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## GOVERNANCE



### KEY ISSUES & EVENTS

On April 14, President Joseph Biden announced that—in keeping with the February 2020 U.S.-Taliban agreement and U.S. national interests—all U.S. and Coalition troops will withdraw from Afghanistan before September 11, 2021.

Afghan political leaders reacted to reported U.S. correspondence outlining new peace talks and a peace plan.

A Taliban spokesman said the group would not participate in any conferences to make decisions about Afghanistan's future until all foreign troops leave the country.

At a March 18 meeting in Moscow, the United States, Russian, Chinese, and Pakistani governments said they do not support restoring the Taliban's Islamic Emirate.

## U.S. RECONSTRUCTION FUNDING FOR GOVERNANCE

As of March 31, 2021, the United States had provided nearly \$36.03 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).<sup>230</sup>

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

### President Biden Announces Way Forward for Afghanistan

On April 14, President Joseph Biden announced that U.S. and Coalition troops will be fully withdrawn from Afghanistan by the 20th anniversary of the September 11, 2001, attacks while “significant humanitarian and

development assistance” and “assistance to the Afghan National Defenses and Security Forces” will continue.<sup>231</sup>

President Biden noted that the February 2020 U.S.-Taliban agreement called for U.S. troops to depart by May 1, 2021, adding “and that means something.” He said there was significant “risk to staying beyond May 1st without a clear timetable for departure.”<sup>232</sup> Regarding the peace talks, President Biden said that “American troops shouldn’t be used as a bargaining chip between warring parties in other countries.”<sup>233</sup>

The day before, a senior administration official told reporters that this withdrawal “is not conditions-based [as President Biden] judged that a conditions-based approach, which has been the approach of the past two decades, is a recipe for staying in Afghanistan forever.”<sup>234</sup> President Biden said the final withdrawal of U.S. troops will begin on May 1, and the senior administration official clarified that the withdrawal may be completed well in advance of September 11, 2021. Any remaining U.S. military personnel would be tasked with protecting an American diplomatic presence.<sup>235</sup> The September deadline for the complete withdrawal of U.S. and Coalition forces is meant to help NATO troops depart, the official said.<sup>236</sup>

The official added that, the United States would “bolster support for civilian, economic, and humanitarian assistance programs” and “use its full diplomatic, humanitarian, and economic toolkit to try to—as best we can to protect the gains made by women and girls over the course of the past 20 years.”<sup>237</sup>

## Afghan Negotiations Make Slow Progress

On December 12, 2020, the Islamic Republic and Taliban peace negotiating teams announced a three-week recess.<sup>238</sup> Following this pause, the two negotiating teams resumed talks on January 5, 2021, under a new rules and procedures framework. However, State said talks stalled over Taliban demands on additional prisoner releases and sanctions delistings, and because of continuing high levels of violence. Toward the end of February, the two sides met again, reportedly with progress on certain discrete issues.<sup>239</sup> (As of March 17 they had not finalized an agenda or begun discussion on the core of a political settlement.<sup>240</sup>)

On February 11, the chairman of the High Council for National Reconciliation (HCNR), Abdullah Abdullah, described the talks as deadlocked, blaming the Taliban’s “harsh” stances on prisoner releases, the withdrawal of foreign troops, and sanctions delisting. He also said a foundation of the February 2020 U.S.-Taliban agreement was a reduction in violence.<sup>241</sup>

The parties to the talks blamed each other for these delays. A member of the Islamic Republic (Afghan government) negotiating team accused the Taliban of not showing interest in the talks, and HCNR chair Abdullah criticized the Taliban for not participating.<sup>242</sup> The speaker of the lower house of parliament blamed persons in the presidential palace for creating

obstacles to peace (while also blaming the Taliban for showing insufficient interest in the talks).<sup>243</sup> The Taliban charged the Afghan government, and President Ashraf Ghani personally, with the delays, saying “Ashraf Ghani’s administration is the only hurdle for peace.”<sup>244</sup> Ghani rejected the Taliban’s accusation.<sup>245</sup>

According to State, COVID-19 has limited face-to-face meetings, impeding negotiating-team interactions and deliberations. COVID-19 has also made traveling and securely sharing information more challenging.<sup>246</sup>

Nonetheless, Taliban representatives continued to travel in the region. From January 26 to February 1, a Taliban delegation visited the Islamic Republic of Iran for meetings with the senior Iranian foreign policy and national security officials. (Iran dispatched its special envoy to Kabul to discuss the outcomes of the Taliban visit with Afghan officials.) A Taliban delegation met with Turkmenistan’s foreign minister and other officials on February 5.<sup>247</sup>

On April 9, the Office of the Director of National Intelligence said the U.S. intelligence community assessed that prospects for a peace deal in Afghanistan will remain low during the next year saying the Taliban is confident it can achieve military victory.<sup>248</sup>

## Violence Continues Despite Peace Process

On January 31, several diplomatic missions, including the United States, issued a statement criticizing targeted attacks against civil society, judicial, media, religious, medical, and civilian government personnel. The missions wrote “the Taliban bears responsibility for the majority of this targeted violence, and its attacks undermine state institutions and contribute to an insecure environment in which terrorist and criminal groups are able to freely operate.” Further, the missions said the Taliban “must understand that their violent, destructive actions outrage the world.” The Taliban denied involvement in these targeted killings.<sup>249</sup>

On February 11, Afghanistan’s first vice president blamed the increase in targeted killings on the Taliban, and specifically on some of the 5,500 Taliban prisoners who were released by the Afghan government following the February 2020 U.S.-Taliban agreement. The first vice president was quoted saying these releases were based on a “trust [that] was blind and without a strategy, we [the Afghan government] will not repeat it again.” The Taliban continue to deny responsibility for these attacks.<sup>250</sup>

In February 2021, the UN released a special report on the killing of human-rights defenders, journalists, and media workers, observing there has been a sharp increase in the number of killings of human-rights defenders in Afghanistan.<sup>251</sup> The recent wave of killings has spread fear among Afghans, and dampened any optimism that intra-Afghan negotiations may result in a significant reduction in violence, the UN wrote.<sup>252</sup>



**President Ashraf Ghani** receiving President Biden's phone call on April 14. (Afghan government photo)

The UN report detailed a broader spike in civilian casualties, along with deliberate attacks targeting judges, prosecutors, religious scholars, health-care workers, political analysts, and civil servants. The killings primarily involved small-arms fire, but also improvised explosive devices.<sup>253</sup> While Islamic State-Khorasan (IS-K) claimed responsibility for one attack in 2021, the UN said nearly all attacks in 2020 had no claims of responsibility.<sup>254</sup> Deliberate killings seem to have become a common tactic, and have created an atmosphere of fear and pessimism in Afghanistan.<sup>255</sup>

## **U.S. Reviewed Taliban Deal Alongside Talk of New Government**

On January 22, U.S. National Security Adviser Jake Sullivan announced that the United States would review its February 2020 agreement with the Taliban, including to assess whether the Taliban were living up to their commitments.<sup>256</sup> (As discussed earlier, the results of this review were announced on April 13–14.<sup>257</sup>) The Taliban responded on February 5 that an abrogation of the agreement would “lead to a major war.”<sup>258</sup>

On January 31, the speaker of the lower house of parliament said he had received a plan “prepared by the United States and the Taliban for establishing an interim government or a proposed peace.” He said he welcomed this plan “because it has mentioned staying with the current system and the national assembly,” but said further discussion was necessary.<sup>259</sup> That same day, the Islamic Republic negotiating team said that thus far in the talks, neither the Taliban nor Islamic Republic had discussed an interim government.<sup>260</sup>

Other Afghan politicians announced that they too had seen a plan. Mohammad Ismail Khan, a former mujahedeen leader and former minister of energy and water, said the plan he saw divided power 50-50 between the Afghan government and the Taliban. In the midst of these discussions, a

presidential spokesperson said “an interim or an acting government or any other type of government is unacceptable.”<sup>261</sup>

The Taliban, referencing the U.S.-Taliban agreement, said on February 2, that the current Afghan government would be dissolved to be replaced by an “Islamic government.”<sup>262</sup> A spokesperson for the Afghan government’s national security council said it was “premature to talk about the system [of government].”<sup>263</sup> On February 9, Abdullah said a “transitional government or arrangement” is not a goal, but, if there is to be any talk of an interim government, it should be part of the negotiations.<sup>264</sup>

On March 7, Afghan media released what they claimed were items of correspondence from Secretary of State Antony J. Blinken to President Ghani, including an eight-page outline of a peace plan. A State spokesperson offered “the obligatory [i.e., no] comment on any reported private correspondence.”<sup>265</sup>

On March 16, President Biden said he was still reviewing the peace process in Afghanistan and the issue of when to withdraw remaining U.S. troops.<sup>266</sup> (As noted, on April 14, 2021, the President announced his plan for a U.S. and Coalition troop withdrawal by September 11.)

On March 24, the Taliban rejected a reported proposal by President Ghani to hold elections within six months or a year after a peace deal was signed with the Taliban.<sup>267</sup> According to Reuters, this reported proposal for early presidential elections if the Taliban agree to a ceasefire was in response to the reported U.S. peace plan.<sup>268</sup>

Ghani proposed at the March 30, 2021, Heart of Asia meeting that elections be held “at the earliest possible time” in his proposed three-phase peace process. The other elements of his proposal included:<sup>269</sup>

- a political agreement between the Afghan government and the Taliban to be endorsed by a loya jirga (grand assembly)
- a ceasefire with international verification and monitoring, and with guarantees for Afghanistan’s neutrality
- principles for forming a “government of peacebuilding” within the framework of the constitution with a time-bound mandate culminating in an internationally supervised and monitored presidential election
- a framework on counterterrorism objectives

Ghani described the “government of peacebuilding” as the current elected leadership and “other Afghans” who will not be candidates in the next election,<sup>270</sup> seeming to suggest that his presidential tenure might end before his official term in office expires.

On April 7, Ghani told a conference that “Only the Afghan people will determine their future leader, no one can designate the future leader of Afghanistan from outside, this is our right and the principle of our Constitution and the desire of our nation.”<sup>271</sup>



**President Ghani** discussing his framework for a peace plan on April 6. (Afghan government photo)





**High Council for National Reconciliation** chairman Abdullah Abdullah receiving the consolidated draft peace plan from former vice president Mohammad Yunus Qanooni. (Afghan government photo)

A 15-member committee of the High Council for National Reconciliation (HCNR) solicited and reviewed over 25 different peace proposals to, according to Abdullah, “unify the republic’s position for the Istanbul peace conference.” On April 9, the HCNR reported it had finished assessing and consolidating these various views.<sup>272</sup>

## United States, Russia, China, and Pakistan Reject Return of Taliban’s Islamic Emirate

On March 18, Moscow hosted a regular meeting of the “extended Troika” comprising representatives of Russia, China, the United States, and Pakistan. The meeting focused on making progress in the intra-Afghan process to reach a negotiated settlement and a permanent and comprehensive ceasefire. The event was attended by representatives of the Afghan government (including the High Council for National Reconciliation), prominent Afghan political figures, and representatives of the Taliban, as well as from Qatar and Turkey as guests of honor.<sup>273</sup> Secretary Blinken called the meeting “very productive” despite the many differences among the participants.<sup>274</sup>

Following the meeting, the United States, Russian, Chinese, and Pakistani governments released a joint statement pressing for an end to the war and reaffirming the need for a negotiated political settlement.<sup>275</sup> These governments called for a reduction in violence, asked the Taliban to forgo a spring offensive, and stated that they do not support the restoration of the Islamic Emirate of Afghanistan (the name of the Taliban regime overthrown in 2001).<sup>276</sup> Additionally, the statement stressed the importance of intra-Afghan negotiations to form a durable political resolution, with the aim of a lasting peace that protected the rights of all Afghans.<sup>277</sup> The statement also appreciated the progress made in current intra-Afghan negotiations in Doha, Qatar, and called on all Afghans to ensure that terrorist groups and individuals do not use Afghan soil to threaten the security of other nations.<sup>278</sup> According to State, the Moscow meeting did not supplant deliberations in Doha.<sup>279</sup>

In addition to the Moscow meeting, Secretary Blinken said on March 25, 2021, that there would be a conference in Turkey “in the weeks ahead” that would feature the UN playing “a more prominent role in bringing people together” to advance Afghanistan peace efforts.<sup>280</sup>

On April 13, the governments of Turkey and Qatar and the UN announced plans to convene a “high-level and inclusive” conference between representatives of the Islamic Republic and Taliban from April 24 to May 4, 2021, in Istanbul. By April 21, however, the co-conveners announced that the conference was postponed to an unspecified later date “when conditions for making meaningful progress would be more favorable.”<sup>281</sup>

Taliban participation in this conference was thrown into doubt when the group said it “will not participate in any conference that shall make decisions about Afghanistan” until “all foreign forces completely withdraw” from Afghanistan.<sup>282</sup>

## U.S. Funding for Peace and Reconciliation

In July 2020, 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 that key stakeholders can participate in the Afghan peace 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.<sup>283</sup>

After six months of operation, USAID said the PSI program supported the enabling environment and built the capacity of key Afghan stakeholders despite receiving no requests or opportunities to directly support or respond to the Afghan peace negotiations.<sup>284</sup>

USAID and the United States Institute of Peace (USIP) also entered a \$16 million partnership in 2015 named “Strengthening Peace Building, Conflict Resolution, and Governance in Afghanistan.”<sup>285</sup> In October 2019, the partnership was modified to launch new activities to support the peace process.<sup>286</sup> The goal is to facilitate a series of dialogues to build a vision for peace at the local level and encourage citizens, particularly youth and women, to design locally owned plans to achieve social peace as a step towards sustainable peace.<sup>287</sup>

USIP began a training geared toward implementing the Civil Society Cohesion Building and Gap Mapping project.<sup>288</sup> Topics included root causes of war, historic decisions, peace terminologies, peace process, violence, national values, role of civil society organizations in peace process, team building, vision building and action, and planning.<sup>289</sup> Partners trained by USIP facilitated dialogue in 30 districts, and hope to facilitate district peace dialogues in Kunar, Nangarhar, Parwan, and Kapisa Provinces.<sup>290</sup>

State has also provided financial assistance to the UNDP’s Support for Peace and Reconciliation in Afghanistan project, which seeks to ensure that the Islamic Republic and its peace structures, including the negotiating team, the State Ministry for Peace, and the High Council for National Reconciliation can access international and national technical expertise and conduct thematic research as needed for Afghan peace negotiations. The Afghanistan Independent Human Rights Commission completed a project to research human rights, victims’ rights, and constitutional reform, and provide advice to the Islamic Republic negotiating team and other influential players on the ground in Doha.<sup>291</sup>

## 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.



## MUTUAL ACCOUNTABILITY

### United States Announces Second Tranche of Nearly \$300 Million in Development Assistance

At the November 2020 donors conference in Geneva, the United States pledged \$300 million in civilian assistance for 2021, with up to an additional \$300 million available in the near term, depending on the Afghan government making “meaningful progress” in the peace process. On April 21, 2021, State announced it would make these nearly \$300 million in civilian assistance available to demonstrate enduring support for the Afghan people and to advance a just and durable peace for Afghanistan.<sup>292</sup>

According to State, U.S. pledges beyond 2021 will be assessed at the November 2021 Senior Officials Meeting.<sup>293</sup> At the 2016 donors conference, the United States pledged \$4 billion over four years.<sup>294</sup>

The civilian-assistance pledges do not include the majority of the substantial contributions the United States provides for security assistance to Afghanistan.<sup>295</sup>

## U.S. ASSISTANCE TO THE AFGHAN GOVERNMENT BUDGET

**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.

### Summary of Assistance Agreements

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.<sup>296</sup>

At the November 2020 Afghanistan Conference, donors pledged at least \$3.3 billion in civilian development assistance for the first year of the 2021–2024 period, with annual commitments expected to stay at the same level year-on-year. The resulting conference communiqué and the Afghanistan Partnership Framework—a set of foundational principles to underpin a peaceful and democratic Afghan society, and drive inclusive growth— included no reference to specific funding targets for the on-budget share of civilian assistance.<sup>297</sup>

### Civilian On-Budget Assistance

USAID provides on-budget civilian assistance in two ways: bilaterally to Afghan government entities; and through contributions to two multilateral trust funds—the World Bank-administered Afghanistan Reconstruction Trust Fund (ARTF) and the Asian Development Bank-administered Afghanistan Infrastructure Trust Fund (AITF).<sup>298</sup> The ARTF

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.

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TABLE 2.15

USAID ON-BUDGET PROGRAMS					
Project/Trust Fund Title	Afghan Government On-Budget Partner	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 4/10/2021
<b>Bilateral Government-to-Government Projects</b>					
Power Transmission Expansion and Connectivity (PTEC)	Da Afghanistan Breshna Sherkat	1/1/2013	12/31/2023	\$316,713,724	\$272,477,914
Textbook Printing and Distribution	Ministry of Education	9/15/2017	12/31/2020	35,000,000	0
<b>Multilateral Trust Funds</b>					
Afghanistan Reconstruction Trust Fund (ARTF) (current award)*	Multiple	9/29/2020	12/31/2025	\$700,000,000	\$55,686,333
Afghanistan Infrastructure Trust Fund (AITF)	Multiple	3/7/2013	3/6/2023	153,670,184	153,670,184

\*USAID had previous awards to the ARTF that concluded in March 2012 and totaled \$1,371,991,195 in disbursements and in September 2020 and totaled \$2,555,686,333 in disbursements. Cumulative disbursements from all ARTF awards is currently \$4,127,677,528.

Source: USAID, response to SIGAR data call, 4/13/2021.

provides funds to the Afghan government's operating and development budgets in support of Afghan government operations, policy reforms, and national-priority programs.<sup>299</sup> The AITF coordinates donor assistance for infrastructure projects.<sup>300</sup>

According to USAID, all bilateral-assistance funds are deposited in separate bank accounts established by the Ministry of Finance (MOF) for each program.<sup>301</sup>

As shown in Table 2.15, USAID's active, direct bilateral-assistance programs have a total estimated cost of \$352 million. USAID also expects to contribute \$700 million to the 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.)<sup>302</sup>

As of December 2020, the United States remains the largest cumulative donor to the ARTF (32.1% of contributions); the next-largest donor is the United Kingdom (16.8% of contributions).<sup>303</sup>

USAID has also disbursed \$154 million to the AITF.<sup>304</sup> As of September 2020, the United States was the second-largest cumulative donor to the AITF, (26% of contributions); the largest cumulative donor is the NATO Afghanistan National Army Trust Fund (34% of contributions).<sup>305</sup> The last U.S. disbursement to the AITF was in April 2017.<sup>306</sup>

## 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 the vehicle for channeling reform-based incentive funds, such as the Incentive Program Development Policy Grant (IP DPG).<sup>307</sup> According to the World Bank, currently all recurrent-cost

## 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 2021, each examining a different trust fund.

window funds provided to the Afghan government are incentivized for achievement of policy reforms.<sup>308</sup>

In February, the Afghan government, the UN, and the World Bank co-led efforts to identify steps for implementing a monitoring and review mechanism to track progress against the principles, outcome indicators, and priority action targets outlined in the Afghanistan Partnership Framework (APF). A steering group and a task force were constituted to facilitate and oversee implementation of the APF, leading up to the annual review at the Senior Officials Meeting in November 2021.<sup>309</sup>

In February 2021, the MOF told ARTF donors that the Afghan government had budgeted \$400 million for the 2021 IP DPG, saying the government may face challenges making payments if donors provide less than that amount.<sup>310</sup>

As of December 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.<sup>311</sup>

## On-Budget Assistance to the ANDSF

Approximately 70% of total U.S. on-budget assistance goes toward the requirements of the Afghan security forces.<sup>312</sup>

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.<sup>313</sup> For the multidonor Law and Order Trust Fund for Afghanistan (LOTFA), DOD described its current funding of about \$1 million as a “token amount” that allows Combined Security Transition Command-Afghanistan (CSTC-A) to participate in donor deliberations and maintain voting rights.<sup>314</sup> The United Nations Development Programme (UNDP) administers LOTFA primarily to fund Afghan National Police salaries and incentives.<sup>315</sup>

CSTC-A provides direct-contribution funding to the MOF, which allots it incrementally to the MOD and MOI.<sup>316</sup>

For Afghan fiscal year (FY) 1400 (December 2020–December 2021), CSTC-A plans to provide the Afghan government the equivalent of up to \$852.5 million to support the MOD. Of this amount, approximately \$663.0 million (78%) is for salaries.<sup>317</sup> To support the MOI, CSTC-A planned to provide up to \$176.6 million in FY 1400. Of these funds, approximately \$6.4 million (4%) is for salaries, with the remaining funds for purchase of goods, services, or assets.<sup>318</sup>

As of March 18, CSTC-A provided the Afghan government the equivalent of \$89.7 million to support the MOD for FY 1400. The majority of these funds (57%) paid for salaries.<sup>319</sup> Also as of March 18, CSTC-A had disbursed no funding to the Afghan government to support the MOI.<sup>320</sup>

## CONDITIONALITY OF FOREIGN ASSISTANCE AND ITS LIMITS

While President Biden rejected a conditions-based approach to maintaining U.S. troops in Afghanistan, a senior administration official said this quarter the United States does intend to use its humanitarian and economic assistance to influence events in Afghanistan.<sup>321</sup> U.S. officials said U.S. troops may no longer be the “bargaining chips” to facilitate the peace process.<sup>322</sup> However, the officials appear to conceptualize U.S. foreign assistance to Afghanistan as filling this function.

As the senior Biden administration official said, any party that “does not want to be deemed a ‘pariah state’ [...] must not interfere with the progress that has been made to advance human rights, including for women, girls, and minorities in Afghanistan.”<sup>323</sup> The U.S. response to such actions, the official said, would be handled “through aggressive diplomatic, humanitarian, and economic measures.”<sup>324</sup>

The Trump administration also sought to condition U.S. foreign assistance in this way.<sup>325</sup> As SIGAR wrote in its *2021 High-Risk List*, senior Trump administration officials made several references to leveraging future U.S. foreign assistance to influence Afghanistan’s post-peace political and human-rights landscape.<sup>326</sup> Because of this, SIGAR concluded that U.S. reconstruction programs may become the primary lever of U.S. influence in the country for stability and a negotiated peace.<sup>327</sup>

However, requiring the Taliban to adhere to donor conditions for assistance could complicate an already complex dynamic. Donors have increasingly described the continuation of post-peace foreign assistance as conditional on ambitious goals that require action by actors beyond the Afghan government. SIGAR has long reported that even when conditionality involved only the Afghan government, it has been difficult to influence behavior.<sup>328</sup>

Reconstruction is not always destined to succeed. With the benefit of reconstruction assistance, some governments like Bosnia, Guatemala, and Rwanda have emerged as “Phoenix States” rising from the ashes of war.<sup>329</sup> For others, reconstruction—even when generously and durably provided—did not produce a clear break from past civil war.<sup>330</sup>

In the 2015 book, *Explaining Post-Conflict Reconstruction*, Dr. Desha Girod of Georgetown University argued that reconstruction is more likely to succeed when a recipient government is desperate for aid (i.e. lacks alternative sources of funds) and donors give for nonstrategic reasons (such as working toward macroeconomic stability and achieving specific political and development goals).<sup>331</sup> When donors have a strategic interest in the recipient, Girod argued, the recipient lacks incentives to use the assistance responsibly because donors are less likely to make the aid contingent upon meeting reconstruction goals.<sup>332</sup>

Conditionality is not new and has been a feature of modern foreign-assistance efforts since the post-World War II Marshall Plan for U.S. commodities, grants, and loans that helped rebuild western Europe. As Girod observed, “Virtually all Western donors offer aid only with conditions,” whether specific to a project of interest to the donor, or to a policy program the donor expects the recipient to enact.<sup>333</sup>

Strategically driven aid often comes with demands that go unenforced because foreign donors are more interested in keeping the recipient leadership in power to advance the donor’s particular objectives than in enforcing constraints on their assistance.<sup>334</sup>

In such a scenario, the aid recipient, often correctly, interprets these demands as peripheral to the donor’s strategic interests. This enables the recipient to, in essence, call the donor’s bluff. For example, as Robert Komer wrote for the RAND Corporation think tank in

1972 when reflecting on the U.S.-Republic of Vietnam relationship:<sup>335</sup>

However much policy may call for helping those who help themselves or tying aid to performance, such policies tend to become eroded in execution by the U.S. agencies concerned. This certainly occurred frequently in Vietnam. [...] We became their prisoners rather than they ours—the classic trap into which great powers have so often fallen in their relationships with weak allies. The [Government of South Vietnam] used its weakness as leverage on us far more effectively than we used our strength to lever it.

After examining a number of post-conflict cases, Girod concluded, “Aid appears to be a suitable tool to promote reconstruction after civil war only in countries where, paradoxically, donors have the least at stake.”<sup>336</sup>

The challenge, Girod offers, may not be finding the optimal mix of conditionality policies. Instead, it is “figuring out how to incentivize compliance in countries that lack incentives to do so.”<sup>337</sup>

Where does this leave Afghanistan? According to Girod, post-2001 donors to Afghanistan “lacked leverage [...] because strategic interests were at stake.” Because of this—as with Komer’s recollection of Vietnam War dynamics—U.S. officials could not credibly say “reform or else” to Afghanistan’s leadership because the political survival of the recipient regime was viewed as necessary for U.S. strategic interests of preventing a Taliban military victory.<sup>338</sup>

In many ways, post-2001 Afghanistan is an ideal case of sustained strategic reconstruction assistance, poor security and socioeconomic results, and toothless conditionality.

## Conditionality in Post-2001 Afghanistan: A Lot of Asks

Afghanistan over the past 20 years has been awash in frameworks, compacts, and correspondences articulating donor expectations from the Afghan government. Although wildly diverse, these efforts at conditionality share certain features: they are (1) either strategic/high-level or specific in their desired behavior changes

and effects, and (2) either closely or loosely associated with specific donor funding (a potential indicator of donor credibility).

For years, SIGAR has tracked and reported on these donor efforts at conditionality. They have included a series of “mutual accountability frameworks” including the Tokyo Mutual Accountability Framework (TMAF, 2012), the Self-Reliance through Mutual Accountability Framework (SMAF, 2015), the “SMART” (Specific, Measurable, Achievable, Realistic, and Time-Bound) Self-Reliance through Mutual Accountability Framework (SMART SMAF, 2016), the Geneva Mutual Accountability Framework (GMAF, 2018), and now the Afghanistan Partnership Framework (APF, 2020).<sup>339</sup>

More conditions, however, were not necessarily more effective. According to two former senior advisors to President Ghani, an informal count in 2018 found a total of over 625 “conditionalities.” The large number of goals, they wrote, mostly generated cynicism within the Afghan government and some perfunctory ticking of boxes.<sup>340</sup>

While these frameworks outlined a number of Afghan government reform targets, they did not define the financial consequences for failing to meet these goals. For example, when SIGAR asked USAID to describe the practical consequences of Afghan non-compliance with the reform targets outlined in the TMAF and the SMAF, USAID responded that such noncompliance could erode donor confidence and potentially impact donor contributions. No specific donor funds were identified, however.<sup>341</sup>

On the security side, donors like CSTC-A at first embraced increasingly ambitious conditionality instruments like commitment letters, but later abandoned them, declaring them counterproductive.<sup>342</sup>

## A Closer Look at the Afghanistan Partnership Framework and Incentivized Development Funds

The most recent iteration of these mutual accountability frameworks, the APF, was agreed upon at the 2020 Afghanistan Conference in Geneva. It is supposed to reflect a revised form of conditionality.<sup>343</sup> Donors outlined a number of high-level principles such as commitments to democracy and full equality between women and men, and wrote that these principles were



the “conditions that are necessary for continued international support to the [Afghan] Government.”<sup>344</sup>

Further, donors identified certain desired outcomes alongside the standard specific reform targets seen in previous frameworks.<sup>345</sup> Several of these outcome targets remain vague, with many calling for unspecified improvements or reductions against well-established indicators, such as the Afghanistan’s Human Development Index and Gender Inequality Index, that donors have regularly cited for years to gauge progress in Afghanistan.<sup>346</sup>

As of January 2021, there appeared to be no direct financial consequences if the Afghan government did not achieve these APF outcomes or reform targets. USAID told SIGAR that donors formally and informally track the APF outcomes or reform targets to gauge progress in Afghanistan, and the APF “implies that there will be financial consequences” if the Afghan government does not achieve the minimum conditions. According to State, the World Bank told donors that it planned to align its objectives with the APF, meaning some funding may be conditional on these targets when some of the APF’s outcome indicators are linked to the Afghanistan Reconstruction Trust Fund (ARTF) 2021 incentive program.<sup>347</sup>

The World Bank, in explaining its proposed approach to the ARTF 2021 incentive program, offered donors some of their lessons learned, including:<sup>348</sup>

- incentivizing “results” does not necessarily lead to better outcomes
- governance and service-delivery reforms have had limited impact on state legitimacy and addressing fragility in the context of broader political pressures.

On this basis, the World Bank proposed donors “maintain the current operational approach” of “incentivizing upstream policy and legislative reforms and downstream implementation measures,” and only incentivizing “reforms for which the World Bank can provide technical assistance support to implementation.”<sup>349</sup> This approach, the World Bank offered, would reduce the probability of incentivizing “paper-based reform.”<sup>350</sup>

SIGAR has reviewed the World Bank’s draft 2021 incentive program proposals to donors and found them to resemble past practice. For example, one donor

representative described the draft 2021 incentivized reforms as a “crisis response” and requested that future iterations focus instead on “longer-term reforms and innovation.”<sup>351</sup> In response, the World Bank said it would consider this proposal “in the out years,” but promised the World Bank would bring “dramatic changes” to the incentive program “in case of major issues with the APF.”<sup>352</sup> What might constitute a major issue or a dramatic change was not explained.

Further, when the World Bank considered potential reform targets for its 2021 ARTF incentive program, the Bank repeatedly advised against APF or donor suggestions as incompatible with its conditionality approach. According to the World Bank, the ARTF incentivized grants “are required to incentivize actions rather than results/outcomes.”<sup>353</sup>

One APF target the World Bank did advocate incentivizing actually appears to be an example of the kind of “paper-based reform” that the World Bank claimed its approach would mitigate. This was the APF target for a new public financial management “roadmap” for 2021–2025, which the World Bank wrote represented a “high impact” opportunity to shape Afghanistan’s reforms.<sup>354</sup>

If the ARTF incentive grants are meant to signal donor credibility by tying real money to prioritized APF principles, outcomes, or reform targets, the latest donor discussions do not appear to reflect a radically changed approach to conditional civilian assistance that will lead to better results.

## **Military-Administered Conditionality: Penalties, Incentives, and Reliable Partners**

In 2015, then-commander of CSTC-A, Major General Todd Semonite, told SIGAR that “in 2013, we had no conditions” for on-budget funds to support the Ministry of Defense (MOD) and Ministry of Interior (MOI). Concluding this approach was problematic, he directed the creation of the first “commitment letters” in 2014 to allow CSTC-A to apply financial and nonfinancial penalties (levers) when it observed noncompliance with commitment-letter-conditions. CSTC-A subsequently said they viewed these commitment-letter conditions as a means to drive behavior change in the MOD and MOI. One example of a nonfinancial lever included withholding fuel allocations. According to CSTC-A, during this



time, exercising these levers improved Afghan reporting and added rigor to certain Afghan procedures.<sup>355</sup>

A SIGAR audit scheduled to be released next quarter is examining the experience with these commitment letters and CSTC-A's use of conditionality.

Throughout 2019 and 2020, it became clear to SIGAR that CSTC-A's approach to conditionality had significantly changed. Over three quarters in 2019, CSTC-A told SIGAR that it did not assess whether the MOD or MOI met the conditions outlined in the relevant commitment letters. While CSTC-A said it was able to issue fines and penalties if it determined that MOD or MOI had not complied, CSTC-A imposed no financial penalties during those quarters.<sup>356</sup>

In September 2019, CSTC-A told SIGAR that it believed imposing financial penalties on the MOD and MOI for failing to meet conditions would be counterproductive and said it would implement an "incentive-based approach."<sup>357</sup> In contrast to the previous CSTC-A practice of levying penalties (which CSTC-A described as "detrimental and unrealistic"), CSTC-A used positive reinforcement.<sup>358</sup>

In back-and-forth communications in early 2020, CSTC-A declined to specify how its alternative incentive-based, positive-reinforcement approach to conditionality actually worked. For examples of positive Afghan government behaviors that prompted incentives, CSTC-A only said that it did not apply any penalties and that its partners were reliable.<sup>359</sup>

Whether labeled penalties, incentives, or positive reinforcement, the continued need for CSTC-A to intervene in fairly mundane Afghan government decisions is worrisome. Having to rally an international effort to prevent our Afghan government partners from appointing a recognized narcotics trafficker to a sensitive counternarcotics position does not inspire confidence in the reliability of these partners.

## Conditionality Challenges: Some Enduring, Some Emerging

Conditionality is a recurrent aspiration and an enduring challenge, especially in a conflict-ridden and strategically important country like Afghanistan. As SIGAR identified in its *2021 High-Risk List*,

U.S. reconstruction programs in Afghanistan may become the primary lever of U.S. influence in the country for stability and a negotiated peace.<sup>360</sup> This raises expectations for effective, strategic-level conditionality as there is now a much-reduced U.S. military presence.

In the context of the peace process, donors increasingly recognize that the Taliban will need to play a role if progress is to be made toward at least some of the donor-prioritized APF outcomes, including reductions in civilian casualties and in the proportion of the population who fear for their personal safety. Further, donors have advised the Afghan government and the Taliban that "sovereign decisions made by Afghans in these talks about their country's future governing arrangements will determine donor development and budget support to Afghanistan."<sup>361</sup>

Special Representative for Afghanistan Reconciliation Zalmay 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."<sup>362</sup> State appears to believe its recent approach for peace-process-related conditionality has been successful as they reported that the pressure created by its "new conditions-based strategy" brought the two parties to the negotiating table.<sup>363</sup> Including the Taliban in framing high-level conditions for foreign assistance would be a significant departure from the past, when donor conditionality was generally focused on Afghan government performance.<sup>364</sup>

As Girod pointed out, conditionality is less likely to be effective if the donor has its own strategic interests in the aid-recipient country, as evidenced by the course of post-2001 Afghanistan reconstruction assistance. This will likely be more challenging when trying to influence Taliban behavior. If Afghanistan's strategic importance to the United States decreases, it could raise the potential for more credible and potentially more effective donor-imposed conditionality. But that would also require donors to maintain a high level of assistance in the absence of strategic objectives, a dubious prospect if the United States loses strategic interest in a country.

## NATIONAL GOVERNANCE

### Election Support Efforts Continue Slowly Amid Uncertainty

According to the UN Secretary-General, efforts to undertake election reforms to prepare for constitutionally mandated and overdue provincial, district council, and municipal elections progressed slowly this quarter. Afghanistan's electoral-management bodies expressed their readiness to hold the elections in October 2021, contingent upon security, budget, and staffing. However, domestic election-observation organizations were skeptical about the practicality of holding the delayed elections in October.<sup>365</sup>

The \$79 million UN Electoral Support Project (UNESP) project, modified in December 2020, aims to help increase the capacity of the Independent Election Commission (IEC) and Electoral Complaints Commission (ECC) to implement elections in line with the national electoral legal framework and Afghanistan's international commitments. The project also acts as a programming mechanism for the international community to partially finance elections as requested by the Afghan government.<sup>366</sup> UNESP provides the IEC with support for election planning, monitoring, procedures, and systems.<sup>367</sup>

According to the modified program document, UNESP expects to support the delayed lower house of parliament elections in Ghazni Province and other electoral activities in 2021.<sup>368</sup> UNESP plans to support the IEC's goal of providing all voters with fair and equal access to polling centers, as well as assisting efforts to increase voter registrations.<sup>369</sup> UNESP plans to support a nationwide educational campaign for voter registration.<sup>370</sup>

UNESP will assist the IEC with candidate nomination, vetting, facilitating electoral monitors, and observer accreditation for a potential Ghazni Province election.<sup>371</sup> UNESP also plans to include election-day support for the delivery and retrieval of election materials, and provide technical, operational, and training support to the Afghan government. Additionally, UNESP will provide training for more than 100,000 temporary employees who may serve as polling staff, as well as in other roles.<sup>372</sup>

### Executive-Legislative-Judicial Branch Power Struggles

Afghanistan's legislative branch continued its efforts to increase its relative power vis-à-vis the executive branch, making a stand on the most recent Afghan government budget. According to the UN Secretary-General, the Afghan parliament reinforced its oversight of budgetary allocation and spending over the past few months. For example, the lower house of parliament returned the draft fiscal year 1400 (December 2020–December 2021) budget it received from the Ministry of Finance (MOF) in early December 2020. This first draft budget allocated two-thirds to operational costs (including government salaries) and one-third to development spending. The lower house of parliament requested that the MOF harmonize civil

service salaries and balance development budget allocations across provinces. On February 4, 2021, the MOF submitted a third budget draft after a second draft was rejected with amendments.<sup>373</sup> This was reportedly the first time parliament had rejected two draft budgets.<sup>374</sup>

On February 22, 2021, after two months of negotiations with the executive branch, parliament approved the budget. The executive made concessions for funding the High Council for National Reconciliation (HCNR), which the parliament maintained is not entitled to its own budget under Afghan law. Parliament required the presidential palace to fund the HCNR out of its own budget. According to State, the HCNR reported that lack of government funding has limited its operational capacity to effectively support the peace process.<sup>375</sup>

In the midst of the budget fight, the European Union's ambassador to Afghanistan was quoted saying it is the duty of parliament to criticize the government, and the duty of the government to develop a majority coalition in order to make progress.<sup>376</sup>

Also this quarter, the speaker of the lower house of parliament announced that he would lead a newly formed parliamentary committee to be more directly involved in the peace process. One of this committee's tasks, he said, was to ascertain "which side is delaying the talks."<sup>377</sup> Further, the speaker of the lower house of parliament declared the transfer of authorities from some government institutions to the Administrative Office of the President to be illegal.<sup>378</sup>

Afghanistan's legislative branch has historically been much weaker than the executive. For example, as the UN reported in June 2020, presidential decrees, rather than laws passed by parliament, are routinely used to legislate in Afghanistan. Presidential decrees under emergency powers resulted in 17 legislative acts in 2019, compared to only nine laws passed by parliament under normal procedures. This approach puts several key pieces of legislation—including the Penal Code, Anticorruption Law, and the Whistle-Blower Protection Law—at risk as they have uncertain status without consideration by parliament.<sup>379</sup>

According to a February 2021 report by the Afghan think tank, Afghanistan Research and Evaluation Unit (AREU), Afghanistan does not have a fully independent judiciary since it remains highly dependent on the executive branch for budget, finance, appointments, and transfer of judges and administrative affairs. Despite constitutional restrictions on executive officials intervening in judicial affairs, executive-branch intrusion has continued unabated, AREU reported.<sup>380</sup>

The judicial branch remains especially dependent on the executive branch for financial allocations.<sup>381</sup> The AREU said that the Ministry of Finance's delayed handling of judicial budget requests has raised concerns over judicial independence.<sup>382</sup> Furthermore, there seems to be executive branch reluctance to implement judicial decisions which do not favor it.<sup>383</sup>

To further explain the rather complicated relationship between the judiciary and the executive, the AREU said that certain judges provide favorable rulings for the executive in hopes of being promoted to the Supreme Court.<sup>384</sup> Yet if these judges are passed over for promotions, they often express their displeasure by ruling against the executive branch.<sup>385</sup>

Senior judges retain an undue level of influence over lower courts, AREU found.<sup>386</sup> Higher-level courts at times interfere on matters outside their purview, and lower-court judges are pressured to accept these decisions, even if they are not in line with the law.<sup>387</sup> This might also be partly motivated by judges' desire to avoid being transferred to undesirable regions, as some interviewees said the Supreme Court transfers judges to avoid scrutiny if politicians or parliamentarians complain about them.<sup>388</sup> While the judiciary has improved its efforts to root out corruption generally, the AREU concluded that too many times decisions are rubber-stamped in favor of the executive branch, thus impeding efforts to create a truly independent judiciary.<sup>389</sup>

## SUBNATIONAL GOVERNANCE

### Provincial and Municipal Programs

USAID has two subnational programs focused on provincial centers and municipalities: Initiative to Strengthen Local Administrations (ISLA), and Strong Hubs for Afghan Hope and Resilience (SHAHAR). Table 2.16 summarizes total program costs and disbursements to date.

### Initiative to Strengthen Local Administrations

The \$52.5 million ISLA program seeks to enable the Afghan government to improve provincial governance in the areas of fiscal and development planning, citizen representation, and enhanced delivery of public services. 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,

TABLE 2.16

USAID SUBNATIONAL (PROVINCIAL AND MUNICIPAL) PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 4/10/2021
Strong Hubs for Afghan Hope and Resilience (SHAHAR)	11/30/2014	3/31/2021	\$73,499,999	\$72,574,225
Initiative to Strengthen Local Administrations (ISLA)	2/1/2015	3/31/2021	52,500,000	51,705,828
Citizens' Charter Afghanistan Project (CCAP)*	3/31/2012	12/31/2025	N/A	97,110,000

\*This includes USAID contributions to ARTF with an express preference for the Citizens' Charter Afghanistan Project. Data as of 12/20/2020.

Source: USAID, response to SIGAR data call, 4/13/2021; World Bank, "Administrator's Report on Financial Status," 12/20/2020, p. 5.

justice, and urban services.<sup>390</sup> 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).<sup>391</sup>

This quarter, ISLA provided technical support to select provinces in reviewing development-project proposals worth approximately \$18.2 million.<sup>392</sup> ISLA reviewed over 200 projects from PDPs for Afghan FY 1399 (December 2019–December 2020) and 1400 (December 2020–December 2021).<sup>393</sup> ISLA helped the MOF identify community-development projects worth approximately \$12.8 million to include in the FY 1400 budget.<sup>394</sup>

Also this quarter, ISLA trained 30 partners on peace and conflict mitigation in collaboration with USIP.<sup>395</sup> ISLA worked on raising awareness on gender-based violence, as well providing technical assistance to conduct a public-awareness campaign to educate local women on their rights.<sup>396</sup>

ISLA has continued its support of local administrations for awareness on the COVID-19 pandemic, efforts which included public-awareness billboards.<sup>397</sup> ISLA reported that the deteriorating security situation in various provinces and threats forced the program to adapt and work remotely.<sup>398</sup>

## 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 deliver capacity-building for outreach and citizen consultation, improved financial management, and urban service delivery.<sup>399</sup>

SHAHAR carried out multiple capacity-building trainings to various municipal staff this quarter, including on monitoring and evaluation methods for future municipal development projects.<sup>400</sup> Other recent activities included providing furniture, a ticketing machine, and office stationery, as well as assisting with translations of reports for municipality staff.<sup>401</sup> Additionally, SHAHAR supports select municipalities in designing and producing posters and videos on the virtues of cleaning and greening the city, traffic regulations, peace, and public participation in urban governance.<sup>402</sup>

SHAHAR faced challenges this quarter from the COVID-19 pandemic and has taken precautions against the virus.<sup>403</sup> Security incidents reportedly did not impact any SHAHAR activities this quarter.<sup>404</sup>

## Citizens' Charter Afghanistan Project

In October 2018, USAID began explicitly contributing a portion of its ARTF funds (\$34 million of its \$300 million contribution) to the Citizens' Charter Afghanistan Project (CCAP). The Afghan government said CCAP, which began in 2016, is the centerpiece of its 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).<sup>405</sup>

Both the World Bank and Afghan government have proposed expanding CCAP in the event of peace.<sup>406</sup> In November 2020, the World Bank proposed to donors that CCAP initiate peace pilot programs involving local conflict analyses, local-level peace dialogues, peace grants, and conflict and dispute-resolution training activities.<sup>407</sup> The APF target for rolling out the CCAP peace pilot to 300 communities is 2022.<sup>408</sup>

## RULE OF LAW AND ANTICORRUPTION

### Summary of Rule-of-Law and Anticorruption Programs

As shown in Table 2.17, the United States supports a number of active rule-of-law and anticorruption programs in Afghanistan.

USAID reported that the second wave of the COVID-19 pandemic in Afghanistan negatively affected anticorruption projects, as it was difficult to carry out meetings with Afghan ministerial counterparts, as well as to oversee the allocation of funds earmarked for COVID-19.<sup>409</sup>

TABLE 2.17

RULE OF LAW AND ANTICORRUPTION PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 4/10/2021
Assistance for Development of Afghan Legal Access and Transparency (ADALAT)	4/18/2016	4/17/2022	\$68,163,468	\$45,396,037
Justice Sector Support Program OASIS Contract*	8/28/2017	8/27/2022	45,514,200	39,852,586
Afghanistan's Measure for Accountability and Transparency (AMANAT)	8/23/2017	8/22/2022	31,986,588	12,906,419
Corrections System Support Program (OASIS CSSP) Option Year 3*	6/1/2020	5/31/2021	18,021,588	7,190,350
Transferring Professional Development Capacity (TPDC)*	8/31/2020	8/31/2023	8,499,902	8,499,902

\*Disbursements as of 3/16/2021.

Source: State, INL, response to SIGAR data call, 3/16/2021; USAID, response to SIGAR data call, 4/13/2021.

### Afghanistan's Measure for Accountability and Transparency (AMANAT)

In August 2017, USAID awarded a \$32 million 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.<sup>410</sup> According to USAID, AMANAT supports select Afghan government institutions with technical assistance to plan for and implement recommended procedural reforms.<sup>411</sup>

In September 2020, the program was modified to remove certain anticorruption-related program tasks, such as conducting





**Law students** from 18 Afghan universities competing in a State Department-sponsored moot court. (State Department photo)

vulnerability-to-corruption assessments of Afghan government bodies and assisting Afghan government institutions to self-identify their corruption risks. Instead, AMANAT is now tasked with assisting the Access to Information Commission (AIC) in the implementation of the Access to Information Law.<sup>412</sup> (Access to information is supposed to enable citizens to exercise their voice and to monitor and hold the government to account. Afghanistan's Access to Information Law came into effect in 2014 but has faced challenges in its implementation and enforcement.<sup>413</sup>) On December 14, the AMANAT program and the AIC signed a letter of agreement to facilitate capacity-building activities.<sup>414</sup>

Per AMANAT, during the most recent reporting period, six grantees started implementation but are still in early preparatory stages.<sup>415</sup> These preparations and other AMANAT activities have been hampered by COVID-19, with events being delayed or canceled as safety precautions.<sup>416</sup> In addition to COVID-19, physical security concerns also played a part in AMANAT adjusting programming, where it utilized virtual training as well.<sup>417</sup> Furthermore, AMANAT has helped develop a COVID-19 anticorruption radio campaign which was implemented in eight provinces from June 1 to September 30, 2020.<sup>418</sup> AMANAT's monitoring and evaluation team could not carry out direct monitoring due to COVID-19 and physical security concerns.<sup>419</sup>

## 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 annual cost of \$45.5 million. The previous JSSP contract, which began in 2010, cost \$280 million.<sup>420</sup>

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.<sup>421</sup>

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 a subject's confinement.<sup>422</sup>

Recently, JSSP unveiled the CMS 2.0 police and AGO module.<sup>423</sup> This quarter, JSSP met with government offices to continue reviewing and approving crime types for inclusion into CMS 2.0.<sup>424</sup> JSSP also met with appellate courts and Attorney General's offices about CMS transition,

explaining CMS regulation and government restructure as well as explaining governance-board meetings.<sup>425</sup>

To facilitate better use of CMS, JSSP conducted multiple trainings for the appellate courts, Appellate Attorney General's offices, and MOI.<sup>426</sup> JSSP also briefed various provincial governmental bodies about accurate CMS validation.<sup>427</sup> JSSP also trained employees from Herat prosecution and court offices on improving capacity, training coworkers on CMS, and identifying other possible trainers.<sup>428</sup> JSSP also carried out data-validation reviews with Attorney General's offices, assessed their equipment needs and budgeting requirements, and provided other technical assistance.<sup>429</sup>

## **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."<sup>430</sup> 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 potentially lengthy court case.<sup>431</sup> ADALAT's efforts to increase demand for quality legal services includes providing grants to civil-society organizations to promote legal awareness and legal rights, and to private universities to prepare future "practical problem-solvers" within formal and traditional dispute-resolution institutions.<sup>432</sup>

In February, USAID modified the ADALAT contract to further bolster the capabilities of the Afghan justice sector.<sup>433</sup> The modifications aim at strengthening the MOJ institutional capacity, legal aid department, and state cases directorate to improve and sustain citizen's access.<sup>434</sup> ADALAT is tasked to develop a manual on gender-based violence as part of a COVID-19 response plan.<sup>435</sup> The revised contract has the program building MOJ capacity in budgeting financial administration; human-resources allocation, performance appraisal of staff, and instilling a professional code of conduct; and creating practical databases.<sup>436</sup>

During the most recent reporting quarter, ADALAT trained 355 judges and staff and 55 trainees in the Huquq case-management system, and provided support to civil-society organizations and university legal clinics.<sup>437</sup> Overall, close to 5,500 participants benefited from ADALAT support activities, with an increase of 485 participants.<sup>438</sup>

ADALAT faced challenges this reporting period, such as demands from the MOJ to sign an agreement despite ADALAT being scheduled to end in early 2021.<sup>439</sup> Poor security interrupted ADALAT activities, hindering travel, delaying data collection, and forcing postponement of grantee activities.<sup>440</sup>

## **Transferring Professional Development Capacity (TPDC)**

In August 2020, State began the Transferring Professional Development Capacity (TPDC) program, a follow-on to their Continuing Professional Development Support (CPDS) program that ended the same month. CPDS was itself a follow-on to the 2013–2016 Justice Training Transition Program. All three programs have used the same implementing partner, the nongovernmental International Development Law Organization headquartered in Rome. The TPDC program continues efforts to build the capacity of Afghan justice institutions to provide continuing professional development to their staff, with a special emphasis on Afghanistan’s revised penal code.<sup>441</sup>

TPDC program staff assisted the education directorate of the Supreme Court with report writing and developing some training plans.<sup>442</sup> The education directorate plans on recruiting and reassigning trainers to every province and zone to deliver training on the Criminal Procedure Code, Civil Procedure Code, Commercial Procedure Code, and Penal Code.<sup>443</sup> TPDC staff met with the education directorate to discuss their training evaluation process, including their training-evaluation forms.<sup>444</sup> According to TPDC reporting, the education directorate currently does not have enough trainers for each new training course and is hoping to train new people to deliver courses in the future.<sup>445</sup>

## **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.<sup>446</sup> According to State, a major accomplishment this quarter was the work of a CSSP grantee to expand operations for Children Support Centers (CSCs), which provide comprehensive alternative care to children of incarcerated women in Afghanistan. Most notably, State said, the grantee will establish and institutionalize two additional CSCs.<sup>447</sup>

All CSC beneficiaries are provided with safe and secure housing, nutritious meals, and access to education, psychosocial counseling, vocational training, medical services, and recreation. Without CSC support, these children would either live in prison with their mothers or face homelessness, State says, with both options exposing them to heightened risks of exploitation, trafficking, abuse, and radicalization. State believes that expanding this program to a total of six locations will enable the CSCs to provide these protections, services, and opportunities to qualifying children of incarcerated mothers across all 34 provinces in Afghanistan.<sup>448</sup>

During the most recent quarter, CSSP said there were 25 prison incidents, including 11 security-related and 14 safety-related incidents.<sup>449</sup>

As of January 31, 2021, the latest date for which adult prison population data is available, the Office of Prison Affairs (OPA) was incarcerating 27,400 males and 840 females (up from 22,346 males and 486 females as

of November 30, 2020). This OPA total does not include detainees held by other Afghan governmental organizations, for which INL has no data. According to State, since June 2020, the Afghan government has not released any more prisoners to prevent the spread of COVID-19.<sup>450</sup>

As of March 10, 2021, a total of 5,283 national-security threat inmates are incarcerated in prisons run by the OPA. INL does not have access to data for such inmates incarcerated at prisons run by the National Directorate of Security.<sup>451</sup>

From October 1 to December 7, 2020, State learned of 10 major internal-security incidents affecting civilian prisons in Afghanistan. Of these 10 incidents, five were hunger strikes and five were protests or riots. Half of the incidents related to prisoner transfers, with prisoners either requesting a transfer or protesting a planned transfer (both to other facilities and within cell blocks at their facility).<sup>452</sup>

## Anticorruption

In early March 2021, the Afghan government announced the resignation of Attorney General Farid Hamidi. According to State, no successor had been announced as of mid-March.<sup>453</sup>

## 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 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 and including the deputy minister level), 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.<sup>454</sup>

According to State, the ACJC had some notable corruption convictions this quarter, including:<sup>455</sup>

- In February, the AGO announced an ACJC conviction in absentia of three former members of the upper house of parliament. Each defendant was sentenced to 10 years and one-month imprisonment and fined \$40,000 after they were caught “red handed” accepting \$40,000 in bribes from customs officials in Balkh Province in December 2020. According to State, the extent of the direct evidence against these defendants overcame the immunities they enjoyed as former lawmakers, allowing for their arrest and prosecution. The three defendants were reportedly released on bail and are expected to appeal.

## 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 2021.

- Also in February, the former mayor of Mazar-e Sharif was sentenced to 18 months in prison and fined approximately \$65,000 for embezzling the same amount through a kickback scheme involving the purchase of a vehicle.

## **CSTC-A Anticorruption Partners Make Some Progress**

This quarter, CSTC-A reported an increase in Afghan government discussions of a new (albeit still draft) anticorruption policy and “incremental countercorruption success” by the MOD and MOI.<sup>456</sup> These incremental countercorruption successes, CSTC-A said, are the result of administrative actions meant to disrupt criminal networks within the security forces.<sup>457</sup>

CSTC-A has supported countercorruption efforts to gather evidence and intelligence and package this information so that Afghan leaders can administratively remove, relocate, reassign, or retire corrupt actors. CSTC-A said it recognizes that a fundamental precept of the rule of law is to punish criminal misconduct by prosecuting alleged corrupt actors, but such actions require referrals to Afghan entities such as the Anti-Corruption Justice Center (ACJC) and the Attorney General’s Office (AGO).<sup>458</sup>

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

- The MCTF has had three different directors over the past nine months, CSTC-A reported, saying these changes “may challenge the effectiveness of MCTF to counter corruption and make it a viable organization.” The first two of these directors were removed for allegations of corruption, CSTC-A said.<sup>459</sup> (Last quarter, DOJ told SIGAR that one of these two directors was “unexpectedly” dismissed after leading an investigation that resulted in the arrest of public officials in Herat Province.<sup>460</sup>) The current MCTF director is a political appointee who has no experience in law enforcement.<sup>461</sup> According to Afghan media outlet *Pajhwok Afghan News*, this new MCTF director is under investigation for human trafficking and was supposed to appear before the Afghan courts in February 2021.<sup>462</sup> Further, at least one news report has claimed he is in debt to Sweden’s tax authority for alleged pension fraud there.<sup>463</sup>
- The MOD Inspector General (MOD IG) meets basic inspector general roles such as receiving, processing, and investigating complaints, and conducting unit site visits and specialty-topic inspections as directed by ministry senior leaders. MOD IG operates a central complaints center where Afghans can report criminal and administrative complaints involving MOD personnel. MOD IG unit inspections have covered concerns including fuel theft and the quality of rations at an MOD training center.<sup>464</sup>
- The MOD Criminal Investigation Department (CID) actively investigates cases and its impact is measured by corruption offense referrals to

civilian prosecutors and courts, according to CSTC-A. Lower-level crimes are being actively investigated by CID, and are prosecuted by military lawyers.<sup>465</sup> CSTC-A says a positive development has been how MOD CID representatives from the Kabul headquarters have taken the initiative to personally visit every corps and major unit in an effort to explain CID's structure, support field agents and assess issues and concerns, and provide the latest information, education, equipment, and tools to the regional CID agents.<sup>466</sup>

- MOD Military Courts and Prosecutors Directorate have seen corps-level personnel regularly open new investigations and appear to work unimpeded with field CID agents in taking the initiative to look into wrongdoing, CSTC-A says. In one case, prosecutors proactively gained access to a NATO base to investigate and document base transfer equipment loading and movement procedures. They are actively involved in documenting missing fuel, along with other commodities, and are coordinating with intelligence officials to assess bribes and payoffs. According to CSTC-A, these activities and cooperative efforts between prosecutors, investigators, and intelligence officials reflect a level of cooperation and teamwork that was frequently lacking in the past.<sup>467</sup> Despite such activity, CSTC-A says the military courts and prosecutor's directorates are presently underemployed and overstaffed. CSTC-A attributes this to a recent Afghan law that transferred jurisdiction for significant corruption cases to civilian prosecutors and courts. CSTC-A welcomes the MOD proposal for new legislation to reassign authority to prosecute minor corruption by soldiers and other military officials (involving cases up to approximately \$100,000) in military courts.<sup>468</sup>

## COUNTERNARCOTICS

### 2019 Afghanistan Opium Survey Released

The United Nations Office on Drugs and Crime (UNODC), in partnership with the Afghan National Statistics and Information Authority (NSIA), released the long-delayed 2019 *Afghanistan Opium Survey: Socio-economic report* in February 2021.<sup>469</sup>

According to the 2019 survey report, an estimated 163,000 hectares (ha; one ha is about 2.5 acres) of opium poppy were cultivated in Afghanistan during 2019.<sup>470</sup> That was a 38% reduction from 2018 (263,000 ha) and a 50% reduction from the record high in 2017 (328,000 ha). But 2019 cultivation was still almost three times the average of the 1994–2001 period.<sup>471</sup> UNODC attributed the decline to falling dry-opium prices after three consecutive years of high production;<sup>472</sup> there was no indication that counternarcotics policy or other efforts influenced the decline.



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Taliban influence tends to overlap with regions of significant opium-poppy cultivation. In 2019, UNODC village surveys found that 83% of the headmen in opium-poppy-producing villages reported that the village was controlled by non-government actors.

State recently estimated that Afghanistan’s opium-poppy harvest supplies more than 80% of global heroin (although less than 1% of U.S. heroin, which comes mostly from Mexico).<sup>473</sup> As seen in Figure 2.34 below, Afghanistan’s southwestern region (Helmand, Kandahar, Nimroz, Uruzgan, and Zabol Provinces) continues to dominate opium-poppy cultivation and accounted for 73% (118,444 ha) of the national total in 2019.<sup>474</sup> Nearly three-quarters of the national reduction from 2018 to 2019 was driven by declining cultivation in the southwestern region.<sup>475</sup> In contrast, southern Afghanistan (Ghazni, Khost, Paktika, and Paktiya Provinces) continued to have the least amount of opium-poppy cultivation, with 0.1% (123 ha) of the national total.<sup>476</sup>

As SIGAR has previously reported, Taliban influence tends to overlap with regions of significant opium-poppy cultivation.<sup>477</sup> Village-level surveys continue to support this conclusion. In 2019, these surveys found that 83% of the headmen in opium-poppy-producing villages reported that the village was controlled by non-government actors.<sup>478</sup> Nonetheless, State noted that widespread and longstanding credible allegations indicate that “many individual government officials directly engage in, and benefit from, the drug trade.”<sup>479</sup>

Afghanistan’s opiate economy was also a major contributor to the overall economy in 2019. According to UNODC, the income generated by domestic

FIGURE 2.34

## REGIONAL DISTRIBUTION OF OPIUM-POPPY CULTIVATION, 2019



Source: UNODC, Afghanistan Opium Survey 2019: Socio-economic Survey Report, 2/2021, pp. 3, 8.

consumption, production, and export of opiates was estimated to be \$1.2 billion–\$2.1 billion, equivalent to 7–11% of Afghanistan’s official gross domestic product (GDP). Revenues from opiates exceed the value of the country’s officially recorded licit exports.<sup>480</sup>

Although opium-poppy cultivation contracted 38% from 2018 to 2019, the overall opiate economy (i.e., production, refining, and trafficking) remained relatively stable, declining by less than 10%.<sup>481</sup> UNODC attributed the opiate economy’s resilience to traffickers’ access to abundant stored supply and record-low farm-gate prices (the price a farmer can expect to receive by selling directly from his farm).<sup>482</sup>

Despite the relative strength of the opiate economy, State noted that Afghanistan lacks the manufacturing capacity to produce the 80% share of global heroin supply derived from its opiates. Rather, precursor chemicals may be smuggled into Afghanistan to produce heroin locally or raw Afghan opium may be exported and converted into heroin in neighboring countries.<sup>483</sup> UNODC emphasized that the largest share of profits continue to be made in retail markets outside of Afghanistan, noting that the value of Afghan opiates in Western Europe alone exceeded Afghanistan’s entire GDP.<sup>484</sup> Most of the value added along the heroin supply chain therefore does not benefit Afghan farmers or even traffickers.

The UNODC 2020 opium survey report, which normally would have been released in late 2020, remains delayed, but should be released at some point in 2021, according to INL.<sup>485</sup> INL attributes the ongoing delay to challenges that the UNODC and NSIA are facing as they jointly develop a new satellite-imagery approach to estimate 2020 opium production.<sup>486</sup> The two parties seem to have resolved their earlier methodological disagreements. Last quarter, UNODC and NSIA signed a letter of agreement detailing how they would work together on survey methodologies before starting more field work. According to UNODC reports received by INL, NSIA is adhering to the agreed course of action and there are no outstanding methodological disagreements between them.<sup>487</sup>

INL has disbursed \$24.2 million since 2006 for the annual surveys.<sup>488</sup>

## Ministry of Interior Increasingly Active in Strategic Counternarcotics Development

According to INL, the Ministry of the Interior (MOI) has been actively engaged with fulfilling the February 2020 directives issued by the policy-making Counternarcotics High Commission (CNHC).<sup>489</sup> Although it is too soon to know if MOI efforts will translate into meaningful improvements, initial evidence is encouraging.

Although the CNHC has reportedly not met since February 2020, its duty is to issue strategic directives while delegating day-to-day coordination and strategic development to the MOI.<sup>490</sup> These CNHC directives have included orders to MOI to coordinate various Afghan government entities on a single counternarcotics strategy as well as produce a new two-year National Drug

**In the 2019 Afghanistan Opium Survey, UNODC emphasized that the largest share of profits continue to be made in retail markets outside of Afghanistan, noting that the value of Afghan opiates in Western Europe alone exceeded Afghanistan’s entire GDP.**

Action Plan (NDAP) to replace the one that covered 2015–2019.<sup>491</sup> INL said this quarter that the Minister of Interior completed and signed the two-year NDAP, obtained security council approval, and delivered the NDAP to President Ghani’s office for approval on March 8, 2021.<sup>492</sup> Barring any presidential changes, the document is finalized.<sup>493</sup>

INL also reported that the MOI has been holding bimonthly strategic-policy development and coordination meetings with 18 Afghan government agencies, while Counternarcotics Deputy Minister Hashim Aurtaq and other government officials are traveling to regional countries to negotiate bilateral counternarcotics agreements.<sup>494</sup> INL also said MOI has been active in the region, supporting ongoing drug investigations through controlled narcotics deliveries to suspects in other countries.<sup>495</sup>

Further, INL reported that the INL-funded MOI financial advisor, hired in September 2020, is a key actor in the effort to improve the MOI’s and, specifically, the Counternarcotics Police of Afghanistan’s (CNPA), financial capacity. This advisor also acts as INL’s main point of contact. Additionally, MOI has approved an expansion of the CNPA’s finance department and INL is now funding a program coordination advisor who works with Deputy Minister Aurtaq, the CNPA, and the international community on planning and implementing counternarcotics-related programs. All of these financial and technical developments have helped initiate MOI’s internal technical review and the associated INL-funded CNPA financial audit, which is required for distribution of certain types of INL counternarcotics funding.<sup>496</sup>

## CNPA Components and their Missions

CNPA personnel are located in all of Afghanistan’s 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.<sup>497</sup> INL provides support to specialized units within the CNPA through an interagency agreement with the U.S. Drug Enforcement Administration (DEA).<sup>498</sup>

CNPA specialized units consist of three major components: the U.S.-supported National Interdiction Unit (NIU), the Sensitive Investigative Unit (SIU), and the UK-supported Intelligence and Investigation Unit (IIU).<sup>499</sup> Additionally, the U.S.-supported Technical Investigative Unit (TIU) provides support to the NIU and SIU components.<sup>500</sup>

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.<sup>501</sup>

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.<sup>502</sup> The SIU also has four officers responsible for administrative management of court orders obtained by SIU investigators to conduct Afghan judicially authorized intercepts.<sup>503</sup>

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.<sup>504</sup>

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.<sup>505</sup> The Afghan Uniform Police and Afghan Border Police also participate in counternarcotics activities.<sup>506</sup>

## **U.S. Training and Funding of Afghan Counternarcotics Elements**

INL said its counternarcotics efforts support the plans of President Biden's administration to support the ongoing peace process between the Afghan government and the Taliban to achieve a political settlement and a permanent and comprehensive ceasefire.<sup>507</sup> INL could offer no further information about its ongoing strategy pending the Biden administration's review of U.S. policy in Afghanistan.<sup>508</sup>

INL said it has made no adjustments to its program implementation or oversight to account for a potential withdrawal of U.S. forces, and that specific future needs are unknown. Nonetheless, INL said it is ready to adjust its focus, as necessary and within applicable legal and regulatory parameters, to continue implementing programs and supporting U.S. policy objectives in Afghanistan.<sup>509</sup>

DEA likewise reported that it plans to maintain a long-term presence and mentoring role in Afghanistan, even if U.S. forces are completely withdrawn. DEA said it has a long history in Afghanistan predating the September 11, 2001, attacks and the arrival of U.S. forces. DEA intends to remain engaged in Afghanistan for as long as the Afghan government permits.<sup>510</sup> DEA acknowledged, however, that the decrease in U.S. military forces in country has impacted DEA-mentored, -partnered, or -supported specialized unit operations in contested or Taliban-controlled territories.<sup>511</sup>

Both INL and DEA noted that coordination continues within multilateral and bilateral formats, in accord with guidelines for mitigating COVID-19.<sup>512</sup>

INL said there have been no major changes to program funding, and estimates that it funds approximately \$21 million per year in operations and maintenance for INL programming in Afghanistan, including for the NIU

## SIGAR AUDIT: COUNTER THREAT FINANCE: U.S. AGENCIES DO NOT KNOW THE FULL COST AND IMPACT OF THEIR EFFORTS TO DISRUPT ILLICIT NARCOTICS FINANCING IN AFGHANISTAN

In September 2018, the Senate Caucus on International Narcotics Control requested that SIGAR conduct a review of the U.S. government's counternarcotics initiatives in Afghanistan, including counter threat finance (CTF) efforts against the Afghan narcotics trade.

SIGAR identified three efforts that U.S. agencies implemented to target Taliban and other drug trade-related funding sources since January 2017: DOD's Airstrike Campaign, DOD's Acquisition Management and Integration Center's "Global Counter Threat Finance" (CTF) contract, and the 2017 and 2019 inter-agency agreements (IAAs) between DEA and State's Bureau of International Narcotics and Law Enforcement Affairs (State INL).

While U.S. agencies have no requirement to track funds spent specifically on CTF efforts in Afghanistan, SIGAR found that the U.S. government has spent at least \$21.9 million on both DOD's Global CTF contract and the 2017 and 2019 IAAs between DEA and State INL since January 2017; DOD does not track costs associated with its air-strike campaign; and agencies could not determine the impact of their efforts on overall CTF goals in Afghanistan because, among other reasons, some agencies were not required to track performance, interagency goals were misaligned, and no U.S. entity held overall responsibility for the CTF effort.

and SIU.<sup>513</sup> INL has disbursed \$44.2 million to DEA through an interagency agreement to support the specialized units as of February 2021.<sup>514</sup>

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.<sup>515</sup> 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.<sup>516</sup>

INL said less significant funding changes this year include a gradual increase in the number of NIU officers receiving salary supplements, nonrecurring costs attributed to upgrades at NIU forward locations in Kandahar and Herat, and a water-well upgrade project at the Counternarcotics Justice Center. In addition, INL was scheduled to begin supporting a slightly reduced annual commitment of \$5.9 million to the DEA interagency agreement on April 1, 2021, down about \$600,000 from the prior level. On May 1, 2021, INL will begin funding the \$1.35 million annual cost of JWIP linguist support.<sup>517</sup>

### Interdiction Results

Since July 2020, the quality and completeness of interdiction data provided to SIGAR has declined. From 2010 until October 2020, DOD has been SIGAR's source for interdiction data, but DOD respondents said this quarter they lack the personnel and access to the interdiction database.<sup>518</sup> SIGAR has since been relying on the DEA, which provides recent, but incomplete quarterly data snapshots. In response to repeated requests for complete quarterly

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updates—or to fill in data gaps and update data (as needed) from previous quarters—DEA said in September 2020 that it “provides the best available information at the time it is requested and will not update or correct previous fiscal year or quarterly reported data.”<sup>519</sup> SIGAR pointed to inconsistencies in DEA’s submitted data shortly thereafter and in an October 2020 response to these inconsistencies, DEA provided an entirely new quarterly interdiction dataset.<sup>520</sup> These personnel shortages, gaps in interdiction data, and the questionable veracity of agency-provided data impact SIGAR’s ability to confidently publish comparable yearly interdiction results. Table 2.18 below contains interdiction results provided by DOD and DEA.

DEA reported this quarter that the **value of narcotics intercepted** from January 1 through March 13, 2021, was nearly \$396 million.<sup>521</sup> In total, interdiction activities resulted in seizures of 577 kilograms (kg) (1,272 lbs.) of opium, 203 kg (448 lbs.) of heroin, and 179 kg of methamphetamines (395 lbs.). Additionally, 23 arrests were made and 55,550 kg (122,467 lbs.) of precursor chemicals and approximately 111,663 kg (246,175 lbs.) of hashish were seized by Afghan security forces during this period.<sup>522</sup>

DEA reported that U.S.-supported interdiction activities by Afghan security forces included 36 operations.<sup>523</sup> 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.<sup>524</sup>

**Drug Value Intercepted:** DEA uses the “drug value intercepted” (DVI), or street value, method to measure the value of interdicted narcotics. DVI is an average of three years of drug purchase prices for particular drugs. In contrast, DEA previously estimated production costs to estimate the value of revenue denied, which proved inconsistent.

Source: DEA, response to SIGAR vetting, 1/5/2021.

TABLE 2.18

INTERDICTION RESULTS, FISCAL YEARS 2010–2021												
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 <sup>1</sup>	2021 <sup>2</sup>	TOTAL
Number of Operations	624	669	518	333	270	196	157	198	152	184	36	<b>3,332</b>
Arrests	862	535	386	442	394	301	152	274	170	263	23	<b>3,802</b>
Hashish seized (kg)	182,213	183,776	37,826	19,088	24,785	123,063	227,327	42,842	148,604	422,658	111,663	<b>1,523,845</b>
Heroin seized (kg)	10,982	3,441	2,489	3,056	2,859	3,532	1,975	3,242	3,507	585	203	<b>35,871</b>
Morphine seized (kg)	18,040	10,042	11,067	5,925	505	13,041	106,369	10,127	11,859	2	–	<b>181,052</b>
Opium seized (kg)	98,327	70,814	41,350	38,379	27,600	10,487	24,263	23,180	13,751	325	577	<b>349,053</b>
Precursor chemicals seized (kg)	122,150	130,846	36,250	53,184	234,981	42,314	89,878	22,863	81,182	30,849	55,550	<b>900,047</b>
Methamphetamine <sup>3</sup> (kg)	50	–	11	23	11	14	31	143	1,308	672	179	<b>2,442</b>

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.

<sup>1</sup> Data covers January 1–December 8, 2020

<sup>2</sup> Data covers January 1–March 13, 2021

<sup>3</sup> In crystal or powder form

Source: DEA, response to SIGAR data call, 3/16/2021.



## Eradication Update

MOI continued eradication planning this quarter through the Eradication Coordination Committee (ECC). The ECC was developed in November 2020 to facilitate weekly high-level coordination amongst entities including the president's office, the NSIA, and local security and governance entities such as the National Directorate of Security, the Ministry of Defense, and the Independent Directorate of Local Governance. Additionally, eradication has reportedly begun in eastern Nangarhar Province, although eradication data is not yet available.<sup>525</sup>

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.<sup>526</sup> When MCN managed the GLE program beginning in 2005, INL reimbursed provincial governors \$250 toward the eradication costs of every UNODC-verified hectare of eradicated poppy (verified in the field or through aerial imagery).<sup>527</sup> Since the MCN dissolution, INL has been unable to provide funding for the GLE program because it is required to vet the CNPA's financial-control mechanisms.<sup>528</sup>

This quarter, INL said that it may conclude an agreement with the MOI and the CNPA that is modeled on the GLE program. This agreement would reimburse the CNPA for the costs of verified eradication. INL has contracted an accounting firm to complete the legally mandated financial assessment of MOI; that assessment is expected to be completed by the end of June 2021. MOI remediation would then begin. That process entails MOI correcting any deficiencies that the accounting firm identified so that funds could be transferred to MOI for verified eradication.<sup>529</sup>

## REFUGEES AND INTERNAL DISPLACEMENT

According to State, the Afghan government has limited ability to absorb returning migrants and refugees. While the government uses the Afghan Returnee Information System (ARIS) to register and collect data on returning refugees, the government does not consistently track returning migrants, State said. In addition to challenges posed by the ongoing conflict, refugee returnees and returning migrants have difficulty integrating into their communities of origin due to the high unemployment rate and lack of sufficient services, including health services and lack of access to land.<sup>530</sup>

For refugees, State says the United Nations High Commissioner for Refugees (UNHCR) and the Afghan Ministry of Refugees and Returnees (MORR) encourage returning refugees to resettle in 40 localities identified as priority areas of refugee return, where UNHCR and other donors concentrate humanitarian assistance and coordinate humanitarian-development coherence. These communities are not prepared to absorb large numbers of returning refugees at one time, but rather are areas



**Women forced to flee** their homes due to armed conflict in western provinces received basic household items and sanitary kits. (UNHCR photo)

where UNHCR and the MORR hope to concentrate humanitarian and development assistance.<sup>531</sup>

For internally displaced persons, State says the Afghan government has limited to no capacity to respond to internal displacement independent of intergovernmental organizations and nongovernmental organizations.<sup>532</sup>

## Afghan Refugees

As of March 31, UNHCR reported that 569 **refugees** voluntarily returned to Afghanistan in 2021. Most of the refugees returned from Iran (433) and Pakistan (130). COVID-19 led to temporary suspension of voluntary repatriation between March 4 and April 29, 2020. UNHCR agreed to continue the facilitated voluntary repatriation of Afghan refugees from Pakistan during the winter season for the first time in recent history. Such a measure allowed Afghan refugees who plan to return during winter to do so as well as enabled other refugees who were unable to return earlier due to COVID-19 related restrictions to also return during the winter.<sup>533</sup>

## Undocumented Afghan Migrant Returnees

According to State, the combined effects of COVID-19 and economic contraction have led to high numbers of spontaneous returns of Afghan migrant laborers from Iran.<sup>534</sup> As of April 1, the International Organization of Migration (IOM) reported that 251,466 undocumented Afghan **migrants** (spontaneous returnees and deportees) returned from Iran and 3,300 undocumented from Pakistan in 2021.<sup>535</sup>

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**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.

**Migrants** are persons who change their 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.

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

## Conflict-Induced Internal Displacement

As of March 21, 2021, conflicts had induced 80,947 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 5% lower than for the same period last year, when OCHA reported 77,314 displaced persons.<sup>536</sup>

## WOMEN'S ADVANCEMENT

Presently, USAID has only one remaining Promote program, which aims to strengthen women's participation in civil society.<sup>537</sup>

Table 2.19 shows current Promote and women's-focused programs.

TABLE 2.19

USAID GENDER PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 4/10/2021
Promote: Women's Rights Groups and Coalitions	9/2/2015	9/1/2021	\$34,534,401	\$28,559,287
Promote: Rolling Baseline and End-Line Survey	2/21/2017	1/20/2021	7,577,638	7,357,293
Gender Based Violence (GBV)	7/8/2015	1/7/2021	6,667,272	6,667,272

Source: USAID, response to SIGAR data call, 4/13/2021.

Promote's Musharikat (Women's Rights Groups and Coalitions) program is focused on advancing women's participation in the peace process, political participation, and addressing gender-based violence (GBV).<sup>538</sup> The program engaged university students and religious leaders (mullahs) on the role of religion in eliminating GBV.<sup>539</sup> Musharikat held over 250 events that reached over 20,000 participants regarding GBV, some of which had been pushed back due to the pandemic. Theater events, radio roundtables, and a nationally televised dialogue were some of the methods used for raising awareness.<sup>540</sup>

During the most recent reporting period, Musharikat carried out over 550 trainings reaching close to 30,000 people.<sup>541</sup> The Gender-Based Violence coalition also carried out events which reached just over 30,000 people, most of them women.<sup>542</sup> Sports events attended by around 1,700 participants were also carried out as part of bringing awareness to gender-based violence.<sup>543</sup> Musharikat also worked to improve women's participation in the peace process by focusing on public awareness campaigns, hoping to encourage women to raise their voices vis-à-vis concerns and aspirations regarding Afghanistan's future.<sup>544</sup> To achieve this, radio roundtables as well



**Secretary of State Antony J. Blinken** sat down with representatives of Afghan civil society to hear more about their challenges in advancing women’s rights during his April 2021 trip to Kabul. (State Department photo)

as wall art and billboards calling for women’s participation in the peace program were supported.<sup>545</sup>

Musharikat also focused on lobbying efforts such as arranging for question and answer sessions with government officials, as well as strengthening efforts to have parliament confirm female acting ministers.<sup>546</sup> However, COVID-19 pressures on women remain a concern in Afghanistan, with Musharikat reporting an increase in child and forced marriages because of the pandemic-induced economic hardship.<sup>547</sup> Furthermore, the COVID-19 pandemic has forced Musharikat regional teams to work from home, causing delays and negatively impacting performance, with some team members’ even falling ill from COVID-19.<sup>548</sup> Insecurity has also caused Musharikat to rely heavily on coalition partners thereby increasing costs.<sup>549</sup>

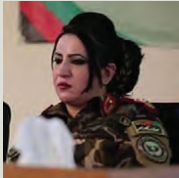
USAID’s third-party monitor for Promote reports that 33% of participants of the Women in Economy (WIE) program were employed at the end of the program, with 9% in management roles. Of those who reported they were employed, 70% said they were newly employed.<sup>550</sup> The Women Leadership Development (WLD) program claimed to have transformed “quiet, shy, young women” into “vocal, confident, young women” through their training. The third-party monitor reported that 10% of the beneficiaries of the advanced leadership training now hold management positions (up from 2% at the start of the project).<sup>551</sup> The third-party monitor concluded that such findings confirmed that Promote’s lengthy programming produced incremental progress that helped in transforming Afghan women beneficiaries.<sup>552</sup>



## STATE RECOGNIZES SEVEN MURDERED AFGHAN WOMEN



**Fatema Natasha Khalil**



**General Sharmila Frough**



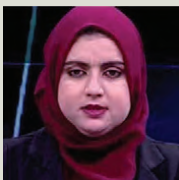
**Maryam Noorzad**



**Fatima Rajabi**



**Freshta**



**Malalai Maiwand**



**Freshta Kohistani**

Seven Afghan women who were assassinated in 2020 while serving in various governmental and nongovernmental roles were given honorary International Women of Courage (IWOC) awards<sup>553</sup> at a March 8, 2021, annual event virtually hosted by Secretary of State Anthony Blinken.<sup>554</sup>

- Fatema Natasha Khalil, an official with the Afghanistan Independent Human Rights Commission who was killed, along with her driver, in June 2020 by an improvised explosive device (IED) in Kabul, on her way to her office.
- General Sharmila Frough, the head of the Gender Unit in the National Directorate of Security (NDS) was one of the longest-serving female NDS officers, having served as chief of the anti-kidnapping division and working undercover combating criminal networks. General Frough was assassinated in an IED explosion targeting her vehicle in March 2020 in Kabul.
- Maryam Noorzad, a midwife who served remote locations in Wardak and Bamyan Provinces before working for Médecins Sans Frontières in a Kabul-based hospital. On May 12, 2020, three gunmen attacked the maternity ward of the hospital, but Maryam refused to leave her patient, who was in labor. Maryam, her patient, and the newborn baby were killed in the delivery suite.
- Fatima Rajabi, a 23-year-old police officer originally from Ghazni Province and a member of the antinarcotics division. She was traveling to her home village in Jaghori District in a civilian minibus in July 2020 when the Taliban stopped the vehicle and took her captive. Two weeks later, the Taliban killed her and sent her remains, which had gunshot wounds and signs of torture, to her family.
- Freshta, daughter of Amir Mohamed, a 35-year-old prison guard with the Office of Prison Administration. She was walking from her residence in Kandahar City to a taxi on her way to work when she was murdered by an unknown gunman on October 25, 2020.
- Malalai Maiwand, a reporter at Enikas Radio and TV, was shot and killed, along with her driver, by a gunman on December 10, 2020, in an attack on her vehicle in Jalalabad. Malalai was not the first in her family to be targeted. Five years earlier, her mother, an activist, was also killed by unknown gunmen.
- Freshta Kohistani, a 29-year-old women's rights and democracy activist, was assassinated by unknown gunmen near her home in Kapisa Province on December 24, 2020. Kohistani regularly organized events advocating for women's rights in Afghanistan and used social media as a platform for her messaging.

## HUMAN RIGHTS

In February 2021, the UN issued a report on detainee rights in Afghanistan. While progress has been made in reducing torture and ill-treatment, procedural safeguards under Afghan and international law are rarely implemented for individuals charged with security and terrorism-related offenses, the UN reported.<sup>555</sup> Afghan police and NDS facilities saw modest reductions in the prevalence of torture and ill-treatment, from 31.2% to 27.5% in police facilities and from 19.4% to 16% in NDS facilities. There was only a slight reduction, from 31.9% to 30.3%, in the percent of respondents detained for security- or terrorism-related offenses who provided credible and reliable reports of torture and ill-treatment.<sup>556</sup> According to the UN, the Afghan government has yet to maintain, design, or establish a national preventive mechanism as per its obligation under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which it acceded in April 2018.<sup>557</sup>

Many other issues of detainee rights remain. The UN reported instances in which Afghan police and NDS prisons subject prisoners to threats of violence against them and their families, do not inform prisoners of their rights, do not perform medical examinations, and refuse to provide cell-phones for prisoners.<sup>558</sup> The UN said some detainees are also asked to sign or thumbprint documents whose contents they did not understand.<sup>559</sup> The UN concluded that MOI human-rights officers also did not appear to be actively fulfilling their responsibilities.<sup>560</sup>

In March, State released its 2020 report on human rights practices in Afghanistan, observing the following significant human rights issues: killings by insurgents; extrajudicial killings by security forces; forced disappearances by antigovernment personnel; reports of torture and cases of cruel, inhuman, or degrading punishment by security forces and antigovernment entities; arbitrary detention by government security forces and insurgents; serious abuse in internal conflict, including killing of civilians, enforced disappearances and abductions, torture and physical abuses, and other conflict-related abuses; serious acts of corruption; lack of investigation of and accountability for cases of violence against women, including those accused of so-called moral crimes; recruitment and use of child soldiers and sexual abuse of children, including by security force members and educational personnel; trafficking in persons; violence targeting members of ethnic minority groups; violence by security forces and other actors against lesbian, gay, bisexual, transgender, and intersex persons; existence and use of laws criminalizing consensual same-sex sexual conduct; and the existence of the worst forms of child labor.<sup>561</sup>