In the Name of God, the Most Merciful, the Most Kind

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Ethnic Politics: the Root Cause of Ethnic Conflicts

Ethnic politics is one of the political issues of Afghanistan. This type of governance approach has been one of the main causes of week governance system in Afghanistan in the past and even it continues to pose a security threat to Afghanistan now. It has had adverse effects on different prospects of promoting good governance and democracy in the country. Unfortunately, even today, there are some ethnic leaders in Afghanistan who continue to use ethnicity as a resource for political manipulation, to ensure the dominance of their ethnic groups by excluding other ethnic groups within national policies that reflect the interests and activities of a specific ethnic group.

Ethnic politics has been a dominant governance approach during most of the history of Afghanistan. As a result, minority groups in Afghanistan have been denied their democratic rights of equal access to socio-economic, political and cultural resources. Such governance approach has been the root cause of security dilemma and week governments in Afghanistan. The concept of security dilemma is mostly used in realist theory of International Relations to refer to a situation where competition to control state power and scarce resources leads to a zero-sum conflict (win-lose) of identities based on tribalism or ethnicity in a specific society. Based on this, ethnic groups have differences in educational attainment, occupational level and land holdings in the given society that leads to a security dilemma which causes separatist or ethnic conflict. Ethnic politics leads to dissatisfaction with the political processes and creates an environment of uncertainty that makes it relatively easy to mobilize people for the use of violence.

Similarly, the control over the justice system by a particular political, social or ethnic elite is linked to inequalities and violence in different countries. Both ethnic politics and the control over the justice system lead to the concentration of wealth and political power in a specific geographical area and ethic group that lay the foundations for economic and political exclusion that can fuel creation of armed conflicts in the given society.

Furthermore, empowering political elites from a certain tribe or ethnic group and exclusion of other tribes or ethnic groups, can give rise to dangerous forms of narrow nationalism and increases inequalities which may result in conflict.

What counts here is that what the Afghan government can do now to prevent further ethnic conflicts, is learning from the historical context of governance system of Afghanistan. Because the main issue that we are concerned here is that, addressing ethnic inequalities is vital to poverty reduction between group inequalities that make up a large component of overall inequality within our society. A focus on only individual inequality would obscure important differences among groups or regions in the country. Group inequalities are important because, in some situations, it is not possible to improve the position of individuals without tackling the position of the groups to achieve such goals.

Successful Ethnic Equality Lessons

Equal Access to Public Services: The government shall ensure all ethnic groups have equally access to the scarce resources. To this end, the obligation of increasing ethnic equality shall run across every part of the government and every part of the society.

Devolving power to all ethnic groups: Supporting everyone to participate in the government structures, to access the services they need and shape their own lives. The Afghan government, instead of top down targets should practically devolve power, public services, and citizens to develop solutions and take decisions.

Transparency: All ethnic groups shall have tools and information to challenge organizations that are not offering fair opportunities and public services for all the people they serve.

Support Social Action: Creating conducive environment to work the public and private sector together to innovate and drive effective measures which build an inclusive and cohesive society based on tolerance and respect for all.

Creating opportunities for all: Developing frameworks that help create fairness and opportunities for all Afghan citizens. Everyone shall have fair access to job, education and health opportunities.

Embedding equality: Leading by example and embedding equality in everything the government does as an integral part of its policies and programs.

In conclusion, social researchers and policy makers need to find out more about the types of inequalities so as to mitigate the divisions that can lead to conflict and underdevelopment in the society. Top down inequalities can be addressed by ensuring equal access to public services, devolving power to all ethnic groups, transparency, and support social action, creating opportunities for all and embedding equality. Such measures would lead to inclusion, fairness, responsiveness and accountability to all social groups that enhance good governance and democracy, harmony in the country.
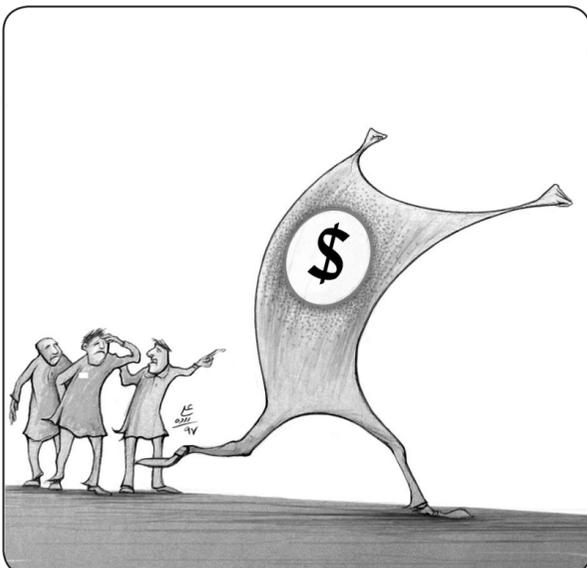
Afghan Police Needs to Spell out its Doctrine and International Support Needs to be Afghanized

By Upendra Baghel

After collapse of Taliban in 2001, the state building started in Afghanistan. Police in Afghanistan started taking new shape. Before Taliban, Afghanistan had limited functional state institutions, including police but continued insurgency and Taliban regime crippled them. Those institutions were not strong enough to withstand the regime change as they were not based upon constitutionalism, continuity and institutional strengths of state pillars: legislature, executives and judiciary and, of course the media as the 4thpillar signifying the freedom of expression.

After 2001, with the changes in Kabul, the new government started building police as the national institution. Mostly followers of local elites, largely militia of local leaders, were inducted in police. These happen in most of the post conflict societies and Afghan is not an exception. Only difference is that it happened at many places in almost all the regions and thus the local power structure remained intact. This power structure was of the alliance partners, mainly Northern Alliance. Their members got more weapons and ammunition and also state resources and legitimacy. Later, they were dressed in police uniforms. Power structure of each region in Afghanistan is unique with different reasons of conflict.

Security sector reform was envisaged as early as in April 2002 and five independent pillars were created each with an appointed lead nation. These were: Military reform (USA), police reform (Germany), judicial reform (Italy), counternarcotics (UK), and disarmament, demobilization and reintegration (Japan). It was an optimistic dream where large world economies took responsibilities of sectors crucial for peace, security and stability.

Primarily, it was a re-establishment of security system in the country rather than reforming it. There was new governance and new Constitution and so all new state apparatus with no linkages with Taliban form of governance. Taliban's governance was very rudimentary and fundamentalist. No one thought that Afghanistan needed to develop its system of governance matching to its rich culture reflecting in its history, calligraphy and literature rather than alien new models. Era of confusion started since its inception. Taliban dissipated among the same people where they belonged and the moment they found space, they re-emerged.

Now, after 17 years where are we? Peak in opium production, massive narco-economy within Afghanistan - almost equivalent to national budget of USD 6 billion, almost 42% of territory either contested or under Taliban, insurgency, terrorism, weapons flow, organized crimes, kidnappings and abductions, corruption and possible sanctuaries for ISIS/ Da'esh are the reality. Although security sector reform is the basic prerequisite to recreate the nations, as the then President Karzai announced in a conference on security sector reform in 2003 but functional capacity of police still remains a distant reality.

Over the period, police reform did not remain as the exclusive domain of Germany but many international partners came forward to support it. Two approaches one influenced by Resolute Support (RS) and USA and other by EU emerged. Both approaches were divergent: RS and USA needed police to support military led counterinsurgency operations and EU countries promoted community based policing. Police cannot be de-linked from counterinsurgency operations and moreover, the success of counterinsurgency strategy depends on community support and communities need to be involved. Security Council mandated UN efforts were never actively sought to reform police and to utilize international institutions and resources.

Afghanistan could neither have conducive political environment, nor operational environment for community policing. In the process, police got converted to a paramilitary force supporting military operations treating every Taliban as enemy: a 'dushman' irrespective of his level of involvement in crimes and criminal activities. Police got pulled into war machine with resource driven strategy of logistics and heavy weapons. Police distanced itself from communities and became a powerful tool of political elites and power structure. Killing a Taliban was considered as a 'de facto' legitimate action of the police. Proportionality of the use of force was seldom assessed. Local feuds got converted to bipartisan where one is pro government and other pro Taliban and newly established police system and criminal justice system started taking sides instead of resolving feuds efficiently in an impartial manner with objectivity. Disputes over land, water and crops are common in Afghanistan. Society has feudal characteristic with strong family ties and respect for elders and religious leaders. Power corrupts and absolute power corrupts absolutely. It is applicable to Afghan situation also. The new policing system without its doctrine and operationalized guidelines, regulatory mechanisms, standing operating procedures, and accountability mechanisms often supported the pro government political elites, which gave Taliban a fertile space to re-emerge.

In the absence of policing doctrine, the police institution in Afghanistan has become an extension of military, where senior officers were deployed from military and administrative and logistics models were also imported from military. The end state of the police, its structure, policy framework, its role in democratic polity, local governance, development, criminal justice system, power dynamics, social dynamics, and national security are not well spelled. Albeit, one religion in the country followed by almost all, the Afghan society is diversified with ethnic and religious differences. Afghanistan is having historical and continuing differences with its neighbors, especially Pakistan and Iran. Afghanistan is the center of regional and international geopolitical interest. These realities should have guided the policing model.

There are many models of policing. Policing evolves in responses to social development and political and economic philosophy of the country. In Bosnia and Herzegovina, the police was state centered - serving the state and after Balkan crisis of 1991-1994, it was reengineered as democratic and restructured as multi-ethnic. In Rwanda, the police was para-militarized to serve the state and after 1994, it was re-established as an independent institution to serve and protect people. Post 09/11, Afghan and Iraq situations and their policing challenges including corruption, factionalism and influence of political elites were similar. Striking feature is that Ministry of Interior in Iraq was not dissolved in 2003 and continuity in policing existed. Iraq followed a combination of centralized and decentralized policing models.

India follows a decentralized policing model where each province has its own police but they are harmonized and coordinated by the central government. Pakistan follows a similar operational model but with centralization. Iran police model is different.

Police reform is highly political process and even then, there was never a wider discussion and consensus in Afghanistan focusing on type of police people want. It was presumed that national police can keep the society in order but structure of such police could not be envisioned. Rule of law based model was imposed on Afghan society without developing policing processes and such a model was bound to fail, as policing is a process oriented field work and these process can never be developed, implemented and institutionalized in project driven ad-hoc approaches of few years. International partners did not 'afghanize' support to Afghan police and they engaged outsiders more undermining institution and cultural strengths of Afghan police. Afghan police is of almost 200,000 personnel and irony is that, international partners don't engage them actively in conceptualization, planning, and execution of their programs. It slows down the capacity development of Afghan police. Afghan police is treated as recipients of sophisticated presentations and programs, often irrelevant and unrealistic. Some of the programs are just data collection, advocacy and reiterating problems. Mindset has to be changed to 'afghanization' of support. Focus remained on infrastructure and support system creations ignoring operational support aligning to operational necessities. Recognizing few highly relevant police programs, largely efforts remained limited to desktop reviews and academic exercises repeating similar policy documents without having realistic implementation, enforceability and institutionalization aspects. Basic policing is undertaken by a policeman who walks on streets and villages 'qaryas'. Other police units are there to support him. He becomes an integral part of community. He is multi-skilled. He empathizes, sympathizes, cajoles, uses common sense of right vs. wrong and legal vs. illegal, symbolizes the Afghan state and uses legitimate force.

Even after seventeen years of engagement, this aspect could never be integrated in international support. International supports remain limited to the program agency's limited mandate and often advocacy tools and attempts to treat symptoms, not the causes of those. One of the basic aspects of police, responding to information, incident, call for assistance with appropriate supervisory and managerial control could not be structured and institutionalized. In place of focusing on policing aspects, international partners chose to focus on nonoperational police support functions such as clinical management system, pharmacy management system and constructions. Even one of the review of one international partner noted that the efforts did not improve policing, as they lacked contextualization and they are detached from Afghan needs.

There are broader and structural problems in policing in Afghanistan and unless these are rectified, it would not be possible for it to gain confidence of people. The people should perceive it competent to provide physical security and maintain order, which are the foundations of peace, security and development. Continued support of international community has enabled Afghanistan to re-establish the police institution, which is competent and committed to take up challenges of reforming and restructuring. There is political will to reform it, guided by political expediency and demand of international community, people and civil society. All international partners across the board started realizing that core aspects of policing were neglected. New Ministry of Interior Strategic Plan incorporated some of these aspects. Afghan police needs massive doctrine based professionalization and institutionalization efforts through reengineering and restructuring, which is possible only through engagement of policing experts in conceptualization, planning, and execution and 'afghanization' of international support.

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Only Poles Can Save Polish Democracy

By Sławomir Sierakowski

Massive protests in Warsaw have made headlines around the world in recent weeks. Poles are demonstrating against legislation enacted by the ruling Law and Justice (PiS) party that would lower the retirement age of Supreme Court justices, effectively forcing out all judges over the age of 65 and allowing the PiS to pack the court with its own tame justices.

The Polish constitution provides for an independent judiciary, and sets the term for the First President of the Supreme Court at six years. That means judges cannot be removed by legislation – at least not constitutionally. Yet the new law enables Polish President Andrzej Duda to replace up to three-fifths of the Supreme Court's 93 justices, including the chief justice, in 2018 alone.

The problem is that the ECJ works very slowly, which means that we could confront a situation recalling that of Hungary in 2014, when the European Court of Human Rights ruled against Prime Minister Viktor Orbán's government after it removed Supreme Court Justice Andras Baka before his term ended. But the ruling came too late. The Hungarian government paid a €100,000 ($117,000) fine, but neither Baka's position nor the rule of law was restored.

Similarly, in a case spanning 2016 and 2017, the ECJ eventually ruled last July that the Polish government's authorization of increased logging activities in the Białowieża Forest violated EU law. But the Polish government simply ignored the ruling, and the illegal logging continued until April 2018, when the ECJ finally threatened to fine Poland €100,000 per day. By that point, 190,000 cubic meters of forest had been logged. The situation today is no different: if the ECJ was going to block the PiS's judicial reforms, it should have done so months ago.

A second problem is even more serious. Whereas 49% of Poles believe that the rule of law is under siege in Poland, 27% hold the opposite view, and 24% have no clear opinion. And though thousands – perhaps tens of thousands – of protesters have gathered in front of the Supreme Court in recent weeks, some eight million people voted for the PiS in the 2015 election. Current polls show that the PiS's popularity has risen to around 40% – more than twice that of the previous ruling party, Civic Platform. This suggests that while Poles may not agree with the PiS's judicial reforms, they are not keen to risk much for free courts – or for liberal-democratic principles generally.

Kaczyński knows full well that his party commands the most public support, and that the ECJ will most likely not be able to act in time. In the absence of an effective domestic opposition, there is little standing in his way. What people expect from populists is precisely their radicalism and readiness to do what they say. This is why people accept ridiculous acts like destroying the Białowieża Forest, even if they disagree with it. And it is why predictions based on public polls make little sense.

What about the courts? Almost all judges believe that the PiS is violating the constitution, which is why Duda is filling the newly created chambers with PiS Ministry of Justice officials and MPs instead of actual judges. One option, then, would be for Poland's judges to go on strike. If Poland's courts grind to a halt, Poles will quickly realize that the law is like air: you only notice it when it starts to run out.

But this is not even discussed in Poland. Judges will not strike, because they are not politicians, and they are not eager for a fight. On the contrary, some of their actions so far have made the situation even worse. They are making serious mistakes in the current situation; the Chief Justice, for example, just went on vacation in order to remove herself from the line of fire. A few

The law – like the economy – has served as a stand-in for politics for too long, embodying the idea that, with no alternative to liberal democracy and free markets, politics can be reduced to technocracy. The rise of populism in Poland and elsewhere is a reminder of the vapidity of that idea. Only Polish democracy can save the Supreme Court, not the other way around.

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The views and opinions expressed in the articles are those of the authers and do not reflect the views or opinions of the Daily Outlook Afghanistan.