

Aid and Civil-Military Relations in Afghanistan

BAAG and ENNA policy briefing



ENNA
European Network
of NGOs in Afghanistan

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List of Abbreviations

AGE	Anti-governmental elements
ANGO	Afghan Non-Governmental Organization
ANSO	Afghan NGO Safety Office
BAAG	British and Irish Agencies Afghanistan Group
CA	Comprehensive Approach
CIMIC	Civil-Military Cooperation
CJ5	Planning division of ISAF
CJ9	CIMIC division of ISAF
ENNA	European Network of NGOs in Afghanistan
GoA	Government of Afghanistan
HIG	Hizb-I Islami Gulbuddin
ISAF	International Security Assistance Force
INGO	International Non-Governmental Organization
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
PRT	Provincial Reconstruction Team
QIP	Quick Impact Project
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNHCR	UN High Commissioner for Refugees

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Across all provinces in Afghanistan, there are non-governmental organisations (NGOs) delivering assistance in the midst of violence and political instability. Their ability to implement programmes safely and effectively is increasingly jeopardised by the deteriorating security situation. In some districts, NGOs have significantly reduced their operations or even withdrawn entirely as their staff, projects and beneficiaries come under attack. In this challenging context, aid agencies have a responsibility to understand and manage their interactions with a range of armed forces active in Afghanistan.

The British and Irish Agencies Afghanistan Group (BAAG) and the European Network of NGOs in Afghanistan (ENNA) commissioned an independent research report in order to better understand the dynamics of civil-military relations on the ground.¹ The research – ‘*Afghan Hearts, Afghan Minds: Exploring Afghan Perceptions of Civil-Military Relations*’ – focused on experiences in Paktia and Uruzgan. This paper outlines BAAG’s and ENNA’s concerns regarding civil-military relations in Afghanistan, based on our experience and findings in the research report.

Detailed policy recommendations are outlined at the end of this paper. However, the following over-arching findings are highlighted here:

Governance and Security: *The military emphasis on using aid to ‘win hearts and minds’ and promote security as part of their stabilisation strategy is misplaced and even counter-productive in some instances. Ending the violence in Afghanistan requires a much greater focus on the political challenges related to the country’s ‘rule of impunity’ and conflict between power-holders at national and local levels.*

Involvement by the military in development places beneficiaries, projects and implementors at risk: *Inappropriate associations between the military and some NGOs create security risks for the wider NGO community and local beneficiaries. Military forces should stop instrumentalising NGOs to deliver on their short-term ‘hearts and*

minds’ objectives; and take greater steps to minimise risks incurred through their interactions with civilian agencies.

Effective development outcomes versus military ‘quick impact’ projects: *Afghan communities want long-term development assistance based on transparency, accountability and local ownership. Such approaches are not compatible with the short-term imperatives which drive the military’s stabilisation strategy. The military’s use of often costly, ineffective and unaccountable implementing partners is also highly problematic. Donors should invest in civilian-led and sustainable programmes, with a focus on building local capacities.*

Afghanisation: *Policy and practice of both military and civilian agencies needs to be more informed about and inclusive of Afghan perspectives. Military operations are inadequately sensitive to Afghan social and cultural norms which define notions of an individual or community’s security and dignity. Donors and humanitarian agencies need to invest more in cross-cultural translation of the humanitarian principles of neutrality, impartiality and independence, as well as focusing on access negotiations with all parties in the conflict.*



Why civil-military relations matters to NGOs

The safe and effective delivery of humanitarian assistance, in a conflict, is contingent upon respect for its neutrality, impartiality and independence from political agendas. Access to fragile beneficiary communities is dependent on the acceptance of humanitarian actors by local populations and belligerents in the conflict. Trends in international donor aid policy, military operations, insurgent tactics and the general deterioration in security make this an increasingly difficult task in Afghanistan.

The operational space for humanitarian actors has decreased consistently over the last year. UNHCR has access to only 55 percent of the country going into 2008ⁱⁱ and the Red Cross claims that the current humanitarian access situation is the worst in 27 years.ⁱⁱⁱ The southern and south-eastern regions of Afghanistan are largely inaccessible to humanitarians and aid has become increasingly restricted in the eastern, western and central regions.^{iv} According to the Afghanistan NGO Safety Office (ANSO), this trend is continuing into 2008, with an increase in action by anti-government elements (AGE) compared to the same period last year.^v

Insecurity in Afghanistan arises from multiple factors, including corruption and economic criminality. In some instances attacks on agencies have happened regardless of their association with or distance from international forces. However, the military's role and operations in Afghanistan has manifold consequences for the safety and security of aid agencies, their staff, projects and beneficiary communities. The research in Paktia and Uruzgan was commissioned in order to better understand these challenges, and to develop recommendations to NGOs, donor, military forces and Afghan actors on that basis.

Military and security forces in Afghanistan

To access beneficiary communities, NGOs need to understand and manage their coexistence and interactions with: NATO-led International Security Assistance Force (ISAF), the US-led Coalition 'Operation Enduring Freedom'; Afghan security forces and a range of insurgent groups.

For both NATO and the Coalition, civil-military relations form part of their wider political and military strategy. Often termed 'CIMIC' in military jargon, NATO defines civil-military relations in terms of delivering on the commander's mission. This is typically framed in terms of buying 'force protection' for a force on the ground; or 'winning hearts and minds' in the broader context of stabilisation and reconstruction.

The debate on civil-military relations in Afghanistan has overwhelmingly focused on the Provincial Reconstruction Teams (PRT). Although PRTs vary from province to province, they are all integrated civil-military operations; including civilian staff working as advisors on political and CIMIC strategies. With the calls for NATO to deploy beyond its initial focus on the Kabul region, PRTs became a key element in ISAF expansion across Afghanistan. The PRTs' open-ended mandate of 'enabling reconstruction' has been interpreted differently across ISAF's 26 PRTs. While some PRTs have focused on security sector reform, others have engaged directly in relief and reconstruction activities. Efforts to 'harmonise' the PRT model across different national contingents have been complicated by differing understandings of problems on the ground, and appropriate responses.

Donor governments increasingly adopt so-called 'whole of government' or '3-D' approaches to promote integration across diplomacy, defence and development strategies. Most recently, this has taken the form of ministry of defence-led initiatives termed the 'Comprehensive Approach' (CA).^{vi} Although CA policy often stresses the importance of civilian expertise, capacity and leadership in post-conflict situations, the CA remains a military-dominated discourse and the overriding objectives are military. International forces continue to assert a military pre-eminence in hostile environments in which they are conducting combat operations. This reflects both the level of authority delegated to senior military personnel in the field and the imbalanced spread of resources which favours military over civilian actors.

NGO approaches to civil-military relations in Afghanistan

NGOs tend to adopt a highly cautious approach to interaction with military forces for fear of being perceived as aligned to one side in the conflict. Associations, whether real or perceived, with a contested military operation or government can compromise NGO acceptance among local populations. For example, in February 2007, US forces entered and occupied the offices of a UK NGO, Afghanaid, in Kamdesh district. This occupation of an NGO office was taken forward without prior consultation with local authorities and without the consent of the NGO in question; causing the agency to have to withdraw from that area.

To address these challenges, NGOs have sought to promote joint approaches based on internationally-recognised principles and guidelines^{vii}. The Afghanistan Civil-Military Working Group approved a set of guidelines on the 20th of May 2008: The Guidelines for the Interaction and Coordination of Humanitarian Actors and Military Actors^{viii}. In the United States, NGOs have also negotiated a bilateral framework that applies to US forces, but evidence of its implementation on the ground is unclear at present.^{ix}

A number of NGOs participate in the Afghanistan 'civil-military relations working-

group', which is chaired by ACBAR in Kabul. The group is attended by donors, UN, NATO ISAF and Coalition representatives. Its objectives are to facilitate dialogue in order to address concerns regarding 'bad practice' (eg. military CIMIC activities that impact negatively on aid programmes), and share information relevant to NGO safety and security. Critical to the ongoing sustainability of this working-group is its careful demarcation as a forum for appropriate dialogue that respects the neutrality of aid agencies. No information can be discussed that could be perceived as alignment or intelligence-sharing with the military. However the group suffers from two major limitations: inconsistent participation from all sides; and failure on the military side to follow-up and implement commitments made. In terms of participation the group has lacked representatives from the national contingents leading the PRTs. Additionally, ISAF participation has normally been limited to the CIMIC unit (CJ9), while most of the issues discussed need participation of representatives from the other branches of ISAF (particularly planners and strategists – CJ5). On the NGO side, many NGOs simply lack the staff capacity to engage in such processes. In terms of concrete results, NGOs express concerns about the limited follow-up on issues raised in the working group. On the military side, this partly reflects the high turn over of personnel and a lack of follow-up within the military hierarchy. The group has also tended to focus more on fostering mutual understanding between the actors, rather than on delivering tangible differences in operations on the ground.

In such a complex situation for civil military coordination, there is a need for stronger humanitarian coordination capacity, in Kabul and in the provinces, to deal with the day to day challenges and develop appropriate systems for coordination. Negotiating humanitarian access with armed opposition groups and promoting adherence to humanitarian principles should be key elements of this capacity.



Civil-military relations and governance in Afghanistan

Winning hearts and minds through economic incentives or politics?

Politicians and military officers from NATO countries place significant emphasis on 'winning hearts and minds' in Afghanistan through aid and reconstruction. Commentators routinely equate government 'presence' with infrastructure projects and services. To cite Senator Biden, 'How do you spell "hope" in Dhari or in Pashtu? A-s-p-h-a-l-t. Asphalt. That's how you spell hope, in my humble opinion.'^x General Eikenberry also famously stated: 'Where the roads end, the Taliban begins.'^{xi} During 2006, there were repeated calls from ISAF representatives on aid agencies to implement projects in areas, which were described as 'cleared' of Taliban influence following NATO military operations.

In contrast, the Afghan Hearts, Afghan Minds report suggests that a simplistic 'development brings stability and security' thesis is misplaced and even misses the point. Afghan respondents saw the development-security linkage as artificial and contrived. The deteriorating violence in Afghanistan does not primarily result from poverty, nor will economic incentives buy support for an opposed military presence or government. Following a long history of aid and military intervention, including during the Soviet occupation, Afghans are familiar with and suspicious of 'hearts and minds' strategies. Furthermore, aid represents a small component of most Afghans' coping strategies in times of conflict and transition. Predominant strategies include communal cooperation on rehabilitation and remittances.

Interviewees in Paktia and Uruzgan repeatedly argued that security would be more fundamentally linked to improved governance and the removal of unsavoury characters from positions of power. Small infrastructure projects by the military cannot substitute for an ill-judged or incoherent political strategy. As such, much greater emphasis should be given to addressing the essentially political challenges at both national and local levels. A 'rule of impunity' is eroding both human security for ordinary Afghans and the potential for delivering sustainable development. The slow pace of reform in the security sector and judiciary is thus

also especially relevant. In this regard, it should be noted that several Afghan interviewees welcomed the role of those PRTs which had been active in providing area security and support to security sector reform.

Military approaches to coordination with government and 'civilianisation'

'What kind of guests are these people? Guests are not like these foreigners. They have all the authority that a host should have. They now perform the duties of the host and treat us, the people of Afghanistan, like guests!'

Religious leader, Paktia

A core element of ISAF's mission statement involves: 'assisting the Afghan government in extending its authority across the country.'^{xii} Within NATO, there has been an increasing shift towards what some policy-makers have termed a 'civilianisation' of PRTs, which implies increased investment in their civilian capacity to deliver on political and aid-related objectives. PRTs also increasingly emphasise the importance of coordinating the military's CIMIC activities and involvement in reconstruction with government plans and projects. However, ISAF has faced considerable challenges in actually delivering on these objectives. The Afghan Hearts, Afghan Minds report indicates that while there has been an expansion in PRTs' civilian capacity and investment in coordination with the government and other civilian actors, considerable challenges remain. While 'civilianisation' may feature high in the rhetoric of policy-makers, it is yet to translate into discernable changes for either Afghan populations or NGOs on the ground.

Lack of coordination between military CIMIC projects and national or local development plans constitutes a serious challenge. PRTs often do not coordinate their efforts with Government structures or strategies such as the Afghan National Development Strategy (ANDS), Provincial Development Plans and Community Development Plans. Experience of poorly planned interventions, such as clinics which were not envisaged in the Ministry of Public

Health plans and therefore were not supplied with personnel, underline the risks of military CIMIC projects losing more hearts and minds than they win. Some local government informants felt that the PRTs' control of funding highlighted their own relative lack of power, influence and effectiveness as leaders. Last year, the World Bank recommended PRT withdrawal from relatively secure provinces, due to the undermining effect PRTs were having on local government structures.^{xiii}

Six month troop rotations continue to present a serious practical challenge confronting coordination between the military and government structures. In the words of one military officer: *'Our PRT commanders have usually come to understand something about local politics at about five months and three weeks. Unfortunately, they are only deployed for six months.'*^{xiv} Lack of a coherent and coordinated approach between different ISAF nations further complicates the picture. Each ISAF nation has a different approach to supporting the GoA making it difficult to develop coherent 'state-building' strategies with differing priorities, goals and means. For the above reasons, non-military informants in Paktia and Uruzgan expressed considerable scepticism regarding the international military's potential to promote GoA outreach, rather than marginalising or making it seem subordinate to military imperatives. The GoA is perceived as having little influence over international military strategy, and as weak in tackling Afghan grievances related to culturally-inappropriate behaviour or civilian casualties which occur during military operations.

Inappropriate associations between the military and NGOs are eroding their safety and security

Raids on NGO staff and offices by insurgents looking for proof of links to the international military are on the rise. NGO offices in Ghazni province have been raided by intruders for this purpose. In 2007 a Danish NGO was told by community elders in Faryab that the community could no longer ensure their security because the Norwegian PRT had visited one of their

projects. Similarly in the east, HIG and Taliban elements are reportedly raiding NGO offices in search of evidence of contact with PRTs and the military, primarily Coalition forces. Interviewees reported that PRT personnel visited an NGO compound shortly after one of these raids. While such enquiries might seem normal to the military, who were compiling an incident report, it went against the NGO's security needs in the context – having survived the incident unscathed, they had wanted to distance themselves from the PRT.

'We try to keep PRTs away from our offices and do not interact with them because it brings threats from insurgents and suspicion from our target communities.'

ANGO representative, Kabul

Both NATO and Coalition forces are failing to respect the international guidelines on interactions between the military and aid agencies consistently. UN guidelines insist that the military constitutes a 'last resort' option for relief to meet a critical humanitarian need.^{xv} International humanitarian law obliges military forces that occupy an area to facilitate the access of humanitarian agencies to provide assistance.^{xvi} Neither of these principles are respected in Afghanistan. International military forces are routinely engaging in developmental – non-life saving – projects, which overlap with the kinds of programmes implemented by civilian agencies. Some NGO interviewees, in the Afghan Hearts, Afghan Minds report, cited instances of access negotiations with insurgent groups leading to targeting by and/or hostile behaviour from the Coalition.

A number of Afghan interviewees indicated that the problem for NGOs might be one of 'being tainted by association', rather than a 'blurring of identities'. Organisations that have close contact with PRTs risk jeopardising their own reputation and security, and that of the wider NGO community. For example, one INGO was forced to leave Uruzgan province, accused of spying for the Coalition Forces after some Taliban positions were hit close to their location.

ANGO interviewees were worried that recent staff kidnappings in the province were the result of their cooperation with the PRT, which they try to keep low-key. Although the hostages were recovered through the mediation of elders, staff in the Kabul HQ felt they would not be so lucky next time. One interviewee in the report described how his relatives in a distant village in Uruzgan have told him not to visit them because he works in a civilian capacity at the PRT. Such incidents highlight the huge risks that associations with the international military and integrated civil-military operations, such as PRTs, bring for civilian agencies and individuals.

One particular concern is the military's use of short-term funding to instrumentalise local NGOs for the implementation of CIMIC projects. Such funding pays inadequate attention to the needs of those local NGOs in terms of their organisational development, human resource development and – most importantly – safety and security. ANGOs willing to work with the international military have found that their funding opportunities have increased. PRT funding is easier to handle than standard donor funding because reporting and monitoring procedures are lighter. These collaborations have dangerous implications in terms of local perceptions of assistance, with NGOs increasingly being perceived as aligned with NATO and the Coalition. In turn, this has a divisive knock-on effect as NGOs become more suspicious of each other; further undermining collaboration between agencies to address the shared challenges they face.

As security has deteriorated, NGOs have increasingly operated on the basis of 'remote management' of aid programmes. This has entailed a reduced frontline role for international staff, non-local Afghan staff making fewer visits to project sites, and then doing so only on the basis of low or zero visibility. Compounded by the broader deterioration in security, such strategies have meant that NGOs are becoming more distanced from their beneficiary communities. A genuine dilemma arises as reduced contact with communities inevitably affects the quality of those relationships; diminishing their acceptance among local populations. Opportunities to negotiate access are also being eroded by the

rise of a new generation of Taliban and HIG figures, who do not have understanding of aid agencies in a given area. As the conflict evolves, new and external power-holders assume control in some instances, changing the political and social dynamics at the local level. NGOs are struggling to adapt to these changes. NGOs are not adequately funded, nor organisationally focused on generating the context analysis or learning necessary to adapt to the evolving context in which they work. Inter-agency approaches to improve relations with local communities are not supported in any structured fashion, and are constrained by the unsympathetic political climate described above.

Responsibility lies at a number of levels. The international military should cease to instrumentalise Afghan and international NGOs and take seriously their responsibility to manage any interactions with civilian agencies sensitively; recognising the risks it entails for them. Donors should place greater emphasis on investing in civilian channels for aid. They need to maintain adequate levels of civilian staffing to administer funding to NGOs, in a way that preserves their independence from military operations. Those NGOs which currently accept funding or other support from the military are challenged to critically reflect on the implications for the safety of their own staff and beneficiaries, as well as the wider NGO community. Donors should enable the Afghan NGO sector to shift away from dependency on short-term funding from military operations. Greater investment should be made into the Afghan NGO sector, with an emphasis on sustainable capacity-building and safety and security management.

Effective development outcomes versus military 'quick impact' projects

'We have a common saying that "It is better to have less from a sustainable source than having a great deal just once"... We really do not need somebody to distribute biscuits to us and we do not need construction projects that fall down after a year.'

Tribal leader, Paktia

Notwithstanding the rhetoric from some policy-makers regarding the assumed need for 'quick impact' development, Afghan communities place a huge emphasis on the importance of locally-appropriate, transparent and accountable development. Process is a key determinant for a project's success. Military forces are ill-equipped to provide such assistance. Military practices aimed at delivering quick impact projects (QIP), such as hiring private contractors with little or no accountability to or constituency in the local community, are counter-productive.

Local populations and belligerents do not distinguish between the international forces' quasi-developmental face as embodied by CIMIC activities and its aggressive combat operations. As a consequence, aid provided by PRTs is tainted by the impact of other military operations. It is also viewed as having 'strings attached' in terms of military intelligence-gathering, with some informants expressing resentment that local peoples' dire need was being used to garner intelligence. For these reasons, aid associated with the military will often be cautiously accepted, but not welcomed. Furthermore, it is viewed as having ulterior motives which can lead to insecurity. This makes all forms of community interaction with the military around a project potentially problematic, from the initial consultation through to design, monitoring and evaluation.

Community representatives generally expressed a preference for skills training and multi-year livelihood programmes with long-term, sustainable impacts, which was frequently perceived to rule-out PRTs as effective implementers or fund-providers. The six-month rotations and tactical imperatives that shape military operations present serious obstacles. The Afghan Hearts, Afghan Minds report found examples of PRT personnel making promises which they could not meet during their deployment and which the next rotation failed to fulfil. One example of this was a hydro-electric power project in Logar, which the PRT took over, after the implementing INGO pulled-out due to local conflict, but was then not followed through by the next rotation of the

PRT. Notwithstanding military efforts to develop 'measures of effectiveness' that analyse a so-called 'civil effect', military interviewees stated that CIMIC projects are largely measured according to inputs, rather than on outcomes. Such approaches do not help aid effectiveness; and can lead to reversals in the assumed 'hearts and minds' benefits of the military getting involved in aid work.

Lack of transparency and accountability in military-funded or implemented projects

'The main problem with the PRT is that they keep the cost of the projects secret and we do not know how much money they allocate to their projects.'

Government employee, Paktia

Perceptions that PRTs are secretive and unaccountable constitutes a significant problem as the Afghan population attach great importance to cost-effectiveness and transparent spending. Any indication that development funding is going astray or being wasted leads to further cynicism and hostility. Several interviewees contrasted their perception of the PRTs with their experience of programmes implemented by established NGOs that have long-term relationships with communities. In the words of one tribal elder from Paktia: *'They cannot simply leave after they mess up.'* Transparent community-based monitoring and auditing help communities control resource transfers and hold the implementing agencies accountable for the project's impact. PRTs are inevitably secretive about their military aims and keep the details of contracts to themselves. The influence of local interpreters and interlocutors in the allocation of PRT resources and contracts has also led to frequent accusations of corruption.

Community representatives underlined the importance of face-to-face interactions with aid providers and considered local consultation and involvement as very important for a project's success. Despite their attempt to consult local leaders regularly, PRTs were not perceived as good at listening or taking concerns on board.

This was sometimes attributed to the formality and brevity of interactions. Other interviewees felt that PRT interactions with civilians were largely aimed at intelligence-gathering and other political goals rather than a relationship genuinely centred on development. Among interviewees with experience of PRT consultation, many complained of having to repeatedly reiterate the same information to new military representatives, who often repeat mistakes made by their predecessors. A lack of follow-up on their suggestions was also seen as indicating insincerity, thus CIMIC interactions are perceived as a ritualistic process that does not yield results. This finding was backed by reports from NGOs, who complained that military engagement with civilian agencies through forums for civil-military relations dialogue continues to be pro-forma, with disappointing outcomes for some and inadequate follow-up based on concerns raised. This finding casts a critical light on claims that the PRTs are attempting to 'civilianise' their operations. While civilian staffing may have increased, this was yet to translate into changed perceptions of civilian stakeholders on the ground in Uruzgan and Paktia.

Ineffective and unaccountable implementing partners: 'Come N'GOs' and private contractors

Use by military of ineffective and costly private contractors or unprofessional NGOs to implement projects is having a deleterious effect on overall aid effectiveness and local community perceptions of reconstruction efforts. The initial interventions of Coalition and NATO forces led to a massive proliferation in new entrepreneurial 'NGOs' and private contractors. Such NGOs were variously described by informants as '*briefcase* NGOs' or 'Come N'GOs'. They were frequently described as having little or no previous experience in Afghanistan, weak roots in the local beneficiary community and dubious programme experience.

The light and/or ineffective nature of PRT assessments of prospective implementing

partners, as well as inadequate monitoring and evaluation arrangements, has resulted in low-quality NGOs and private contractors receiving substantial funding with little or no accountability. This is compounded by the military's weak knowledge of local development actors and processes. From the perspective of informants in established local and international NGOs, spending money on such organisations does not build local capacity and tends to waste money and create resentment. When some local NGOs and contractors are perceived as 'milking PRTs', this tarnishes the PRT's reputation, as well as contributing to the wider disillusion with progress in the country. Unfortunately, the increased proportion of donor funding being channelled through such organisations impacts negatively on the image of more professional and experienced NGOs.

The military's contracting of private security companies and private contractors on road construction is of particular concern. These consortia work both independently and as partners of international private security firms and contractors. In many instances, Afghan private security firms involved in transport, road construction and road security are former militias of old commanders and warlords. Several interviewees raised concerns about such groups playing one side off against the other for profit and altering the power and security dynamics along transport routes. The international military's relationship with such firms underlines the risks in terms of military CIMIC sponsorship inadvertently contributing to the war economy in Afghanistan. In contrast to NGOs working on the basis of long-term relations with local communities, much of the reconstruction work by private firms and security companies is implemented on the basis of armed deterrence. Several NGO interviewees feared that this further blurred the lines between aid and military operations. The lack of accountability of these firms at either local or national levels was also cited as a significant concern.

Geographic aid allocation driven by military priorities, not needs or sustainability

Geographic allocation of aid driven by military imperatives is perceived to have undermined needs based and equitable development. The Afghan Hearts, Afghan Minds report and other recent evaluations reinforce the perception that donor nations either direct their aid through their national PRT or to provinces in which their forces are deployed. For example, USAID spends more than half of its budget on the four most insecure provinces: 'If Helmand province (population 800,000) were a state, it would rank as the fifth largest recipient of USAID funds in the world.'^{xvii} DFID allocates one-fifth of its Afghanistan budget to Helmand. Similarly, Canada has allocated over 25% of its aid budget to Kandahar and more recently announced a concentration of over 50% of 2008-2011 aid in

Kandahar. Informants feared that this trend was generating perverse incentives with local power-holders perceiving that insecurity is conducive to receiving 'quick and easy CIMIC funding' free of the obligations and constraints involved in longer-term programmes. Provincial governors in relatively secure and opium free provinces have feared that the disproportionate amount of aid given to the provinces with higher levels of insecurity and narcotics might send a wrong signal to their communities. According to some government and PRT interviewees, the trend is also contributing to a lack of aid coordination and harmonisation with government-led national development strategies. Termed 'bilateralisation' of aid, this trend has precedents in other high-profile crises, such as Kosovo, in which donor nations have promoted their own national profile and priorities to the detriment of the over-all aid effort.



Civilian Protection and Human Security

All military and security forces in Afghanistan should respect the principles embodied in international humanitarian and human rights law. Unfortunately the disconnect between those principles and actual trends in Afghanistan is acute. As a consequence, for ordinary Afghans, the legitimacy of all military and security actors is increasingly eroded.

Most strikingly, the Afghan Hearts, Afghan Minds report suggests that efforts to promote the protection of civilians from warfare are intrinsically interlinked with the wider rule of law in the country. Bureaucratic initiatives to promote civilian protection will fail without a concerted shift in international and national efforts to address the 'rule of impunity' in Afghanistan. Ordinary Afghans also fear that reprisals or inaction will follow any outcry following acts of violence against civilians. As such, it is critical that the international community and the Afghan government takes steps to provide a safe and secure space for ordinary people to voice their concerns regarding civilian casualties and human rights violations. After several high-profile incidents in mid-2007 involving civilian deaths, ISAF forces instituted new rules of engagement in an effort to reduce civilian casualties. It remains unclear what impact this has had. Afghans' scepticism regarding the international commitment to protecting Afghan lives has been compounded by the US-led Coalition's conduct of counter-terrorism operations, which are perceived to have incurred significant civilian casualties, and involved sponsorship of warlords and other violent or corrupt power-holders in the pursuit of Al Qaeda and the Taliban.

The research report also raises serious challenges for military and security forces in terms of the disconnect between their strategic priorities and the ways in which civilian populations understand their own security and the experience of violence. Dignity and honour were identified as critical components of security for ordinary Afghan individuals and communities. Customary Afghan social and cultural norms, in particular what some identify as *Afghaniyat* and *Islamiyat*^{xviii}, underpin and

inform Afghan perceptions and reactions in response to military operations and the experience of insecurity. For most Afghan interviewees, respect for certain cultural institutions or practices, such as the ability to practice Islam, are fundamental components of their security. According to some interviewees, actions which disrespect the principles of *Afghaniyat* and *namus*^{xix} (dignity) can create more ill-will than civilian casualties. Key examples included aggressive and insensitive house searches of women's quarters by special forces. In the Afghan cultural framework these actions are seen as an attack on the integrity of a family and community who may feel compelled to retaliate. As insurgents use the heavy footprint of international military operations as a means to mobilise support against the international presence, the heavy-handed tactics of military forces also have implications for local consent for civilian organisations, including NGOs. Such experience highlights the disconnect between the international military's tactical and strategic priorities in security, and the priorities or perceptions of either Afghan populations or NGOs.

Different national contingents in ISAF and the Coalition maintain different rules of engagement for intervening if violence occurs in their area of operations, or providing protection for local institutions or populations. International institutions, such as the UN Department of Peacekeeping Operations, have developed guidance on protection-related military tasks such as in promoting civil order, providing security for camps of internally-displaced peoples and conducting preventative patrols.^{xx} However, there is a huge gap between the level of insecurity in Afghanistan and the political will, capabilities and rules of engagement of international forces deployed in the country. Both ISAF and the Coalition remain challenged to demonstrate the importance of civilian protection and human security relative to their counter-terrorism and counter-insurgency objectives.

POLICY RECOMMENDATIONS

To the military and integrated civil-military operations:

- Review military strategy, tactics and rules of engagement informed by the perspectives and needs of local Afghan populations in terms of civilian protection and human security. Take effective measures to address concerns about violations of human rights and humanitarian law by the international forces, Afghan national army and police forces; and ensure that military forces understand and respect Afghan social and cultural norms embodied in principles of Afghanyat and Islamyat.
- Evaluate the impact of PRT strategies and wider military operations on local governance with particular attention on mitigating the unintended consequences of military operations for local-level conflict and the impact of PRTs involvement in governance on the authority and legitimacy of the provincial and local governance structures. Analyse the efficacy of different models e.g. the Norwegian PRT in Faryab, where military and civilian activities are clearly demarcated with separate financial and administrative control^{xxi}. Establish best practice benchmarks based on official evaluations of PRT strategies to guide future strategy.
- Review military operations, tactics and rules of engagement to minimise their potential negative impacts of military operations on the safety and security of civilian agencies, including NGOs. Towards this end, both NATO and the Coalition need to demonstrate a greater consideration of concerns raised by civilian agencies. For example, both forces should ensure greater consistency and a higher level of military participation in the Afghanistan civil-military relations working-group, as well as follow-up on concerns raised.
- Funding relations with NGOs should also be reviewed in terms of risks involved for the contracted agencies themselves, the projects and the beneficiary community. Such funding should be phased out and donor financing channelled through civilian mechanisms which are independent of military operations.
- Respect the principles and parameters outlined in Guidelines for the Interaction and Coordination of Humanitarian Actors and Military Actors, the Red Cross Code of

Conduct and UN guidelines on civil-military relations related to dialogue, coordination, cooperation and the use of armed escorts.

- Review the use of private contractors to guard against the funding of unprofessional and unaccountable private contractors and private security companies. Integrate a conflict-sensitivity analysis into all military contracts with implementing partners, in particular private security companies. Assess the potential for inadvertently contributing to the war economy. International and in-country efforts to promote the accountability of such contractors should be supported.
- Develop a stronger focus on security sector reform and the rule of law in coordination with police forces, in order to tackle the 'rule of impunity' which is impacting on the lives and livelihoods of ordinary Afghans.
- PRTs should only engage in relief assistance as a 'last resort' for life-saving purposes and where civilian alternatives are not present.
- In line with their interim security mandate phasing out of PRTs should be integrated into the national and provincial security and development plans and carried out, in a gradual manner, in comparatively secure provinces.

To the Government of Afghanistan and local authorities:

- In accordance with the principles on humanitarian relief provided for by Islam and international humanitarian law, the Government representatives have a responsibility to provide political and practical support to facilitate humanitarian assistance to Afghan populations in need.
- Recognise the positive contributions made by professional NGOs to communities on all sides of the conflict. The generalised and inflammatory anti-NGO rhetoric of some commentators should be superseded by effective, sustainable and participatory initiatives to ensure the effectiveness and accountability of NGOs and other agencies involved in assistance efforts in Afghanistan, building on established frameworks such as SPHERE.
- Ensure that victims of violations of international human rights law and international humanitarian law, including of torture

and other ill-treatment and unlawful killing, obtain prompt reparation, including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation. Every effort should also be made to keep a publicly available record of civilian casualties and provide them with assistance.

To donors:

- Development and humanitarian funding should be channelled through civilian funding instruments and agencies, not military or integrated civil-military institutions. These funding modalities should be carefully managed in order to minimise the risk of implementing agencies becoming perceived as aligned with military forces involved in combat operations. Funding relations should also be reviewed to ensure that they do not undermine local governance institutions through creating parallel structures or additional layers of sub-national governance.
- While capacity-building of local and national authorities to manage and implement programmes is an important and legitimate long-term objective, Afghanistan currently faces more immediate governance challenges in terms of resolving the political disputes and grievances driving conflict in the country. Greater focus and a more coherent strategy should be placed on tackling these political challenges.
- Use of private sector contractors, often working in consortia with local contractors and private security companies, should be evaluated and revised in terms of their developmental effectiveness, conflict sensitivity, transparency and accountability to local populations.
- Greater attention should be given to the sustainable development of national and local NGOs, with attention to issues of organisational development, policy engagement, safety and security management and human resource development.
- Increased funding should also be directed towards wider NGO programme learning initiatives to enable them to regularly up-date their context analysis, improve their negotiations with beneficiary communities and local power-holders, better understand and apply humanitarian principles, enhance

community-based programme monitoring and auditing structures and better understand and integrate cultural and religious norms and values enshrined in principles of Afghaniyat and Islamiyat.

- Invest in initiatives that promote cross-cultural interpretation of humanitarian principles, building on existing initiatives at international level to work with Muslim scholars and institutions on Islamic and humanitarian principles.
- There is a crucial need for a neutral and impartial UN capacity to coordinate civil-military relations and humanitarian response. To this end the capacity of the relevant UN agencies responsible for these tasks should be further strengthened and clearly delineated from the political roles within those agencies. Additional support will also be required for NGOs, especially Afghan NGOs to engage actively with this coordination mechanism.

To NGOs:

- As security declines and agencies shift towards remote programme management, NGOs should also invest in organisational learning, capacity-building and inter-agency coordination to sustain relations with local communities and power-holders.
- NGOs should unite around advocacy to donors to promote more effective and sustainable civilian modalities for aid funding. NGOs that currently accept funding from military operations should reflect in a serious fashion on the high risk of negative implications for the safety and security of their own staff, programmes and beneficiaries, as well as the wider NGO sector in Afghanistan. Particular attention should also be given to building the capacity of local NGO partners to engage in policy dialogue and effective programming on a sustainable basis.
- International NGO's should ensure that a proper understanding of Afghaniyat and Islamiyat guide their work and advocacy. These norms and values are central to Afghan's sense of being respected in their own society as well as feeling safe and secure. This may imply supporting projects and strategies that do not match western views on security and development but contribute to increasing Afghan ownership and dignity.

i Azarbaijani-Moghaddam, S., Wardak, M., Zaman, I. and Taylor, A. (2008) *Afghan Minds, Afghan Hearts: Exploring Afghan Perceptions of civil-military relations*, available at:

<http://www.baag.org.uk/publications/reports.htm>

ii While the attacks on UN and ICRC are decreasing worldwide, the attacks on NGOs and national Red Cross/Crescent workers are increasing. This trend could be a consequence of the tightening of UN security procedures after the 2003 attack on the UN mission in Iraq. *Providing Aid in Insecure Environments: Trends in Policy and Operations*, Humanitarian Policy Group, Briefing Paper 24, September 2006, p1.

iii Norton-Taylor, R. (2008) 'Afghanistan's refugee crisis 'ignored'', *The Guardian*, 13 February

iv ACBAR (2008) *Statement on the Protection of Civilians in Afghanistan*, available at

[http://www.acbar.org/downloads/ACBARStatement on Protection \(01Aug08\).pdf](http://www.acbar.org/downloads/ACBARStatement%20on%20Protection%20(01Aug08).pdf)

v "Current data would indicate a solid escalation of AGE attacks compared to the same period last year with the most notable escalation being in the close range combat figures". ANSO Weekly Security Report No. 06-08, 7-13 February 2008, p3.

vi NATO (2008) *From Comprehensive Approach to Comprehensive Capability*, available at

<http://www.nato.int/docu/review/2008/03/ART7/EN/index.htm>

vii The standard references for NGOs reside in the Red Cross Code of Conduct and the following UN guidelines:

- IASC Guidelines
- MCDA Guidelines
- Oslo guidelines

viii Afghanistan Civil-Military Working Group (2008) *Guidelines for the Interaction and Coordination of Humanitarian Actors and Military Actors in Afghanistan*, available at

<http://www.afgana.org/showart.php?id=323&rubrica=223>

ix *Guidelines for Relations Between U.S. Armed Forces and Non-Governmental Organisations in Hostile or Potentially Hostile Environments*, available at

http://www.interaction.org/files.cgi/5896_InterAction_US_Mil_CivMil_Guidelines_July_07_flat.pdf

x Council on Foreign Relations (2008) *A Conversation with Senator Joseph R. Biden Jr.*, available at

http://www.cfr.org/publication/15600/conversation_with_senator_joseph_r_biden_jr_rush_transcript_federal_news_service.html

xi Trip Report by the US Senator Jack Reed, Page 4, available at

<http://reed.senate.gov/documents/TripReports/tripreportoct06final.pdf>

xii ISAF (2008) *Helping to bring security, stability and foster development in Afghanistan*, available at

<http://www.nato.int/issues/isaf/index.html>

xiii World Bank (2007) *Service Delivery and Governance at the Sub-National Level in Afghanistan*, page xiv., available at <http://siteresources.worldbank.org/SOUTHASIAEXT/Resources/Publications/448813-1185293547967/4024814-1185293572457/report.pdf>

xiv Interview with military officer on condition of anonymity, May 2008

xv *Guidelines On the Use of Military and Civil Defence Assets To Support United Nations Humanitarian Activities in Complex Emergencies," MCDA Guidelines"*,

<http://ocha.unog.ch/drptoolkit/PNormativeGuidanceSpecificIssues.html#CivMil>

Guidelines On The Use of Military and Civil Defence Assets In Disaster Relief – "Oslo Guidelines".,

<http://ocha.unog.ch/drptoolkit/PreparednessTools/Normativeandlegalinstruments/NormativeGuidanceonspecificissues/OsloGuidelinesNov202006.doc>

IASC Guidelines on the Use of Military or Armed Escorts for Humanitarian Convoys, 2001, <http://ocha.unog.ch/drptoolkit/PreparednessTools/Normativeandlegalinstruments/NormativeGuidanceonspecificissues/IASCGuidelinesEscorts,202001.pdf>

xvi ICRC (1949) *Convention (IV) relative to the Protection of Civilian Persons in Time of War*, available at <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>

xvii Waldman, M. (2008) *Falling Short: Aid Effectiveness in Afghanistan*, ACBAR Advocacy Series, available at

[http://www.acbar.org/ACBAR%20Publications/ACBAR%20Aid%20Effectiveness%20\(25%20Mar%2008\).pdf](http://www.acbar.org/ACBAR%20Publications/ACBAR%20Aid%20Effectiveness%20(25%20Mar%2008).pdf)

xviii Afghaniyat is an unwritten code of conduct and honour that Afghans live by. The simplest translation would be a sense of Afghan-ness. Islamiyat refers to Islamic studies in school curricula, but was used by some interviewees in the *Afghan Hearts, Afghan Minds* report to express a broad sense of being a devout Muslim.

xix Broadly, honour or 'face'.

xx Holt, V. K. and Berkman, T. C. (2006) *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations*, (Washington: The Henry L. Stimson Centre)

xxi The Royal Norwegian Embassy in Kabul (2008) *Norwegian led PRT in Faryab*, available at <http://www.norway.org.af/prt/faryab/faryab.htm>