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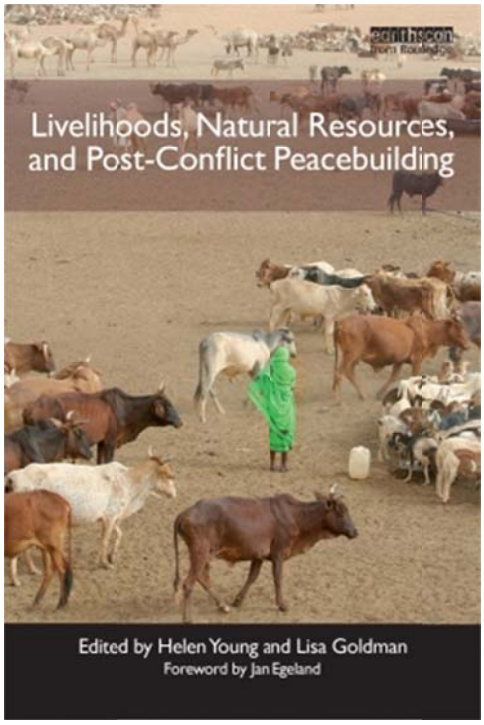

Developing Capacity for Natural Resource Management in Afghanistan: Process, Challenges, and Lessons Learned by UNEP

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Developing capacity for natural resource management in Afghanistan: Process, challenges, and lessons learned by UNEP

Belinda Bowling and Asif Zaidi

For several decades, Afghanistan has been crippled by wars, revolution, foreign occupation, and internecine conflicts—all of which have devastated the natural resource base on which the poverty-stricken rural population is highly dependent and shattered the country's environmental governance traditions and institutions. War has resulted in population displacement, returning refugees, internally displaced persons, land degradation, landmines on agricultural land and in irrigation infrastructure, infectious diseases, and underinvestment in sustainable development (UNEP 2003).

In response to the terrorist attacks on September 11, 2001, the United States launched attacks against the Taliban government that had ruled Afghanistan since 1995 and the al Qaeda units operating from the country. By early 2002, the Taliban regime had been removed. After a week of difficult negotiations between various factions, arrangements were in place in the form of the Bonn Agreement that established an interim government headed by Hamid Karzai, opening the doors to significant investment in the country's post-conflict reconstruction and development.

But this tenuous and fragile peace was short-lived, and by the summer of 2005 Afghanistan found itself once again in the midst of a formidable insurgency that threatens to undermine the development activities initiated earlier. By 2005, the Taliban had returned from their sanctuaries after reorganizing and recouping themselves. They were motivated by a desire to end foreign occupation and questioned the legitimacy of the Bonn Agreement. The Taliban adopted guerrilla warfare tactics in both urban and rural areas, with large swaths of rural areas in

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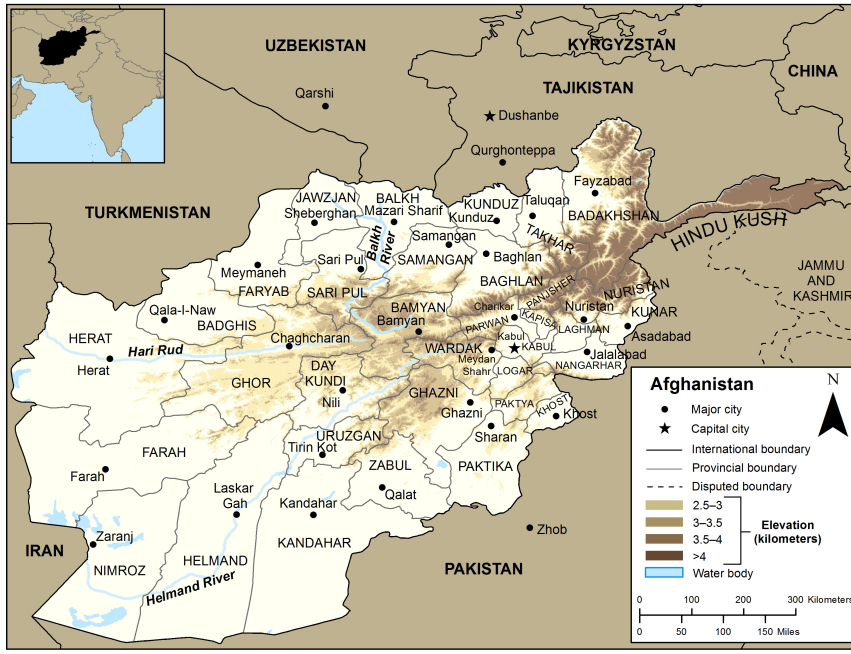
southern Afghanistan coming quickly under their control, at least during the hours of darkness. In urban areas, particularly in and around Kabul, Afghanistan's capital, the Taliban increasingly created a state of perpetual vulnerability for the Afghan and foreign troops as well as for the aid community.

In 2003, prior to the Taliban's insurgence and in response to the post-conflict environmental assessment of Afghanistan by the United Nations Environment Programme (UNEP), the government of Afghanistan requested the assistance of UNEP to ensure environmental and natural resource considerations were integrated into the country's development and governance frameworks. With financial support from the European Commission, the government of Finland, and the Global Environment Facility, UNEP began implementing a program to promote institutional and capacity development for environmental management. The program includes institutional development, law, policy, and community-based natural resource management (CBNRM).

Under the Karzai interim administration, a national development framework was designed, and its implementation initiated. The government and its international partners put in place approaches to slow the pace of degradation of the natural resource base, including a nascent environmental governance structure, and appropriate policies, laws, and other tools to enable effective management of the country's natural resource base. At the core of the institutional and regulatory framework is a community-based approach to natural resource management, which is being pilot tested in different parts of the country. The goal is to combine both bottom-up and top-down institutional approaches to develop CBNRM programs on a broad scale, which will help restore the natural resource base, improve rural livelihoods, reduce the number of disputes and conflicts over natural resources, and contribute to peacebuilding. Even as the Taliban insurgency continued, CBNRM projects were being successfully implemented in the central highlands, and in northeastern and western Afghanistan.

This chapter focuses on UNEP's experiences since 2003 in building environmental governance in Afghanistan, namely the development and pilot implementation of a CBNRM policy and regulatory framework, which in Afghanistan must be considered against a backdrop of land tenure insecurity and conflict over access to certain natural resources.

The chapter begins with a brief description of the state of natural resources in Afghanistan. It then looks at Afghanistan's natural resources through a conflict analysis and peacebuilding framework. The next section sketches out the environmental governance architecture, followed by an introduction to the community-based policy and regulatory approach to natural resource management. The chapter then discusses some of the pilot CBNRM efforts and describes some of the obstacles encountered by UNEP in implementing the new approach. The chapter closes with a discussion of lessons learned by UNEP during its operations in Afghanistan and how this experience may inform international response to future conflict scenarios.



A DAMAGED NATURAL RESOURCE BASE

Afghanistan does not have the rich oil resources of Iraq. But natural resources are critical to the livelihoods and survival of the Afghan people, since the vast majority are farmers and herders who depend on the country's natural resources—water, pastures, forests, and arable land—and the ecosystem services these natural resources provide.

Water is the country's most critical natural resource and key to the health, well-being, and prosperity of the Afghan people (NEPA and UNEP 2008). Because the country has an arid climate, water resources are scarce, especially during drought periods. Mountain ranges, in particular the Hindu Kush range that extends from northern Pakistan to central Afghanistan, serve as "vital 'water towers' for Afghanistan and Central Asia as a whole" (NEPA and UNEP 2008, 11). The availability of, access to, and quality of water—or, especially, its absence—can be a source of conflict or a driving force for migration. Water availability in Afghanistan is affected by the melting of mountain glaciers (due to climate change), severe droughts, and poor management of water resources. Access to water resources has also been affected by war-inflicted damage to large and small irrigation systems and the disruption of existing water supplies.

Pastures, forests, and biodiversity products are also important natural resources for the country's rural population. According to a 2008 report from

Afghanistan's National Environmental Protection Agency (NEPA) and UNEP, "[t]hese natural resources are rightly considered 'the wealth of the poor' in Afghanistan because rural people . . . depend on natural and agricultural ecosystems" to provide pastures and rangelands for grazing and hunting; tangible goods such as crops, fruit, timber, fuel, fodder, and medicine; income, from by-products such as textiles from wool; and services such as erosion control, pollination, and water drainage stability (NEPA and UNEP 2008, 15). Various forces—including war, natural disasters, population growth, and increasing demand for natural resources, such as wool and medicinal plants, at home and in neighboring countries—have led to significant depletion of natural resources.

Land, particularly agricultural land and rangeland, is an equally valued resource. Due to its socioeconomic and geographical conditions and the ongoing conflict, Afghanistan has for decades been severely affected by land degradation, which in turn contributes to increased internal migration, particularly to marginal lands, and causes further stress on ecosystems. While difficult to calculate a numeric value, broad indicators show that the direct and indirect costs of desertification in Afghanistan is colossal and constantly increasing.[1] Additionally, poor agricultural practices are degrading soil fertility; conflict is changing grazing patterns; land claims and drought are affecting traditional grazing patterns; and silting and flooding are damaging irrigation systems (NEPA and UNEP 2008).

The main cause of this somewhat gloomy picture of the state of Afghanistan's natural resource base, and a driver of conflicts over access to natural resources, is the overuse and mismanagement of natural resources that followed the collapse of national and local governance institutions during the conflict period from 1979 to 2002—the long period of conflict after the constitutional government fell in a Marxist revolution, the Soviet Union invaded and occupied the country for ten years, and the Taliban came to power. This institutional collapse led in turn to erosion of the rule of law, disintegration of traditional governance, reduced human capacity to manage natural resources, and unequal access to natural resources.

NATURAL RESOURCES AS A SOURCE OF CONFLICT IN AFGHANISTAN

The guiding framework for UNEP's work in Afghanistan is *Natural Resources for Peacebuilding and Statebuilding: A Toolkit for Analysis and Programming* (the NRP Toolkit) (UNEP 2012). Developed by UNEP and its partner organizations, the NRP Toolkit is designed "as a field level resource to assist practitioners working in peacebuidling and statebuilding contexts in two ways: 1) to diagnose

[1] Direct costs include loss of associated revenues from forest products; indirect costs include loss of ecological benefits (for example, reduced biodiversity) and key forest functions (such as compromised soil fertility and loss of erosion and flood controls) (NEPA and UNEP 2008).

the linkages between natural resources, land, and violent conflict; and 2) to identify, prioritise, sequence, and monitor natural resource interventions that can support peacebuilding and statebuilding goals" (UNEP 2012, 3). The natural resources that are addressed by the NRP Toolkit are categorized into three classes: "extractive natural resources (such as oil, gas, gold and diamonds), renewable resources (such as water, timber and fisheries), and land" (UNEP 2012, 6).

The NRP Toolkit supports the design and implementation of needs assessment, planning, or programming in a post-conflict situation with various UN-developed tools.[2] Donor agencies, nongovernmental organizations (NGOs), and national actors can also use the NRP Toolkit to inform their own peacebuilding plans, policies, and priorities.

Issues of land tenure and access to natural resources are often the root cause of local disputes in Afghanistan. These disputes present an opportunity for insurgents and antigovernment groups to capitalize on them for their own purposes. A number of studies have shown how local conflicts over natural resources have become flashpoints in the wider conflict.[3]

During the spring of 2008, the Sanayee Development Organization, an Afghan NGO, conducted a field survey in the provinces of Kabul, Ghazni, Logar, and Herat (El Saman 2008). The survey revealed that in rural areas, land and water are the most important causes of local conflict: cultivation of land was mentioned by 78.3 percent of the respondents as a root cause of conflict, water by 70.8 percent, and grazing of animals by 13.3 percent. A 2008 Oxfam survey of 500 people from six provinces also showed that "local disputes are often related to resources, particularly land and water" (Waldman 2008, 3). Oxfam found that this nexus between natural resources and conflict is aggravated by a range of additional factors, such as natural disasters, refugee flows, badly delivered aid, corruption, abuse of power, or the opium trade. A further finding was that in many cases local disputes led to violence, and while the strength and importance of family and tribal affiliations in Afghanistan can be a source of stability, they can also lead to the rapid escalation of disputes. Oxfam concluded that the resulting insecurity not only destroys quality of life and impedes development work but also is exploited by criminal or antigovernment groups and insurgents to strengthen their positions in the wider conflict, beyond the community in question, at regional and national levels.

One local dispute over access to dwindling forest resources is the ongoing armed conflict between the Zambar tribe from Sabari District in Khost Province

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[2] These tools include, but are not limited to, a conflict analysis, a post-conflict needs assessment (PCNA), an integrated mission planning process, a poverty reduction strategy paper (PRSP), a UN Development Assistance Framework (UNDAF), a post-conflict environmental assessment, and a peacebuilding strategy. For further discussion on UNEP's post-conflict environmental assessment methods and frameworks, including PCNA, PRSP, and UNDAF, see Jensen (2012).

[3] See Adbi et al. (2008); Sexton (2012); and Waldman (2008).

and the Balkhel tribe from Jani Khel District in Paktia Province. The United Nations Assistance Mission in Afghanistan (UNAMA) has documented that the natural resource–related conflict has facilitated penetration of the area by insurgents, which has resulted in the districts in question becoming more unstable (UNAMA 2009).

Increasingly, political bodies (Afghan and foreign, such as the United States and the United Nations) are recognizing that local conflict over access to natural resources can result in local political instability and thereby facilitate insurgent penetration and access at the community level. Viewing local issues of natural resource management through a national-scale peace and security lens adds another dimension of complexity to the problem. For example, certain high-value natural resource products, particularly timber and opium poppy, play pivotal roles in funding the insurgency and increasing insecurity in certain parts of the country (U.S. DOD 2008).[4] According to one source, poppy cultivation finances up to 40 percent of the insurgency in Afghanistan (AFP 2007).

While there have been numerous instances of disputes over access to rangelands all over the country, the most politicized and violent have involved Kuchi nomadic pastoralists, who are of Pashtun ethnicity, and central highlands sedentary communities of the minority Hazara ethnicity.[5] In 2009, UNEP developed the *Recommended Strategy for Conflict Resolution of Competing High Pasture Claims of Settled and Nomadic Communities in Afghanistan* to address the most urgent issues regarding conflicts over access to rangeland resources, especially in the Behsud District of Wardak Province in the foothills of the central highlands (UNEP 2009b). *Recommended Strategy* describes the background of the conflict.

> Tension and incidents throughout the foothill areas increased through the warm seasons of 2005 and 2006, always with the same themes; a dispute of ownership of the pastures and water sources lying immediately beyond village-adjacent paddocks.
>
> In June 2007, arriving Kuchi took the opportunity to raise the Taliban flag in Behsud. . . . In the resulting fracas, thirteen Hazara were killed, tens wounded, hundreds of Hazara homes burnt and thousands forced to flee the area. . . . Only the onset of winter saw Kuchi leave, coinciding with a Presidential Order that they do so.
>
> Spring 2008 opened badly with Hazara marching through Kabul in late March accusing Kuchi of taking their pastures. Hazara MPs [members of parliament] also accused the President of favouring Kuchi in a bid to win votes in the 2009 election. This was followed by declamation by a Kuchi MP that Kuchi alone

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[4] For more information on the role of opium poppy in Afghanistan, see Catarious and Russell (2012) and Pain (2012).

[5] For a detailed discussion on the conflict between Kuchi nomads and Hazara tribes in Afghanistan's central highlands, see Liz Alden Wily, "Resolving Natural Resource Conflicts to Help Prevent War: A Case from Afghanistan," in this book.

> are true owners of Afghanistan's land and calling other tribes 'immigrants'. Following a walk-out by offended non-Pashtun, Parliament was closed. . . .
>
> President Karzai issued another directive in September 2008 that the Kuchi leave, which again they did given the onset of winter. Karzai also established a *Presidential Commission for Resolving Land Disputes involving Kuchis and Settled People*. . . . Despite immense efforts and meetings with the Hazara and Kuchi leaders, the Commission has been unable to achieve concrete results. . . . During spring and summer 2009 there has been repeated threats by Kuchi and Hazara, a significant amount of alleged arming by both sides, and even some evidence that Hazara have established a front-line of trenches in the Behsud area beyond which no Kuchi will be permitted to pass. ISAF [International Security Assistance Force of the North Atlantic Treaty Organization] forces admit to handing out food to Kuchi moving into Day Mirdad District from the south-east in a bid to discourage them from moving further into Wardak Province. Rumours abound that President Karzai has ordered that Kuchi be paid not to attempt to move into the central highlands to avoid conflicts during the crucial Presidential election year, but these have not been substantiated.
>
> There is little doubt that the Kuchi-Hazara dispute has already reached a dangerous level. Already in 2008 political leaders were voicing concern that civil war could begin in areas which have so far not been directly involved in the fight against Taliban insurgents (UNEP 2009b, 20–21; internal citations omitted).

The strategic document (*Recommended Strategy*) suggests outlining the historical context of the conflict between settled and nomadic people over highland pastures. In doing so, grievances can be identified and expressed, hastening the route to resolution by summarizing lessons from previous experiences in tackling pasture-access disputes. An action plan is then to be proposed, and a road map made for stakeholders to use when addressing grievances over the long term and securing the future sustainability of the natural resource.

The purpose of the *Recommended Strategy* prepared by UNEP is to provide the government, parliament, local communities, and their spokespersons with broad guidelines, as well as specific suggestions, for resolving rangeland-access conflicts. It includes short-, medium- and long-term recommendations and suggested courses of action. Encouragingly, the leadership of the Ministry of Agriculture, Irrigation and Livestock (MAIL) has embraced the recommendations set out in the *Recommended Strategy*, and core funding from the ministry is being utilized to implement the short-term recommendations. A proposal for a national-scale, community-based pasture management program is also under development, which links closely with the new regulatory framework that has been proposed.

A further issue in natural resource management is transboundary management of resources, especially water resources. A real potential exists for conflict (or cooperation) between Afghanistan and Iran and Pakistan over water. Both UNEP and the United Nations Development Programme (UNDP) have implemented transboundary initiatives for the Sistan Wetlands shared by Afghanistan

and Iran.[6] The level of success has been mixed; successes at the technical level have been marred by strong resistance at the political level. For example, an attempt led by the Wildlife Conservation Society to establish a peace park in the Pamir mountains some years ago, involving the governments of Afghanistan, Pakistan, Tajikistan and China, ultimately collapsed.

Because of the extreme poverty facing most Afghans, the country's susceptibility to drought and other natural disasters, and the arid nature of much of the country, Afghanistan is highly vulnerable to desertification and the effects of climate change (NEPA 2008). Resulting degradation of the land and natural resource base may fuel ongoing conflict and initiate new conflicts in the years to come.

The UN agencies working in Afghanistan have recognized the critical role that natural resources play in local disputes and conflicts, and made the issue a priority in the UN Development Assistance Framework (UNDAF) for 2010 to 2013 (UN and GOIRA 2010). The goal of the framework was to increase the prominence of natural resources and peacebuilding in the overarching development agenda, especially to a fatigued donor community weary from juggling so many competing and urgent country-level priorities. Among the activities was the study *Natural Resource Management and Peacebuilding in Afghanistan*, which largely draws upon UNEP's field projects in Bamyan Province that started in 2008 (UN Country Team in Afghanistan 2013).

THE NASCENT ENVIRONMENTAL GOVERNANCE ARCHITECTURE

Afghanistan is besieged with wide-ranging problems that demand the attention of the international community: lack of peace and security; a dearth of functioning governance structures; human rights violations and gender inequality; destroyed infrastructure; a flailing and weak economy dependent on illicit poppy revenue; and a population bearing the burden of both extreme poverty and limited social development, ranking 175 out of 185 countries in the 2012 Human Development Index (UNDP 2013). Under such extreme circumstances, environment and natural resource management has had to compete for a place in the post-conflict reconstruction and development agenda.

An emergency *loya jirga* (grand council) held in mid-2002 to determine the structure of the transitional administration of Afghanistan decided that, for the first time in Afghanistan's history, the government mandate should expressly include environmental protection. The mandate was added to the ministry formerly responsible for water and irrigation, which was renamed the Ministry of Irrigation, Water Resources and Environment. However, transitional phases in post-conflict peacebuilding are often characterized by institutional instability, and like a hermit crab looking for the right shell, it took some time before the right institutional

[6] For a discussion on transboundary water issues in the Sistan Basin, see Dehgan, Palmer-Moloney, and Mirzaee (2014).

home was found for the new environment mandate. This process was completed in 2005 with the establishment of the National Environmental Protection Agency (NEPA). NEPA's broad mandate is to protect the environmental integrity of Afghanistan and support sustainable development of the country's natural resources by providing effective environmental guidance and management services. The agency, which is an independent entity headed by a director-general who reports directly to the Office of the President, is responsible for policy making, regulation, coordination, monitoring, and awareness raising.

It is important to understand that NEPA is not a line ministry or agency; in regard to natural resource management, that function lies primarily with the MAIL. In one incarnation or another, MAIL has been responsible for natural resource management in Afghanistan for decades. In addition to agriculture, it has the functional mandate to oversee forests, rangelands, biodiversity, wildlife, wetlands, and upper watersheds.[7] As a result, many of its senior personnel have relatively strong (albeit decades-old) technical backgrounds, and long-standing institutional memories. Many officials in the Ministry of Energy and Water, which has responsibility for water resource management, have similar depths of experience. For the senior officials in these line ministries, NEPA is a novel, and sometimes threatening, institutional phenomenon. NEPA has not been as warmly welcomed as one might have hoped by many of the old guard because the new agency has started to occupy some of the policy space that was previously considered the domain of other ministries, like MAIL and the Ministry of Energy and Water. There is a sense that NEPA is encroaching upon the ministries' spheres of influence, thereby threatening the ministries with a loss of stature, funding, and prerogatives.

A national planning process that culminated in July 2008 produced the Afghanistan National Development Strategy (ANDS), which included the development of ministry strategies as well as sector strategies. While in principle this process should have aligned priorities and resolved issues of overlapping mandates, in most instances it did not, as discussed in the following section.

In April 2009, the Minister of Agriculture, Irrigation and Livestock announced a new national agriculture development framework, developed in response to the priority given to the agriculture sector in the ANDS and at the Paris donor conference in June 2008 that followed the release of the ANDS. The framework is based on an "agriculture triangle," consisting of natural resource management at the base, followed by agricultural production and productivity, with economic regeneration at the apex. The framework document states:

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[7] The ministry responsible for agriculture has had numerous names since 2002: Ministry of Agriculture and Livestock (2002–2004); Ministry of Agriculture and Animal Husbandry (2004–2005); Ministry of Agriculture, Animal Husbandry and Food (2004–2006); Ministry of Agriculture and Irrigation (2006); and Ministry of Agriculture, Irrigation and Livestock (2006–present) (Banzet et al. 2007).

> Our forests and grazing land, soil and water resources are each needed for agricultural strength. In some cases we can be satisfied by sustainability, but others demand expanding and then protecting our natural heritage. Deforestation must be reversed, not accepted as a fact of life. Water needs to be better harnessed and more efficiently provided for irrigation. Grazing lands and crop lands can each become more fertile and productive. This [sic], the Natural Resources Management Program (NRM) is the base of the triangle, a foundation for agricultural productivity (MAIL 2009, 3).

REVIVAL OF A COMMUNITY-BASED APPROACH TO NATURAL RESOURCE MANAGEMENT

Afghanistan is a feudal and tribal land; for centuries, communities have been self-governed. Until the latter half of the twentieth century, when the state intervened in conservation, communities governed in a sustainable manner so as to conserve natural resources for the use and enjoyment of both present and future generations. Thus, concepts underlying modern CBNRM are by no means alien to Afghanistan's rural communities. But these traditional practices have been eroded over the last forty years by a variety of factors, including the state's attempt to take control of natural resources in the period preceding the onset of the Soviet war in the late 1970s, as well as the impact of the war itself and the subsequent decades of conflict. The revival of these local traditions is one of the core goals of the community-based approach to natural resource management within the country's policy and regulatory frameworks.

The community-based approach to natural resource management, however, is a significant deviation from past government approaches. Until the endorsement of the new policy, Afghanistan had adopted a centralized and protection-oriented approach to natural resource management—one intended for conservation only, under which the community can use natural resources only with state permission. However, the country has never had a tradition of strong central governance—as the crossroads of Central Asia, it has a history of local tribal governance systems united only symbolically by a monarch. It is no surprise therefore that the paternalistic approach to natural resource management adopted by the state in the 1970s was a resounding failure, leading to a violent and effective tragedy of the commons scenario, which in turn resulted in acute degradation of the natural resource base, compounded by the impacts of three decades of conflict.

The new community-based policy approach was initiated by the Asian Development Bank (ADB) and the Food and Agriculture Organization of the United Nations (FAO), which provided technical support to MAIL to develop the Policy and Strategy for the Forestry and Range Management Sub-sectors, which has been endorsed by the cabinet and is legally binding.[8] CBNRM principles and approaches

[8] Council of Ministers Decision No. 26, 18/11/1384.

that have been so successful in other countries in the region lie at the core of this national policy, which addresses the wildlife sector, forests, and rangeland.

UNEP, which was instrumental in developing Afghanistan's first environment law,[9] has been assisting MAIL to develop new forest and rangeland laws. Other legislation—such as those involving protected areas, wildlife and hunting, and medicinal plants—also reflect the country's environmental policy and are in various stages of development, debate, and promulgation.[10]

All of these legislative instruments contain provisions to promote peacebuilding in the context of natural resource management. The draft rangeland law, for example, contains provisions for conflict resolution that are tailor-made for the ground-level realities of Afghanistan's feudal and tribal society. The draft law codifies the community or tribal council of elders (known as *jirgas* or *shuras*) as the preferred mechanism for community conflict resolution. Only in the event that such customary mechanisms fail is there a need to resort to the more formal court system and related justice mechanisms.

Other measures to encourage genuine community-based management of rangelands and to mitigate further conflict over access include the appointment of local custodians to manage private, community, and public rangelands. Custodians are identified as either owners (for private and community rangelands) or as adjacent communities that hold the strongest social, spatial, and historical rights to the rangeland. Where Kuchi nomads are able to demonstrate a long history of seasonal access to public rangelands, the law requires that their interests be upheld as far as possible and secured strictly through local agreement. Only where local—and then district and provincial—mediation fails, may Kuchi submit claims to a presidentially appointed commission to determine the outcome of a dispute.

PILOTING THE NEW APPROACH

Piloting a CBNRM approach has shown some success, although it is still too early to thoroughly assess the effectiveness of the program. One indication that CBNRM is being accepted on the national level is that MAIL earmarked funding from its core resources for a set of CBNRM projects to be piloted by UNEP.

Most pilot projects have taken place within communities that have already undergone a social mobilization process under the National Solidarity Program, a large-scale rural development program that has been implemented in all thirty-four provinces in Afghanistan and has socially mobilized more than 23,000 communities (MRRD n.d.). Through the program, communities have organized themselves into community development councils, often using the tribal council of elders mechanism referred to previously.

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[9] Environmental Law, Islamic Republic of Afghanistan, Official Gazette No. 912, January 25, 2007.

[10] FAO and the Wildlife Conservation Society, among others, have played strong technical roles in the development of these statutory instruments.

On top of this foundation of social organization, technical assistance and seed money from international agencies have stimulated CBNRM projects in Afghanistan. Given the apparent success of UNEP's initial field-level, community-based natural resource projects,[11] additional projects are now under development, which, among other purposes, seek to test and pilot the approaches in the draft forest and rangeland legislation at the community level. A new participatory forest management project being implemented by FAO has a similar purpose.

Other pilot efforts have also fed into the policy and regulatory development framework. One noteworthy effort is a livelihoods project being implemented in the central highlands by FAO, which has assisted several hundred Hazara communities to clarify and entrench collective ownership of rangelands as part of establishing community-based rangeland rehabilitation and management. Resolution of disputes over boundaries and rights of access is the foundation upon which rights of use have been determined by the project partners. Another project—the Afghan Conservation Corps (ACC) implemented by the United Nations Office for Project Services—is a labor-intensive environmental restoration project employing, in particular, women and former combatants. Yet other examples are the successful upper watershed management projects implemented by Mercy Corps in collaboration with the European Commission.

Affected communities have responded positively to the pilot natural resource management approaches contained in the draft CBNRM legislation. Once communities have a sense of ownership (whether recognized by law or not) of the natural resources on which they depend to survive, they will fiercely guard the health of those natural resources.

Traditionally, the government has been seen as an adversary in matters of natural resource management rather than a partner. Now, with the objectives of communities and the government more closely aligned, a spirit of cooperation and trust is being fostered at the local level in these pilot areas. This spirit of cooperation will, in UNEP's view, contribute in the medium- and long-term toward peacebuilding at the community level, and encourage respect for rule of law and increased confidence in the government, as has occurred in the FAO rangeland pilot areas in the central highlands.

OBSTACLES TO IMPLEMENTING THE NEW POLICY APPROACH

In UNEP's view, the primary obstacles to implementing the new community-based policy approach can be grouped into six categories: weak political will, lack of capacity, institutional deadlock, ineffective bureaucratic processes, disputes over land tenure, and security issues.

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[11] Monitoring and evaluation has been undertaken by UNEP, its donors, and an independent evaluation consultant, as well as the government.

Political will

Generally speaking, the senior management and political leaders of the key environmental and natural resource management institutions—namely MAIL, the Ministry of Energy and Water, and NEPA—are committed to their missions and embrace the big-picture road map needed to conserve the natural resource base and limit natural resource–related local conflicts, as articulated in the new policies adopted by the government. However, some of their colleagues—particularly middle-management policy makers—are skeptical, and remain entrenched in state-directed, protection-oriented, and top-down approaches. In a country facing such enormous institutional and capacity challenges, acceptance of the new decentralized, community-based approach (which necessarily involves the state's relinquishment, at least on paper, of some of its former power) has proceeded slowly, with many members of the old guard within middle management resistant to change.

Technical capacity

Notwithstanding the progress already made, government officials need stronger enforcement machinery to implement new laws and policies. They also need significant investment in human resources, especially at the provincial and district levels. The decades of conflict robbed many Afghans of a basic education in analytical and problem-solving skills. The lack of skills is an enormous obstacle, especially when the government is proposing an entirely new approach to natural resource management, an approach that depends on local skills and initiative.

Mindsets cannot be changed overnight. UNEP has adopted a step-by-step approach that has been successful overall, despite the two-steps-forward, one-step-back modus operandi that is the practical reality experienced by UNEP over the course of eleven years of working closely with government institutions. In August 2010, the European Union (EU), a major donor to UNEP's Afghanistan program, commissioned an independent, third-party, mid-term evaluation of the program, which concluded:

> The programme, now in Phase III (2008 to 2011), is managed by the UNEP Post-Conflict and Disaster Management Branch (PCDMB) with implementing partners including UNEP Regional Resource Centre for Asia and the Pacific (RRC.AP), the UNEP Regional office [*sic*] for Asia and the Pacific (ROAP), UNEP Global Resource Inventory Database and IUCN-The World Conservation Union. Phases I, II and III have been funded by the European Commission, the Government of Finland and the Global Environment Facility (through enabling activities). This has been a rare example of a programme managed in a "step-by step" [*sic*] strategic fashion and as such has been very effective (Delegation of the EU to Afghanistan 2010, 17).

Institutional turf

Vying for turf and power occurs all too often among government agencies and ministries, and bureaucratic infighting has certainly had a negative impact on the progress of Afghanistan's natural resource management.

Afghanistan's first national park, comprising the six stunningly beautiful interlinked high-altitude lakes and travertine dams at Band-e-Amir in the central highlands, should have been legally established in 2007. Due to gridlock between NEPA and MAIL, however, the park was only declared a provisional conservation area (a temporary legal status) in April 2009. Similarly, progress in the irrigation sector, which represents a lifeline for many Afghan farmers, has been delayed due to unresolved mandate disputes between the Ministry of Energy and Water, MAIL, and the Ministry of Rural Rehabilitation and Development, notwithstanding parliamentary approval of a new water law.

Historically, ministries have focused on their narrow sectors. Cooperative governance is a relatively new phenomenon in Afghanistan, as is an institutional culture of managing crosscutting issues like environment in a cooperative manner. This has been one of the hurdles to acceptance of NEPA's new coordinating, policy making, and regulatory role, which has affected the new agency's ability to function as intended. Line ministries like MAIL, the Ministry of Energy and Water, and the Ministry of Urban Development prefer to hold for themselves the environmental aspects of their ministerial prerogatives, and fear that any collaboration with NEPA would result in relinquishing control. In addition, given the nascent nature of NEPA, ministries do not have trust in the technical competence of the agency on such major national issues as transboundary sharing of water resources and the environmental impact of extractive industries. There is an issue of status as well: the line ministries are headed by a minister, whereas NEPA is headed by a director-general, although the director-general is a full member of the cabinet. Thus bureaucratic infighting prevents progress, causes disillusionment among the international partners, and reduces donor confidence in the government's ability to implement its natural resource mandates.

Legislative process

The Ministry of Justice is empowered to make substantive amendments to draft legislation to ensure a law does not conflict with the constitution, sharia law, or existing statutes. In practice, however, the ministry's Legislation Department (or Taqnin) sometimes overreaches its mandate and, in a quest to conserve nineteenth-century Afghan legislative norms, can destroy the spirit and letter of draft laws submitted to it for approval.

The setting of policy is the function of the line ministries, not officials in the Ministry of Justice. Once a policy is set, the officials in the Ministry of Justice must ensure it is implemented, regardless of whether the officials agree with the policy. The draft forest law, developed by MAIL with technical support from

UNEP and FAO, is a case in point. Despite pressure from MAIL and its partners, it took the Taqnin approximately eighteen months to consider the technical draft that reflects the new community-based management policy. Although the Taqnin had been included in all consultation exercises, which were unprecedented in their extent, its officials appeared not to have absorbed the spirit of the new policy approach. In a bid to remove all things foreign from the draft, the Taqnin deleted almost all of the community-based provisions of the law and instead introduced elements of a draft forestry law developed during the Taliban regime. The lawyers in the Taqnin did not recognize that the policy base of this Taliban law is extraction oriented and enshrines a centralized approach to forestry, which is in direct contradiction to the new policy approach endorsed by the Cabinet. The approach of the Taqnin dates back to 1880, when a centralized Afghan state was established, and its role was to be the conservative guardian of the traditional Afghan legislative process.

Land tenure

Land insecurity, in itself a source of conflict in Afghanistan, is also an obstacle to effective implementation of a community-based approach to natural resource management. In many post-conflict countries, land tenure is a complex and multifaceted issue. In a country that saw in the latter half of the twentieth century almost one-quarter of its population displaced and successive political regimes use land as leverage for political patronage and expediency, the issues are all the more acute, particularly in relation to access to natural resources (Newland and Patrick 2001).[12]

Insecurity and weak rule of law

Because portions of Afghanistan are under insurgent control and rule of law remains out of reach for many, the development of new policies and legislation is not necessarily the panacea it might be in more stable countries. Many Afghans resort to traditional justice mechanisms to resolve their disputes, with scant regard for formal justice institutions, and therefore for the principles enshrined in the new policies and legislation (USIP 2009). There are three parallel and overlapping legal systems operating in Afghanistan: customary, Islamic, and statutory. Where or when the state does not have the ability or the writ to enforce statutory law, either customary or Islamic law is applied, depending upon the nature of the case.[13] In terms of natural resources, customary laws are age-old, robust, and well tested. However, given the armed nature of the society and the ongoing

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[12] For further discussion on post-conflict land tenure issues in Afghanistan, see Batson (2013) and Stanfield et al. (2013).

[13] For an analysis of the role of Islamic land systems in Afghanistan and other post-conflict countries, see Sait (2013).

conflict, justice is not necessarily available to poor and disadvantaged populations through any of the legal systems.

However, in due course, when peace and stability improve, and once successful CBNRM implementation models have been fine-tuned through pilot projects, it is hoped that the number and extent of such national resource–generated conflicts will significantly decrease.

LESSONS LEARNED BY UNEP IN THE DEVELOPMENT OF NATURAL RESOURCE MANAGEMENT CAPACITY

Afghanistan is a unique case. Nonetheless, some of the lessons learned are relevant to other post-conflict countries, particularly those that have been subjected to a long period of conflict and are in geostrategic locations, underdeveloped, land locked, poor, and natural resource dependent.

First, it is important that environmental and natural resource management concerns are integrated into the national planning, reconstruction, and development processes in the immediate post-conflict period. If these concerns are not on the initial agenda, it will be difficult to find an appropriate space at a later point when the agenda is full of competing priorities. To ensure that the concerns do not slip off the agenda, an in-country international partner is needed to champion the environment from the initial stabilization phase well into the final consolidation phase of peacebuilding. It is clear in the case of Afghanistan that had UNEP not taken up this cause, the environment and natural resources would have been excluded almost entirely from the development planning processes that culminated in the ANDS. It is also important that climate change be mainstreamed into a post-conflict development strategy, for the impacts of this global phenomenon on many developing countries are likely to be dire, and likely to contribute to conflict in the future. While considering the environment and natural resources as part of the initial post-conflict agenda, it is useful to apply a conflict analysis framework for natural resource management during the post-conflict intervention phase, to ensure that such considerations are taken into account (UNEP 2009a). In Afghanistan, an independent UNDP-UNEP project funded by the EU has been approved and is ready for implementation in the central highlands.

Another lesson learned from UNEP's experience in Afghanistan is that overlapping government mandates can cause significant obstacles to governance and peacebuilding at the local level. If possible, mandates should be clearly spelled out during the political processes that characterize the transition phase of peacebuilding. If political realities prevent this from occurring, cooperative relationships between the relevant government agencies should be strongly encouraged by international donors and partners. International partners should also support civil service reform, as interventions at this transitional stage can assist in ironing out issues relating to overlapping mandates.

In many post-conflict situations, there is often a dearth of qualified and experienced human resources at the community level. This is especially true in

environmental and natural resource management, where the technical and scientific information have evolved quickly in the last few decades, leaving many of those trained in traditional natural resource disciplines, such as hydrology, insufficiently prepared to understand and address problems. In-country natural resource management initiatives are unlikely to succeed unless combined with sustained capacity building.

The third lesson UNEP learned in post-conflict Afghanistan was the importance of developing an effective methodology for natural resource management that is relevant to the context in which it is to be applied. Natural resource management cannot be considered in isolation from the broader political realities of the post-conflict situation. Without consistent and sustained progress in peace and security, and establishment of the rule of law, effective natural resource management and restoration of the natural resource base is unlikely to be achieved. The methodology that seems to work in Afghanistan is a combination of bottom-up and top-down approaches to natural resource management. Ideally, there will be a symbiotic relationship maintained between the two approaches, with each informing the implementation of the other.

The bottom-up approach—consisting of field-level, limited-scale, or pilot CBNRM projects—should be implemented early in the post-conflict period. The sooner local communities see improvement in their lives—including the ability to make decisions regarding natural resources that are essential to their livelihoods and welfare—the more likely they are to support the peacebuilding process and resist a return to conflict. There are often numerous small NGOs and other partners implementing local projects. Ideally, these should all be brought together under one broad policy umbrella in order to maximize impact. In reality, though, this cooperation is difficult to achieve. If possible, natural resource management partners should seek to piggyback their activities on any large-scale rural development programs implemented during the reconstruction phase, such as the National Solidarity Program in Afghanistan. Such a strategy assists in scaling up community-level natural resource management approaches without requiring a vast amount of financial or technical resources, or enormous logistical capability. Another factor to consider is reintegration of former combatants through the creation of job opportunities, including those in natural resource management. This was one of the primary aims of the ACC project implemented by the United Nations Office for Project Services beginning in 2003.

The focus of the top-down approach should be the development of capacity and management tools. In regard to capacity building, the initial focus should be on ensuring that functioning institutions exist, first at the central level and then at the provincial level. Once a functional institution exists, technical capacity needs to be developed. This can be achieved through a number of means—day-to-day mentoring, formal training workshops, country-specific technical manuals and handbooks in local languages, and study visits and trainings abroad. Training is needed not only on broad technical issues but also on how to utilize

the institution's management tools, such as laws, standards, policies, databases, and planning instruments.

The combined lessons learned through both bottom-up and top-down approaches should feed into the development of natural resource management policies, laws, and other management instruments, and new policy approaches should be tested in the field on a pilot scale. With each level informing the other, the chances of successfully scaling up pilot activities are significantly increased.

CONCLUSION AND NEXT STEPS

Although significant and positive steps have been taken by the government and its international partners, security and development are still at risk in Afghanistan. The ongoing insurgency and the absence of rule of law in many parts of the country may well thwart all efforts to reverse the destructive trends that threaten the population's livelihoods and survival base. In addition, they may damage the notable progress made in regard to pilot community initiatives, development of environmental governance institutions, strength of natural resource management peacebuilding paradigms, and development of policy and regulatory frameworks.

The government of Afghanistan will need to shepherd its draft laws through the legislative pipelines, including ministerial review, and seek to protect the spirit and integrity of the new laws. Much wider and broader acceptance of the national natural resource management policy is required—including by the parliamentarians who will decide whether or not to enact the new laws and by ministerial officials who review and implement them.

Coordinated piloting of new CBNRM approaches in the field is important. Until the establishment of the Natural Resources Coordination Group in early 2009, there was little coordination and information sharing between the numerous NGOs, UN agencies, and other partners implementing field projects. Coordination is, however, now improving.

The recognition of natural resources as the cornerstone for success in the agriculture sector is a very important milestone. Given current donor interest, it is hoped that additional funding can be secured and allocated toward building the capacity of the natural resource management institutions, including MAIL, the Ministry of Energy and Water, and NEPA, and toward developing an Afghan-specific CBNRM model that can be scaled up by the government in due course. The Minister of Agriculture, Irrigation and Livestock's request for assistance in the development of a national program for community-based pasture management is a positive sign toward this goal.

The peacebuilding and conflict-prevention dimensions of natural resource management need to be explored in more detail in Afghanistan, particularly insofar as these relate or feed into larger-scale political and security concerns. Two encouraging steps in this regard include the goals set forth in Afghanistan's UN Development Assistance Framework for 2010 to 2013 and the field projects analyzed in the EU–funded study *Natural Resource Management and Peacebuilding in Afghanistan*—the latter of which explored the peacebuilding and

conflict-prevention dimensions of natural resource management in select parts of the country.

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