

The core challenges which are threatening a stable peace and the aftermath of peace-process of Afghanistan

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Abstract

This paper discusses the core challenges for stabilized peace in Afghanistan. As the peace-process are going on between the government of Afghanistan and Taliban. People hope that the peace-process will bring happiness and economic development to this country. But there are more challenges which pose serious threat to stability even if the peace-process is successful. This paper has discussed the fragile state and its inability to tackle the fundamental issues, the economic problems, the property problems, the burden of returnees and refugees and the security problems.

Keywords: Threatening, stable peace, aftermath, peace-process

Introduction

Afghanistan is a failed state with almost the total breakdown of its formal institutions (Englehart, 2010) ^[1]. And often announced as a failed state by international media. According to the Fund for Peace (FFP) Organization 2016 fragile states index, Afghanistan is still on high alert occupying 9th position. Since last ten years Afghanistan has been ranking in top 10. Afghans are losing hope in the government's efforts to reform the nation; traditional tribal politics are superseding government's initiatives (FFP, 2012, p. 3) ^[2]. Formal institutions are ignored at a large level; state is unable to exercise its sovereign power in remote and some semi-urban areas. In addition to the public rejection of formal institutions, local warlords, insurgents and tribal leaders deal problems their own way. Constitution is one of nations' foremost prestigious laws of 21 centuries; it is considered essential for the check and balances of state's three branches. As, the implementation of Constitution is always of concerns in developing countries. According to a survey, Afghanistan is a country where all of the articles of the Constitution have been breached, except one article in 13 years period since its establishment (Barakzai, 2016) ^[3]. The conflict in Afghanistan has four stages, first is the period of Soviet occupation, associated with mass killings of innocents, disappearance of political opponents, tribal leaders and target killings in huge numbers. The second stage is the collapse of Soviet occupation and Soviet installed government and the Beginning of the civil-war leaders were the people fighting against Soviet. The third stage was the Taliban and Northern alliance and the final stage was the US invasion after the event of 9/11.

The economic challenges

Afghanistan is cited as the country where foreign aid has not materialized into effective state Institutions. NGOs have created parallel institutions to replace the government. As a result, the Recipient government is unable to make its own decisions about what services should be provided (Ezrow & Frantz, 2013) ^[3]. According to Nojumi, some two-third of

foreign aid spent outside of the government by NGOs, it was highly criticized by experts that argued it has undermined the efforts for building state institutions. The donors were concerned about the weak capacity of government staffs (Nojumi, 2016, p. 63). Donors allocated a lot of aid off-budget, the multi-level subcontracting projects emerged and it was a daunting task to coordinate these aid (Bizhan, 2015). This donor driven policy caused state's weakness. According to Waldman, accountability in projects implemented by NGOs is limited or does not exist. Donors' performance is usually confidential or little publicized, which make them to the non-commitment of their duties to enhance effectiveness and efficiency of projects (Waldman, 2008, p. 20). Multiple organizations working for the same aim in the same institution created many organizational disorders. If we bring directorate of education on provincial level as an example, at local level with the directorate there were several NGOs working without proper plan and coordination in the education sector and the directorate was lacking resources to manage NGOs activities. It was impossible to monitor and evaluate the projects, in general the projects conducted by NGOs do not have sustainability. Almost half of the projects are not functioning now, as it has been ten to fifteen years, it's not a long period for construction and other infrastructure projects which were built for long term. This created mistrust and huge gap between people and government, because the government failed to manage foreign aid for building its local foundations. Vibrant civil society is very important for democratic transition and consolidation. After the collapse of Taliban regime in 2001, state building processes were started for the transition to a relatively stable democracy, but today Afghan society is in crisis worse than war era. The Civil Society in Afghanistan could not win the hearts of Afghans and they were not welcome, because of their unfamiliarity with local customs and culture. Currently, as foreign aid decreased to its half, many NGOs and Civil Societies have stopped working. Billions of dollars spent, but "currently, Afghanistan is unable to sustain its

security forces on its own, facing budget deficit, almost 70 percent of its budget dependency on foreign aid" (Ezrow & Frantz, 2013) [3]. In addition, most of the NGOs employees were foreigners, working on high salaries, they were working at the top order of planning without considering the needs people and this country had. The little dependency on NGOs driven development could have taken Afghanistan to the long run viability. Security threats and the Warlords were other sectors that deterred civil society performance.

Moreover, foreign-aid for peace-building in Afghanistan is considered assigning a child the job of adult (Jonathan, 2002, p. 4) [9]. As foreign aid weakened the structure of democratic system, which was considered to be accountable and responsible for the people of Afghanistan (Suhrke, 2008, p.1) [8]. As I mentioned the government is mainly formed by Warlords, the aid went to their pockets; they have transformed all their capital to other countries. The money was supposed to use for reconstruction and rebuilding of the state-economy.

The problems of refugees and returnees

Millions of Afghans are refugees in Pakistan and Iran living uncertain future hundreds of thousand have returned home with vulnerabilities. Most of the returnees face the problems of access to their prior to immigration owned land and houses, According to the case study, 51% of them had homes before seeking refuge, 27% owned land. But currently they don't have access to their property and 71% found their property damaged upon their coming (Habibi & Hunte, 2006, p.9) [10]. Due to unsecure land tenure, it is really problematic for international organization to provide sheltering contribution to returnees. Within exile or because of war they have lost all documents to prove their ownership, their property is claimed by different people. There is complex interplay between the pull and push factors, pull factors are the driving force behind the decision to return, many returnees said that the improvement of security was their first preference and the improvement of employment in Afghanistan second. The harassment by police in Pakistan, return to relatives, the feeling of lack of belonging and the cessation of food rations and camps closure were some of the challenges (Habibi & Hunte, 2006, p.18) [10].

Human security is one of the important indicator to determine whether the post-conflict state is ready for repatriation or not, because human security is important factor for the human development. Returnees are the most vulnerable to be effected by bad security (Wojdyla, 2015, pp.16-17). Returnees are internally displaced, because of the insecurity in their places of origin. Where government has no sovereign power, young returnees are really exposed to be recruited by extremists groups, because of having no legitimate means for income and social isolation (Ahmadi & Lakhani, 2016, p.3) [12]. Due to the security situation, many factories have stopped working. The investors are trying to extract their capital out of Afghanistan. Which has been resulted in huge crisis in employment sector.

Security challenges

Security has hampered daily life and economic activities, otherwise, Afghanistan has known for its untapped mineral deposits. Extracting and exploring the semimetal deposits & natural resources need foreign companies to invest in. But

attracting foreign firms usually depend on clear and unambiguous regulations. As International firms need transparent and reliable ways to deal with the legal and regulatory environment where they invest. The taxation law, property law, commercial law and the arbitration are the areas where there are problems and I want to explore them. But it is evident that, there is no legal protection for foreign investors in Afghanistan (Wani & Rehman, 2017). Kakar & Wani suggest that Afghanistan weak judiciary is the main cause of foreign investors not investing in Afghanistan, the legal system cannot shield investors' property and contract legislation (Kakar & Wani, 2018). The tax policy is caught in government fabricated tax demands, withholding of business license renewals, non-issuance of business visa, freezing of banks accounts. The current 48% marginal effective tax rate is not business friendly, it discourages domestic and foreign direct investment and causes the business community to retain capital and assists outside of Afghanistan. In addition, the double taxation of both business receipts and corporate income is seen as punitive. The tax regime in Afghanistan remains cumbersome and tax compliance is low, hundreds of nuisance taxes remain on the books, agencies collect a range of licensing and permit fees and other quasi-tax payments, companies' awareness of tax policy and law is low. The lack of tax enforcement offers the obvious benefit that many firms pay no taxes other than customs fees. The larger companies complain that the more visible and responsible companies are shouldering a disproportionate share of the corporate tax burn (Brooks, 2017) [14].

Property problems

Poverty is the main cause of conflicts; the effective management of land can lead to the economic development and finally remove all barriers for peace-building in developing countries. Based on the studies conducted in some African countries and Cambodia about land reforms, it sounds that state top-down approach of land reforming has failed in developing countries. Because legal reforms about property issues without consideration to local needs and context will never meet the objectives. Afghanistan is now in the stage of reforming its property related legal regime, but it has failed because of unfamiliarity with local context. In rural areas people have rejected state's property reform proposal. On the otherhand, informal land tenure is also not trustworthy and well-functioning at all. Because of its mismanagement in registration, outdated mapping system, their dispute resolution system. Because, Property rights and land management is directly linked to peace building. As studies show that; land issues are always ignored when it comes to peace building. There are many land's cases in Afghanistan, which contribute in the development of conflicts. Therefore, all these mentioned challenges in land administration hamper peace building in Afghanistan.

Afghans believe that their property is their honor. It is another major challenge for the Afghan government, next to fight against terrorism (Peter, 2011) [15]. In addition, Land conflicts are hidden wars in Afghanistan (Schütte, 2015, p.3) [16] the importance of land in economic and social empowerment of Afghanistan is growing faster. But there is no effective mechanism for land management issues. As Afghanistan is in the processes of peace building and state building, a well-functioning land managing system can foster peace-building process and it can re-establish people trust on

state. Without due consideration to local norms, it might be impossible to regulate state's land administration system, but it is possible to merge local land management system into state administrative system. Therefore, it is needed to establish local level rules that link Villages and communities to government for the purpose of establishing trust on local government, consolidating peace and economic development. Land titling issues are very complicated in Afghanistan. Very few people possess official documents to prove their rights to the lands they live on, land registration was not successful in pre-war era though, but there was a system developed for land registration in early twenties. Most of the documents destroyed during the wars. Afghans who had fled during the Soviet war, civil war, and the Taliban regime began to come back into the country, they find their homes and lands occupied by squatters or people connected to high-level government officials or warlords. To make matters even more complicated, some power brokers and warlords who had seized land paid bribes to put the properties they have seized into their names, making it impossible for the original owner to reclaim them.

Conclusion

As foreign aid declined and the NGOs which were engaged in infra-structures and developmental projects have withdrawal, the unemployment rate is increasing day by day, more than 70% of people are living under extreme poverty. Foreign investors have left due to worsen security. Jobless youths are highly vulnerable for the recruitment of insurgent groups. The current situation is of big concern, because Islamic State of Iraq and Syria (ISIS)-Khorasan branch launched offensives in some provinces. They brutally killed women and children, burnt homes, kidnapped women and children. The future of Afghanistan quite uncertain. The refugees and property problems are another challenge for the government.

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