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GOVERNANCE



KEY ISSUES & EVENTS

On September 12, historic peace talks on the future of Afghanistan and a permanent cease-fire between the Islamic Republic and Taliban began in Doha, Qatar.

As of October 27, these talks faced gridlock over procedural issues, with the United States warning “the window to achieve a political settlement will not stay open forever.”

In August, the Afghan government’s National Directorate of Security arrested Major General Zemarai Paikan, a former commander of the Afghan National Civil Order Police (ANCOP), who had been convicted by the Anti-Corruption Justice Center in December 2017.

U.S. RECONSTRUCTION FUNDING FOR GOVERNANCE

As of September 30, 2020, the United States had provided nearly \$35.9 billion to support governance and economic development in Afghanistan. Most of this funding, more than \$21.1 billion, was appropriated to the Economic Support Fund (ESF) administered by the State Department (State) and the U.S. Agency for International Development (USAID).²⁶⁰

Since counternarcotics is a crosscutting issue that encompasses a variety of reconstruction activities, a consolidated list of counternarcotics reconstruction funding appears in Appendix B.

PEACE AND RECONCILIATION

Prisoner Release Leads to Afghanistan Peace Negotiations

Afghanistan peace negotiations between representatives from the Islamic Republic and the Taliban began on September 12, 2020, after long-running disputes on prisoner exchanges were finally resolved.²⁶¹ The Afghan government was holding more than an estimated 13,000 Taliban prisoners when the U.S.-Taliban agreement was signed on February 29, 2020, according to U.S. Special Representative for Afghanistan Reconciliation Zalmay Khalilzad.²⁶² The agreement committed the United States to work with “all relevant sides” on a plan to release “combat and political prisoners” as

a confidence-building measure with the coordination and approval of all relevant parties, including up to 5,000 Taliban prisoners held by the government and 1,000 government prisoners held by the Taliban by March 10, 2020, the hoped-for start date of intra-Afghan negotiations. The goal would be for the Taliban and the Afghan government then to release remaining prisoners over the next three months.²⁶³ (While the date was not specified in the agreement, this would have been approximately June 10, 2020, if the original timeline for talks held.)

Two days after the Taliban announced a three-day cease-fire for the Eid al-Adha holiday on July 28,²⁶⁴ the group claimed it had fulfilled its prisoner-related obligations under the U.S.-Taliban agreement by releasing 1,005 government prisoners.²⁶⁵

In response to the Taliban-declared cease-fire, President Ashraf Ghani, on July 31, ordered the release of 500 government-held Taliban prisoners who were not on a Taliban list provided to the government. (At the time of this order, Afghanistan had already released 4,600 Taliban prisoners.)²⁶⁶ The Afghan government said the remaining 400 Taliban prisoners from a list of 5,000 the Taliban provided to the government in February included those who had been convicted of killing “two to 40 people, drug trafficking, those sentenced to death and involved in major crimes, including kidnapping.”²⁶⁷

President Ghani Calls a Loya Jirga to Authorize the Release of the Remaining Taliban Prisoners

President Ghani said he did not have the authority to release the additional 400 specific prisoners the Taliban demanded due to the seriousness of their crimes. Instead, he would call a consultative *loya jirga* (grand assembly).²⁶⁸ Secretary of State Michael R. Pompeo described the issue of releasing the 400 prisoners as “the last obstacle to the start of intra-Afghan negotiations,” acknowledging that it would be an “unpopular” action.²⁶⁹

With four days’ preparation, the Afghan government held the Consultative Peace Loya Jirga in Kabul between August 7 and 9.²⁷⁰ The Afghan government posed two questions to the 3,400 delegates:²⁷¹

[Question 1] Option one: the prisoners [should] be released and in return for it, based on national and international guarantees, direct negotiations should start, a permanent cease-fire established, and the way for lasting peace be paved.

Option two: if the prisoners are not released, fighting, violence and the current situation will continue.

[Question 2] With the finalization of the consultation on the first question, given that direct negotiations [will] begin, what is the Loya Jirga members’ advice to the negotiation team of the Islamic Republic of Afghanistan, and what are your expectations from the results of the negotiations?



President Ghani, at lectern, speaks to at the Consultative Peace Loya Jirga. (Afghan government photo)

According to the Afghanistan Analysts Network, the Afghan government never provided the delegates with detailed information on the 400 controversial Taliban prisoners.²⁷²

On August 9, the delegates approved the release of the 400 Taliban prisoners and called for an “immediate and permanent cease-fire.”²⁷³ The delegates also said that Afghanistan’s republican system as well as the fundamental rights of the citizens of the country should not be compromised during the peace negotiations.²⁷⁴ Ambassador Khalilzad called the jirga’s decision and President Ghani’s subsequent decision to free the remaining prisoners “bold steps” and said the United States seeks “a sovereign, unified, and democratic Afghanistan.”²⁷⁵

There were still delays in releasing the final 400 prisoners even with the Loya Jirga’s approval. The Afghan government reported that it had released 80 of the 400 remaining Taliban prisoners on August 12.²⁷⁶ However, the French and Australian governments expressed their unhappiness with the release of certain individuals who had killed their citizens, asking the Afghan government not to free them.²⁷⁷ After the initial 80 prisoners were released, the Afghan government conditioned the release of the remaining 320 prisoners on the Taliban freeing an unspecified number of Afghan special operations forces (commandos).²⁷⁸ Despite this development, President Ghani declared on August 20 that the Afghan government had removed “all barriers and excuses” preventing peace talks.²⁷⁹

On September 2, the Afghan government said it had restarted prisoner releases.²⁸⁰ On September 5, a spokesperson for Afghanistan’s reconciliation council declared the process of releasing the prisoners to be “over.” That same day, a Taliban spokesperson said that all members of their negotiating team had arrived in Doha, Qatar and were ready to begin talks, pending resolution of “some small technical issues.”²⁸¹

SIGAR AUDIT

On September 26, 2019, the Senate Appropriations Committee issued S. Rept. 116-126, accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Bill, 2020. The report directed SIGAR to assess “the extent to which the Department of State and USAID have developed strategies and plans for the provision of continued reconstruction assistance to Afghanistan in the event of a peace agreement, including a review of any strategies and plans for monitoring and evaluating the effectiveness of such assistance and for protecting the rights of Afghan women and girls.” SIGAR initiated this work in May 2020.



Secretary of State Michael R. Pompeo speaks at the opening of Afghanistan Peace Negotiations in Doha, Qatar. (State Department photo)

President Ghani Names Members of the High Council for National Reconciliation

On August 29, President Ghani issued a decree naming 46 members to the High Council for National Reconciliation. This body, with Ghani’s former electoral rival Abdullah Abdullah as its chair, was established under the May 2020 political agreement between Ghani and Abdullah. According to that agreement, the council would lead on the peace process and issue final and binding decisions following a majority vote.²⁸²

The decree triggered controversy. Former President Hamid Karzai rejected his membership on the council, saying he would not be part of any government structure.²⁸³ The Hizb-e-Islami party led by Gulbuddin Hekmatyar (another announced member of the council) declared the body merely symbolic. Former minister of foreign affairs Salahuddin Rabbani also rejected his membership in the council, saying he was not consulted about his inclusion.²⁸⁴ Most significantly, Abdullah objected to Ghani’s decree, saying their political agreement gave Abdullah, not Ghani, the authority to select members of the council.²⁸⁵

Afghanistan Peace Negotiations Begin, but Negotiating Teams’ Views on Afghanistan’s Future “Worlds Apart”

On September 12, representatives from the Islamic Republic and the Taliban participated in a ceremony in Doha, Qatar, to begin peace talks at what Ambassador Khalilzad described as a “historic moment.”²⁸⁶ For this new diplomatic phase for peace in Afghanistan, Ambassador Khalilzad confirmed that there would be no mediators or facilitators to help guide the talks unless requested by both parties.²⁸⁷

Secretary Pompeo, speaking at the start of negotiations, said the United States hoped the talks would result in “a sovereign, unified, and representative Afghanistan that is at peace with itself and with its neighbors.” He called for Afghanistan to be free from outside influence and “self-reliant, liberated from the shackles of dependence on others.”²⁸⁸ Abdullah Abdullah, in his opening remarks, called for a humanitarian cease-fire to facilitate the delivery of humanitarian and development assistance. Meanwhile, Mullah Abdul Ghani Baradar, the Taliban’s political chief, said the Taliban want “Afghanistan to be a free, independent, united and developed country, and to have an Islamic system in which all tribes and ethnicities of the country find themselves without any discrimination and live their lives in love and brotherhood.”²⁸⁹

Reflecting on the start of talks, Secretary Pompeo said the “meetings went as could be expected at the first gathering” and predicted that the “central challenge” moving forward would be the question of how to share power among the various parties.²⁹⁰

While the Afghan government has said it is open to finding a political accommodation with the Taliban, it is unclear whether this is a shared



Special Representative for Afghanistan Reconciliation Zalmay Khalilzad listening to female members of the Islamic Republic's negotiating team. (State Department photo)

goal. Before the start of talks, President Ghani wrote in an August 14 opinion piece in the *Washington Post*, “we acknowledge the Taliban as part of our reality, and we are solidly committed to reaching a political deal that accommodates this reality.”²⁹¹ Shortly after the start of talks, however, CBS News quoted unnamed senior Taliban negotiators declaring the current Afghan system “totally corrupt and incapable” and dismissing the thought of forming a coalition with the current Ghani government, describing this government as a “sinking ship” that could “drown the Taliban as well.”²⁹² Moreover, State observed that while Ghani has publicly acknowledged the need to accommodate the Taliban, many analysts suggest that he will accept such an accommodation only on his terms (an acceptance by the Taliban of the 2004 Constitution and Ghani’s presidency) with the movement being subsumed under the umbrella of the Republic.²⁹³

After 10 days of talks, Abdullah described the atmosphere as “healthy” while acknowledging that the Islamic Republic and Taliban negotiating teams were “worlds apart” on their visions of Afghanistan’s future.²⁹⁴ Ambassador Khalilzad noted, “There is a big gap in between the two sides.”²⁹⁵

As of October 27, the Islamic Republic and Taliban negotiating teams were still discussing the code of conduct for the talks.²⁹⁶ Ambassador Khalilzad, speaking to Afghan media on October 6, 2020, said he expected the peace process to last months, not years.²⁹⁷ (The U.S.-Taliban talks took 18 months of “intense diplomacy” to reach the February 29, 2020, agreement that helped make these negotiations possible.²⁹⁸) As these talks faced gridlock, State called on the parties to “move past procedure and into substantive negotiations” as Ambassador Khalilzad warned “the window to achieve a political settlement will not stay open forever.”²⁹⁹

Post-Peace Foreign Assistance: Potential Leverage and Challenges

Senior U.S. government officials have increasingly referenced using future U.S. foreign assistance as leverage for influencing Afghanistan's post-peace political and human rights landscape. Secretary of State Pompeo, in remarks at the opening of intra-Afghan negotiations, told the negotiating teams that their choices on a future political system for Afghanistan—including women's participation in political life—will affect “both the size and scope of United States future assistance.”³⁰⁰ The European Union's Special Envoy for Afghanistan, Roland Kobia, supported Secretary Pompeo's statements, writing that the EU and U.S. governments were fully aligned on donor conditionality based on sustaining the values, rights, and “republican” efforts in Afghanistan.³⁰¹

Ambassador Khalilzad, when discussing avenues for U.S. influence on the future of Afghanistan and women's rights, told Congress “we will have the leverage of future relations and assistance.”³⁰² He drew a distinction between countering threats to U.S. national security that could warrant the use of military force, and advancing U.S. values on human rights, for which economic and diplomatic leverage were the appropriate tools for shaping behavior.³⁰³

Ambassador Khalilzad said that current U.S. policy prohibits providing assistance to the Taliban. If the Taliban become part of a future government, he added, the U.S. Congress and Executive Branch would need to make legal and policy changes to allow for continued foreign assistance.³⁰⁴

The Taliban, in late July, called on all private companies and aid organizations to register their activities with the group. A Taliban spokesman claimed this was to ensure these agencies would not work against the interests of Afghanistan and Islam.³⁰⁵ A number of studies have found that the Taliban already registers and regulates aid service providers in districts they controlled (see SIGAR's July 2019 *Quarterly Report to the United States Congress*, pages 122–124, for a discussion of these studies).

U.S. Funding for Peace and Reconciliation

State has contributed \$3.7 million to the United Nations Development Programme (UNDP) to support Afghan government and civil society negotiators at the intra-Afghan negotiations. According to State, this funding comes from support provided in 2018 for UNDP peace and reconciliation programming, which previously involved the Afghan High Peace Council.³⁰⁶ As of June 18, no expenditures had been made under this UNDP program, and State said it provided no further financial support to peace and reconciliation activities this quarter.³⁰⁷

In July, USAID/Afghanistan made \$2.5 million available for the Office of Transition Initiatives (OTI) for its Peace Stabilization Initiative (PSI). According to USAID, this short-term effort will help ensure key

stakeholders can participate in the intra-Afghan negotiations, build awareness and support for the peace process among Afghans, and equip USAID and others with the tools and information to successfully reinforce peace at a local level. These could include logistical or technical support to intra-Afghan negotiations participants, communications activities with government, media, or civil society, and research initiatives.³⁰⁸

MUTUAL ACCOUNTABILITY

Afghanistan Compact Appears Defunct

The Afghanistan Compact—an Afghan-led initiative designed to demonstrate the government’s commitment to reforms³⁰⁹—appears defunct, as it remains suspended this quarter and State suggested that SIGAR stop asking about its status.³¹⁰ In October 2019, SIGAR reported that the Afghan government and the U.S. Embassy had suspended their periodic Compact meetings until after the September 2019 Afghan presidential election was resolved.³¹¹ Since that time, State said a mechanism similar to the Compact could be established when “when conditions are appropriate.” Any such mechanism would be dependent upon consultations with the sitting Afghan government, but State refrained from speculating on the timing, conditions, or scope of such a future arrangement.³¹² This quarter, State confirmed the Compact remains suspended despite Secretary of State Pompeo’s declaring on May 24, 2020, that the political crisis stemming from the presidential elections was “resolved.”³¹³

Despite the suspension, the Afghan government made progress on one long-delayed Compact benchmark this quarter: the arrest of Major General Zemarai Paikan. He was convicted and sentenced in absentia to an eight-and-a-half-year sentence in December 2017. In July 2018, the Compact included a benchmark calling for Paikan’s arrest.³¹⁴ For more information on this case, see page 125 of this report.

U.S. ASSISTANCE TO THE AFGHAN GOVERNMENT BUDGET

Summary of Assistance Agreements

Preparations continued this quarter for the quadrennial ministerial-level pledging 2020 Afghanistan Conference scheduled for November 23–24 in Geneva, Switzerland. The aim of the conference is to renew international and Afghan commitments to Afghanistan’s development and stability, to agree to joint development goals for 2021–2024, and to coordinate financial support for Afghanistan.³¹⁵ The Afghan and Finnish governments are preparing a Mutual Accountability Framework to facilitate discussions with

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SIGAR AUDIT

On September 26, 2019, the Senate Appropriations Committee issued S. Rept. 116-126, accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Bill, 2020. The report directed SIGAR to assess “the internal controls of multilateral trust funds for Afghanistan reconstruction that receive U.S. contributions, to include any third-party evaluations of the internal controls of the Afghan government ministries receiving assistance from multilateral trust funds, and SIGAR is directed to report to the Committee if access to records is restricted for programs funded with U.S. contributions.” SIGAR has initiated this work and anticipates issuing multiple public reports in early 2021, each examining a different trust fund.

Source: SIGAR, Quarterly Report to the United States Congress, 7/30/2014, p. 130; Ministry of Finance, “Aid Management Policy for Transition and Beyond,” 12/10/2012, p. 8; State, response to SIGAR vetting, 1/14/2016; DOD, OSD-P response to SIGAR vetting, 1/15/2018.

development partners.³¹⁶ The UN, along with the Finnish and Afghan governments, will co-host this donor conference.³¹⁷

President Ghani, in an October 6 speech to donors, described the upcoming Geneva conference as “an opportunity to signal to the Afghan people the international community’s continued partnership with Afghanistan.” He called for continued financial support of trust funds and for agreement regarding on-budget support and alignment of donor funding with Afghan government priorities.³¹⁸

Security aid makes up the vast majority of current U.S.-funded assistance to the Afghan government. Participants in the NATO Brussels Summit on July 11, 2018, had previously committed to extend “financial sustainment of the Afghan forces through 2024.” The public declaration from that meeting did not specify an amount of money or targets for the on-budget share of security assistance.³¹⁹

At the November 2018 Geneva Conference on Afghanistan, international donors reaffirmed their intention to provide \$15.2 billion for Afghanistan’s development priorities up to 2020 and to direct continuing but gradually declining financial support to Afghanistan’s social and economic development through 2024.³²⁰

As shown in Table 3.12, USAID’s active, direct bilateral-assistance programs have a total estimated cost of \$352 million. USAID also expects to contribute \$700 million to the Afghanistan Reconstruction Trust Fund (ARTF) from 2020 through 2025 in addition to \$3.9 billion disbursed under the previous grant agreements between USAID and the World Bank (2002–2020). (USAID’s new ARTF grant of \$133 million per year is less than half the estimated total equivalent of \$300 million per year in the previous grant.) USAID has disbursed \$154 million to the Afghanistan Infrastructure Trust Fund (AITF).³²¹

TABLE 3.12

USAID ON-BUDGET PROGRAMS					
Project/Trust Fund Title	Afghan Government On-Budget Partner	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 10/9/2020
Bilateral Government-to-Government Projects					
Power Transmission Expansion and Connectivity (PTEC)	Da Afghanistan Breshna Sherkat	1/1/2013	12/31/2023	\$316,713,724	\$266,806,323
Textbook Printing and Distribution	Ministry of Education	9/15/2017	12/31/2020	35,000,000	0
Multidonor Trust Funds					
Afghanistan Reconstruction Trust Fund (ARTF) (current award)*	Multiple	9/29/2020	12/31/2025	\$700,000,000	0
Afghanistan Infrastructure Trust Fund (AITF)	Multiple	3/7/2013	3/6/2023	153,670,184	\$153,670,184

Note: *USAID had two previous awards to the ARTF. One that concluded in March 2012 with \$1,371,991,195 in total disbursements, and a second that ended in September 2020 with \$2,555,686,333 in total disbursements. Cumulative disbursements from all ARTF awards are \$3,927,677,528.

Source: USAID, response to SIGAR data call, 10/12/2020.

Civilian On-Budget Assistance

USAID provides on-budget civilian assistance in two ways: bilaterally to Afghan government entities; and through contributions to two multidonor trust funds, the World Bank-administered Afghanistan Reconstruction Trust Fund (ARTF) and the Asian Development Bank-administered Afghanistan Infrastructure Trust Fund (AITF).³²² According to USAID, all bilateral-assistance funds are deposited in separate bank accounts established by the Ministry of Finance (MOF) for each program.³²³

The ARTF provides funds to the Afghan government's operating and development budgets in support of Afghan government operations, policy reforms, and national-priority programs.³²⁴ The AITF coordinates donor assistance for infrastructure projects.³²⁵

As of July 2020, the United States remains the largest cumulative donor to the ARTF (31.6% of contributions); the next-largest donor is the United Kingdom (16.5% of contributions).³²⁶

COVID-19 has forced some changes to the ARTF third-party monitoring approach. According to the World Bank, the ARTF third-party monitoring agent (TPMA) has been able to sustain its monitoring activities. Prior to COVID-19, TPMA field monitoring teams generally included between three and five staff members for site visits, enabling a range of data-collection activities and face-to-face interviews. Under COVID-19 contingency operations, field-monitoring teams have been reduced in size to two (one field engineer who will review project work and one field researcher).³²⁷

Rather than conducting the full range of community interviews normally covered in a field visit, the researchers are conducting brief interviews with Community Development Council (CDC) heads, soliciting phone numbers of relevant CDC members, community members, or other stakeholders, and photographing key documents. These data are then returned to Kabul, where TPMA staff have established a call center to interview community members remotely. According to the World Bank, the process is working reasonably well, although with some difficulties in areas with limited telecommunications coverage. Further, it is sometimes not possible to request women's telephone numbers. (In these areas, researchers will request the telephone number of a male family member.)³²⁸

Since January 2020, TPMA teams have visited 2,450 infrastructure sites in 214 districts and interviewed 14,553 individuals. COVID-19-related lockdowns and school closures, however, have led the TPMA to suspend physical verification of civil servants.³²⁹

ARTF Recurrent-Cost Window

The ARTF recurrent-cost window supports operating costs, such as Afghan government non-security salaries and operations and maintenance expenses. The recurrent-cost window is also the vehicle for channeling

On-budget assistance: encompasses donor funds that are aligned with Afghan government plans, included in Afghan government budget documents, and included in the budget approved by the parliament and managed by the Afghan treasury system. On-budget assistance is primarily delivered either bilaterally from a donor to Afghan government entities, or through multidonor trust funds. (DOD prefers the term “direct contributions” when referring to Afghanistan Security Forces Fund (ASFF) monies executed via Afghan government contracts or Afghan spending on personnel.)

Off-budget assistance: encompasses donor funds that are excluded from the Afghan national budget and not managed through Afghan government systems.

reform-based incentive funds, such as the Incentive Program Development Policy Grant (IP DPG).³³⁰

As of July 2020, the ARTF recurrent-cost window has cumulatively provided the Afghan government approximately \$2.6 billion for wages, \$600 million for operations and maintenance costs, \$1.1 billion in incentive program funds, and \$773 million in ad hoc payments since 2002.³³¹

On-Budget Assistance to the ANDSF

Approximately 70% of total U.S. on-budget assistance goes toward the requirements of the Afghan security forces.³³²

DOD provides on-budget assistance through direct contributions from the Afghanistan Security Forces Fund (ASFF) to the Afghan government to fund a portion of Ministry of Defense (MOD) and Ministry of Interior (MOI) requirements.³³³ For the multidonor Law and Order Trust Fund for Afghanistan (LOTFA), DOD described its current funding of about \$1 million as a “token amount” so that CSTC-A can participate in donor deliberations on LOTFA.³³⁴ UNDP administers LOTFA primarily to fund Afghan National Police salaries and incentives.³³⁵

According to DOD, most of the ASFF appropriation is not on-budget because it flows through DOD contracts to buy equipment, supplies, and services for the Afghan security forces.³³⁶ The Combined Security Transition Command-Afghanistan (CSTC-A) provides direct-contribution funding to the MOI, which allots it incrementally to the MOD and MOI.³³⁷

For Afghan fiscal year (FY) 1399 (December 2019–December 2020), CSTC-A plans to provide the Afghan government the equivalent of up to \$725.3 million to support the MOD. Of this amount, approximately \$636.7 million (88%) is for salaries.³³⁸ To support the MOI, CSTC-A plans to provide up to \$146.6 million in FY 1399. Of these funds, approximately \$54.0 million (37%) is for salaries, with the remaining funds for purchase of goods, services, or assets.³³⁹

As of August 20, CSTC-A provided the Afghan government the equivalent of \$414.1 million to support the MOD for FY 1399. Almost all of these funds (98%) paid for salaries.³⁴⁰ As of August 19, CSTC-A directly provided the Afghan government the equivalent of \$20.2 million to support the MOI and \$1.04 million to UNDP for LOTFA-administered support of the MOI.³⁴¹

CSTC-A’s Approach to Conditionality Relies on “Positive Reinforcement”

CSTC-A’s current approach to conditionality depends on identifying and collaborating with Afghan partners in the MOD and MOI that it considers reliable. In contrast to the previous CSTC-A practice of levying penalties (which CSTC-A has described as “detrimental and unrealistic”), CSTC-A

says it now uses positive reinforcement. A key CSTC-A objective is replacing corrupt actors with reliable partners who demonstrate their desire to work toward building viable security institutions.³⁴²

CSTC-A believes its approach to conditionality has proven effective. CSTC-A attributes improved MOD personnel attendance record keeping to conditions it imposed in October 2019.³⁴³ CSTC-A's withholding of delegated funds led to the MOD in one case to pay outstanding invoices and in another launch to an investigation into a procurement chief who, in return for kickbacks, directed contracts to friends and relatives.³⁴⁴

Fuel accountability is another area of improvement after the MOI instituted a policy of no longer providing fuel to units that fail to report fuel consumption and of decreasing the amount of fuel provided to units that are late in their reporting.³⁴⁵ When the MOI considered appointing a corrupt former provincial chief of police (who was himself involved in significant narcotics trafficking) to a key counternarcotics role with access to all narcotics intelligence, CSTC-A said they and other international partners threatened to withdraw their intelligence support and funding.³⁴⁶

SUBNATIONAL GOVERNANCE

Provincial and Municipal Programs

USAID has two subnational programs focused on provincial centers and municipalities: the Initiative to Strengthen Local Administrations (ISLA) and Strong Hubs for Afghan Hope and Resilience (SHAHAR) programs. Table 3.13 summarizes total program costs and disbursements to date.

Initiative to Strengthen Local Administrations

The \$53 million ISLA program is meant to enable the Afghan government to improve provincial governance in the areas of fiscal and development planning, representation of citizens, and enhanced delivery of public services.

TABLE 3.13

USAID SUBNATIONAL (PROVINCIAL AND MUNICIPAL) PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 10/9/2020
Strong Hubs for Afghan Hope and Resilience (SHAHAR)	11/30/2014	3/31/2021	\$73,499,999	\$69,233,467
Initiative to Strengthen Local Administrations (ISLA)	2/1/2015	3/31/2021	52,500,000	47,296,631
Citizens' Charter Afghanistan Project (CCAP)*	3/31/2012	9/30/2020	N/A	85,614,589

Note: *This includes USAID contributions to ARTF with an express preference for the Citizens' Charter Afghanistan Project.

Source: USAID, response to SIGAR data call, 10/12/2020.

ISLA aims to strengthen subnational systems of planning, operations, communication, representation, and citizen engagement, leading to services that more closely respond to all citizens' needs in health, education, security, justice, and urban services.³⁴⁷ To accomplish this, ISLA tries to enhance the institutional and human capacity of provincial line directorates and provincial development committees to ensure that local priorities are integrated into the national budgets through provincial development plans (PDPs).³⁴⁸

This quarter, ISLA-supported provinces completed their province development planning for Afghan fiscal year (FY) 1400 (December 2020–December 2021). The resulting PDPs have been sent to the Ministry of Economy (MOEC) for review and approval. The provinces reviewed 8,294 proposed project concept notes, of which 2,247 were approved and integrated into the FY 1400 PDPs. Of the approved project concept notes, 1,070 came from communities.³⁴⁹ The largest project category for approved project concepts were agriculture and rural development-related (37%). Less than 1% of the proposed projects were security-related. According to ISLA, PDP projects are mainly proposed by local communities, which show low interest in security-sector project proposals (such as construction of Afghan security institution facilities).³⁵⁰

According to ISLA, over the past three completed Afghan fiscal years (1396, 1397, 1398), the 16 ISLA-supported provinces were able to spend an average of only 51% of the budgets allocated for PDP-proposed projects. Further, an average of 48% of these projects have been completed. These low spending and project completion rates reflect inefficiencies such as late disbursement of funds to the provinces, which happens often, causing provinces to run out of time to spend budget allocations within the Afghan fiscal year, ISLA said. Further, unplanned additional costs and complex Afghan government procurement procedures also affect budget execution.³⁵¹

ISLA observed that very few of the province-proposed projects were ultimately reflected in Afghanistan's national budget for the past three completed Afghan fiscal years. For the ISLA-supported provinces for which there is data, in Afghan fiscal year 1396, only 7.5% of PDP-proposed projects were included in the national budget, in 1397 only 9.2% were included, and in 1398, only 13.1% were included.³⁵²

At the request of provincial governors, provinces can access COVID-19 response funds from the Ministry of Finance (MOF). As of June 30, 15 ISLA-supported provinces collectively received \$13.7 million in COVID-19 funds, spending approximately half of those funds.³⁵³

Strong Hubs for Afghan Hope and Resilience

The objective of the \$74 million SHAHAR program is to create well-governed, fiscally sustainable Afghan municipalities capable of meeting the needs of a growing urban population. SHAHAR partners with municipalities to, among other things, deliver capacity-building for outreach and citizen

consultation, improved revenue forecasting and generation, and budget formulation and execution.³⁵⁴

This quarter, SHAHAR completed the construction for a new waiting hall and parking lot for the Kabul municipality citizen service center. The citizen service center is a one-stop shop for a range of services, such as business licenses, marriage certificates, visas, and passports. The waiting hall will have separate areas for men and women and can accommodate 50 visitors at a time. By consolidating all approvals in one location, these service centers reportedly reduce opportunities for corruption.³⁵⁵

SHAHAR assisted Maidan Shahr municipality in Wardak Province to assign addresses and house numbers in one of the city's districts. A total of 2,176 doorway plates and 424 street signposts were installed. According to SHAHAR, this effort identified new properties for municipal taxes and business licensing fees. Further, the city's emergency services can now respond more quickly due to a better navigation system. The municipality plans to use its own resources to expand this project to other districts/neighborhoods in the city.³⁵⁶

As of July 21, 2020, total revenue collection in the SHAHAR-supported municipalities decreased by 11% compared to the same period in the previous Afghan fiscal year. Expenditures for these municipalities during this period were up 3%.³⁵⁷

Citizens' Charter Afghanistan Project

In October 2018, USAID began explicitly contributing a portion of its ARTF funds to the Citizens' Charter Afghanistan Project (CCAP), which began in 2016. USAID requested that \$34 million of its \$300 million contribution to the World Bank's ARTF be spent on CCAP. According to the Afghan government, CCAP is the centerpiece of the government's national inclusive development strategy for rural and urban areas. CCAP works through Community Development Councils (CDCs) to implement community projects. CCAP defines a suite of minimum basic services for each community covering health, education, and their choice of an infrastructure investment (such as road access, electricity, or small-scale irrigation for rural communities).³⁵⁸

Both the World Bank and Afghan government have proposed expanding CCAP in the event of peace.³⁵⁹

In response to the COVID-19 crisis, the World Bank approved the \$280 million COVID-19 Relief Effort for Afghan Communities and Households (REACH) project in August. This project aims to provide relief to Afghan households through grants to CDCs to purchase food and sanitation packages for households in their communities. According to the World Bank, the REACH project will help the Afghan government enhance community service delivery through CDCs under the Citizens' Charter program and reduce the immediate impacts of the pandemic on households across the

country.³⁶⁰ Despite the World Food Programme's (WFP) experience distributing food in fragile contexts, REACH will not partner with WFP because President Ghani requested that the World Bank not channel its funds through UN agencies.³⁶¹

At least one ARTF donor raised concerns over the potential for Taliban taxation and/or diversion of REACH assistance. In July, the World Bank told ARTF donors it did not think such risks outweighed the benefits of the program. Further, the World Bank said that President Ghani intended to bring up the issue of Taliban taxation as part of the intra-Afghan negotiations. However, the World Bank did acknowledge that nongovernmental project-facilitating partners (many of whom also implement CCAP) would likely need to negotiate taxation exceptions with local Taliban authorities.³⁶²

According to a recent study on CCAP (which the World Bank described as "relevant and useful"³⁶³), Taliban taxation of CCAP programming appears to have increasingly formalized in recent years with established rates (usually around 10% of the project value) and receipts bearing the Taliban's branding. Further, when nongovernmental facilitating partners or Afghan government provincial management units successfully avoid directly paying Taliban taxes, the burden is reportedly passed on to communities to pay.³⁶⁴

This same study found significant variation in respondents' descriptions of CCAP objectives. National-level respondents generally described CCAP as a governance program designed to promote state legitimacy and support a reliable system of subnational governance. Community-level respondents, however, mostly prioritized reducing poverty or building infrastructure.³⁶⁵ On the question of whether CCAP advances state legitimacy, the authors wrote that despite the benefits of CCAP in helping the Afghan government "show up" and demonstrate interest in the wellbeing of its citizens, community members expressed the desire to see more direct outreach from government officials. The authors observed that many respondents viewed CCAP as an entity independent of the Afghan government. Thus, the legitimizing effects of CCAP for at least some respondents were somewhat disconnected from the Afghan state.³⁶⁶

RULE OF LAW AND ANTICORRUPTION

In July, the Afghan government reported that 193 districts (nearly half of Afghanistan's 398 districts) lacked a prosecutor. The Attorney General's Office dispatched 24 prosecutors to 17 previously insecure districts, satisfying their anticorruption strategy benchmark to introduce at least 20 prosecutors to insecure districts.³⁶⁷

Respondents to a recent performance evaluation of a USAID rule-of-law program said the formal justice sector has little physical presence in rural areas and that traditional values, including a preference for solving some types of disputes locally with known community members in

familiar forums, were more prevalent in rural areas. When asked about the factors that influenced decisions about where to seek justice, these respondents most often cited the speed of a decision as the factor that most distinguished traditional dispute-resolution mechanisms from slower-paced formal courts. Many respondents also referred to a perception that the courts were corrupt, demanding bribes or being influenced by powerful people.³⁶⁸

The World Justice Project released the results of its 2019 Afghanistan rule-of-law surveys this quarter. Surveys were administered in September 2019 to a nationally representative sample of 3,019 Afghan households.³⁶⁹ The survey found a high perception of impunity in Afghanistan. When presented with a hypothetical situation in which a high-ranking government officer is caught embezzling government funds, 25% of respondents believed that the accusation would be completely ignored by authorities, and only 19% believed the officer would be prosecuted and punished (56% of respondents thought an investigation would be opened but never concluded). While this represents a slight improvement over the 2018 findings (when 17% of respondents believed that the government officer would be prosecuted and punished), it is much worse than more optimistic 2014 findings (when 27% believed the official would be punished).³⁷⁰

Respondents were most critical of judges: 59% believed that most or all judges are involved in corrupt practices. For those who reported having had to pay a bribe in the past three years, the largest number of respondents (45%) reported that they had to pay a bribe to obtain a government permit or document.³⁷¹

When asked questions to test their knowledge about their legal rights, the largest percentage of respondents were able to correctly answer questions related to women's legal rights. For example, 82% of respondents knew the correct answer for whether a woman can obtain a divorce without the approval of her husband. When asked a related question on whether a woman should be able to divorce without the approval of her husband, only 11% of male and 15% of female respondents agreed.³⁷²

Summary of rule of law and anticorruption programs

As shown in Table 3.14, the United States supports a number of active rule-of-law and anticorruption programs in Afghanistan.

Afghanistan's Measure for Accountability and Transparency (AMANAT)

In August 2017, USAID awarded the contract for Afghanistan's Measure for Accountability and Transparency (AMANAT) program to support the Afghan government's efforts to reduce and prevent corruption in government public services.³⁷³ According to USAID, AMANAT supports select

GOVERNANCE

TABLE 3.14

RULE OF LAW AND ANTICORRUPTION PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 10/9/2020
Assistance for Development of Afghan Legal Access and Transparency (ADALAT)	4/18/2016	4/17/2021	\$68,163,468	\$36,435,019
Afghanistan's Measure for Accountability and Transparency (AMANAT)	8/23/2017	8/22/2022	31,986,588	9,690,477
Corrections System Support Program (OASIS CSSP) Option Year 2*	6/1/2018	5/31/2022	17,754,251	12,555,178
Justice Sector Support Program OASIS Contract*	8/28/2017	8/27/2022	42,638,606	29,767,964
Continuing Professional Development Support (CPDS)*	2/6/2018	8/31/2020	8,640,922	8,640,922

Note: *Disbursements as of 9/17/2020.

Source: State, INL, response to SIGAR data call, 9/17/2020; USAID, response to SIGAR data call, 10/12/2020.

Afghan government institutions with technical assistance to plan for and implement recommended procedural reforms.³⁷⁴

This quarter, an AMANAT grantee established community-based mining watch committees in Samangan and Badakhshan Provinces. These committees are expected to monitor and record illegal practices and violations that cause environmental damage. This same grantee developed a community engagement toolkit to help communities that are close to mines participate in ensuring proper management of natural resources. This toolkit specifies the rights communities have regarding mining companies, the responsibilities of the mining companies to the communities based on the Afghanistan mining law, and methods to prevent and report on corrupt practices in the extractives sector. The grantee is developing a phone application to document the mining-sector-related corruption and record the geographic position of the incident.³⁷⁵

Justice Sector Support Program (JSSP)

State's Justice Sector Support Program is the largest rule-of-law program in Afghanistan. JSSP was established in 2005 to provide capacity-building support to the Afghan justice system through training, mentoring, and advisory services. The current JSSP contract began in August 2017 and has an estimated cost of \$42.6 million. The previous JSSP contract, which began in 2010, cost \$280 million.³⁷⁶

JSSP provides technical assistance to Afghan justice-sector institutions to: (1) build the capacity of justice institutions to be professional, transparent, and accountable; (2) assist the development of statutes that are clearly drafted, constitutional, and the product of effective, consultative drafting processes; and (3) support the case-management system so that Afghan justice institutions work in a harmonized and interlinked manner and resolve cases in a transparent and legally sufficient manner.³⁷⁷

JSSP advises various Afghan government offices on how to use its Case Management System (CMS). CMS is an online database that tracks the status of criminal and civil cases in Afghanistan, across all criminal justice

institutions, from the moment a case is initiated to the end of confinement.³⁷⁸ On August 24, Afghanistan's cabinet approved a regulation making CMS the national system of record, requiring all justice sector institutions to use the online database. The regulation is not yet finalized, but State expects only minor technical revisions before its final publication.³⁷⁹ As of August 15, 2020, the CMS contained 534,379 criminal and 113,867 civil case records.³⁸⁰

This quarter, JSSP reported the results of its assessment on the current situation of women working in the Attorney General's Office (AGO), the Ministry of Justice (MOJ), and the Ministry of Women's Affairs (MOWA). Overall, the 90 respondents said they felt safe in the office. Only 6% of respondents in MOJ, 4% in AGO, and none in MOWA felt unsafe. Some survey participants, however, left the question unanswered: 13% in MOJ, 10% in AGO and 7% in MOWA. More women reported they felt unsafe traveling back and forth to work: 17% in MOJ, 23% in AGO and 20% in MOWA. Finally, 10% of respondents reported having experienced sexual harassment in MOJ and AGO, while none reported experiencing harassment in MOWA.³⁸¹

Assistance for the Development of Afghan Legal Access and Transparency (ADALAT)

In April 2016, USAID launched the \$68 million Assistance for the Development of Afghan Legal Access and Transparency (ADALAT) program. ADALAT aims to (1) increase the effectiveness and reach of the formal justice sector, (2) strengthen the linkages between the formal and traditional justice sectors, and (3) increase "citizen demand for quality legal services."³⁸² ADALAT collaborates with the Ministry of Justice (MOJ) Department of the Huquq ("rights"). Huquq offices provide citizens the opportunity to settle civil cases within the formal system before beginning a court case.³⁸³ ADALAT's efforts to increase demand for quality legal services includes providing grants to (1) civil-society organizations to promote legal awareness and legal rights, and (2) private universities to prepare future "practical problem-solvers" within formal and traditional dispute-resolution institutions.³⁸⁴

This quarter, USAID's third-party monitoring program released its mid-term evaluation covering ADALAT's performance through December 2019.³⁸⁵ The evaluators relied on ADALAT-generated performance data and periodic reports as well as interviews with 171 respondents.³⁸⁶

The evaluators found that ADALAT's performance has been mixed, exceeding several targets, but falling behind on others. In general, ADALAT exceeded most targets for outputs related to improving administrative systems, including the number of non-judicial staff trained, number of courts using improved case-management systems, and number of legal aid offices using improved information-collection systems. However, the program achieved only 57% of the combined target for seven training-related indicators. ADALAT staff attributed the activity's failure to achieve

training targets to (1) insecurity that caused some training events to be cancelled or restricted trainees' or trainers' travel to training venues, (2) the Supreme Court's last-minute demand that ADALAT support a law review which delayed all interventions with the Supreme Court by several months, and (3) the MOJ's firing of 415 of 785 Huquq staff who did not hold graduate degrees, and their slow replacement, which made it difficult for ADALAT to plan the intensive four-week foundation trainings for Huquq professionals.³⁸⁷

When the evaluators interviewed judges, court clerks, court heads, and Huquq specialists about changes in the justice system, few respondents offered specific examples of how these changes led to improved performance. Respondents most frequently mentioned efforts to professionalize court staff (such as increasing salaries and hiring based on merit), introduction of a case-management system, and emphasis on rooting out corruption. Of the 45 interviews that reported improvements in the effectiveness of the justice sector, 26 provided general statements (such as "the recent reforms have put the judicial system on the right track.") Of interviews that gave specific examples, 15 cited improved administrative efficiency (most often associated with the case-management system); 10 reported that the courts resolved cases more quickly (also attributable largely to improved case management); seven alluded to improved coordination between justice-sector actors; and six mentioned improved performance of judges.³⁸⁸

According to ADALAT data, the program held seminars and workshops for 1,027 judges. Of the 14 judges and court personnel who had direct knowledge of ADALAT training the evaluators interviewed, 12 said these training imparted knowledge and skills that judges used in their jobs. None, however, specifically described their personal experiences in applying this knowledge and skills.³⁸⁹

According to the evaluators, the strongest evidence of ADALAT's contribution to improving the effectiveness of the justice system relates to its support for improving case management. Respondents spoke of both the online system developed by JSSP and a complementary paper-based system developed by ADALAT. The ADALAT system is intended to facilitate case management by court staff until the JSSP system becomes fully operational and in areas where unreliable internet connections and electricity supply limit access to the JSSP system. Interview respondents explained that prior to the ADALAT case-management system, courts registered all cases in one book. ADALAT's paper-based case management system created separate books for each case, making it easier for clerks to track a specific case.³⁹⁰ According to the evaluators, the case-management system is among the most likely of ADALAT's efforts to be sustained, as this approach requires relatively little additional attention or resources.³⁹¹

Corrections System Support Program (CSSP)

State's Corrections System Support Program (CSSP) provides mentoring and advising support, training assistance, leadership capacity-building initiatives, infrastructure assistance and nationwide case management for correctional facilities.³⁹²

As of July 31, 2020, the latest date for which adult prison population data is available, the Office of Prison Affairs (OPA) incarcerated 23,201 males and 514 females (down from 28,818 males and 676 females as of April 30, 2020). This total does not include detainees held by any Afghan governmental organization other than the OPA. INL does not have access to data for other organizations.³⁹³ According to State, OPA facilities released approximately 7,000 prisoners due to COVID-19 and 1,500–2,000 Taliban prisoners.³⁹⁴ As of June 13, 2020, a total of 6,945 prisoners and 369 juveniles were released as a precautionary measure to prevent the spread of COVID-19, leading to an overall 23% decrease in total adult prison population and a 46% decrease in the total incarcerated juvenile population.³⁹⁵

This quarter, State highlighted its continued support for children of incarcerated women. Despite the ongoing pandemic, no beneficiaries have yet contracted COVID-19 thanks to preventive measures put in place earlier this year. Although a few staff members have fallen ill, the use of personal protective equipment, daily health checks, and adjusted work schedules have prevented an outbreak amongst beneficiaries. Additionally, one of State's implementing partners continued providing all basic services, including education classes, tutoring, and the orderly reintegration of children with mothers released by presidential decree.³⁹⁶

Anticorruption

The Afghan government's anticorruption strategy expired in December 2019.³⁹⁷ According to DOJ, the Afghan government is developing an update and has produced a draft.³⁹⁸

Last quarter, the UN expressed concern at the government's failure to establish the Anticorruption Commission called for in the 2017/2018 anticorruption strategy.³⁹⁹ In a July report on the implementation of the anticorruption strategy, the Afghan government said it is still reviewing the documents for the 20 civil-society-nominated candidates for the Anticorruption Commission.⁴⁰⁰ Meanwhile, the Afghan government reported it had fully completed its ombudsperson's office-related benchmark following the establishment of the office and the appointment of a director. According to the government, the ombudsperson's office is "on the verge of" developing a law for itself.⁴⁰¹ The UN criticized the Afghan government's failure to provide a clear legal foundation for the government's ombudsperson's office last quarter.⁴⁰²

SIGAR AUDIT

S. Rept. 116-126, accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Bill, 2020 directed SIGAR to assess “the Government of Afghanistan’s implementation, resourcing, and administration of the ‘Afghanistan National Strategy for Combating Corruption,’ including whether such government is making progress toward achieving its anti-corruption objectives, addressing impunity of powerful individuals, and meeting international commitments.” SIGAR has initiated this work and anticipates issuing a public report in early 2021.

According to USAID, COVID-19 has slowed the pace of anticorruption reforms. Face-to-face meetings were not possible, delaying the hiring of commissioners for the Anticorruption Commission and finalizing the Ombudsperson law. The last six months were challenging for USAID’s anticorruption programs efforts as COVID-19 forced most beneficiaries and contractor staff to telework. Expatriate staff from the implementing partners evacuated the country and local staff were working from home, USAID said.⁴⁰³

DOJ faced similar COVID-related challenges, as contact with Afghan counterparts was limited to WhatsApp conversations. DOJ training of Afghan entities ceased during the quarter. Travel off U.S. Embassy grounds and to the Resolute Support compound was banned and in-person meetings prohibited. While efforts were made to compensate through virtual methods and the use of technology, the pandemic adversely affected anticorruption efforts during the quarter, DOJ said.⁴⁰⁴

Anti-Corruption Justice Center

In May 2016, President Ghani announced the establishment of a specialized anticorruption court, the Anti-Corruption Justice Center (ACJC). At the ACJC, elements of the Major Crimes Task Force (MCTF) investigators, AGO prosecutors, and judges work to combat serious corruption. The ACJC’s jurisdiction covers major corruption cases in any province involving senior officials (up to the deputy minister), generals and colonels, or cases involving substantial monetary losses. Substantial losses are defined as a minimum of five million afghani—approximately \$73,000—in cases of bribes, money laundering, selling of historical or cultural relics, illegal mining, and appropriation of Afghan government property; or a minimum of 10 million afghani—approximately \$146,000—in cases of embezzlement.⁴⁰⁵

COVID-19 caused the ACJC to suspend trials from March to June 8, 2020. Despite the temporary suspension, DOJ reported an increase in the investigation and prosecution of high-profile corruption cases this quarter.⁴⁰⁶ The ACJC processed the following corruption cases:

- On August 4, 2020, the ACJC appellate court convicted Brigadier General Sayeed Omer Naib Zada, head of the Criminal Investigation Department of 606 Zone in Herat Province, of misuse of authority arising out of the abduction and killing of a businessman, and sentenced him to 18 months of imprisonment. Zada essentially failed to act when the kidnapping was reported. Zada had been convicted and sentenced to three years by the ACJC primary court. In the same case, a three-year sentence handed down by the primary court on codefendant Lieutenant Abdul Rahman in absentia could not be reviewed on appeal under Afghan law, due to Rahman’s absence.⁴⁰⁷
- On August 11, 2020, the ACJC appellate court acquitted General Salman Abu-Sharif, former deputy commander of the Asmaee district of the

101st Police Zone. Salman was charged with using his influence to support a developer in the illegal construction of an apartment building in Kabul. Salman was previously acquitted by the ACJC primary court.⁴⁰⁸

- On August 12, 2020, the ACJC appellate court convicted General Khalilullah Dastyar, former commander of the Sar-e Pul Province police department, and Colonel Abdul Ghafar, former director of the Sar-e Pul Province traffic department, of misuse of authority, and sentenced each to six months' imprisonment. The defendants were charged with illegally transferring nine vehicles to the Sar-e Pul police department.⁴⁰⁹
- On August 17, 2020, the ACJC primary court convicted, sentenced to 16 years' imprisonment, and fined the officer in charge of Afghanistan's Norms and Standards Department, Mohammed Mossa Ali. The case arose when the National Procurement Authority awarded a contract for oil and gas testing to TCRC, an international commodities-testing company based in Mumbai, India. Ali demanded \$200,000 from TCRC to hand over the testing laboratories, plus 10% of the contract payments. Ali also demanded an additional \$21,000 monthly payment through the life of the project. TCRC reported the corruption to the AGO's hotline. The AGO, working with National Directorate of Security and the Kabul police, arranged the controlled delivery of \$100,000 in marked bills to Ali. Ali came to TCRC offices for a dinner meeting and received the funds. As he left, agents stopped his vehicle and seized the marked bills and a pistol he brought to the meeting.⁴¹⁰
- On September 1, 2020, the ACJC appellate court convicted eight defendants in a money-laundering case and acquitted three others. The lead defendant, Ramin Bigzad, received a sentence of 12 years and one month, a fine of \$107.3 million, plus confiscation of \$250,000 seized during the investigation. The other defendants received sentences of one to three years plus cash fines and confiscation totaling \$70,000.⁴¹¹

After a long delay, in August, the Afghan government's National Directorate of Security arrested Major General Zemarai Paikan, a former commander in the Afghan National Civil Order Police (ANCOP). In December 2017, Paikan was convicted in absentia at the ACJC and sentenced to eight years in prison for corruption and misuse of authority. He was found to have interfered with a murder investigation implicating his son, who also served in the ANCOP.⁴¹² On September 29, the ACJC appellate court sentenced Paikan to three years in prison for misuse of his authority.⁴¹³ Since July 2018, the U.S. Embassy, through the currently suspended Afghanistan Compact accountability process, had called on the Afghan government to execute this outstanding arrest warrant.⁴¹⁴

In a case Human Rights Watch labeled "a litmus test,"⁴¹⁵ the Afghan government failed to apprehend accused serial sexual abuser Keramuddin Karim during a raid in Panjshir Province. Karim, the former governor of



Former police commander Zemarai Paikan was arrested in August after being convicted in absentia in December 2017. (Photo by Pamela Smith, NATO Training Mission Afghanistan)

Panjshir Province and head of Afghanistan’s National Football Federation, allegedly sexually assaulted and harassed female Afghan soccer players.⁴¹⁶ The deputy Panjshir Province governor told media that the attempt to execute the June 2019 arrest warrant by Afghan special forces was not coordinated with local forces and involved a standoff with around 200 mostly armed residents.⁴¹⁷ This same deputy governor told the *New York Times* in a September interview that Panjshiris “don’t see themselves in the government anymore.”⁴¹⁸

Specialized Countercorruption Unit (Again) Tainted by Corruption Allegations

CSTC-A says ANDSF-related corruption challenges remain largely unchanged from last quarter. CSTC-A believes that most theft of Afghan security-force commodities occurs at the local level by the end users and tactical units. Salary theft are also thought to remain an issue.⁴¹⁹

The Afghan government reported that it has fully complied with its biometric registration of MOD personnel benchmark per the anticorruption strategy. However, the ministry did not complete the required annual audit of these records.⁴²⁰

CSTC-A believes that its efforts have helped reduce opportunities for fuel-related corruption. CSTC-A has encouraged the Afghan security forces to transition from an allocation-based to a demand-based fuel allocation model. Over the past nine months, CSTC-A believes \$4.8 million has been saved following more accurate fuel-consumption reporting and the

application of “conditions based actions” for units that do not comply.⁴²¹ Over the past year, Helmand Province-based law enforcement, prosecutors, and courts have been usually active in autonomously generating law-enforcement leads, effectively referring cases, and aggressively pursuing judicial cases, CSTC-A said. Patronage networks appear less able to interfere in investigations and court cases. CSTC-A believes that one contributing factor could be Afghan government officials feeling pressure to engage in less corruption as the Taliban would exploit weaknesses by corrupt practices.⁴²²

In a potentially positive development, the Afghan Ministry of Justice said that MOD courts may suspend accused Afghan army personnel pending criminal investigation. CSTC-A will advocate for suspension of criminal suspects.⁴²³

Among the MOD and MOI elements tasked with combating corruption, CSTC-A provided the following assessments and updates:

- Major Crimes Task Force (MCTF) saw its director and deputy director removed following allegations of corruption. The new director has no previous police or investigative experience. CSTC-A believes several unit chiefs and investigators are corrupt and have extorted suspects in return for suppressing or nullifying cases. Further, CSTC-A has identified collusion between MCTF and ACJC members as well as bribery with senior ministry officials. There is an effort to reform the MCTF through an Afghan-administered polygraph process and by creating a trusted and vetted unit within the MCTF.⁴²⁴ CSTC-A expects the annual polygraph “integrity checks” will result in an MCTF that is a reliable partner.⁴²⁵ The MCTF has faced similar challenges in the past. For example, in October 2018, SIGAR reported on DOJ’s concerns over corruption and high polygraph failure rates in the MCTF. DOJ reported at the time that a former MCTF director was found to have been corrupt following an Afghan government investigation. (In 2016, U.S. military mentors to the MCTF had praised this former director as exemplifying “outstanding leadership.”)⁴²⁶
- General Directorate for Internal Security (GDIS) will be administering the polygraph exams as part of the MCTF reform effort.⁴²⁷
- The MOD Inspector General (MOD IG) recently established a joint complaints center with a toll-free phone number that expanded upon the services of a previous complaints center that opened in March 2019. Afghan army soldiers, civilians, and their families can file anonymous complaints regarding pay, food, facilities, corruption, abuse, sexual harassment, and other issues. According to CSTC-A, even the recently appointed first deputy minister of defense has taken calls at the center.⁴²⁸
- Established in June 2019,⁴²⁹ the MOD Criminal Investigations Department (MOD CID) has not yet reached full operational capability, but has increased the number of corruption cases it processes, CSTC-A

says. (As of July, the MOD CID has investigated 91 cases of corruption, referring 74 to the AGO.⁴³⁰) MOD CID takes longer to investigate corruption cases due to inexperienced staff, the complexity of the cases, and interference.⁴³¹ In a potentially significant development, CSTC-A reported that MOD CID established a collaboration agreement with the ACJC to prosecute major corruption crimes, though no prosecutions of major corruption cases have yet occurred.⁴³²

COUNTERNARCOTICS

UNODC Afghanistan Opium Surveys Funded through 2023

The State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) said this quarter that it will fund the United Nations Office on Drugs and Crime's (UNODC) Afghanistan opium surveys through at least 2023 under a letter of agreement.⁴³³ The UNODC normally produces an annual *Afghanistan Opium Survey: Cultivation Estimate* report and an *Afghanistan Opium Survey: Socioeconomic Analysis* report in partnership with the Afghan government, but both reports have been delayed at least six months because of disagreements between UNODC and the Afghan partner for the surveys, the National Statistics and Information Authority (NSIA).⁴³⁴

The cultivation estimate tracks trends of the locations and extent of opium-poppy cultivation, while the socioeconomic report focuses on the opium economy's effect on the social and economic situation of rural Afghans. According to the UNODC, these reports are "essential for planning, implementing, and monitoring measures required for tackling a problem that has serious implications for Afghanistan and the international community."⁴³⁵ INL disbursed an additional \$6.6 million as of August 2020, bringing the total amount of disbursements to \$24.2 million since 2006 for this program.⁴³⁶

UNODC is also exploring new methods to estimate cultivation without using on the ground survey teams. Following stated disagreements with the NSIA over the methodology used in the past, UNODC began exploring a new methodology to estimate the 2020 opium-poppy yield using satellite imagery.⁴³⁷ INL reported that UNODC satellite-imagery experts are determining if it will be possible to estimate crop yields through this method. Since the NSIA performed no field sampling in 2020, UNODC's ability to generate an opium-production estimate for 2020 depends entirely on the outcome of the satellite-imagery methodology.⁴³⁸

COUNTERNARCOTICS EFFORTS DWINDLE IN AFGHANISTAN

Early Efforts Fail to Reduce Opium Production

When the United States entered Afghanistan in 2001, opium production was at its lowest point since systematic records began in 1980, due to a Taliban ban on production. Focused on counterterrorism operations and wary of large-scale reconstruction efforts, the Department of Defense (DOD) and its partners in the State Department (State) and the U.S. Agency for International Development (USAID) were little concerned with what remained of the broken opium economy.⁴³⁹ But by 2004, opium-poppy cultivation had rebounded, expanding to an estimated 130,614 hectares (ha; one ha is roughly 2.5 acres), surpassing the highest levels during the Taliban period (1994–2001). Further, after the Taliban reversed its ban, the poppy problem seemed to correlate with the most troublesome areas of the emerging insurgency. Increasingly, the Afghan opium trade was seen as a problem worthy of applying significant U.S. military and economic might.⁴⁴⁰

Yet more than 15 years later, Afghanistan continues to dominate global opium cultivation and production. According to the United Nations Office of Drugs and Crime’s (UNODC) 2020 *World Drug Report*, an estimated 163,000 hectares of opium-poppy were cultivated in Afghanistan during 2019. Although a 50% reduction from the record high in 2017 (328,000 ha), 2019 cultivation remained nearly three times the pre-2002 average (1994–2001).⁴⁴¹ Based on 2018 data, Afghan opiate production accounted for 84% of the global morphine and heroin seized; seizure data is important because it provides

a rough indication of the share that Afghan opiates have in the global market.⁴⁴²

As SIGAR has repeatedly noted, the deleterious effects of the illicit narcotics trade in Afghanistan extend beyond health impacts. The trade also helps fund insurgents, foster corruption, and provoke criminal violence.

The correlation between the Taliban insurgency and opium-poppy cultivation continues. Southern Afghanistan accounts for the largest share of opium-poppy cultivation, with Helmand remaining the leading poppy-cultivating province at 136,798 hectares in 2018. Kandahar (23,410 ha) and Uruzgan (18,662 ha) Provinces in southern Afghanistan ranked second and third, respectively. These three southern provinces account for 68% of the national cultivation total.⁴⁴³ All told, insurgent-dominated districts accounted for 48% of opium-poppy cultivation compared to 26% for government-dominated districts.⁴⁴⁴

Record levels of Afghan opium cultivation and production since 2002 occurred in the face of significant U.S. and Coalition efforts to stem the expansion of the opium economy. Since 2002, the U.S. has spent over \$9 billion in U.S. reconstruction funds on counternarcotics programs and activities.⁴⁴⁵ These initiatives have spanned the whole-of-government approach, trying to tackle the problem through interdiction and counterdrug law enforcement; opium-poppy eradication; alternative development programs aimed at creating licit livelihood opportunities; and the mobilization of Afghan political and institutional support.⁴⁴⁶

Despite these efforts, opium poppy remains the country’s most valuable cash crop. It is



Scored poppy plants await the final harvest in Sangin, Helmand Province. (DVIDS photo by Sgt. Logan Pierce)

valued at \$863 million, and is the largest industry, employing over 500,000 individuals. This scale of employment outstrips even the Afghan National Defense and Security Forces, which employs approximately 290,000 Afghans.⁴⁴⁷ According to UNODC, the Afghan opiate economy accounted for 6% to 11% of the country's GDP, remaining the country's most valuable export, exceeding official (licit) exports of goods and services.⁴⁴⁸

The two main tactics used to tackle the narcotics trade—eradication and interdiction—have produced negligible results. Since 2008, on average, annual eradication efforts resulted in eradicating only 2% of the total yearly opium-poppy cultivation.⁴⁴⁹ INL has reported that eradication has been on a long-term downward trend, in part due to opium-poppy cultivation in inaccessible or insecure areas.⁴⁵⁰ Similarly, cumulative opium seizures since the start of the reconstruction effort in 2002 are only equivalent to approximately 8% of the country's 6,400 metric tons of opium production for the single year of 2019, as reported by UNODC.⁴⁵¹ According to the U.S. Drug Enforcement Administration (DEA), the challenging security environment in drug-producing and drug-refining areas

constrains every aspect of drug enforcement and is the primary reason for the drop in interdiction activities throughout Afghanistan.⁴⁵²

Even in the midst of the COVID-19 pandemic and its serious effects on economies around the world, Afghanistan's opium economy has remained resilient. According to INL, the tempo of Afghan government counternarcotics operations slowed due to COVID-19.⁴⁵³ In contrast, UNODC reporting indicated that Afghanistan's 2020 opium-poppy harvest was largely uninterrupted by COVID-19.⁴⁵⁴

Afghan and U.S. Governments Deemphasize Counternarcotics

Despite these worrisome trends, in recent years both the Afghan and U.S. governments have on a number of fronts deemphasized, reorganized, or paused some counternarcotics programming. The most significant of these were President Ghani's January 2019 decree to dissolve the Ministry of Counter Narcotics (MCN) and the U.S. decision to forego a stand-alone counternarcotics strategy.⁴⁵⁵

President Ghani Dissolves the Ministry of Counter Narcotics

In November 2018, President Ghani announced that he intended to dissolve Afghanistan's Ministry of Counter Narcotics (MCN), established in 2004, as part of a consolidation of several ministries.⁴⁵⁶ Although SIGAR noted in 2018 that the MCN often lacked the political influence, financial resources, and implementing capacity to fight the burgeoning drug trade, it was nonetheless able to perform some important functions such as administering donor funds, including those from INL.⁴⁵⁷

President Ghani made his intent official in January 2019 by issuing a decree to dissolve the MCN and transfer relevant responsibilities to the Counter Narcotics Police of Afghanistan (CNPA); Ministry of Agriculture, Irrigation and Livestock (MAIL); Ministry of Public Health

(MOPH); and the National Statistics and Information Authority (NSIA).⁴⁵⁸

INL subsequently reported that the breakup was proceeding slowly because the Afghan government considered the MCN dissolution a low-priority issue.⁴⁵⁹ State provided no information on why the Afghan government chose to dissolve the MCN, but maintained that the MCN's dissolution would have no significant impact on current counternarcotics programs, as these responsibilities would be absorbed by other ministries.⁴⁶⁰ A year after the decree was issued, INL reported in January 2020 that MCN dissolution was complete and that former MCN employees had been transferred to other Afghan government entities including the CNPA, MOPH, and MAIL.⁴⁶¹

Although counternarcotics-associated programming in public-health programs consistently administered by non-MCN entities such as MOPH probably remain unaffected,⁴⁶² a handful of Afghan entities that have assumed broader authorities and at least one INL counternarcotics program appear to have been significantly impacted by the MCN's dissolution.

The first of these affected entities is the Ministry of Interior's CNPA, which has taken over counternarcotics policy-making responsibilities in addition to its traditional law-enforcement role. INL said this quarter that the CNPA still lacks the budgetary resources to assume the responsibility it was given for counternarcotics policy-making after the MCN's dissolution in January 2019.⁴⁶³ These new authorities include development and program-funding endeavors, such as public information campaigns or provincial cooperation projects, which are critical to policy-making.⁴⁶⁴ The MOI is finalizing a new two-year national drug action plan that may help to encourage donor support to the CNPA and INL hired a financial advisor to improve the CNPA's financial capacity,⁴⁶⁵ but it is too early to tell if these efforts will

be sufficient to overcome the CNPA's lack of policymaking resources.

The second affected entity is the NSIA that has been given all responsibility for poppy-survey-related work.⁴⁶⁶ After assuming this authority, the NSIA derailed over a decade of cooperation between the MCN and the UNODC, a relationship that produced the annual Afghan opium surveys. These surveys are considered essential tools for planning, implementing, and monitoring counternarcotics efforts.⁴⁶⁷ NSIA specifically objected to UNODC's measurement of the 2019 opium-poppy yield, despite UNODC's use of a long-standing methodology that employs field measurements of mature poppy plants.⁴⁶⁸ These disagreements over the yield prevented the 2019 *Afghanistan Opium Survey: Cultivation Estimate* from being released.⁴⁶⁹

INL reported that tentative progress was made this quarter with the UNODC and NSIA negotiating a resolution to their methodological differences and working together on the 2020 opium-poppy surveys. The goal is to sign an agreement in 2020 and jointly publish the 2020 annual reports.⁴⁷⁰ Further, the second of the two annual reports, the 2019 *Afghanistan Opium Survey: Socioeconomic Analysis*, is scheduled to be released in the coming months.⁴⁷¹ UNODC and NSIA are discussing whether to include portions of the unreleased report, such as cultivation figures, in the forthcoming socioeconomic report.⁴⁷²

Finally, one of the few ongoing counternarcotics-specific INL programs is now inoperative from INL's perspective. The Governor-Led Eradication program (GLE) is the program through which INL provided direct eradication assistance to the MCN for every UNODC-verified hectare of eradicated poppy.⁴⁷³ But since the MOI has assumed management of the program with the CNPA as the implementing entity, INL must now complete an audit of the MOI's financial-control mechanisms before support

can be provided to the MOI for GLE programming due to Congressional requirements.⁴⁷⁴ INL is in the process of procuring an assessment of the CNPA's financial capacity.⁴⁷⁵ For more information on the GLE program, see page 136 below.

U.S. Shifts From Counternarcotics to Taliban Negotiations

While the Afghan government had downgraded its counternarcotics efforts, the United States has been downplaying counternarcotics as part of U.S. policy to reduce U.S. risk and exposure in Afghanistan. After spending years developing a stand-alone counternarcotics strategy, the U.S. government abandoned that endeavor in 2018. In July 2018, State informed SIGAR that U.S. counternarcotics efforts were now interwoven into the Administration's 2017 *Strategy in Afghanistan and South Asia* (South Asia Strategy).⁴⁷⁶

In response to this development, on September 17, 2018, the Senate Caucus on International Narcotics Control requested that SIGAR conduct a review of the U.S. government's current counternarcotics efforts in Afghanistan. The caucus asked SIGAR to determine the status of the Department of State-led interagency *U.S. Counternarcotics Strategy for Afghanistan* and State's revision of, or plans to revise, this strategy. SIGAR found that State has not revised, and has no plans to revise, the 2012 *U.S. Counternarcotics Strategy for Afghanistan*. Rather, the South Asia Strategy serves as overall guidance for U.S. strategic priorities in Afghanistan and counternarcotics efforts.⁴⁷⁷

INL is operating under the U.S. 2017 South Asia Strategy, but has been unable or unwilling to articulate how it differs from the 2012 Counternarcotics Strategy created with the now-defunct MCN.⁴⁷⁸

For a time, under the South Asia Strategy's broadened operational authorities, USFOR-A carried out increased interdiction missions

against drug-trade-related targets as part of a broader counterthreat-finance (CTF) campaign targeting insurgents' revenue generation through air strikes and raids against narcotics production, processing, trading, and transportation.⁴⁷⁹ DOD did not, however, consider its CTF campaign part of the counternarcotics mission.⁴⁸⁰ According to DOD, these operations denied an estimated \$200 million to those involved in the illegal drug trade in Afghanistan, including more than \$42 million to the Taliban specifically.⁴⁸¹ In February 2019, DOD ceased the CTF campaign because military strategy had moved towards exclusively affecting the Taliban in the hope of initiating peace negotiations.⁴⁸² DOD has informed SIGAR that since 2015, DOD's mission has been counterterrorism along with training, advising, and assisting the ANDSF. Although drug-trade-related targets were at times struck incidental to these missions, reducing the drug trade is not a DOD mission.⁴⁸³

Likewise, U.S. government interest in areas outside of military operations has been lukewarm in recent years. The most recent 2018 integrated country strategy does not discuss efforts to reduce Afghanistan's illicit narcotics trade and its expanding opium-poppy cultivation.⁴⁸⁴ USAID no longer includes counternarcotics indicators in its alternative-development or agriculture programs, focusing instead on achieving private-sector-driven and export-led economic growth.⁴⁸⁵ Consequently, INL remains the main U.S. government agency responsible for implementing counternarcotics activities.⁴⁸⁶ DEA continues to train and partner with specialized units of the CNPA, but their efforts are exclusively oriented towards developing the institutional capacity of these units, and not directly stemming the expansion of the Afghan opium economy.⁴⁸⁷

Afghan Counter Narcotics Police Organization and Funding

INL provides support to specialized units within the CNPA through an interagency agreement with the Drug Enforcement Administration (DEA).⁴⁸⁸ CNPA personnel are located in all 34 provinces and comprise regular police as well as specialized units. The CNPA's counternarcotics operations include controlling precursor chemicals, airport interdiction, operating the forensic laboratory, crop eradication, and managing mobile detection teams. CNPA also coordinates with Afghan customs to stop drug trafficking.⁴⁸⁹

CNPA specialized units consist of three major components: the U.S.-supported National Interdiction Unit (NIU) and Sensitive Investigative Unit (SIU), and the UK-supported Intelligence and Investigation Unit (IIU).⁴⁹⁰ Additionally, the U.S.-supported Technical Investigative Unit (TIU) provides support to the NIU and SIU components.⁴⁹¹ This quarter, DEA reported that the NIU and SIU conducted a combined total of 39 DEA-mentored, -partnered, or otherwise-supported operations.⁴⁹²

The NIU conducts interdiction operations and seizures, serves arrest warrants, and executes search warrants in high-threat environments. The NIU receives mentoring from DEA and NATO Special Operations Component Command-Afghanistan (NSOCC-A), including U.S. Special Forces. The NIU typically maintains forward-based personnel in Kandahar and has access to facilities in Kunduz and Herat.⁴⁹³

The SIU's mission is to identify significant drug-trafficking organizations operating in Afghanistan and dismantle them through the criminal-justice system. The SIU receives mentoring from the DEA and consists of hand-picked, thoroughly vetted personnel.⁴⁹⁴ The SIU also has four officers responsible for administrative management of court orders obtained by SIU investigators to conduct Afghan judicially authorized intercepts.⁴⁹⁵

The Technical Investigative Unit (TIU) is a CNPA component consisting of 100 translators who work within the Judicial Wire Intercept Platform (JWIP). The JWIP is a State-funded project to provide technical systems associated with the wiretap program and is executed by DEA through an interagency agreement with State. JWIP supports DEA operations as well as SIU and NIU investigations.⁴⁹⁶

Other Afghan law-enforcement elements such as the special operations General Command of Police Special Units execute high-risk arrests and operations including counterterrorism, counternarcotics, and counter-organized crime.⁴⁹⁷ The Afghan Uniform Police and Afghan Border Police (ABP) also participate in counternarcotics activities.⁴⁹⁸

The Special Mission Wing (SMW) is a rotary- and fixed-wing aircraft force established in 2012 to support NIU counternarcotics missions, as well as counterterrorism missions conducted by Afghan special security forces. In recent years, however, nearly all its missions have been counterterrorism support, with none of the SMW's 165 unilateral sorties from April 1 through

May 27, 2020, supporting CN missions.⁴⁹⁹ The SMW is the only Afghan National Defense and Security Forces organization with night-vision, rotary-wing air assault, and fixed-wing intelligence-surveillance-reconnaissance capabilities. The SMW structure consists of assault squadrons in Kabul, Kandahar, and Mazar-e Sharif. There is also an imagery, surveillance, and reconnaissance squadron in Kabul.⁵⁰⁰ More information on the SMW is available in the Security section on page 83.

U.S. Funding for Afghan Counternarcotics Elements

INL continues to work under the 2017 South Asia Strategy, which is the main policy document for U.S. efforts in Afghanistan, including counternarcotics policy.⁵⁰¹ Both INL and DEA also reported this quarter that while there are no formal U.S. interagency working groups focused on Afghan-specific or regional counternarcotics, both entities coordinate with relevant Afghan or regional CN stakeholders as needed. In addition to coordinating with one another, other stakeholders often include DOD's Central Command and UNODC, among others. DEA also participates in the Kabul law-enforcement working group.⁵⁰²

INL estimates that it funds approximately \$21 million per year in operations and maintenance for INL programming in Afghanistan, including programming for the NIU and SIU. As of September 24, 2020, INL has disbursed \$43.4 million to DEA through an interagency agreement to support the specialized units. Costs directly attributable to NIU and SIU include \$6 million for two years of JWIP (not including other costs DEA and DOD may incur in support of the wiretap system), \$9.6 million for two years of other interagency-agreement support, and \$825,000 per year for NIU salary supplements.⁵⁰³ Salary supplements are used to attract and retain the most qualified and highly trained officers to join the specialized units rather than remain with the regular CNPA. A graduated scale of supplements is provided to all NIU officers, from police officers to unit commanders.⁵⁰⁴

CNPA COVID-19 Operational Restrictions Lifted

INL reported that early in the pandemic, the CNPA took measures to reduce exposure to COVID-19. This reduced the tempo of CNPA operations, which impacted investigations, planning, and execution of interdiction and other counternarcotics operations. These restrictions have since been lifted and the CNPA is back to full operational capacity.⁵⁰⁵

DEA nonetheless reported that COVID-19 continues to impede training and assistance to the specialized units of the CNPA, the National Interdiction Unit (NIU) and the Sensitive Investigative Unit (SIU). In particular, face-to-face interactions between DEA personnel and their counterparts have been disrupted and/or suspended. For example, due to COVID-19 travel restrictions, DEA cancelled April and June training sessions with the CNPA.⁵⁰⁶

Interdiction Results

Between July 1 and September 30, 2020, DEA reported that U.S.-supported interdiction activities by Afghan security forces included 39 operations resulting in seizures of 126 kilograms (kg) (278 lbs) of opium, 202 kg (445 lbs) of heroin, and 444 kg (979 lbs) of methamphetamines. Additionally, 71 arrests were made and 7,887 kg (17,388 lbs) of precursor chemicals and approximately 730 kg (1,609 lbs) of hashish were seized by Afghan security forces during this period.⁵⁰⁷ Table 3.15 contains interdiction results provided by DOD and DEA.

Despite the improved capabilities of Afghan specialized units over the years, drug seizures and arrests have had minimal impact on the country's opium-poppy cultivation and production. For example, total opium seizures since FY 2008 are equivalent to approximately 8% of the country's 6,400 metric tons of opium production for the *single year* of 2019, as reported by UNODC.⁵⁰⁸

TABLE 3.15

INTERDICTION RESULTS, FISCAL YEARS 2010–2020												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	TOTAL
Number of Operations	263	624	669	518	333	270	196	157	198	152	126	3,506
Detainees	484	862	535	386	442	394	301	152	274	170	141	4,141
Hashish seized (kg)	25,044	182,213	183,776	37,826	19,088	24,785	123,063	227,327	42,842	148,604	150,156	1,164,724
Heroin seized (kg)	8,392	10,982	3,441	2,489	3,056	2,859	3,532	1,975	3,242	3,507	645	44,120
Morphine seized (kg)	2,279	18,040	10,042	11,067	5,925	505	13,041	106,369	10,127	11,859	–	183,329
Opium seized (kg)	49,750	98,327	70,814	41,350	38,379	27,600	10,487	24,263	23,180	13,751	3,468	401,369
Precursor chemicals seized (kg)	20,397	122,150	130,846	36,250	53,184	234,981	42,314	89,878	22,863	81,182	7,887	841,932
Methamphetamine ¹ (kg)	–	50	–	11	23	11	14	31	143	1,308	521	2,112
Amphetamine (kg)	–	–	–	–	–	–	17	–	–	2,010	–	2,027

Note: The significant difference in precursor chemicals total seizures between 2014 and 2015 is due to a 12/22/2014 seizure of 135,000 kg of precursor chemicals.
 – indicates no data reported.

¹ In crystal or powder form.

Source: DOD(CN), response to SIGAR data call, 7/8/2020; DEA, response to SIGAR vetting, 10/9/2020.

Eradiation Update

INL does not directly support eradication programming in Afghanistan, as has been reported in recent quarters.⁵⁰⁹ INL continues to review the feasibility of directly assisting the CNPA as the implementing entity for U.S.-funded opium-poppy eradication assistance. SIGAR will continue to report on these developments.⁵¹⁰

Despite the lack of INL eradication assistance, INL said the CNPA Narcotics Survey and Analysis Directorate (NSAD) reported 972 hectares of opium-poppy eradicated during the 2020 season, an increase from the

536 hectares of opium-poppy reported last quarter. For comparative purposes, the most recent data from the 2019 season indicates an estimated cultivation of 163,000 hectares of opium-poppy. The eradication was not conducted with monitors in the field and cannot be independently verified. The Afghan government nonetheless continues to plan for a specialized poppy-eradication force to be established within the next two years.⁵¹¹

Governor-Led Eradication

Prior to the MCN's dissolution, INL provided direct eradication assistance through the Governor-Led Eradication (GLE) program. According to INL, the MOI now manages this ongoing program, with the CNPA implementing independent Afghan eradication and GLE.⁵¹² When MCN managed the GLE program, which began in 2005, INL reimbursed provincial governors \$250 toward the eradication costs of every UNODC-verified hectare of eradicated poppy.⁵¹³

INL did not provide an update on the GLE program this quarter because there has been no change in the status of their relationship to the GLE program. INL is currently unable to provide funding for the GLE program prior to the vetting of the CNPA's financial-control mechanisms.⁵¹⁴

REFUGEES AND INTERNAL DISPLACEMENT

Afghan Refugees

As of September 26, the United Nations High Commissioner for Refugees (UNHCR) reported that 1,169 refugees have voluntarily returned to Afghanistan in 2020. Most of the refugees returned from Iran (608) and Pakistan (512). COVID-19 led to temporary suspension of voluntary repatriation between March 4 and April 29, 2020. UNHCR resumed its facilitated voluntary repatriation of Afghan refugees from Iran on April 30 and from Pakistan and other countries on August 10.⁵¹⁵

According to State, the proof of registration and Afghan citizen cards expired on June 30, 2020, without Pakistan extending their validity. Approximately 2.3 million Afghans in Pakistan have these documents. Pakistan's Ministry of States and Frontier Regions, which oversees refugee issues, issued a letter to relevant Pakistani government and law-enforcement bodies asking that they not take action against cardholders until the cabinet has a chance to consider the issue. State has received no reports of harassment and is advocating for Pakistan to extend the effective duration of both types of cards.⁵¹⁶

Refugees are persons who are outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and, as a result, require international protection. According to the UNHCR, refugees have the right to safe asylum and should receive at least the same rights and basic help as any other foreigner who is a legal resident.

Source: United Nations, "Refugees and Migrants: Definitions," 2019; UNHCR, "Protecting Refugees: questions and answers," 2/2002.

Undocumented Afghan Migrant Returnees

According to State, the combined effect of fears of the COVID-19 virus spreading in Iran and the economic contraction has led to high numbers of spontaneous returns of Afghan migrant laborers from Iran.⁵¹⁷ As of September 26, the International Organization of Migration (IOM) reported that 571,800 undocumented Afghans returned from Iran (363,149 spontaneous returnees and 208,651 deportees) and 5,001 undocumented Afghan migrants returned from Pakistan (4,631 spontaneous returnees and 370 deportees) in 2020.⁵¹⁸

By comparison, 332,641 undocumented Afghan migrants had returned from Iran in 2019, as of September 21 of that year and 552,071 undocumented Afghan migrants had returned from Iran in 2018, as of September 22, 2018. According to State, the Iranian economic downturn caused by U.S. sanctions drove outward migration in 2018.⁵¹⁹

Migrants are persons who change his or her country of usual residence, irrespective of the reason for migration or legal status. According to the UN, there is no formal legal definition of an international migrant.

Source: United Nations, "Refugees and Migrants: Definitions," 2019; UNHCR, "Protecting Refugees: questions and answers," 2/2002.

Conflict-Induced Internal Displacement

As of September 10, 2020, conflicts had induced 184,141 Afghans to flee their homes, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). That count of conflict-induced internally displaced persons recorded is 47% lower than for the same period last year, when OCHA reported 346,947 displaced persons.⁵²⁰

WOMEN'S ADVANCEMENT

According to USAID, its Promote program aims to strengthen women's participation in civil society, boost female participation in the economy, increase the number of women in decision-making positions within the Afghan government, and help women gain business and management skills.⁵²¹ Table 3.16 shows the current Promote programs.

TABLE 3.16

USAID GENDER PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 10/9/2020
Promote: Women in the Economy	7/1/2015	8/31/2020	\$71,571,543	\$70,679,661
Promote: Women's Rights Groups and Coalitions	9/2/2015	9/1/2021	29,534,401	25,921,266
Promote: Rolling Baseline and End-line Survey	2/21/2017	1/20/2021	7,577,638	7,357,293
Combating Human Trafficking in Afghanistan	1/11/2016	8/31/2020	7,098,717	6,962,858
Gender Based Violence (GBV)	7/8/2015	1/7/2021	6,667,272	6,667,272

Source: USAID, response to SIGAR data call, 10/12/2020.

GOVERNANCE



Female members of the Islamic Republic's negotiating team at a banquet organized by the assistant foreign minister of Qatar. (Afghan government photo)

According to USAID, of the 75,600 total Promote beneficiaries, 32,516 have found employment. Of these, 1,892 have been hired by the Afghan government and 19,869 have secured permanent employment in the private sector. There are also 10,775 Promote beneficiaries holding private-sector internships.⁵²² (There may be double counting: Promote beneficiaries counted as interns may also be counted when they secure permanent employment.)⁵²³

This quarter, the Women in the Economy (WIE) program concluded. WIE was designed to increase women's participation in the economy through workforce development, private-sector development, and advocacy for an enabling environment. WIE provided training in job readiness and technical skills, internships, apprenticeships, job placement, access to finance, and a comprehensive system of support services for women business owners to improve their knowledge and skills and increase access to broader markets.⁵²⁴ According to USAID, 19,869 WIE female beneficiaries received new or better employment compared to a target of 17,500 women.⁵²⁵ (As SIGAR reported in 2018, USAID revised down this WIE target from 25,000 to 21,000, and then again to 17,500.⁵²⁶) Also, 13,525 women received a 10% or greater improvement in wages or income.⁵²⁷

WIE assisted 461 businesses, 24% of which increased their enterprise size (for example, growing from a microenterprise employing one to four full-time employees to a small enterprise employing five to nineteen full-time employees).⁵²⁸ This support included establishing a corps of recent MBA graduates and finance assistants overseen by a mentor to assist client businesses, design logos and packaging, and three months of microenterprise business coaching.⁵²⁹

To bridge the gap between the intra-Afghan negotiators and constituents, in May, Promote conducted a survey to collect women's views on the peace process to present findings to the negotiating team. A total of 1,141 members of civil-society organizations within Promote's network participated in the survey.⁵³⁰ According to USAID, respondents overwhelmingly seek women's full participation in the peace process and want constitutional protections, including the right to an education and to work. Women want to be represented and defended during the intra-Afghan negotiations, and believe that it is necessary for women to play a meaningful role in peace talks and that women's full participation in the peace process is critical for the fundamental rights of women and girls to be safeguarded and not sacrificed at the negotiating table. Many have expressed concerns over possible backsliding on access to education and employment if the Taliban returns to power in Afghanistan, USAID said.⁵³¹

The Afghanistan Research and Evaluation Unit issued a report this quarter examining the role of women in Afghanistan's peace process. The findings were based on interviews conducted between May and October 2019 involving 60 women and 17 men working for the government and civil-society organizations or nongovernmental organizations in Kabul, Bamyán, Balkh, and Nangarhar Provinces.⁵³² According to the authors, women's involvement in nongovernmental peace efforts has been significant. A range of activities took place including basic awareness about peace, direct talks with antigovernment groups, establishment of nongovernmental local councils for peace, and women's participation in peace efforts and conflict resolution.⁵³³

Overall, however, the authors concluded that women's participation in peace efforts was "largely symbolic and weak."⁵³⁴ For example, respondents in Nangarhar Province said that although women have participated in workshops, seminars, and training and were taught about peace in schools, they do not consider such engagements to be sufficient to enhance their role in the actual peace efforts.⁵³⁵ Respondents in Balkh Province said women involved in dispute resolution generally work on matters involving family and gender issues, only rarely dealing with significant local conflict or any armed conflict.⁵³⁶

Further, many respondents expressed their fear and distrust of the Taliban and their concerns about the international community's lack of commitment toward women's rights and women's participation in the peace process.⁵³⁷ According to the authors, peace for the respondents would not allow compromise on access to their fundamental rights, including access to services especially education and health services, women's political participation, and security.⁵³⁸

SIGAR EVALUATION CALLED FOR AFGHAN GOVERNMENT ACTION IN RESPONSE TO CHILD SEXUAL ASSAULT ALLEGATIONS

In 2017 and 2018, SIGAR issued classified and public-release versions of an evaluation of child sexual assault in Afghanistan. This evaluation stemmed from a December 23, 2015, request by a bipartisan group of 93 U.S. Senators and members of the House of Representatives for SIGAR to conduct an inquiry into the U.S. government's experience with allegations of sexual abuse of children committed by members of the Afghan security forces, and the manner in which DOD and State implemented the "Leahy laws" in Afghanistan. The Leahy laws (10 U.S.C. 362) prohibit the U.S. funding of units of foreign forces that commit gross violations of human rights.

SIGAR completed its full-classified report on June 8, 2017, and immediately began working with DOD and State to release a public version of the report.

The full extent of child sexual assault committed by Afghan security forces may never be known. SIGAR found that individuals and organizations with knowledge of such incidents lacked details, were reluctant to share information with the U.S. government, or did not have explicit guidance on how to report the information. Additionally, DOD and State officials said that due to the drawdown of U.S. forces, they have limited visibility into the Afghan security forces and rely on the Afghan government and intelligence reports to identify incidents.

SIGAR called on the Afghan government to take further action to prosecute and prevent child sexual assault by Afghan security forces.

HUMAN RIGHTS

State Issues Waiver for Afghanistan Following Low Human-Trafficking Rating

Last quarter, as part of the 2020 Trafficking in Persons (TIP) Report, State downgraded Afghanistan's human-trafficking rating to the lowest level since State first rated the country in 2002, saying the Afghan government does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so.⁵³⁹

According to the Trafficking Victims Protection Act enacted in 2000 and reauthorized over the years, the United States shall not provide non-humanitarian, non-trade-related foreign assistance to any government of a country that is ranked Tier 3 (the ranking Afghanistan received) absent a waiver by the President. According to State, on October 1, 2020, a presidential waiver was issued lifting this restriction by determining, consistent with section 110 of the Trafficking Victims Protection Act of 2000 requiring that the provision of all programs, projects, and activities described in

sections 110(d)(1)(A)(i) and 110(d)(1)(B) of the Act with respect to the Government of Afghanistan would promote the purposes of the Act or is otherwise in the national interest of the United States. To be removed from Tier 3, Afghanistan must demonstrate significant efforts to eliminate TIP, including the patterns of *bacha bazi* (child sexual abuse) and the use of child soldiers. In response to the downgrade, Afghanistan's Office of the National Security Council (ONSC) has drafted a comprehensive action plan to address all 14 of the TIP Report's prioritized recommendations. Once the plan has received final approval, ONSC will assign tasks to relevant ministries and, together with the Ministry of Justice, will monitor progress.⁵⁴⁰

On October 9, 2020, the *New York Times* reported on a rare instance in which the Afghan government acted following an accusation of child sexual abuse by government personnel. Following the September death of a 13-year-old boy, the Afghan government arrested a police commander and six of his officers in Kandahar Province after family members accused the police of raping and murdering the child.⁵⁴¹