

# Coping with Insecurity: Labour Relations, (Im)mobility and Conflict-sensitive Employment in Afghanistan

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## Abstract

Forced migration studies and research related to the “new wars” paradigm have drawn attention to the modes of operation of war economies and the coercive labour relations involved. Field research findings by the author and an Afghan team in 2015–2017 on employment by local construction companies revealed that remnants of the war economy have persisted in Afghanistan’s fragile and violence-affected settings and continue to shape labour relations. To avoid acts of sabotage and fulfil construction contracts, relationships with local powerholders – politicians holding offices in government or Taliban leaders – are crucial for mobile Afghan companies operating on construction sites for limited periods. The research findings indicate that these relationships provide a field of interaction and negotiations about conflict-sensitive employment between company managers and local elders representing community interests – and through them, local powerholders. The involvement of elders affects the labour relations between company managers and local workers, both mobile and immobile.

**Keywords:** Afghanistan, conflict-sensitive employment, labour relations, infrastructure, mobility, immobility, construction companies

## Introduction

Studies connecting labour relations and mobility in the context of violent conflict mainly exist in two separate scholarly fields: forced migration studies and research related to the “new wars” paradigm, which has drawn attention to the modes of operation of war economies and the coercive labour relations involved. This paper provides insights from research in Afghanistan into the role and potential of local companies working in the fragile and violence-affected settings that persist after war and brings the two research strands together in an attempt to understand “violent mobilities and labour relations” from a new angle.

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Re-building infrastructure after war is considered “fundamental to moving popular support away from pre-war or during-conflict loyalties and to moving spoils in favour of post-war political objectives” (Mashatt et al. 2008: 12). During armed conflicts, small and medium-sized companies continue to build premises, roads and bridges and to supply goods, construction materials and edifices to troops, armed groups and communities. In fragile and violence-affected settings local construction companies mostly work as sub-contractors, in particular when international agencies subsidise the government in efforts towards reconstruction (Mashatt et al. 2008, Grawert et al. 2017). Typically, construction companies move labour and equipment to varying sites for temporary operations. The accruing infrastructures and buildings can become the basis for different economic activities involving a range of further companies and employment opportunities – if armed violence subsides. Scholars have investigated the macro-economic conditions and hindrances for investors in infrastructure (Hoeffler 1999, MacDonald 2005) and solutions for infrastructure-related conflicts (Mashatt et al. 2008, Boudet et al. 2011). However, there is a lack of studies about the development of labour relations and the role of mobility in infrastructure-related sectors in the context of persistent violence and fragility.<sup>1</sup> This paper sets out to close this research gap by addressing the following questions: 1) Who are the stakeholders in construction in areas affected by recurrent violent conflict? 2) How do mobile and immobile stakeholders in construction projects interact in fragile and violence-affected settings? 3) How does the concurrence of mobility and immobility affect labour relations in local construction companies operating in fragile and violence-affected settings?

The paper aims to understand whether and how labour relations in construction companies (as crucial actors in infrastructure building) change from coercive relations to relations that gradually incorporate labour rights in fragile and violence-affected settings. To answer the research questions the paper looks into the ways that construction companies operate in the fragile and violence-affected settings of Afghanistan, focusing on the mid-2010s. It analyses the relationships between Afghan company managers and representatives of the communities the companies operate in, taking into consideration how the decades-long context of armed violence has shaped the rural communities where companies implement construction projects. In most communities income opportunities are precarious and the inhabitants complement casual jobs with agricultural subsistence production. The loss of residents who were displaced, killed or fled violence-ridden areas, as well as frequent incidences of

1 Such contexts tend to prevail where the government has incorporated former commanders of armed groups that control certain population groups and territories, and where “dispersed domination” (Migdal 1994: 9) through the government and oppositional (armed) groups persists. Examples are, among many others Afghanistan, South Sudan and Colombia.

armed clashes between government forces and Taliban groups or among further armed groups, continue to affect these communities. Some communities are facing social and political tensions that can have divisive effects (Akseer et al. 2017: 64–71, 167–181).

To cope with this insecure environment some Afghan companies apply the approach of conflict-sensitive employment (CSE). They carefully negotiate access to the communities, try to avoid enhancing social tensions during construction projects and take various precautions to protect the staff, company facilities and the construction itself (Grawert / Shirzad 2017). To assess changes in labour relations, the paper analyses the potential and limitations of CSE, drawing on the perceptions of skilled and unskilled workers, owners and managers of small and medium-sized Afghan companies, as collected during field research in different parts of Afghanistan between 2015 and 2017.<sup>2</sup> The construction companies studied operated in areas contested between armed Taliban groups and government forces as well as between the Taliban and other armed groups. The context in which these companies employed workers was a highly militarised society, members of which continued to use arms in local conflicts and recruited youths into armed organisations or criminal gangs.

## Analytical approach and research methods

Private companies operate in any context and even in the most violent environments as long as they generate profit. Whatever the conditions, there is a constant need for labour (Naudé 2007, Peschka / Emery 2011). Scholars looking into the “new wars” (Kaldor 1999) have shown that in war contexts companies focus on short-term, often illicit, gains, as the physical infrastructure breaks down and capital flight prevents firms from mid-term and large-scale investment planning. They decentralise production and distribution and create cross-border networks for (illicit) trade and export of commodities from war areas (Ballentine / Nitzschke 2005, Peschka / Emery 2011). Research on mineral resource extraction in war economies has revealed highly coercive labour relations in companies and inhuman working conditions in artisanal mining (Le Billion 2005, Ganson / Wennmann 2016).

2 The paper builds on research findings generated within the cooperative project “Conflict-sensitive Employment under Construction: Peace and Stability Strategies for the Private Sector in Afghanistan” (2015–2018). The research was undertaken by The Liaison Office (TLO) in Kabul, Afghanistan, International Alert (Alert) in Islamabad, Pakistan and London, UK and the Bonn International Center for Conversion (BICC) in Bonn, Germany. The project was conducted within the framework of the programme “Employment for Stability”, funded by the Science for Global Development (WOTRO) division of the Netherlands Organisation for Scientific Research (NWO) under the programme “Security and Rule of Law in Fragile and Conflict-affected Settings”.

Mobility is characteristic of asymmetric warfare. Armed groups (including government forces) that directly engage in fighting, the people in charge of logistics and the recruitment of fighters, those who supply fighters and community inhabitants, as well as those who ship minerals, food, arms, construction materials and other commodities across borders are highly mobile entrepreneurs upholding a war economy (Duffield 2001). Migrants seeking opportunities in resource extraction and other trades that flourish in war economies are further mobile actors in such contexts (Ganson / Wennmann 2016).

Whereas studies on “new wars” by political economists refer to mobility only implicitly and concentrate on the economic basis of political and military power, scholars on forced migration focus on mobility as a “violent process” (Bank et al. 2017: 14), considering direct armed violence as a “precipitating driver” and civil war as a “proximate driver” of flight and migration (Van Hear et al. 2018). Studies on (forced) “migration trajectories” (Mallet / Hagen-Zanker 2018, Wissink et al. 2017) have identified factors that influence how and where uprooted people move and factors preventing movement (“immobilization”; Mielke 2016: 245). Forced labour, extreme exploitation of labour and resources, pillage, predation, extortion and the capture of trade routes and migrants’ remittances are practices that affect immobilised communities during conflicts and in fragile and violence-affected settings (Ballentine / Nitzschke 2005, Grawert et al. 2017). Research has revealed that the majority of the displaced and immobilised have to cope with exploitative labour relations as they compete with other marginalised groups for precarious jobs in the irregular economy, most often within their own or a neighbouring country. They rarely gain safe legal status or access to the documents required to obtain an education and enter the formal labour market (Cramer 2008, Grawert / Mielke 2018). Labour codes and regulations for decent work do not apply to this large group of people.

To transfer these scholarly findings to the study of labour relations in construction companies, it is helpful to consider some particular characteristics of infrastructure building. Construction companies bring their own workers to a site for a limited period and hire local, mostly unskilled, labour from the nearby communities. They move material, equipment, vehicles and machines while at the same time relying on businesses and workers that stay on the ground. Mobility thus pertains to skilled workers and managers of construction companies, drivers supplying materials and goods, and unskilled or semi-skilled labour migrants moving to construction sites. Casual labour, small entrepreneurs running hotels, restaurants, repair workshops and suppliers of local construction materials encompass people who stay put in the communities. Hence, the construction sector is characterised by a combination of mobile and locally bound workers. Whereas some workers move in a “migrant circuit” (Rouse 1991: 14, Monsutti 2008), staying temporarily at places where

they find jobs, others are “immobilised” (Etzold et al. 2019: 11) and remain in the communities where construction companies temporarily operate.

The interplay of mobility and immobility takes place within the particular social relations that characterise fragile and violence-affected settings. Social divisions and distrust prevail in communities where state forces compete with other armed groups over the control of territory, inhabitants and resources. Security provision becomes a matter of supply and demand; armed groups take over the “protection” of communities, sometimes alternating with state forces (Mehler 2004). Scholars studying war economies have found that this environment creates a hybrid type of businessperson – the commander of an armed group or military officer who engages in business. Such figures combine military, economic and political power and operate as patrons who build up networks of dependents around them (Le Billion 2005, Schlichte 2009).

In fragile and violence-affected settings, labour relations tend to remain entangled in patron-client relations, often with former or still active commanders as patrons, and kinship networks – leading to the exclusion of some and inclusion of other groups (Cramer 2008). Whereas most local inhabitants try to find jobs and income opportunities under these conditions – either within their communities or, if they can afford it, by moving regionally between their own and neighbouring countries, others may join locally operating armed groups (Peschka / Emery 2011, Ganson / Wennmann 2016). Hence, mobility can imply the opportunity to leave constraining patronage networks or avoid being recruited by armed groups (including the armed forces of the government). Immobility may require partaking in social networks and patron-client networks that maintain the power of former commanders because they offer livelihood opportunities.

Taking part in patron-client relationships is not only a means of improving livelihood opportunities for immobilised community inhabitants. As competitiveness hinges on the ability of entrepreneurs to adjust to violence-affected settings (Brück et al. 2011), private companies, too, build special relationships with powerful groups and thus connect with patrons. Moreover, they rely on networks of persons that can be trusted – preferably family members, kin and members of the same ethnic or other common identity groups. In this way, private companies – including local companies – become agents of war economies as “legally operating commercial entities [... that] may have a vested interest in the continuation of conflict and instability” (Ballentine / Nitzschke 2005: 2). Entrenched relationships between powerholders and local businesspeople tend to persist long after the end of the war, preventing the establishment of accountability to state institutions and the rule of law. Relationships of violence continue to influence social interaction even after the economy recovers from war, with the result that coercion still prevails in labour relations.

Companies cannot operate as non-political agents in the highly political context of fragile and violence-affected settings (Ganson / Wennmann 2016). Local businesses are inevitably parties in an armed conflict (Naudé 2007, Peschka / Emery 2011) and hence, part of the “political marketplace” (De Waal 2014, Hoffmann 2014) that often persists after war. Studies and reports commissioned by the World Bank and conducted by governmental and non-governmental development agencies hold that because of these relationships, local companies have the potential to both exacerbate and ameliorate conflict (Killick et al. 2005) or contribute to peacebuilding (Peschka / Emery 2011). According to the business economist Naudé (2007), entrepreneurship can become a tool to facilitate peace and improve the living conditions of people in fragile and violence-affected settings where the government is not capable of promoting security and prosperity.

## Fragile and violence-affected settings in Afghanistan 2001–2017

Violent conflict has affected Afghan society in waves, rising and falling, since the late 1970s. Whereas the migration of Afghans in the larger region has a long history, the armed conflicts caused large-scale displacement within Afghanistan and created about five million Afghan refugees, mostly in Pakistan and Iran. Hundreds of thousands returned temporarily and fled again when armed violence re-escalated.<sup>3</sup> After the US army intervened in Afghanistan and deposed the Taliban government in 2001, infighting among followers of individual commanders who – under the umbrella of the Mujahedin<sup>4</sup> – had already engaged in the struggle against Soviet occupation (1979–1989) continued in many districts. Several commanders had formed political parties in exile in Pakistan and established armed wings with weapons and funding supplied by the Gulf States, Pakistan and the USA (Ruttig 2009). Some of those commanders continue to play a role in politics even today. They control particular territories so that communities and businesses are forced to interact with these powerholders. These conditions strongly affect the livelihood options of Afghans and the ways in which companies operate and carry out their projects.

3 In 2018, UN OCHA registered 343,341 persons who were newly displaced by armed conflict in Afghanistan (UNHCR 2019a). The number of Afghan refugees in Iran was 951,142; in addition, there were an estimated two million Afghan migrants or undocumented refugees (European Commission 2018) and 1,407,033 Afghan refugees were registered in Pakistan (UNHCR 2019).

4 The Mujahedin comprised seven Sunni groups operating from Peshawar, Pakistan, that spearheaded armed resistance (as a *jihad*) against the Soviet occupation forces in Afghanistan until the latter's withdrawal in 1989. The Mujahedin formed the interim government of Afghanistan in 1992 and joined the Northern Alliance fighting against the Taliban between 1996 and 2001.

The wars (Mujahedin fighting against the Soviet forces during the 1980s; civil war 1992–96) and the rise of armed Taliban groups had induced many Afghan businesspeople to relocate abroad during the 1980s and 1990s, leaving space for the emergence of a new generation of businesses with close ties to factions and commanders of armed groups. After 2001, this new generation expanded its activities and took over the position of the established business families that had emigrated. Commanders of armed groups and factional leaders had financial reserves available for investment and were looking for ways to safeguard their long-term financial autonomy once direct foreign aid to the militias would stop. One means of securing their capital was to get co-opted into the Afghan government. This explains the direct nexus between political and economic power in Afghanistan that prevailed after 2001 (Giustozzi 2006).

International agencies poured large-scale aid into Afghanistan in an effort to develop and stabilise the economy (CSO 2016, World Bank 2017). The demand by international troops and organisations for construction as well as programmes of reconstruction and infrastructure building led to a boom of Afghan businesses supplying international troops and agencies with construction services (Grawert / Shirzad 2017). However, already in 2006, Taliban groups resumed fighting against the government and regained control over parts of Afghanistan.

Between 2003 and 2012 Afghanistan experienced rapid economic growth at a rate of around nine per cent annually (World Bank 2015). Inflation was relatively low and international assistance allowed rising access to clean water, basic health and education for the Afghan population. Life expectancy and maternal mortality improved markedly. More than 920,000 Afghans returned from abroad between 2002 and 2014 (UNHCR 2015). However, despite substantial growth, the nationwide poverty rate remained stagnant at about 36 per cent between 2007 and 2015 (World Bank 2016). In the fiscal year of 2015–16, real GDP growth slumped to 0.9 per cent when opium production was included and -2.4 per cent when excluded (CSO 2016).

In 2014, the International Security Assistance Forces (ISAF), headed by the United States, completed the gradual handover of responsibility for security to the national forces of Afghanistan and provided limited assistance under the Resolute Support Mission. Mediated by the then US secretary of state, a coalition between the two competing presidential candidates who had won the most votes formed a National Unity Government. Mohammad Ashraf Ghani was sworn in as the new president and Abdullah Abdullah as his “chief executive officer” (The Economist 2014). Ghani’s political endeavours were shaped by his background as an economic advisor to the World Bank during the 1990s. Abdullah is a member of Jamiat-e Islami, one of the groups that formed the Northern Alliance and fought against the Taliban in the 1990s.

Power struggles were hence almost inevitable at the top leadership and short-term intra-elite bargaining among shifting armed groups continued in the same way as it had over the previous forty years. Direct violence and the threat of violence by a range of powerful groups remained an integral part of the political process. Administrative positions in government as well as privileged access to economic resources – public procurement contracts, revenue sources, land, mining contracts and proceeds from illicit economic activities – were some of the spoils over which elite bargaining took place (World Bank 2016). Security incidents escalated and spread throughout the country. Taliban splinter groups, criminal gangs and the Islamic State in Iraq and the Levant-Khorasan Province (ISIL-KP) stepped up attacks on Afghan security forces and compounds as well as hotels where the international staff of aid agencies was based. Fighting between government troops and factions of the Taliban intensified; commanders were co-opted as politicians and acted as businessmen and the government was torn between the demands of militia-backed powerholders.

In 2016 Taliban factions temporarily captured 24 district centres (UNSC 2016) and in 2017 Taliban groups controlled or contested about 40 per cent of Afghanistan's districts (Roggio 2017). The ISIL-KP claimed responsibility for several deadly attacks in Nangarhar, eastern Afghanistan and Kabul (Mielke / Miszak 2017). Attempts by the National Unity Government to include Taliban leaders in peace talks failed. Power struggles between various leaders of armed groups and members of the government, being part and parcel of political power struggles, shaped the context in which construction companies operated.

## Labour conditions in Afghanistan

According to the ILO (2016a), employment conditions in the informal economy where most Afghan enterprises operate are characterised by a lack of protection for workers. They are often not paid for their labour; employers demand compulsory overtime or extra shifts and lay workers off without notice or compensation. Working conditions are often unsafe and there is neither health insurance nor other social benefits. The informal economy has maintained a considerable degree of self-organisation, following regulations that emanate from non-state actors and informal institutions (Wilde / Mielke 2013). The Afghan state has always been engaged with the informal economy; state officials are entangled in it, pursuing their own informal economic activities. They thus have vested interests in maintaining this sector where negotiated arrangements over taxation or regulatory policies prevail over compli-

ance with official rules and law enforcement. Political leaders rely on interconnections between politics and business. Hence, it is not the government or state authorities but rather the social legitimacy attributed to economic activities and the relative power of particular groups that determine what is considered legal and illegal – a typical characteristic for remnants of a war economy (Schoofs 2015).

In 2016, 80.5 per cent of the men and 26.7 per cent of the women of working age participated to some extent in the labour force in Afghanistan. 65.7 per cent of the active labour force was gainfully employed or self-employed (CSO 2017), with 60 per cent working in agriculture. More than one third of the active labour force was occupied partly in subsistence production and partly in low-productivity jobs; most of them had precarious casual or temporary jobs (ILO 2012). Perception surveys by the Asia Foundation between 2014 and 2017 showed that nearly every Afghan perceived unemployment as devastating. Unemployment forced many Afghans to migrate in search of work, which not only placed a strain on the areas where they resettled but also left a vacuum in the areas they had left (Hopkins 2014, Akseer et al. 2017). In 2016, more than 70 per cent regarded unemployment as the biggest problem facing the youth of Afghanistan (Warren et al. 2016). In this context the informal sector plays an important role in skills development through on-the-job training for youth.

For the formal sector, since 1999 a labour code has been regulating labour relations in Afghanistan according to ILO standards. It includes sections stipulating social protection (ILO 1999). In fact the labour code applies to government and NGO staff, whereas registered private Afghan companies incorporate only parts of the labour code in contracts with employees. The Ministry of Labour, Social Affairs, Martyrs and Disabled is meant to safeguard “continued monitoring and guidance of observing labor related laws, safety measures, heavy and hazardous jobs, working times, wages and other benefits” according to Article 146 of the labour code (ILO 1999). However, during the period 2015 to 2017, the ministry did not function effectively and was known for corruption among its staff.<sup>5</sup> It failed to take an active role in enforcing the implementation of the labour code in private Afghan companies.

## **Labour relations in Afghan construction companies**

The following analysis of labour relations in construction companies is based on two exemplary case studies on construction sites in northern Nangarhar

<sup>5</sup> Author’s observation during visits at the ministry and reports by World Bank staff working on a collaboration project with the ministry in 2016.

and the northern Balkh region. The research process is first outlined before the cases are analysed.

## **Research methods and the development of a conflict-sensitive employment framework**

The research team conducted a qualitative survey of 40 registered construction companies in Kabul, Herat, Nangarhar, Kandahar and Mazar-i-Sharif in 2015 and 2016.<sup>6</sup> The survey included interviews and discussions with company owners and managers, employees of various departments, workers and casual labourers, and was complemented by talks with stakeholders from ministries, the chamber of commerce, construction company associations and experts in order to structurally vary the perspectives. Thematic coding and template analyses served to determine companies' employment practices and rationales in fragile and violence-affected settings. The team identified economic crises, self-protection measures, security measures, corruption by state officials, payments to powerholders, violent attacks, negotiations with local elders, recruitment of local unskilled labour, and skilled labour/engineers as the leading themes.

The field research provided insights into company practices that reduced violent conflict as well as practices that exacerbated violence. In 2017 the research team conducted a workshop with five company owners that applied conflict-reducing measures to improve the companies' operational security, among them specific employment strategies. The result was a comprehensive definition of CSE, which included the following criteria: creating jobs where unemployment is a problem; preferential employment of local inhabitants wherever possible; avoidance of a hire-and-fire approach; ensuring that jobs allow employees to build a future (for example, by skills training on the job); inclusive employment in order to prevent discrimination (which in fragile and violence-affected settings can easily lead to re-engagement in armed conflict); and compliance with the International Labour Organisation's (ILO) standards for decent work (ILO 2016). CSE is thus a way of gradually altering the labour relations that prevailed during armed conflict.

Subsequently the team drafted a CSE framework that systematically listed the measures applied by Afghan construction companies operating in the fragile and violence-affected settings of Afghanistan (Grawert et al. 2017a). The CSE framework was tested on four construction sites in rural districts of Nangarhar, Balkh, Herat and Kabul regions. The Liaison Office (TLO), the Afghan project partner, selected local researchers who were able to move in Tali-

<sup>6</sup> Researchers of the TLO – mainly Rahmatullah Amiri, Taqi Amini and Mohammad Murtaza Haqeeqat – as well as the then Master's student in Economics Fazalrabi Shirzad conducted most of the interviews for the survey in Afghanistan.

ban-controlled areas to conduct interviews with community members, local elders and company employees. Whereas this proved to be a viable solution to overcome the inaccessibility of these areas for the research team, the effect was that some potentially interesting aspects, such as the perspectives of unemployed inhabitants and excluded groups, were not adequately covered. On this basis, the team developed the CSE framework further, translated it into Pashto and Dari and spread it to stakeholders in Afghanistan.

The two selected cases for this paper represent companies that have developed deliberate strategies of dealing with the insecure environment and have fared well compared to many other formally registered construction companies.

### **Case Study: Two construction companies 2015–2017**

The economic crisis following the withdrawal of international troops and agencies between 2012 and 2014 severely affected employment in the formally registered Afghan construction companies that had been sub-contractors of international companies contracted by international agencies and the ISAF. These Afghan companies had made investments in modern equipment to construct airports, army bases, city buildings and roads, developed engineering knowledge and increased their standards. Due to the sharp decrease in demand after 2012 many of them closed down their businesses or laid off a large portion of their personnel. According to an estimate by a member of the construction companies' association in Herat, 80 per cent of the construction companies had closed down by 2015 (author's interview, November 2015). Competition became harder; corruption in procurement increased and more operations had to be carried out in violence-affected settings. Extra payments, due to demands for bribes by government officials and for protection money by armed groups, further constrained companies so that managers were compelled to reduce wages and salaries, keep investment in workers' safety low and economise on the social protection of workers' families. For Afghan construction companies the costs of completing projects in government-controlled areas were more difficult to calculate than in Taliban-controlled areas, as they depended on arbitrary decisions by state officials. Taliban groups usually levied ten per cent of the project budget or income as a tax on companies, shopkeepers and farmers. Company owners reported that this amount was fixed and thus easy to calculate as long as there was no competing armed group that also demanded its share and no incidences that the armed groups considered as a disturbance. Otherwise they would threaten the company owners or managers, kidnap them or engineers working on site, burn premises or destroy the company's equipment (Grawert / Shirzad 2017: 27–29).

The two cases in focus are a road construction project connecting two villages east of Kabul on the way to Jalalabad, contracted by the Ministry of

Public Works, and a project to erect a three-storey building and sports grounds for a boys' school in Dara-i-Nur district in northern Nangarhar region, contracted by the construction directorate of the Ministry of Education. The companies carrying out these projects were founded in 2009 and 2011 and have their headquarters in Kabul. Both companies had laid off staff due to the crisis. In 2016 the road-constructing company had 12 permanent employees, among them relatives of the owner. Experience and merit were relevant employment criteria, but honesty and trust were equally important. The five engineers received relatively high salaries as they got additional allowances for working in a conflict area.

The owner of the company conducting the school project was a civil engineer who acted as company manager. The company had 15 employees and constructed buildings and roads in several provinces south-east and north-east of Kabul, partly through sub-contractors. Both companies hired between 80 and 120 temporary workers from the communities around the construction sites according to their varying needs. Established connections of the company owners with the *maleks* (village chiefs) and *khans* (tribal chiefs)<sup>7</sup> of the area were important in selecting the local workers.

Both construction sites were located in largely Taliban-controlled areas at the time of the research. Taliban groups tolerated government-funded projects as long as there was no presence of government forces. In the district in northern Nangarhar several clashes between government troops, police officers and Taliban had occurred prior to the project start; five policemen had been killed. When the road project started, no incidences occurred until national police officers visited the construction site. The local Taliban group immediately responded with an attack on the camp of the company's security guards, signaling that they refused any intervention by Afghan security forces.

The school project did not face any large-scale incidence of violence although there was occasional fighting between government troops and the Taliban and clashes between the Taliban and the Haqqani network in the area. One local worker explained:

The security situation of our district is getting worse day by day. In the past, we had good security and there weren't any anti-government troops and armed groups in our area, but now there are so many armed people active in certain parts of our district. In the area where they are building the school the security is bad at night and in the morning; only in the afternoon is the security usually good. The control of this area is in the hands of the Taliban and the Haqqani network. Frequently there is fighting between these groups and government, but no one wins the war. Livestock and innocent people are killed and people cannot do their daily work (interview with a local construction worker, school project, Dara-i-Nur district, May 2017).

7 *Maleks* and *khans* have the roles of intermediaries with formal authorities and conflict mediators mostly in rural areas of Afghanistan (Kraemer 2010).

This explanation indicates that local residents live under the continuous threat of losing their lives or their livestock when moving around in the area to pursue their livelihood activities. In this case, government officials and organisations targeted by armed Taliban groups did not visit the area as it was known that the majority of the residents were followers of the local Taliban group. Official visitors would have incurred a high risk of being kidnapped or killed.

### **Self-protection measures by construction companies**

To protect their staff, assets and the project, the road construction company hired 60 guards from a private security company. The company manager visited the local elders together with the head of the security company to get their approval. Nevertheless, the local Taliban group remained suspicious and attacked the camp of the security guards as a response to the visit of national police officers.

The school construction company faced a particularly high risk as its project was funded by USAID, one of the main targets of the Taliban. The project budget did not include funds for security costs and the company would incur a penalty if it did not finish the project within two years. The management did not consider it safe enough to rely on the Afghan police for protection of the construction site and staff and contracted 15 armed local security guards at its own expense upon the recommendation of the local tribal elders. Each guard was paid differently based on rank, experience and responsibilities, around 20,000 AFN (USD 290) on average per month. The guards received guns from the district security commander; it was the responsibility of the elders to make sure that they would return the guns after finishing the contract. Among the security guards were local farmers who depended on leasing land. For landless people the income as a security guard was attractive. A further selection criterion was previous experience as a guard.

Compliance with the employment recommendations of the elders guaranteed the company the loyalty of the guards and hence, protection in the volatile environment. From the perspective of risk avoidance, the cost for local security guards was negligible compared to the cost of ransoming kidnapped staff or replacing destroyed machines or demolished construction. This measure of self-protection on the part of the company benefited local residents, who obtained comparatively well-paid job opportunities, albeit only as long as the company was operating in the area.

In neither case did the companies follow Presidential Decree 44, valid since 2014, which states that private companies have to hire security guards through the Afghan Public Protection Force. The reason was that in Taliban-controlled areas, security guards deployed through any government force were targets of attack and would thus increase insecurity for companies operating in these

areas. Apparently Decree 44 was not enforced and its violation did not occur to the company managers as a cost factor.

The most important means of self-protection was negotiating access with the powerholders of the districts as mediated by the local elders. Those companies in the survey who had not taken the time for such negotiations reported incidences of kidnapping, destruction of equipment or already built parts of construction, and repeated attacks. In the rural areas of Afghanistan, the local –sometimes tribal – elders are the intermediaries between company representatives and the powerholders that control the area. The managers of the two companies visited the elders about two months prior to the start of the work to convince them of the projects' benefits for the livelihood of the local people. The manager of the school construction project was accompanied by one government official and engineers and also met influential individuals from the area, the community development council, the district development assembly and the tribal council to win their support and cooperation. The team explained how the community would benefit from education and from the permanent employment of staff running the school: teachers, cleaners and others. As an immediate incentive the company offered to hire local workers for construction and to use resources such as bricks, crushed rock and wood produced in the area; it would also rent local trucks.

In both cases the company managers paid money from their own funds through the local elders to the Taliban group dominating the area so that the construction work could be completed without disturbance. The amount was subject to an agreement between the parties. The Taliban instructed the local elders about what was permitted and what was not and made sure that no company activity would contradict Islam. In both cases the companies started their projects only after the elders had obtained the agreement of the local Taliban leaders.

### **Labour relations between employers and skilled employees**

Engineers fear being killed or kidnapped when they have to move to sites in Taliban-controlled areas. They are generally reluctant to join construction projects in areas outside government control. Hence, construction companies in Afghanistan have a major problem finding professional engineers for the technical work. Although engineers receive an allowance when working in risky areas, they do not feel sufficiently protected. One engineer suggested introducing an insurance policy that covers the heightened risk for skilled labour of working in violence-affected settings. The mobility of skilled employees thus has its price. Skilled labour has some leeway for negotiation and may quit a contract if the working environment appears to be too difficult. This became evident after Taliban attacked the security camp of the road construct-

ing company. Asphaltting slowed down as engineers and other staff members feared further attacks and came only reluctantly to work or gave notice. The incident had the consequence that the project could not be completed on time.

The lack of insurance for skilled labour reveals that the government of Afghanistan has failed to safeguard the implementation of the labour code in private Afghan companies. Deficient law enforcement is characteristic of fragile settings. In this case it hampers the recruitment and advancement of skilled labour in the construction sector.

## **Labour relations between employers and local workers**

Most local residents around the construction sites were illiterate and had been working as casual labourers in construction, in the fruit and vegetable market, on farms and in cleaning jobs. The educated inhabitants of the district had largely moved away to work in the capital of the province, Mazar-i-Sharif. The road construction company paid wages of 200 AFN (USD 2.90) for unskilled and up to 1,000 AFN (USD 14.50) per day for workers with some skills. Labourers that already had connections with the contractor and experiences in previous projects and workers recommended by the community elders and other influential people were hired preferentially. The crucial role of relationships as a pre-condition for access to jobs was reflected in labour relations, as the report of a truck driver shows:

We are not hired based on a paper or written contract but we are hired based on a verbal contract, which only talks about what our job is going to be but not about the details of our responsibilities. Therefore, when I started working my responsibilities were not limited to being a driver nor were my working hours as expected and I had to perform many other responsibilities in my free time and work till late at night (interview with a truck driver, school project, Dara-i-Nur district, May 2017).

Informal labour relations without contracts and mostly on a daily basis prevailed on site, even though the construction company itself was part of the formal sector. Construction companies also did not allot workers particular tasks but used them for a broad range of duties, as another worker confirmed:

It has been almost seven years now that I have been working in different projects and in different areas – in our village, in Mazar-i-Sharif and in Kabul. I work in this project as a labourer. My responsibility is to do anything required by the site supervisor. I have to do many different things; I bring the water, start the generator, clean up the area and sometimes I even cook lunch for all the labourers. I mix the cement and sand and have so many other responsibilities (interview with a local construction worker, school project, Dara-i-Nur district, July 2017).

Mobility was natural for this young worker and on his job he showed great flexibility. However, the job was precarious and his future uncertain:

I really don't know what the future holds for me. I might get another job as a labourer, but one thing is sure: I won't find jobs here, because only one construction site is here and thousands of people are looking for work. Hence, once I am done with this job, I will go to my land. I have a garden of peaches, and by that time the peaches will be ready for transport. I will do that, and that will take around a month of time. After that I will see what happens; to be honest, I don't know as of now (interview with a local construction worker, school project, Dara-i-Nur district, July 2017).

The workers were aware that the company did not comply with any standards regarding the safety precautions required in construction. One worker explained:

There should be safety caps, safety working tools, safety gloves, safety shoes, safety clothes, safety glasses. Currently we do not have even one of them. We use outdated or damaged tools. I can't say how much it would cost, because I have never purchased these things, but all I can say is that it might not cost a lot of money (interview with a local construction worker, school project, Dara-i-Nur district, July 2017).

The lack of a written contract or clear job description or safety protection is characteristic for labour relations involving patron-client relationships. Another local worker confirmed the precarious position the informal job entailed and reflected on the role of the current job in reaching his aims for the future:

I am an original resident of this village and currently work as a labourer on this project. My job is to provide water, mix cement with sand and bring it to the mason. Sometimes I bring bricks for the mason, as well. Before I got this job I used to travel to Mazar-i-Sharif to find jobs in construction sites, mostly during the summer season. Now, as I got the job here, I do not travel any more, but the problem is that this job is not permanent. Whenever the construction work ends I will be jobless. I do not have any contract with the company. They have hired me verbally and pay me daily, sometimes weekly. My plan is that once I earn a bit of money from this job, I will start a shop here. My plan is to bring items from Mazar-i-Sharif and sell them here. We have a weekly bazaar and everybody comes on that day to purchase the things they need. My plan is to keep my shop open for the whole week. For that I will need about 50,000 AFN (about USD 730). I already have the space and other things required; I only need this money to purchase items and bring them here (interview with a local construction worker, school project, Dara-i-Nur district, July 2017).

For this worker, the temporary presence of the construction company provided an opportunity to earn money locally and avoid travelling to town for casual work. However, as for many others, wages were too low to make significant savings. The lack of a contract created uncertainty and the income perspective after the end of the construction project was bleak.

## Elements of CSE

Both construction companies hired almost all the local workers the elders recommended, around 90 individuals each, which made up about half of the total labour force working on the projects. The elders deliberately chose work-

ers from different ethnic and social groups so that the companies would have the consent and support of all the relevant groups for their projects. Whenever the companies faced a problem with a local worker they discussed the issue with the local elders before making a decision about firing anybody. Through these precautions the companies made sure that there was no bias in employment that could cause or enhance violent conflict. These measures enhanced the companies' security and increased the legitimacy of their activities. Hiring local workers provided immediately visible benefits to the communities as the workers received wages, acknowledged the value of the project they contributed to and communicated this positively within their social environment. When community inhabitants had misconceptions about the companies' work or the aims of the projects, the local workers would defend the companies and explain the aim and benefits of the construction to the communities. Moreover, hiring local youths prevented young men from joining armed groups, as they were busy working and getting paid.

However, several local workers considered their wages too low in relation to the risks they took and some were not employed according to their abilities. Moreover, the local workers were hired on a daily basis and were not guaranteed any continuation of the job. Due to the dependence on the consent of the elders, the company managers hardly had any leverage over workers they considered lazy or that did not obey the orders of their superiors. Labourers were tempted to work less because they knew that they would be paid anyway. If the companies fired local labourers, the laid-off workers could create problems in the name of the Taliban. Out of fear of violence and destruction through angry local inhabitants the construction companies thus kept the local workers even if they did not perform well. The managers would instead fire one of the migrants for being lazy so that the local workers would learn from this and work harder. Obviously the violence-affected setting provides local workers with a certain leeway towards the employers, as the companies are entangled in the local networks in which the elders play a significant role. The networks are linked to the local Taliban leaders, who serve as patrons controlling the economic activities of external, mobile companies.

The main elements of CSE that apply here are the creation of jobs where unemployment is a problem and inclusive employment in order to prevent discrimination and to pre-empt the involvement of local inhabitants in violent organisations. However, as the workers are only employed for casual work, the company uses a hire-and-fire approach, which contradicts the intention of CSE to reduce conflict in the mid- and long-term. The companies also do not ensure that the workers gain skills on the job that they can use for future employment. Does this suffice to gradually alter the labour relations that prevailed during armed conflict?

## Conclusion and outlook

The paper focused on construction as a sector that combines mobility and immobility and addressed the question of how this particularity affects labour relations in fragile and violence-affected settings. It showed that construction companies are mobile actors that have to temporarily integrate in local political-economic environments to implement their projects. This requires interaction with a range of stakeholders. In the case of Afghanistan, companies firstly have to comply with (corrupt) state authorities and budget a certain amount for bribes to obtain a contract for a construction project. Secondly, companies pay protection money to the locally powerful armed groups – here groups of Taliban. Thirdly, company managers interact closely with the local elders, *khans* and *maleks*, the tribal and community development councils and sometimes the district development assembly – all of whom act as intermediaries between the managers and the powerholders. In addition, the managers engage private security companies or local security guards. Last but not least they hire different groups of local residents, among them labour migrants and permanent inhabitants, as casual labour.

The local elders appear as strong “immobile” actors with the role of gatekeepers and hence the power to safeguard benefits for themselves. They play a vital role in legitimising companies’ projects and gaining the local population’s and powerholders’ support for construction projects. Influential individuals such as a member of parliament or the provincial council or a commander of the local armed group form a second tier of support. District development assemblies and community development councils are the third-most important institution to which company managers may turn to facilitate the implementation of a construction project in a conflict-sensitive manner.

Afghan construction companies are thus drawn into the local political marketplace as soon as they arrive at the intended construction site. Managers comply with the conditions negotiated with the local elders and stay connected with them throughout the project to gain protection for their building sites. They also benefit from their relationships with the elders in order to find “the right workers”. These comprise local inhabitants with the required experience and abilities, individuals whose welfare must be benefitted so that they will not create trouble and relatives of influential persons (including the elders) that are eligible for a special favour. The demand not only for capable construction workers but also for armed guards, local construction material, workshops, restaurants and hotels expands the employment opportunities readily grasped by local inhabitants.

These opportunities are provided in line with the principles of CSE, which include the creation of jobs through hiring local labour without creating any

bias that might lead to violent conflicts. Apparently the authority of the elders is sufficiently strong to strike a balance between the requirements of the company and the local inhabitants. The labour relations are thus shaped by a limited leeway of the managers with regard to choice and treatment of labour. Here the interplay between mobile and immobile actors comes in. The elders are community representatives with their own interests that differ from the business interests of the managers. The elders' interests range from enhancing social cohesion through jobs for community inhabitants to favouring certain individuals. The elders' leeway to put pressure on Afghan companies is high; they may extort materials or money from them in the name of the powerholder in the background or for their own benefit. As construction companies are not embedded in a particular community, they do not have established relationships with the local powerholder. Hence, the mobile, temporarily present construction companies and their mobile skilled employees are confronted with local, mostly immobile unskilled workers/peasants who are linked in one way or the other to local networks, with the elders as relatively powerful nodes. As the mobile actors are easily suspected of collaborating with the government they are particularly vulnerable to the potential of violence looming in Afghanistan's Taliban-controlled rural districts.

The case studies showed that in the fragile and violence-affected settings of Afghanistan companies rely on trust-based relationships and hence favour the employment of family members and kin. The need to operate in non-familiar areas leads to the extension of trust-building beyond family networks, preferably with people living around the construction sites. The negative side of the endeavours of building personal relationships and trust is the lack of written contracts, fixed working times and clear assignments that cannot arbitrarily be extended. Labour relations are thus incorporated in two-fold patron-client relationships – between the workers and employers as well as with the local elders (with the powerholders of the area in the background).

Whereas these relationships seem to reinforce the loyalties that persisted during the time of war, the role of the construction business as a driver of change should not be underestimated. The case studies show that local inhabitants appreciate the opportunity for jobs even if they are only temporary and poorly paid. They are no longer caught up in coercive labour relations but are even able to criticise the working conditions, the lack of training opportunities and the informality of the labour relations. They sometimes make use of the checks and balances imposed on the managers by the elders, working slowly or performing poorly without risk of being fired. Low wages and the exploitative use of the labour force can thus backfire; workers can commit acts of sabotage or attacks in collusion with the local armed group.

Hence, in the violence-affected settings of Afghanistan construction companies cannot act arbitrarily upon local labour and determine labour relations

unchecked. They adopt CSE approaches as an outcome of their relationships with the elders and driven by their own security interests. The case studies revealed that companies are under pressure to improve labour conditions as soon as local workers and elders ally and challenge the employers to provide the workers with more safety in the workplace, training, insurance and future perspectives. There is scope to improve labour relations in favour of the workers where Afghan companies, local elders and community development councils cooperate. This may gradually lead away from the personal ties that characterise business activities in fragile and violence-affected settings. Afghan companies may bring some of these issues to the government authorities that contract them for construction projects so that they include additional items in the budget. Donors such as the World Bank, which supply considerable funds to the government of Afghanistan, may consider this in future programmes.

Beyond the fact that the mobility of construction companies brings new dimensions of labour relations to rural areas, the construction itself can be a driver of change. Long after the company will have left the site, roads and schools and other infrastructure projects will still connect scattered villages and inhabitants and provide the basis for small businesses, more employment and education opportunities. The mobility of construction companies hence works as a catalyst for change that reaches the remote areas of the country.

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