30/2012, 7/1/2013, 10/4/2013.

program increasing the total to 7,214 reintegrees, as shown in Figure 3.32.³⁵⁶ State and DOD also report there is an estimated backlog of approximately 600 applicants.³⁵⁷ Twelve donor countries have given the APRP a total of \$182.3 million. Of this, \$107.1 million had been expended as of July 31, 2013.³⁵⁸

Conflict Resolution

The UN Secretary-General reported that the United Nations Assistance Mission in Afghanistan (UNAMA) continued to support the Afghan People’s Dialogue on Peace. Between April and June, UNAMA conducted 100 focus group discussions—of 200 planned in total—across the country involving 1,733 Afghans, including 429 women. The focus groups found that entrenched impunity, pervasive corruption and abuse of authority, unemployment, and, in some cases, lack of equitable development were reasons for discontent and the insurgency. Focus group participants also voiced concerns about the APRP and what was seen as a lack of vetting and accountability.³⁵⁹

USAID administers the Promoting Conflict Resolution, Peace Building, and Enhanced Governance program implemented by the United States Institute of Peace. The main objectives of the program are reducing violence by strengthening capacity to mitigate conflict; improving peace, security, and development; enhancing the rule of law; and increasing understanding of critical development, peace, and stability issues through

GOVERNANCE

fellowships, research, and analysis. USAID has obligated \$7 million for the program, of which \$4.7 has been disbursed as of September 30, 2013.³⁶⁰

In a *Foreign Policy* article, the Afghanistan Country Director for the United States Institute of Peace reported on the results of a meeting the program hosted with 200 community elders. The elders reported that although only 50 Taliban may be operating in a given area where as many as 300 to 500 government security personnel also operate, the elders are reluctant to side with the government due to widespread corruption. The author argues that the elders are largely indifferent to both the government and insurgent forces, with the elders reporting that neither can be trusted to deliver on promises of security, justice, or services.³⁶¹

Alignment: as meaning external partners are aligned with National Priority Program (NPP) strategy and the underlying principles of all donor programs and projects are consistent with the NPPs stated approach. Alignment is fully achieved when donor funded projects and the NPPs have common, unified, and consistent objectives, plans, programs, projects, and deliverables.

On-budget: all inflow of resources or spendings, program and project aid, is aligned with the plans of budgetary units, are captured in the budget documentation, are appropriated by the parliament and managed through the treasury system.

National Priority Programs (NPPs): a set of 22 priority programs announced at the Kabul Conference (2010) representing a prioritized and focused approach to Afghanistan National Development Strategy (ANDS) implementation including specific deliverables and costing of programs.

NATIONAL AND SUBNATIONAL GOVERNANCE

The UN Secretary-General reported that the Afghan government has continued to engage donor partners in the implementation of its Aid Management Policy, including on-budget financing, development framework agreements, financing agreements, and joint analysis, research, and assessments.³⁶² The Aid Management Policy was endorsed at the February 12, 2013, Joint Coordination and Monitoring Board (JCMB) meeting which was attended by Afghan government officials and representatives of 37 countries.³⁶³ According to the Ministry of Finance, the policy forms the guiding principles for the delivery of aid in Afghanistan and for the implementation and monitoring of mutual commitments made by the Afghan government and international donors.³⁶⁴

According to the Secretary-General, the Afghan government and donors are seeking to develop a consensus on definitions of **on-budget** and **alignment**.³⁶⁵ The July 2010 Kabul Conference previously used the term “alignment” and the 2012 Tokyo Conference used the terms “alignment” and “on-budget” to describe international donor commitments.³⁶⁶ The endorsed Aid Management Policy provides definitions for both of these terms that appear to match those used in the Kabul and Tokyo conferences.³⁶⁷ The Secretary-General did not elaborate on the specifics of the disagreement but his observation raised questions about the value of policies endorsed by the JCMB if key definitions remain up for debate.

The Secretary-General also reported that the Independent Directorate of Local Governance (IDLG) and the MRRD finalized policy for the establishment of District Coordination Councils (DCC). These councils are intended to be in place until constitutionally-mandated district council elections take place. Provincial committees would determine membership based on government criteria. The proposal has been submitted to the Council of Ministers for approval, with UNAMA facilitating consultations between the Government and the international community on funding modalities.³⁶⁸ DOD previously reported the Afghan government was expected to endorse and define the roles and responsibilities of the DCCs by the end of 2012 in order to begin operation by the end of 2013.³⁶⁹

Source: Government of the Islamic Republic of Afghanistan, Aid Management Policy (AMP) For Transition and Beyond, 12/10/2012, pp. 5, 8.

National Assembly

Both houses of parliament had a 45-day summer recess from July 23 to September 7, 2013.³⁷⁰

Upon return from recess, the lower house of parliament voted in favor of the Private Land Grabbing Prevention Law that aims to prevent the illegal acquisition of government and private lands. Parliamentarians supporting the law stated that over the past several years, millions of acres of land have been illegally acquired by influential government officials.³⁷¹

The lower house also gave their vote of confidence for Omer Daudzai, the nominee for the post of Minister of Interior; Akram Khpalkwak, the nominee for the post of Minister of Tribal and Border Affairs; Lotfurrahman Saeed, a nominee for membership to the Commission on Overseeing the Implementation of the Constitution (COIC); and Barat Ali Mateen, a nominee to the Supreme Court. Another nominee to the COIC, Nusrat Estanikzai, failed to gain a vote of confidence from the lower house.³⁷²

A female member of parliament was kidnapped by the Taliban in August while traveling along the Kabul-Kandahar highway near the city of Ghazni and released in September. It was the first instance a female member of parliament has been abducted by insurgents. According to a Taliban spokesman, six men and four women were freed in exchange for the parliamentarian. Another female member of the upper house of parliament was targeted in August while in Muqur district, Ghazni Province, in an attack that killed her daughter and driver.³⁷³

Mohammed Mohaqeq and Abdul Rasoul Sayyaf, both former Mujahedeen commanders and members of parliament, resigned their seats along with five other parliamentarians in order to run for office in the 2014 presidential elections.³⁷⁴

USAID provides support to the parliament through the \$23 million Assistance to Legislative Bodies of Afghanistan (ALBA) project that will run through April of 2017 with a possible one-year extension depending upon funding and project success. According to USAID, in the first two years of the ALBA project, efforts will focus on building parliamentary capacity ahead of the 2015 parliamentary elections. Once the new parliament is in place, the project will shift focus to more individualized training for parliamentarians and parliamentary commissions.³⁷⁵

Civil Service Vacancies and Access

The Independent Administrative Reform and Civil Service Commission (IARCSC) continued to prioritize filling Afghan government positions at the provincial level in line with the Insecure Provinces Recruitment Strategy and President Karzai's Presidential Decree 45. The Commission has advertised for positions in insecure provinces in neighboring areas to increase the pool of qualified applicants for civil service positions.³⁷⁶ IARCSC had planned to implement a general entrance exam to recruit recent university



Kandahar Provincial Governor Tooyalai Wesa speaks to local village elders during a shura in Maiwand district, Kandahar Province. U.S. and Afghan dignitaries also attended the shura. (DOD photo)

graduates for government positions in April; however, the initiative is delayed until the parliament approves relevant legislation.³⁷⁷

The Afghan government announced 50 district governor positions in 13 insecure provinces. The positions were advertised a second time due to the low number of applicants. Forty-eight candidates for district governor passed the examination and interview process jointly administered by the IDLG and the IARCSC. IDLG selected and referred 36 candidates to the IARCSC, which in turn sent 34 names to President Karzai's office for appointment after it was found that one of the candidates was missing documents and the other did not have the necessary exam score. The 34 candidates have already received training and will be ready to begin duty upon their appointment.³⁷⁸

UNAMA reported in its July 2013 midyear report that there has been an increase in targeted killings of civilian government workers, peace council members, and tribal elders perceived to be supporting the Afghan government.³⁷⁹ These killings are meant to punish civilians for supporting the Afghan government and serve as a warning to others. UNAMA observed a 76% increase in attacks targeting civilian government employees, with 114 civilians killed in 103 attacks during the first six months of 2013 (as compared to 61 civilian deaths from 72 attacks for the whole of 2012).³⁸⁰ On May 2, 2012, the Taliban announced that their "Al-Farooq" spring offensive would specifically aim to kill civilian targets, including high-ranking government officials, members of parliament, High Peace Council members, contractors, and "all those people who work against the Mujahedeen." As in 2012, the Taliban announcement of its 2013 spring offensive warned that civilians associated with the Afghan government or its international allies would be at risk of attack.³⁸¹

A recent targeted attack killed an employee of the MRRD and five staff members of the International Rescue Committee working for the NSP while returning to their field office in Gulran district, Herat Province. The six were traveling in a taxi that was stopped by armed men.³⁸² The MRRD has referred to the attackers as "enemy of the people of Afghanistan who oppose any development support" but did not offer additional details.³⁸³ This incident highlights the increasing difficulty civil servants and non-governmental employees are having reaching Afghan government projects. These now include the NSP, which the Taliban formerly avoided attacking due to the popular support the program enjoyed.³⁸⁴

U.S. Stability Programs

USAID's Stability in Key Areas Program

USAID said that its Stability in Key Areas Program (SIKA) made progress in grants execution, but that the program faced serious problems resulting from deteriorating security during this reporting period.³⁸⁵ USAID has

obligated \$146.9 million for four SIKA programs to increase the confidence of Afghans in their district government leading to the expansion of Afghan provincial government authority and legitimacy through workshops, trainings, and small grants.³⁸⁶ USAID reported 75 grants awarded in SIKA-East, 15 grants applications approved in SIKA-South, 52 grants activities in SIKA-West, and 65 active grants in SIKA-North.³⁸⁷ Other SIKA activities include training and capacity building of Afghan government officials and communities, development of communications plans for the Afghan government, and outreach events such as service-provider fairs, which USAID sees as producing tangible benefits for communities.³⁸⁸ As of September 2013, the four SIKA programs have expended \$92.93 million.³⁸⁹

USAID also stated that security has worsened in SIKA-East with cases of insurgents demanding that communities not affiliate with government projects. Meanwhile in SIKA-West, a recent threat led to a continuing work stoppage across an entire district.³⁹⁰ SIKA-North has also identified increased security challenges, but says activities have not been suspended.³⁹¹ Winter is expected to affect implementation of community projects in SIKA-East.³⁹² SIKA-South faced delays in Afghan-government certification of community representatives as legitimate—a required step that USAID says should have taken two weeks, but remains incomplete after three months.³⁹³ According to USAID, SIKA-West has found some district governors are not at their post and some district governors are reluctant to visit remote communities where project activities are under way.³⁹⁴

Village Stability Operations

Village Stability Operations (VSO) and the Afghan Local Police (ALP) are complementary components of the Afghan government's and the Afghan National Army (ANA) Special Operations Command's counterinsurgency strategy.³⁹⁵ According to DOD, team assessments and survey data suggest that gains in governance remain steady once districts transition from coalition forces to Afghan government control.³⁹⁶ ALP are currently serving in 116 districts across 29 provinces. By this fall, all ALP districts will have transitioned to complete Afghan government control.³⁹⁷

U.S. Capacity-Building Programs for Public Administration

Initiative to Promote Afghan Civil Society

USAID's Initiative to Promote Afghan Civil Society (I-PACS) encourages development of a politically active civil society in Afghanistan.³⁹⁸ The World Bank defines civil society as “the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious, or philanthropic considerations.”³⁹⁹ Through the program, USAID provides technical assistance, capacity



Nahr-e Saraj district Governor Mohammed Fahim speaking at a shura event urging the people to take ownership of their village and to ensure its peace and stability. (DOD photo)

building, and grants to civil society organizations nationwide.⁴⁰⁰ According to USAID, I-PACS proposed 33 amendments to legislation and regulations for civil society organizations with parliament approving 29 amendments.⁴⁰¹ USAID reports that I-PACS contributed to the recent signing of the Social Organization Law by President Karzai in September 2013 with 88% adoption of recommended amendments specific to that law.⁴⁰² According to the International Center for Not-for-Profit Law, the Social Organization Law supersedes the 2002 Law on Social Organizations and expands the civic space in Afghanistan by allowing social organizations to access foreign funding and to conduct advocacy.⁴⁰³ According to USAID, I-PACS has awarded \$10.9 million in grants to civil society organizations.⁴⁰⁴

I-PACS is now in its final quarter of operation and staff attrition is impacting implementation.⁴⁰⁵ USAID has obligated \$45 million with an estimated \$38 million expended as of September 30, 2013.⁴⁰⁶

USAID Performance Based Governance Fund

USAID's Performance Based Governance Fund (PBGF) was focused on building the financial-management capacity of provincial governors' offices (PGOs).⁴⁰⁷ The program assessed the PGOs' capacity on a quarterly basis. Improving PGOs received incentive funding.⁴⁰⁸ The award for the PBGF ended programmatic activities as of July 31, 2013, with close-out concluded on September 30, 2013. There is no broad programmatic follow-on for PBGF, although some training and capacity-building functions will be covered by a new program called the Initiative to Strengthen Local Administrations. The total obligated for PBGF to date is \$48.89 million, of which \$47.93 million has been expended.⁴⁰⁹

USAID did not provide program metrics or results in response to the SIGAR data request this quarter despite the fact that the PBGF is now being concluded. USAID's Office of Inspector General (OIG) previously reported in October 2012 that the PBGF plan contained no baseline values and only one target value for its 103 performance indicators, had too many indicators to be useful, and that the intended results were not clear or universally understood.⁴¹⁰ USAID OIG also noted that the program spent the majority of its funds (51%) on vehicles and equipment for the PGOs.⁴¹¹

USAID's RAMP-UP and Kabul City Initiative

USAID's Regional Afghan Municipalities Program for Urban Populations (RAMP-UP) and the Kabul City Initiative (KCI) are intended to help municipal governments in Kabul and other urban centers increase capacity of municipal officials, improve delivery of municipal services, support economic growth initiatives, and raise revenues.⁴¹² As of September 30, 2013, USAID had obligated \$271 million for RAMP-UP and \$44.6 million for KCI, of which \$185.9 million and \$39.7 million had been expended, respectively.⁴¹³ According to USAID, program uncertainty and funding cuts are no

longer an issue because new budgets, scopes of work, and periods of performance have been negotiated and finalized for all municipal programs.⁴¹⁴

The RAMP-UP projects were extended to the end of March 2014 with USAID planning for a follow-on program, the Strengthening Hubs for Afghanistan Resilience (SHAHAR).⁴¹⁵ USAID plans to concentrate its SHAHAR resources in up to 16 small-to-medium provincial capitals where it hopes to make the most difference.⁴¹⁶

USAID reports that the RAMP-UP East program recently selected 19 small-scale projects to be built through the municipal incentive fund.⁴¹⁷ Projects include six parks, five solar energy projects, and three trash bin projects.⁴¹⁸ Although the municipalities are supposed to share the cost at 30.8% on average, USAID notes that many have delayed making their cost or in-kind contributions to municipal incentive projects. However, USAID and RAMP-UP discussions with mayors and the IDLG/General Directorate of Municipality have reportedly resolved these challenges and allowed the projects to go forward.⁴¹⁹

USAID's Support to Sub-National Governance Institutions

USAID's Support to the Sub-National Governance Structure (SNG) project aimed to develop the capacity of Afghanistan's 32 provincial councils and provide technical assistance to the IDLG.⁴²⁰ A USAID-commissioned performance evaluation found that although the SNG project appeared relatively cost-effective as compared to similar projects implemented by other donors, the project had limited ability to report on project results.⁴²¹ For example, the implementing partner registered 82 site visit reports by provincial council members (which would be less than one site visit per year for each of the provinces) even though provincial council members claimed to have conducted more frequent site visits that were funded by SNG.⁴²² The evaluation found that SNG was unable to deliver performance indicator information because data were too general to ascertain results.⁴²³ The evaluation concluded that provincial councils appear firmly established across Afghanistan but that the limited authority of the councils undercuts their effectiveness.⁴²⁴ The project ended on September 30, 2013.⁴²⁵

USAID's Afghanistan Media Development and Empowerment Project

The Afghanistan Media Development and Empowerment Project (AMDEP) is designed to strengthen the capacity of independent media outlets by promoting greater professionalism within and among media institutions in Afghanistan.⁴²⁶ In addition to other partners, AMDEP supports Nai Supporting Open Media in Afghanistan (NAI), the leading media advocacy and training organization in Afghanistan.⁴²⁷ During the quarter, NAI voiced its opposition to long government delays in passing the draft Access to Information Law, and advocated for expediency.⁴²⁸ The Access

to Information Law outlines the rights of Afghan citizens and organizations to access information about the government as detailed in Article 50 of the Afghanistan Constitution.⁴²⁹ NAI also joined other media organizations in asking parliament to revise three articles of the Media Law that they argue would curtail the freedom of the press.⁴³⁰

USAID has obligated \$31.8 million for AMDEP, of which \$30.2 million has been spent.⁴³¹

JUDICIAL REFORM AND RULE OF LAW

Based on information received from the Supreme Court of Afghanistan and the Afghan Attorney General's Office, all districts now have prosecutors assigned (down from five without a prosecutor in 2012). However, the prosecutors for the 51 most insecure districts work from their assigned provincial centers, which may be outside of those districts. All districts now have a judge assigned and functioning courts (down from 33 without a judge in 2012). As required by Presidential Decree 45, the Supreme Court stated that as of March 2013, it had functioning courts in each district of Afghanistan. As no new judges had been hired, the Court thinned staffing in previously served areas to provide functioning courts. According to DOD, the Attorney General's Office will need to deploy prosecutors to underserved districts to allow for functioning criminal trials since many remain outside their assigned districts.⁴³²

Supreme Court

Under the Afghan constitution, Supreme Court judges serve set terms. According to State, four Supreme Court justices with expired terms are still serving.⁴³³ During this quarter, one nominee was introduced to the lower house to replace a justice whose term expired in 2010.⁴³⁴ The nominee received a vote of confidence from legislators. Several members of parliament requested during the nomination that President Karzai introduce a nominee for chief justice; the sitting incumbent's term has expired.⁴³⁵

State considers the final and binding conviction of Haji Lal Jan, an important drug-trafficker with ties to the insurgency, as a significant case before the Supreme Court this quarter.⁴³⁶

Criminal Procedure Code

The lower house of the National Assembly passed the updated Criminal Procedure Code (CPC) in early June 2013, the State Department said. The upper house has yet to act on the draft CPC passed by the lower house.⁴³⁷ The Afghan government had pledged at the end of the Kabul Conference in July 2010 to enact its draft CPC.⁴³⁸

Taliban Justice

UNAMA observed an increase in judicial punishments carried out by insurgent elements in the first six months of 2013. The majority involved insurgents executing civilians accused of spying for the Afghan government.⁴³⁹

Insurgent judicial structures were found to be imposed on some communities by force through physical removal of suspects, implementation of decisions, threats, intimidation, and harassment. In other instances, however, communities appeared to use these structures rather than official legal mechanisms and referred cases to the parallel “court.”⁴⁴⁰

Insurgent judicial punishments included beheading a civilian contractor supplying Afghan National Border Police in Kunar Province, killing an international non-governmental staff member, and abducting and killing a civilian accused of affiliation with the National Directorate for Security.⁴⁴¹

U.S. Justice Sector Support

In July 2013, SIGAR alerted the Secretary of State to deficiencies related to the award of the Afghanistan Justice Training Transition Program (JTTP) which is being administered by State’s Bureau of International Narcotics and Law Enforcement Affairs (INL).⁴⁴² State responded to the SIGAR alert letter this quarter and the full SIGAR audit—with responses to agency comments— should be released in the next quarter.⁴⁴³

INL has agreed to fund the JTTP, at \$47 million over 30 months with a program goal of transitioning from an external donor-led program to an in-house continuing legal education program administered by the Afghan government. JTTP builds upon capacity building and training programs under the Justice Sector Support Program, a program for which State has obligated \$212.7 million as of December 30, 2012.⁴⁴⁴ JTTP provides regional training on a range of criminal-justice topics, including anticorruption, to justice sector officials, including judges, prosecutors, defense attorneys, and criminal investigators.⁴⁴⁵ INL has also provided \$12.41 million since December 2010 to support the National Justice Sector Strategy (NJSS) and plans to provide an additional \$5.64 million to continue funding of NJSS until April 2014. INL’s contribution to the International Development Law Organization, an international organization that implements both JTTP and NJSS, totals \$65 million.⁴⁴⁶

INL has cited The Asia Foundation’s 2012 survey which found that, for the first time, more Afghans were using the formal justice system than the informal one as evidence that INL’s justice-sector programs were working.⁴⁴⁷

DOD’s rule of law efforts to date have included field support to civilian teams; training for judges, prosecutors, defense counsels, and corrections officials; providing infrastructure for courts and prisons; and training Ministry of Interior (MOI) police forces in aspects of law enforcement. However, the DOD mission is evolving as the international presence draws down. USFOR-A’s Rule of Law Field Force-Afghanistan (ROLFF-A) officially

SIGAR INSPECTION REPORT

During this quarter, SIGAR published an inspection report on the construction of the courthouse as part of the Justice Center in Parwan (JCIP). SIGAR found that construction of the JCIP courthouse has not been completed and the workmanship of the construction done to date is poor. For more information, see Section 2, page 40.

closed its field mission on August 31, 2013, and the NATO Rule of Law Field Support Mission-Afghanistan was scheduled to shut down on September 30, 2013. ROLFF-A's current mission is focused on supporting the Justice Center in Parwan, where staff assist civilian agencies to build the capacity of Afghan authorities to prosecute insurgents and terrorists under Afghan law. ROLFF-A will cease operations on February 1, 2014.⁴⁴⁸

Rule of Law Stabilization (Formal and Informal)

USAID administers two Rule of Law Stabilization programs: one focused on the informal sector, the other on the formal sector. As of September 30, 2013, USAID has obligated \$18.9 million for the Rule of Law Stabilization-Formal (RLS-F) and \$15.7 million for the Rule of Law Stabilization-Informal (RLS-I), with \$10.2 million and \$9.6 million disbursed respectively.⁴⁴⁹

According to USAID, RLS-F addresses the needs of the formal justice sector by developing the skills of four audiences: the judiciary, court administrators, Law and Sharia Faculties at universities, and the public-outreach departments at the Ministry of Justice and the Supreme Court. RLS-F most recently sponsored a joint training program on anticorruption. RLS-F continues to support a two-year orientation and skills-development program for future judges. RLS-F also works with the Law and Sharia Departments at universities across Afghanistan to promote a cadre of legal professionals for the next generation. USAID says progress has been made to establish a unified national curriculum for legal education and provide practical learning experiences for students, like moot court competitions and legal clinics. Finally, RLS-F educates Afghans on laws and rights so that they know how to access the courts.⁴⁵⁰

According to USAID, RLS-I addresses the needs of the informal justice sector by fostering linkages between the formal and traditional justice systems, and by aligning traditional justice with the Afghan constitution. RLS-I has enhanced the dispute-resolution skills of community leaders in 48 districts in south, east, and north Afghanistan. RLS-I has trained 20,000 persons (45% women) in key legal principles; established six community cultural centers and conducted outreach to increase citizens' understanding of rights; facilitated registration of close to 700 traditional justice decisions with district officials and local district courts; and secured 2,000 pledges from elders to follow best practices in traditional dispute resolution and refrain from using customs that violate Afghan law and international human rights. The program has also established female elders groups, which according to USAID, have a unique capacity to address cases that affect women and have resolved 700 cases.⁴⁵¹

Counternarcotics Justice Center

INL has expended approximately \$17.5 million to support operations and maintenance costs of the Counternarcotics Justice Center (CNJC) in Kabul

since FY 2008. Since 2005, INL has also transferred approximately \$18.8 million to the U.S. Department of Justice (DOJ) for programs that include mentoring, training, and advisory services to the police, prosecutors, and judges of the Criminal Justice Task Force who work at the CNJC. DOJ advisors also work on anticorruption and major crimes programs. INL funded the original construction of the CNJC facility, as well as various infrastructure upgrades totaling about \$16 million.⁴⁵²

According to INL, the investigators, prosecutors, and judges at the CNJC continue to pursue their cases aggressively and effectively. INL notes that CNJC prosecutors are able to build effective and compelling criminal cases through careful examination of the sufficiency of evidence for potential cases. According to INL, for the Afghan solar year 1391 (roughly March 2012–March 2013), the conviction rate at the CNJC was 99.7% in the Primary Court, with 21 Afghan government officials convicted of drug-related crimes.⁴⁵³

In August, the Nimroz Provincial Chief of Police, General Mohammad Kabir Andarabi, was arrested for large-scale heroin and opium trafficking, and transferred to the CNJC. Although there may have been some political pressure to release him, CNJC staff continued to detain Andarabi and pursue the case on its merits, State said.⁴⁵⁴ On September 29, the CNJC Primary Court issued a verdict of guilty on one count of drug-related corruption and sentenced General Andarabi to ten years in prison.⁴⁵⁵

The transition of the CNJC continues with INL reporting an emerging consensus among international and Afghan stakeholders that the MOI should be responsible for its operations and maintenance.⁴⁵⁶

Afghan Correctional System

The inmate population of Afghanistan's prisons has continued to increase at a rate of at least 17% annually over the past five years, leading to overcrowding, according to State. State attributed the growth in prison population to a system-wide improvement in the capacity of the Afghan justice sector coupled with a lack of understanding of and reluctance by the justice sector to utilize alternatives to incarceration.⁴⁵⁷ According to the United Nations Office on Drugs and Crime (UNODC), fines are often imposed in addition to—as opposed to in lieu of—incarceration sentences. Moreover, although Afghan law states that non-payment of fines is not a sufficient reason to incarcerate prisoners beyond their sentenced term, this still happens sometimes in Afghanistan.⁴⁵⁸

UNODC has conveyed to INL that prosecutors and judges are concerned that they will be perceived as corrupt if they permit fines to substitute for incarceration. INL will continue to train prosecutors on the legality of fines as an alternative to incarceration and to encourage the Afghan government to more significantly acknowledge their legitimacy.⁴⁵⁹ The INL Corrections System Support Program (CSSP) is working with the Afghan General

Directorate of Prisons and Detention Centers (GDPDC) to compile data on the extent of the overcrowding problem.⁴⁶⁰

Despite reports by UNAMA in 2011 and 2012 documenting widespread torture and abuse in Afghan police and National Directorate of Security detention facilities, State said it is not aware of any credible allegations of systemic torture or mistreatment within GDPDC facilities.⁴⁶¹

Juveniles are incarcerated by the Juvenile Rehabilitation Directorate (JRD), which is a separate Afghan government entity under the Ministry of Justice. According to State, JRD lacks the resources and capacity of the GDPDC, with most juvenile facilities being rented properties that are unsuitable as rehabilitation centers.⁴⁶²

The GDPDC and JRD continue to implement rehabilitation programs. Since last quarter, GDPDC worked to increase participation in industries programs like carpet weaving and bunk-bed construction at Pol-i-Charkhi, Afghanistan's central prison located outside Kabul. Prison leadership at Pol-i-Charkhi began housing prisoners working on industries programs in a separate cell block to expedite their movement to the industries building. The Pol-i-Charkhi prison commander has committed to establishing literacy classes specifically for prisoners enrolled in industries and vocational programs.⁴⁶³

At the Nangarhar, Balkh, and Kunduz provincial prisons, female inmates are enrolled in sewing programs, producing prisoner uniforms as well other garments for sale in the local economy. INL supports these efforts primarily through the CSSP, which provides advisors—including those with expertise particular to prison industries and gender and juvenile issues—at both GDPDC and JRD headquarters, as well as at correctional facilities in five provinces.⁴⁶⁴

According to State, INL possesses the financial and workforce resources to monitor contracts, grants, and construction projects throughout Afghanistan. State acknowledges that a lack of security periodically makes it difficult for INL to reach locations and because of this, State said INL is developing contingency plans and weighing site accessibility when making decisions on future efforts.⁴⁶⁵ For example, INL is investigating the viability of using third-party contractors to supplement direct oversight of infrastructure projects by INL's American and Afghan engineering staff.⁴⁶⁶

ANTICORRUPTION

This quarter, a SIGAR report on U.S. anticorruption efforts concluded that these activities are not guided by a comprehensive U.S. strategy that defines clear goals and objectives to strengthen the Afghan government's capability to combat corruption and increase accountability. SIGAR found that a draft 2010 U.S. anticorruption strategy was never finalized, and that in the absence of an anticorruption strategy, agencies are depending on

the Tokyo Mutual Accountability Framework and the U.S. Civil-Military Strategic Framework for Afghanistan for guidance. These documents lack specific goals and objectives against which the U.S. government can measure its progress.⁴⁶⁷ Moreover, according to State, the Afghan government has made little progress in meeting the July 2012 Tokyo Conference anti-corruption benchmarks.⁴⁶⁸

In July 2012, President Karzai issued Presidential Decree 45, which includes 38 anticorruption articles. State concurs with the Independent Joint Anti-Corruption Monitoring and Evaluation Committee's (MEC) overall assessment that there has been mixed progress with some positive achievements and some dismal failures.⁴⁶⁹ The MEC is an independent, joint Afghan/international entity established to monitor and evaluate national and international efforts to fight corruption in Afghanistan. It reports semi-annually to the Afghan public, parliament, president, and the international community.⁴⁷⁰

State notes that anticorruption progress has been made in two areas: drafting a new procurement law and achieving greater transparency in publishing Afghan government contracts. However, issues remain regarding the Kabul Bank scandal, civil service appointments, and articles related to the Afghan Attorney General's Office (AGO).⁴⁷¹

According to State, the JCMB, established in 2006 after the international London Conference to oversee implementation of the "Afghanistan Compact" and to align Afghan and international-community efforts to meet objectives agreed to in the compact, had not endorsed the National Transparency and Accountability Program (NTAP).⁴⁷² The NTAP is Afghanistan's second National Priority Program within the governance-development cluster. Afghanistan, with the support of the international community has established NPPs to guide reconstruction assistance. The NTAP has failed to satisfactorily meet three "red lines" established by the international community. The red lines identified by State include unverified asset declarations by senior Afghan government officials, portions of the Access to Information Law draft that civil society finds problematic, and U.S. government concerns with amendments to the National Audit Law. According to USAID, one of the red lines related to procedures for construction permits in Kabul municipality appears largely to have been met late in the quarter though USAID acknowledges implementation remains untested.⁴⁷³ State indicated that the NTAP may be considered at the next JCMB meeting scheduled for early 2014; however, the Afghan government is reportedly considering giving up on the NTAP.⁴⁷⁴

As of September 30, 2013, the DOJ was not aware of any corruption charges filed against high-level officials during this quarter.⁴⁷⁵ The DOJ has no way to track prosecution of lower-level Afghan government officials; however, international mentors believe that the Anti Corruption Unit (ACU) selectively prosecutes cases with a bias toward those without political connections or money.⁴⁷⁶

SIGAR SPECIAL REPORT

A SIGAR special report this quarter found that the United States lacks a strategic plan and mechanisms to track progress in fighting corruption in Afghanistan. For more information, see Section 2, page 43.

Afghan Attorney General's Office

The Attorney General's Office (AGO) was directed by President Karzai in July 2012 to assess and identify corrupt personnel within the AGO and report to the office of the president with its findings in six months. According to State, the AGO appears not to have met this requirement, as the international community is not aware of a report being prepared or presented. The AGO was also directed to establish a unit to address corruption within the AGO within 60 days of the decree.⁴⁷⁷ The AGO only recently established a surveillance department with a team of 20 prosecutors for this task.⁴⁷⁸ According to State, this unit is minimally supported and the cases being pursued have focused on allegations of lower-level police corruption rather than on the primary intended purpose of investigating government prosecutors and attorneys.⁴⁷⁹

State reports that information-sharing between the AGO's ACU and the Military Anti-Corruption Unit (MACU) has declined during the quarter. State assesses morale in these two AGO units to be very low with prosecutors reluctant to speak openly with international mentors for fear of retribution.⁴⁸⁰ State views the lack of candor in discussions between international mentors and AGO personnel as making it highly unlikely that the DOJ will become aware of high-level AGO interference in corruption cases.⁴⁸¹

According to State, although the ACU has demonstrated capacity to prosecute minor corruption cases, it remains ineffective against higher-level corruption due to a lack of will among the AGO and Afghan government leadership. High-level corruption continues and political will remains the major impediment to reform.⁴⁸² Despite this, State believes that there is value in continuing DOJ and INL engagement with the ACU and MACU. These engagements are meant to help prepare for prosecutions should the political will change and to demonstrate continued international-community interest in the activities of the ACU, MACU, and AGO.⁴⁸³

Special Cases Committee

As of August 2013, the Special Cases Committee (SCC), an elite sub-unit of the ACU and MACU, is officially defunct.⁴⁸⁴ The Afghan Attorney General announced that the SCC had completed its review of cases and had therefore fulfilled its purpose. The DOJ proposed that the SCC be formalized into a permanent unit to pursue the most politically challenging cases; however, the Attorney General rejected the proposal.⁴⁸⁵ According to USAID, the international community had viewed the SCC as a last-chance opportunity for the Attorney General to demonstrate sincerity in combating high-level corruption and doubted the AGO's assertion that each case in the SCC's initial portfolio was satisfactorily resolved.⁴⁸⁶

Major Crimes Task Force

The Major Crimes Task Force (MCTF) was recently designated the investigatory arm for a new AGO internal control and monitoring unit. However, high-level corruption cases developed by the MCTF continue to be stifled by the AGO.⁴⁸⁷

Federal Bureau of Investigation (FBI) mentors disengaged from the MCTF in February 2013, and were succeeded by personnel from the Combined Joint Interagency Task Force–Afghanistan (CJIATF-A). State believes the change in mentors has not materially changed MCTF effectiveness.⁴⁸⁸

Independent Joint Anti-Corruption Monitoring and Evaluation Committee

The Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) issued their latest six-month report on September 28, 2013. The MEC previously raised concerns regarding the United Nations High Commissioner for Refugees (UNHCR) and the Ministry of Refugees and Repatriations (MORR). The MEC found that significant steps have been taken by both institutions—with the support of UN leadership—to address MEC's concerns.⁴⁸⁹ The concerns are now the subject of a financial audit by the UN internal-oversight division and a promised audit of the MORR by the Supreme Audit Office (SAO). In the meantime, the UNHCR has discontinued rental payments for a MORR sub-office in Kabul, closed secondary accounts, and suspended suspicious transfers of funds.⁴⁹⁰ The MEC also raised concerns about nepotism and fraud affecting the Afghan government Civilian Technical Assistance Programme (CTAP). The MEC recommended increasing transparency of the CTAP; however, the MEC has not received an official response from the Ministry of Finance and the SAO has declined to perform an audit due to a lack of capacity.⁴⁹¹

The U.S. government has assisted the MEC by providing political support and helping to locate donor funding. USAID's Assistance to Afghanistan's Anticorruption Authority (4A Project) also provides technical support to the MEC Technical Secretariat. USAID is moving toward providing direct financial support to the MEC's operational budget.⁴⁹²

High Office of Oversight and Anticorruption

State and USAID agree that the High Office of Oversight and Anticorruption (HOO) remains dysfunctional, ineffective, and politicized.⁴⁹³ USAID's 4A Project reports that the HOO has sufficient technical capacity to function as an effective anticorruption institution.⁴⁹⁴ Although HOO may have the technical skill, both agencies agree it lacks the political will to be effective.⁴⁹⁵

The work of USAID's 4A Project with the HOO remains limited to providing assistance to its Human Resources Directorate per the HOO's request. According to USAID, the HOO refuses to share information with the 4A Project since the level of funding it provided over the last two years is no

longer available.⁴⁹⁶ USAID's 4A Project assisted the HOO this quarter in revising the terms of reference for various HOO positions; reviewing and revising a draft policy on Tobacco, Drugs, and Narcotics Free Workplace; and piloting a digital data-entry system.⁴⁹⁷ USAID has obligated \$9.4 million for the 4A Project with \$8.3 million disbursed as of September 30, 2013.⁴⁹⁸

Corruption in Afghan Security Forces

U.S. implementing agencies and international organizations say anticorruption efforts have had mixed results in the Afghan National Security Forces (ANSF). According to DOD, the Ministry of Defense (MOD) is making a serious effort to increase transparency and accountability of the ANA, while anticorruption efforts have slowed at the MOI, which is responsible for the ANP.⁴⁹⁹ This view was echoed this quarter by Transparency International in a new report that assesses transparency, accountability, and counter-corruption in the ANSF, MOD, and MOI. The report observed the MOD was making good progress, "propelled by strong political commitment over several years at Ministerial Level," but that the "MOI appears to be in an opposite situation, with a very difficult political environment and no common direction" on addressing corruption.⁵⁰⁰

DOD reported that the MOD has begun to embed, rather than only discuss, Transparency and Accountability Committees (TAC). There are currently 15 TACs, located in each corps of the ANA. The MOI acting minister reportedly has made countering corruption a priority and has removed deputies he believed were corrupt. The MOI has, however, reduced its inspector general staff and has not reinstated inspectors general at the provincial level.⁵⁰¹

CJIATF-Shafafiyat and Task Force 2010

Combined Joint Interagency Task Force (CJIATF)-Shafafiyat, an ISAF interagency group created in 2010 to coordinate anticorruption efforts, has been encouraging ISAF and Afghan leaders to take corruption and organized crime into account when planning for transition.⁵⁰²

During this quarter, CJIATF-Shafafiyat was transferred to the Combined Security Transition Command-Afghanistan (CSTC-A) to better support MOI and MOD ministerial development.⁵⁰³ CJIATF-Shafafiyat continues its efforts to shape and influence MOI and MOD ministerial development by focusing on the Inspectors General, TACs, and in developing processes to monitor corruption. CJIATF relies on mentoring and advisor engagements for influence and is supporting development of a financial levers strategy to affect significant behavior changes by the MOI and MOD.⁵⁰⁴

On July 1, 2013, Task Force 2010 (TF 2010) assumed responsibility as the contracting officer representative for the Vendor Vetting Reachback Cell (VVRC) contract.⁵⁰⁵ The VVRC is responsible for vetting all non-U.S. contractors bidding for contracts equal to or above \$100,000 in the Afghanistan theater of operations. The VVRC creates an analytical report and classifies

contractors into one of four force protection risk levels: moderate, significant, high, or extremely high. High or extremely high risk levels generally result in the contractor being excluded from further consideration for new contract awards.⁵⁰⁶ TF 2010 now serves as the as the central point of contact for past, current, and potential vendor/contractor assessments and ratings.⁵⁰⁷

Corruption in Customs Collections

In June 2013, the Afghan Council of Ministers decided not to authorize the charter of the proposed Presidential Executive Commission on Borders, Airports, and Customs Depots (PEC), an executive-level Afghan inter-agency body tasked with tackling customs-sector corruption.⁵⁰⁸ The PEC was originally established in August 2011 by President Karzai; however, as of July 2012 the MEC assessed that the commission had not yet been implemented.⁵⁰⁹ In February 2013, the Minister of Finance had signed the charter of the PEC and it was State's view that the PEC could significantly improve the transparency and accountability of the sector.⁵¹⁰ The Ministry of Finance indicated that the issue of the PEC would not likely be raised again now that the Council of Ministers has withdrawn support.⁵¹¹

The Afghan government also continued to expand implementation of the Borders Management Model project. The project seeks to clarify roles and responsibilities at the borders to reduce the number of extraneous government agencies involved at border crossings. It was operating at six border crossings at the end of the quarter. State noted that the expansion of this project will be an IMF benchmark for future donor assistance.⁵¹²

HUMAN RIGHTS

Gender Equity

This quarter, USAID announced plans to commit \$200 million for the Promoting Gender Equity in National Priority Programs (PROMOTE) program designed to increase education, training, and promotion of women in Afghanistan's government, business sector, and civil society. The USAID Administrator called the initiative "the largest single investment USAID has ever made in its history in the future of women and girls anywhere in the world." USAID is seeking to persuade other donors to contribute the same amount, for a total package of \$416 million over five years. The funds are to be released as the Afghan government meets its commitments to reforms per the 2012 Tokyo conference.⁵¹³ According to USAID, PROMOTE is not expected to begin until mid-2014, and the program is in no way dependent on the U.S. troop presence.⁵¹⁴

USAID also announced the Ministry of Women's Affairs (MOWA) Organizational Restructuring and Empowerment Project (MORE), a three-year \$15 million project aimed at strengthening MOWA's capacity to

GOVERNANCE



A U.S. civilian representative, at head of table, hosts an Afghan female shura at Parwan Province government offices on women's participation in presidential and provincial council elections in 2014. (DOD photo)

advance its policy mandate, gender equality, and women's empowerment in Afghanistan. MORE seeks to facilitate organizational and strategic reform at MOWA through specific courses on policy leadership and advocacy, strategic planning, human resource management, gender mainstreaming, financial management, monitoring and evaluation, and public outreach. The project intends to strengthen ties between MOWA and other Afghan ministries to incorporate gender mainstreaming in their own policy development in line with National Action Plan for Women of Afghanistan (NAPWA).⁵¹⁵

USAID is launching these programs at a time when there is increasing concern that the gains women have made over the last decade are being eroded. The UNHCR noted during a visit to Afghanistan that there is widespread concern among civil-society groups that the momentum on advancing women's rights had halted and may be regressing.⁵¹⁶

The revised U.S. Civil-Military Strategic Framework states that advancing the role of women in society will remain an important focus of the U.S. government for some time. The framework states that women must be able to participate in society and contribute fully to it, which requires that their social, political, and economic rights be protected and promoted. According to the framework, the U.S. government will support policies and programs that continue to advance the essential role of women in society, including increased access for women to justice, health care, education, and economic and political leadership opportunities. U.S. policy and programs will seek to engage all aspects of the Afghan population on the positive impacts of women's development and empowerment. In particular, the framework states that the USG will continue to support the Afghan government's implementation of the Elimination of Violence Against Women law (EVAW) and the NAPWA.⁵¹⁷

The Afghanistan Research and Evaluation Unit issued a report on women's economic empowerment that found women serve as a driver of change in urban areas and select rural pockets. However, the report also found that available data showed there has been no substantive surge in women's economic participation since 2002. The report attributed this lack of progress in part to two phenomena. First, most women who work occupy jobs at the lower end of value chains. Second, women continue to lack access to many resources that could enhance their skills and income. The research also found that women's economic participation is hugely dependent upon a community's perspective on female participation in development projects and the development of strong links to markets.⁵¹⁸

The International Crisis Group (ICG) issued a report on women and conflict in Afghanistan and found that despite the considerable improvement in women's legal status, there is already a reversal of progress in women's empowerment.⁵¹⁹ The report traces the progress of women's empowerment from the 1978 communist coup to the present day and offers some parallels. According to ICG, historical examples of women's empowerment have included appointment to senior government jobs including ministerial posts in the mid- to late-1970s; the promise of women's equal rights, compulsory education and protection from forced, arranged, and child marriage by the communist government; and the success of women filling 70% of civil servant teacher positions and over 40% of doctor positions by the mid-1990s.⁵²⁰ The ICG finds current examples of women's empowerment include the appointment of women to senior government positions including provincial governor and heads of ministries; the constitutionally mandated equal rights of men and women; and the success of women filling 31% of school teacher positions.⁵²¹ The report notes several challenges that remain including weak application of legal safeguards, the limited capacity of the MOWA to influence policy, and threats from the insurgency.⁵²² The ICG concludes that the gains of women are at risk and advocates for constitutionally-guaranteed gender equality and adherence to laws protecting and empowering women as a prerequisite for peace negotiations.⁵²³

The United States and its international allies have encouraged the Afghan government to recruit more women in the security forces. The British aid agency Oxfam published a report this quarter arguing that recruiting more women into the police is critical for the safety of Afghan women and national stability. The report noted that while Afghanistan is often described as one of the most dangerous countries in the world for women, it has only 1,551 female police officers, or one for every 10,000 women.⁵²⁴

In September 2013, one of Afghanistan's highest ranking policewomen was assassinated. Lieutenant Negar was shot by motorcycle gunmen in Helmand Province on September 16. Negar, who like many Afghans used only one name, had replaced Helmand's former senior female commanding officer, Islam Bibi, who had been gunned down in July 2013.⁵²⁵

Refugees and Internal Displacement

The UNHCR Solutions Strategy 2013 report noted a 40% decrease in Afghan refugee returnees as of September 2013 as compared to the same period in 2012.⁵²⁶ UNHCR also issued updated eligibility guidelines for asylum-seekers from Afghanistan and noted a rise in the number of conflict-related internally displaced persons (IDP) to 590,184 with 113,241 newly displaced in 2013.⁵²⁷

UNHCR notes, however, that official figures for the number of IDPs are widely considered to underrepresent the scale of the displacement problem in Afghanistan as they exclude those dispersed in urban and semi-urban areas, as well as those displaced to rural locations in areas inaccessible to humanitarian actors.⁵²⁸ UNHCR claims to have direct access to approximately half of Afghanistan's territory with indirect access to approximately 75% of the territory through a combination of local NGOs, authorities, and community networks.⁵²⁹

Human Rights Watch reported that the Iranian government has revealed a new plan in which undocumented Afghans and holders of temporary visas, whose visas expired on September 6, 2013, would have to leave Iran or face imprisonment, fines, and/or expulsion.⁵³⁰ According to State, Afghan government officials are continuing to work with their Iranian counterparts to address this visa issue.⁵³¹ According to Human Rights Watch, only 800,000 of the 3 million Afghans currently estimated as living in Iran have legal status as refugees. Another 400,000 to 600,000 Afghans hold temporary visas, while the rest are undocumented.⁵³²

The Government of Pakistan approved a National Policy on Management and Repatriation of Afghan Refugees on July 25, 2013. The Department of State views the policy as a positive step toward a more progressive, long-term policy for managing Afghan refugees. The policy is broadly aligned with the Solutions Strategy for Afghan Refugees to create conditions conducive to voluntary repatriation, and support refugee-hosting communities, and assist resettlement in third countries. UNHCR noted that the policy encourages developing a new refugee law, and expressed optimism that Pakistan could move forward with more concrete, alternative-stay arrangements for the residual population.⁵³³

The Pakistan government appointed a ministerial committee to oversee implementation of the policy. The ministerial committee is tasked with adopting policy and procedures to ensure documentation and registration of Afghan refugees and unregistered Afghan migrants residing in Pakistan; ensuring expeditious voluntary returns to Afghanistan; engaging the international community and the Afghan government to undertake efforts for sustainable reintegration inside Afghanistan; devising procedures and mechanisms for effective border control and management; reaching consensus on a national refugee law; minimizing the negative impact of Afghan refugees on Pakistan's socio-economic and security environment;

and working with the international community and Afghan government to improve sustainable reintegration.⁵³⁴

Human Trafficking

According to State, the Afghan government must increase its efforts to implement its plan to prevent human trafficking. State notes that although the Afghan High Commission Against Trafficking in Persons has continued its quarterly meetings, participation is declining.⁵³⁵ Presently, State is funding coordination activities between the Afghan government and civil society organizations regarding human trafficking as well as conducting research to identify trafficking hot spots and the nature and magnitude of the problem in four regions of Afghanistan.⁵³⁶ State also plans to award a carpet-weaving program to provide assistance to rescued trafficking victims.⁵³⁷ In early FY 2014, State also hopes to complete a grant that will work to increase the capacity of Afghanistan's police, prosecutors, and judges to mount an effective anti-trafficking program.⁵³⁸

Afghanistan Independent Human Rights Commission

The top UN human rights official warned this quarter that the Afghanistan Independent Human Rights Commission (AIHRC) could lose its international "A" status—which signifies compliance with the Paris Principles—as recognized by the International Coordinating Committee (ICC) due to the appointments President Karzai made to the commission last quarter.⁵³⁹ The ICC is conducting its five-year review of the AIHRC to determine if it conforms to the Paris Principles accepted by the Afghan government.⁵⁴⁰ The Paris Principles are a set of international standards which frame and guide state-funded, independent National Human Rights Institutions (NHRI) and were adopted by the UN in 1993. According to Office of the High Commissioner for Human Rights (OHCHR), NHRIs comply with the Principles which identify their human rights objectives and provide for their independence, broad human rights mandate, adequate funding, and an inclusive and transparent selection and appointment process. The Principles are broadly accepted as the test of an institution's legitimacy and credibility.⁵⁴¹ State anticipates an initial status recommendation from the ICC to either retain the A rating or downgrade to a B status. The AIHRC would then have one year to respond to the recommendations before the ICC ranking is finalized.⁵⁴²

Karzai appointed five new commissioners to the nine-member commission in June 2013. None were on a list proposed by leading human rights and civic organizations.⁵⁴³