

# Delivering the impact of peacebuilding

*Policy paper*

## Executive Summary

Peacebuilding in Afghanistan is effective, it addresses local conflicts, supports the stability of local livelihoods and in some areas can also contribute to improving governance. These are not insubstantial effects; however support to peacebuilding programming has never reached a critical mass for it to be scaled up to a provincial let alone national level. The international community and Afghan government have recognised the challenges in sub-national governance and justice delivery, but continue to approach the reform effort in a technical approach from the centre down, which ignores the legitimacy of local institutions and contributes to the detachment that local communities feel from the government and makes them more vulnerable to the influence of other groups and endangers their livelihoods.

In order for access to justice to be expanded a layered peacebuilding approach needs to be instigated including community level support and recognition of existing conflict resolution mechanisms alongside semi-formal appeal systems and political reconciliation between groups to reduce conflict. These interventions must be based on ground realities and must recognise that 75% of cases brought to peace councils relate directly to livelihoods issues including access to and ownership of land, access to water, debts and payments of the bridge price (toyana).

In addition there is also a clear pattern in the annual cycle of local conflict with important peaks in local conflicts in the times of planting, irrigation and harvesting of crops. A growing feature of the conflicts addressed by the councils are communal, rising from under 30% of the cases to 40% over the period from 2005 to 2008. Furthermore as the overall security situation has deteriorated, freedom of movement has reduced and governance has come under stress local communities have seen a parallel increase in the intensity of local conflicts.

The analysis in this paper is underpinned by the findings of CPAU's Conflict Analysis series which covered 8 districts in 5 provinces in Afghanistan (Badakhshan, Kunduz, Kabul, Wardak and Ghazni). The studies have been conducted by CPAU with the financial support of Trocaire. The views expressed in the papers are the sole responsibility of CPAU and the authors and are not necessarily held by Trocaire.

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Cooperation for Peace and Unity

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The analysis and recommendations in this policy paper are based on the conflict analysis project which CPAU has undertaken with the support of Trocaire. The research was carried out in 8 districts in 5 provinces in Afghanistan including Badakhshan, Kunduz, Kabul, Wardak and Ghazni. The research used a range of primary data from the activities of Peace Councils established as part of CPAU's ongoing Peacebuilding Programme and a wide range of secondary sources.

CPAU is calling for the Afghan government, international community and implementing organisations such as NGOs to recognise the significance of peacebuilding and conflict resolution as stand alone programmes in order to deliver locally accountable justice, assist in stabilising livelihoods and improve some aspects of governance. As a result CPAU recommends that;

1. The Government of Afghanistan should provide political and administrative backing for a trial of a multilayered peacebuilding programme as part new plans for judicial reform in Afghanistan.
2. The Government of Afghanistan must make strides in improving the appointment of local government officials including more relevant merit based approaches which lead to the appointment not only of technically competent individuals but ones that also are able to operate in the political contexts of their districts and provinces.
3. The donor community and Afghan governments should include strengthening of the informal justice sector within their strategic interventions and programmes in Afghanistan these interventions should include community based peacebuilding, broader Traditional Dispute Resolution and Peace Education;
4. The donor community should fund province wide trials of this multi layered peacebuilding, possibly through clustered CDCs, to demonstrate that supporting informal justice mechanisms is an important part of improving governance and the stability of local livelihoods as well delivering justice locally;
5. NGOs and donors should sensitize their staff about Do No Harm concepts and should be aware of the consequences that their interventions may cause at community level;
6. NGOs and donors should review existing interventions with regular community consultation on the conflict sensitivity of their programmes.

### **Traditional dispute resolution and justice**

Councils that are trained in peacebuilding (primarily skills in mediation and negotiation of conflicts in a non-violent and equitable fashion) are able to address local conflicts and serve as a local forum for local justice. These councils are able to interact with other informal local councils (such as an NGO supported project based council) or formal bodies such as governor's office (wuluswal) and refer cases between the relevant bodies so that they can be addressed in

the appropriate manner. Through the councils religious legitimacy for decisions made by the council is enhanced by the presence of religious leaders.

**75% of cases brought to peace councils relate directly to livelihoods issues including access to and ownership of land, access to water, debts and payments of the bride price (toyana).**

There is also a clear pattern in the annual cycle of local conflict with important peaks in local conflicts in the periods of planting, irrigation and harvesting of crops. A growing feature of the conflicts addressed by the councils is that they are communal, rising from under 30% of the cases to 40% over the period from 2005 to 2008. Overall one-third of conflicts are communal in nature and two-thirds are familial. Furthermore as the overall security situation has deteriorated, freedom of movement has reduced and governance has come under stress local communities have seen a parallel increase in the intensity of local conflicts.

These are significant achievements for an intervention which involves basic investment in human capital through training in peacebuilding and conflict resolution and a commitment by communities and implementing organisations to promote and monitor the role and activities of the peace councils. There are many examples that can be drawn on to contextualise the way the councils operate and can generate the impacts outlined above;

- **Councils are able to arbitrate disputes between communities regarding the allocation of resources which may be changed by development projects.** For example in Badakhshan the villages of Lower and Upper Chapchi in Baharak disputed the distribution of electricity generated by a micro-hydro project supported by the National Solidarity Programme (NSP). Changes in access to resources such as water, land or services like electricity can threaten the stability of local livelihoods and the council was able to intervene to ensure an equitable distribution of electricity in this case was restored.
- **Local councils are also able to intervene in broad social issues such as the protests regarding the Danish cartoons in 2006.** Peace council members in Badakhshan intervened with local leaders to ensure that protests would be peacefully carried off and altered the way in which the protests there were to be organised.
- In a recent case in Farza district north of Kabul, a murder case was complicated by competing claims between families about an arranged marriage. The Peace Council was able to address the family related marriage issues, whilst referring the criminal aspect of the case to the local governor and police to be dealt with in the formal justice system. **The councils' activities allows local officials to deal with the most pressing issues rather than being dragged in to family issues.**

The training of councils can add value to existing capabilities within Afghanistan communities. Traditionally dispute resolution councils in Afghanistan are more reactive to disputes and need support to proactively head them off or stop them escalating. Councils that are trained in mediation and given a legitimate role in local justice are able to respond to conflict more

proactively therefore reducing local conflict especially communal tension, which is of increasing importance as governance comes under increasing pressure from armed resistance, internationally driven reforms and a burgeoning Afghan population.

### **Local conflict, peacebuilding and governance**

**Both local and higher order conflict can have an impact on the effectiveness of state governance institutions.** Whilst there have been a number of studies looking at sub-national governance they have focused on issues of programme delivering (health and education) or fiscal issues (such as reforms in the Ministry of Finance). When these studies have addressed security related issues they have tended to highlight bureaucratic issues rather than the political economy of the way in which local level state governance institutions function.

As a result technical governance programmes can provide support to governors through providing basic resources such as desks, chairs, cars and even computers, but this will not improve 'governance'. It will not stop some governors being predatory or favouring one group over another and it will not address local, district and provincial political dynamics. As a result of the fact that local political groups only get support (or provide support to) a limited circle of groups based on a range of affiliations including, parties, ethnicity, ideology, the other groups in the area can become disenfranchised and turn to other groups to be able to hold the government to account.

In Ghazni the insurgency dynamic is particularly instructive. Insurgent activity in Ghazni has essentially cut off Jaghori and Malistan from the provincial capital leading to the deterioration of state governance capability in the districts. This is coupled with the fact that key government structures are filled with officials who are linked to a political party. As a result **conflicts have increased for a number of factors but have been exacerbated by the instability in the rest of the provinces leading to the intensification of conflicts.**

**The political party government officials are then given *de facto* free hand to run the district as they please, with little recourse for local people to higher authorities in the province who would normally be able to rule on contested conflicts.** The insurgency has however been stopped from entering these districts because of national level agreements between several political parties, including Wahdat, Ittihad and seemingly the Taleban. There have been attempts by the Taliban to exploit local cleavages in these districts but these have not succeeded to date.

In Wardak the Taleban seem to have been able to establish alternative governance structures, including judicial structures dealing with conflict resolution. They have been able to spread their influence in the area over a number of years, beginning probably in 2005 and have gradually worked at expanding their influence. Both official and unofficial local political structures span the spectrum of political and ideological divisions and it is difficult to divide the two sides – some government officials have had links to both Jihadist and Taleban groups, and Taleban resistance groups have likewise had prior involvement with Jihadist parties and the Taleban

themselves. In many senses there is little difference in political leaning of the leaders on both sides, and it is more reflective of local power struggles rather than national cleavages. The resistance groups have successfully exploited the inability of the government political leaders to deliver on various government promises, including the delivery of effective conflict resolution mechanisms (though not necessarily non-violent or equitable), but it is primarily connected to conflict between groups who have pre-existing conflicts.

**In areas less affected by the insurgency there are also several important points. In the Shomali plain north of Kabul the insurgency does not seem to have any real credibility – and is safer to travel for most Afghans though social conflict is still significant.** This may be very localised with the parties in the Shomali plain effectively deciding that they gain more from their proximity to Kabul than by resisting the government. This of course may be subject to change.

The following three dynamics seem important; **firstly** local resilience to the spread of the insurgency is primarily linked to party dynamics rather than government delivery. **Secondly** where the Taliban gain territorial supremacy the conflicts do not merely stop, they are dealt with through Taliban conflict resolution structures which as experiences in the 1990's showed are not necessarily in tune with local preferences (religious or tribal) and there continues to be ongoing conflict between these factions. **Thirdly**, local level conflicts do seem to be exacerbated by a breakdown in governance systems because of wider conflicts in the province which may not necessarily be present in individual districts. This indicates a wider point made nationally, that as conflict consumes parts of the country, neighbouring areas are being brought in to a spiral of escalating local conflicts, at times exacerbated and exploited by the insurgent groups to gain access, at times purely because governance systems are under stress because of the inability of actors to function as expected.

In addition to support to communities livelihoods and access to justice trained councils also can facilitate improvements in some elements of governance. Informal councils have a range of interactions with formal governance actors including the police, governors and line ministries. However the quality of their interactions can be strained by a number of factors, including the low capacity of communities in promoting some of their needs, the at times predatory nature of governance actors and slow implementation of development programmes and service delivery.

Councils that are trained in peacebuilding and conflict resolution stand a better chance of interacting more fruitfully with formal governance actors. This is partly because when the programme is implemented the programme the training is delivered to the council members and governance officials so they all understand the aim and purpose of the councils in addressing local conflicts. Community skills are bolstered because the training allows the local community members to practice negotiation and mediation to conflicts, which are skills they can also use in engaging with the government.

As a result of the fact that one-third of conflicts that the councils address are referred to them from another informal or formal governance body the councils then become part of the

### Combining Peacebuilding activities

There are a number of activities that constitute peacebuilding, and to be fully effective combinations of approaches and interventions need to be carried out at several different levels. For example;

**Community based peacebuilding** which trains local councils in non-violent equitable conflict resolution engages local village leaders to address local conflicts. This is positive, but is made more sustainable by the concurrent implementation of activities such as **Peace Education** which delivers a curriculum based on non-violence, equality, negotiation and mediation in schools. This is important because the councils focus on the leadership of a village or neighbourhood, but the messages need to also be delivered to children to stop them escalating their parent's conflicts.

Likewise these village level interventions need to be supported by **broader Traditional Dispute Resolution between social groups** across several districts or provinces (tribes, parties or ethnicities) so that conflicts between these social groups which may have started during the Jihad or the Taleban period can finally be addressed.

**Finally, all of these processes need to be recognised by the state** and whilst local councils can deal with some civil cases, they are not allowed to deal with criminal cases currently. The lack of coverage by the formal justice sector means that councils are carrying out the criminal justice function in some areas in any case and legitimising them would be the easiest way of bringing them in to the justice framework for Afghanistan.

governance system at a local level. In positive examples, such as in Farza, the combination of proactive local governance, the peace councils and some development projects has led to an improvement in security and reduction of local tensions therefore allowing trade and development to grow more easily.

Not all areas of Afghanistan are able to access positive formal governance structures and in those areas, such as some areas of Ghazni and Wardak the councils perform a function in protecting local communities from predatory actors and resistance groups. This is an important function as it provides some protection against insecurity because the potential for groups to exploit local conflicts for their own ends is therefore reduced. In these areas, along with the peace councils, additional efforts in security, governance and development are required, but the peace councils at least provide a safe haven for communities.

### Local conflict, peacebuilding and development

It is clear that conflict can be exacerbated, and reduced, by the actions of development agencies and governmental actions. Development in and of itself is often conflictual, and the aims to reform the government of Afghanistan are inevitably going to be conflictual because so many different elements are being extended, reformed and remoulded at the same time, it is impossible for it to be un-conflictual.

**Nationwide programmes and processes that impact on governance have significant potential to be conflictual.** The impacts of the DDR and DIAG programmes across the districts have been varied, in some areas leading to an improved security situation (Farza) along with other steps to improve local governance. In other areas it has increased instability (Baharak), altered local power structures (Wardak) and not helped to address issues of predatory armed groups (Malistan).

Where it has brought positive outcomes disarmament has worked in concert with other governance activities. These were not necessarily part of the programme plan, but were actions taken by Afghan civil society, local leaders and communities together. These are very hard to plan for, and difficult to manage if you are delivering a technical programme, but local conditions matter significantly for the potential

for disarmament to work, an area which has barely been addressed in either DDR or DIAG programming.

In three of the 5 districts under consideration (Baharak, Malistan and Kunduz) projects related to the NSP caused conflicts that were taken to the Peace Council for resolution. The legitimacy of development programmes can be threatened if they cause conflict, and therefore it is vitally important for steps to be taken to reduce the potential for those conflicts. The issues which have the greatest potential to be conflictual are communal resources, such as water and road construction (which may involve the use of communal land) and as a result particular attention should be paid over conflicts arising in these areas.

**It may not be necessary to invent 'new' programmes or activities to address conflicts arising from existing governance and development actions. It would however be relatively simple, and cost effective, to move towards a system whereby governmental and developmental actors had to demonstrate how they are addressing local conflict within their existing activities, much of which could be kick-started through basic training programmes.** As a result of these trends it seems possible to conclude two points. Firstly, bodies that are trained in conflict resolution seem to be able to reduce the gap between communities and formal governance structures. These do not need to be new bodies, creating a new layer of bureaucracy and complicating power relationships, but existing bodies which exist in most communities can be empowered to take this role. Secondly, governance and development actions are conflictual, and whilst there are good examples of conflict sensitive programming, there are many areas where programmes are not tailored to deal with local issues in a way that reduces conflict – particularly about communal resources.

## **The way forward**

### **1) Expanding Peacebuilding programming**

Peacebuilding in Afghanistan to date has been effective at community and district levels, but the funding available has meant that it can only have a limited and scattered impact. Peacebuilding projects have probably been implemented in many provinces, but normally only in one or two districts of a province and often the different types of peacebuilding engagement have not been supported and implemented in a coordinated fashion.

Several districts in which peacebuilding has been implemented have demonstrated improved governance as a result, in others communities have been able to protect and provide for themselves through the insulation the peace council can give them to other political dynamics in the districts. Whilst peacebuilding is not a panacea, it does fulfil crucial governance functions in justice for communities and links them to formal governance structures as a first step in the road to improving governance.

In order for peacebuilding's impact to be felt fully it would need more substantial funding of several connected interventions and for it to be piloted in one or two provinces in every village above 130 households in a province. This would include a significant amount of training for local

councils and formalising their conflict resolution status with local government officials. Previously peacebuilding has established new councils but in a provincial trial the most efficient option would be to base the selection of peace council members on the elected members of the Community Development Councils (CDCs) or clustered CDCs.

The training and subsequent monitoring of the council's actions should be delivered by local NGOs who are able to engage in and with the communities to ensure that the dangers of biased decisions by the councils and exclusion of some social groups is limited as much as possible. Further, a formalised appeal system should be developed so that local communities have recourse to higher authorities in resolving local conflicts – these review boards should consist not only of the government, but local legal experts as well as the local implementing NGO.

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## **2) Improving Peacebuilding programming**

There also seem to be several areas where existing programming by NGOs could be improved. Firstly, that the Peace Councils are actually dealing with conflicts that follow the livelihood cycle of most Afghans, which at the very least is an affirmation that the councils are relevant to local conflict. Secondly, it provides a number of important points about when interventions should be made by organisations supporting the Peace Councils.

March, May and October are probably not helpful periods to invite Council members to visit other districts, or to Kabul for further training – however September seems to offer an opportunity when the level of conflicts reduces and additional support or training can be given in that period. Thirdly, other actors involved in delivering programmes should consider carefully the timing of interventions- particularly with regard to land and water management, ownership and use so as not to inflame potentially already tense local relations.

Equally in months with heightened conflict levels staff should be focused on conflict resolution activities and potentially additional resources from other programmes could be reallocated to deal with high demand in March, May and October.

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## **3) Beyond peacebuilding**

Interventions cannot be implemented in a vacuum. Too much of the current sub-national programming focuses on technical processes and more attention needs to be paid to both local level capabilities and existing legitimate institutions that could be supported as well as the political dimension around issues such as land reform and local government appointments.

Most of the serious conflicts that are of concern to Peace Councils, local shuras, government bodies, the development community and international bodies cross over many areas in addition to often being linked in to larger, at times, regional issues. Therefore not only do factional conflicts involve national level parties in local disputes, but they can alter local dynamics, not just in security and politics, but in terms of economics and social relations. Another example is when family and community disputes over toyana can escalate leading to social tension and in extreme cases violence and murders.

As with the dimensions of conflict from local-regional, so the dynamics of conflict often bleed in to one another. There may be implications in access to rural credit as armed opposition groups continue their actions. This may be because they allow criminal groups to operate (when government bodies are trying to deal with other issues) leading to increases in robbery and kidnapping making the risks of money transfers higher, or threatening to cut off money supplies to certain areas for military or ideological reasons.

## **Recommendations**

1. The Government of Afghanistan should provide political and administrative backing for a trial of a multilayered peacebuilding programme as part new plans for judicial reform in Afghanistan.
2. The Government of Afghanistan must make strides in improving the appointment of local government officials including more relevant merit based approaches which lead to the appointment not only of technically competent individuals but ones that also are able to operate in the political contexts of their districts and provinces.
3. The donor community and Afghan governments should include strengthening of the informal justice sector within their strategic interventions and programmes in Afghanistan these interventions should include community based peacebuilding, broader Traditional Dispute Resolution and Peace Education;
4. The donor community should fund province wide trials of this multi layered peacebuilding, possibly through clustered CDCs, to demonstrate that supporting informal justice mechanisms is an important part of improving governance and the stability of local livelihoods as well delivering justice locally;
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