

# DISSERTATION

Title der Dissertation

“Building the foundations for lasting peace:  
Examining the Afghan Bonn Process as  
a case study in post-conflict peacebuilding”

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**"BUILDING THE FOUNDATIONS FOR LASTING PEACE:  
EXAMINING THE AFGHAN BONN PROCESS AS  
A CASE STUDY IN POST-CONFLICT PEACEBUILDING"**

**MIWA PANHOLZER KATO**





## **Preface**

This dissertation aims to contribute to a better comprehension of how the international community can best engage with countries emerging from conflict, supporting the effort of post-conflict peacebuilding.

The first segment examines the changing nature of UN operations in post-conflict settings, drawing on various definitions and events that shaped the literature on UN's engagement with conflicts with particular focus on the post-Cold War era. The second segment will review the Afghan post-conflict transition process governed by the Bonn Agreement by analyzing its origin, content, progress and factors that affected its implementation. Subsequently, assessment of the Bonn Process will be made both in terms of its achievements and shortcomings, as well as by identifying two broad stands of dilemmas in post-conflict peacebuilding process. Based on the findings of the Afghan case study, the final segment will determine the strengths and weaknesses of UN peace operations, identifying factors constraining UN's ability to deal more effectively with conflict situations and explore ways to maximize UN's capacity to deal effectively with post-conflict peacebuilding.

While the research benefited tremendously from prior work, discussion and advisory comments of many organizations and individuals (as detailed in the footnotes and in the Acknowledgement), the content of this dissertation is a result of digestion of various work and new perspectives articulated by the author. Therefore, the responsibility for accuracy and relevance rest solely with the author. The views expressed herein are those of the author and do not necessarily reflect the views of the United Nations.



## **PART I: INTRODUCTION**



## 1. BACKGROUND AND CONTEXT

The questions of how to deal with conflict situations and to avoid conflict from recurring are at the heart of the United Nations (UN)'s mandate since the inception of the world body in the aftermath of the Second World War<sup>1</sup>. However, it was in the 1990s when these questions gained unprecedented importance for the UN as the end of the Cold War bipolar structure brought with it fresh opportunities and responsibilities for the UN to perform a more active role in dealing with and preventing conflict situations<sup>2</sup>.

The number of peacekeeping missions operated by the UN increased dramatically since the end of the Cold War. Twice as many peace operations have been established in the 15 years after the end of the Cold War than in the previous 45 years of the UN's history<sup>3</sup>. This period of unprecedented increase in UN peace operations ---both in number and in substance of the type of operations performed--- displayed mixed results. While some operations ---such as Namibia, Mozambique, El Salvador, Guatemala, Cambodia and East Timor--- were generally perceived as success, several operations ---such as Somalia, Bosnia, Rwanda and Angola--- created a strong public perception of UN's weaknesses in responding to conflict situations. While it is difficult to draw generic conclusions from these very different cases due to differences in the underlying conditions for UN's intervention, various efforts are being made to learn lessons from these increased experiences in dealing with conflict situations.

As it will be explored in detail in Part II, against such background of post-Cold War paradigm shift, the United Nations intensified its efforts to identify the optimal intervention of the international community in conflict situations. In the 1992 UN report published in the name of Secretary-General Boutros Boutros-Ghali entitled the *Agenda for Peace*<sup>4</sup> and in subsequent reactions from the Security Council and the General Assembly of the UN, the notion of preventing conflict and following up with post-conflict peacebuilding activities were officially recognized as key components of UN's

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<sup>1</sup> Preamble and Article 1 of the Charter of the United Nations. See more detailed discussion in Part II, Chapter 1.

<sup>2</sup> Olara Otunnu & Michael Doyle (eds), *Peacemaking and Peacekeeping for the new century* (Rowman & Littlefield Publishers, 1998)

<sup>3</sup> 19 missions were set up during the first 45 years of UN's history (1945-90) while 40 missions were set up between 1991-2005. In 2005, there were 18 missions with 85,000 military, police and civilian personnel. Source: UN/DPKO home page.

activities in successfully dealing with conflict situations. Although some of the difficult experiences encountered in the first half of 1990s post-Cold War period rendered the 1995 *Supplement to the Agenda for Peace* to tone down some of the original report's optimistic, ambitious role for the UN in the area, UN's role in dealing with conflict situations and peacebuilding continued to increase during the second-half of the 1990s and reached a new peak around the turn of the millennium through its operations in Kosovo and East Timor. In an effort to conceptually grasp and give recognition to this evolution, the Security Council itself discussed the UN's role in "maintenance of peace and security and post-conflict peace-building" in an open debate in 1998 and issued a presidential statement<sup>5</sup> which is the most explicit guidance provided by the Council on this topic. In 2000, the report by the Panel on Peace Operations<sup>6</sup> (commonly referred to as the "*Brahimi-report*", taken from the name of the Chairperson of the Panel) as well as the *High-level Panel's report on Threats, Challenges and Change*<sup>7</sup> shed many new lights to the way UN conducts its peace operations. Secretary-General Kofi Annan's 2005 Report *In larger freedom*<sup>8</sup> also laid important further grounds on this topic, taking stock of a wide range of issues being analyzed to improve the international community's capacity to deal with conflict situations in the most effective way.

Although a consensus of the international community on the role for the UN in peacebuilding remains unfixed, these debates reflect the gradual expansion of UN's focus in dealing with conflicts. During the 15 years after the end of the Cold War, the concept and practice of UN intervention expanded from the notion of "peacekeeping" referring to narrowly defined activities related to militarily intervention stopping warring parties and monitoring a cease fire which characterized much of UN's activities during the Cold War era<sup>9</sup> to include more proactive and comprehensive notions of "peacemaking" and "peacebuilding" ---especially in post-conflict situations--- which eventually culminated to the most widely accepted reference to "peace operations". By the turn into the new Millennium, it became widely recognized that in order to deal

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<sup>4</sup> S/24111

<sup>5</sup> S/PRST/1998/38

<sup>6</sup> Report of the Panel on Peace Operations (S/2000/809)

<sup>7</sup> Report of the High-level Panel on Threats, Challenges and Change (A/59/565)

<sup>8</sup> A/59/2005

<sup>9</sup> With a few notable exceptions such as UN's activities in the Congo in the 1960s. Analysis of the changing definition and various "generations" of UN peacekeeping activities will be discussed in detail in Part II, Chapter 2.

with conflicts effectively, assistance from the international community in bringing about conditions conducive to a lasting peaceful statehood was required and the notion of peacebuilding in post-conflict settings became an integral part of peace operations planning and implementation. Reflecting this change in perception, the "Peacebuilding Commission" was established in 2006 as concretization of one of the key recommendations put forward in the Secretary General's report prescribing UN's new role in the 21<sup>st</sup> Century *In larger freedom*.

With this background in mind, this dissertation will define the concept of "post-conflict peacebuilding" as a systematic and holistic approach in dealing with post conflict societies, aiming to introduce a stable and sustainable state structure and enabling conditions that will prevent the recurrence of conflicts. It begins with the assumption that full integration of this approach ---developed in the early 1990s as a rebound to the fragmented approach of the past in dealing with post conflict situation--- to the design and practice of peace operations is key in future peace operations. This approach is highly relevant as societies where conflicts occur are often faced with multi-dimensional challenges in security, politics, humanitarian and economic fronts. However, the difficulty of integrating this approach in practice ---especially from the viewpoint of paramount consideration for security and stability--- should also be taken into consideration and this point will also be discussed.

## **2. THE CASE STUDY AND QUESTIONS BEHIND THE RESEARCH**

After reviewing the conceptual underpinnings of the peacebuilding approach in Part II, its application to an actual situation will be analyzed in Part III through an in-depth analysis of the post-conflict transition management of Afghanistan during what came to be known as the Bonn Process<sup>10</sup>, beginning in December 2001.

Of the many countries that experienced conflicts during UN's history ranging over six decades, the case of Afghanistan is conspicuous, as its history for over quarter of a Century has been coloured by continuous conflict and civil unrest. Soviet intervention since the late 1970s and the sustained resistance movement led by the Mujahideens;

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<sup>10</sup> Reflecting common usage in the policy community involved in post-9.11 Afghan assistance, "Bonn Process" is defined for the purpose of this dissertation as the four year period between December 2001 to December 2005 during which Afghanistan made a series of transitory steps as outlined in the Bonn Agreement.

the retreat of the Soviet troops which signalled the beginning of the end of the Cold War led to subsequent intensification of internal battle between various Afghan factions; the rise of the Taliban fundamentalist movement with its extremist policies and the abrupt end of the regime as a consequence of the terrorists incidents of September 2001 at the global level; all attest to a turbulent history of incessant conflict. Although UN was continuously engaged with Afghanistan throughout this period, its role was severely limited until new opportunities emerged in the autumn of 2001<sup>11</sup>. Afghanistan's post-conflict stage was set with tremendous challenges.

Following the incidents of 9.11, the Security Council reiterated its request to the Taliban regime to cooperate in the investigation against the suspected terrorist group al-Qaida on 27 September 2001<sup>12</sup> but, as expected, it was met with no reaction from the regime. Through subsequent US-led strikes beginning in October 2001, the Taliban regime disintegrated and the negotiation for post-conflict peace agreement was intensively pursued during October and November 2001<sup>13</sup>. This resulted in the peace talks held in Germany and the adoption of the Bonn Agreement that the representatives of the Afghan parties signed under UN auspices on 5 December 2001<sup>14</sup>. The Security Council endorsed the agreement<sup>15</sup> and authorized the creation of a 20,000-strong multilateral military presence, International Security Assistance Force (ISAF)<sup>16</sup> to work along-side the peacebuilding support mission which later became the United Nations Assistance Mission to Afghanistan (UNAMA)<sup>17</sup>. In addition to ---and preceding--- this multilateral, formally authorized mechanism, the US-led coalition forces Operation Enduring Freedom sustained their presence throughout the period. Layers of various international actors making policy interventions proved to be a key characteristic of the international community's engagement in the post-2001 Afghan peacebuilding process<sup>18</sup>. Another characteristic feature introduced was the concept of "lead nations" among donors for assisting in specific priority areas introduced in the G8

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<sup>11</sup> Kiyotaka Kawabata, *Afghanistan: UN peacekeeping activities and regional conflict* (Misuzu Shobo, 2002) (in Japanese)

<sup>12</sup> S/RES/1373 (2001)

<sup>13</sup> Kawabata, p9.

<sup>14</sup> Contained in the letter of 5 December 2001 from the Secretary General to the Security Council President (S/2001/1154).

<sup>15</sup> S/RES/1383 (2001)

<sup>16</sup> S/RES/1386 (2001)

<sup>17</sup> S/RES/1401 (2002)

<sup>18</sup> Barnett Rubin, Humayun Hamidzada & Abby Stoddard, *Afghanistan 2005 and beyond: Prospect for improved stability reference document* (Clingendael Netherlands Institute of International Relations, 2005)



framework (under which US was leading security/military reform, Germany the police reform, Italy the judicial reform, Japan the disarmament, demobilization and reintegration of former combatants, UK the counter narcotics). These frameworks of international assistance were maintained throughout the Bonn Process, which progressed with landmark events such as the June 2002 Emergency Loya Jirga's mandating of the Transitional Authority, the adoption of a new constitution in January 2004 following the Constitutional Loya Jirga, election of the President in autumn 2004 and the election of the members of the lower house of the Parliament and Provincial Councils in autumn 2005.

The Bonn Process came to the end of its prescribed road with the inauguration of the Parliament in December 2005 and the London Conference of January 2006 set the "post-Bonn" agenda prescribing the priorities for the subsequent five years, adopting the "Afghan Compact"<sup>19</sup>. At this point, Afghanistan's immediate post-conflict status has arguably ended although it was widely recognized that sustained attention and assistance from the international community would be required for and beyond the next five years<sup>20</sup>. End of the Bonn Process brought with it the need to review the post-conflict management in Afghanistan during the Bonn period with special focus on the role of the international community. With the advantage of hindsight ---but also with fresh accounts and not too distant a memory of interlocutors--- several questions merit being comprehensively analyzed. The research that lead to this dissertation begun with the following initial questions in mind:

1. What were the characteristics of the Bonn Agreement and the pursuant "process", both in terms of legal/policy orientation and in its application? Where does the Afghan experience stand in relation to other attempts by the UN to deal with post-conflict peacebuilding?
2. What were the key factors that influenced the course of post-conflict peacebuilding in Afghanistan? How can one better comprehend various dilemmas encountered in the implementation process?
3. Did the Bonn Process provide a useful roadmap for the initial stage of post-conflict peacebuilding in Afghanistan? Are there any elements that can be taken

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<sup>18</sup> S/2006/90, annex.

<sup>20</sup> Barnett Rubin, *"Afghanistan's uncertain transition from turmoil to normalcy"* (Council on Foreign Relations CSR No. 12, March 2006)

as lessons learnt for application to other post conflict situations?

### **3. OBJECTIVE OF THE STUDY**

The objective of this dissertation is fourfold, roughly corresponding to the various parts of the dissertation following this introductory part. The first objective is to analyze the legal and political foundations as well as the key debates and political developments related to UN's engagement with conflicts. Here the natural focus will be on development of the past two decades since the demise of the Cold War bipolar structure, as this is the time when UN transformed formidably and many experiments were made. However, adequate review of the legal mandates stemming from the Charter, the foundational concepts such as collective security and the innovation of practice that came to be called "peacekeeping" will be required in order to fully appreciate the changes that occurred in the post-Cold War world and the underlying debates that dates back to the final years of the Second World War when the current world order was designed. Attainment of the first objective will equip us with the comprehension of the wider international context required to appreciate the case study.

The second objective is to reconstruct a particular case of post-conflict peacebuilding that is fresh in the minds of many: Afghanistan. Attempting to provide an analytical narrative of the process, various aspects of knowledge required to assess the process will be reviewed. This requires analysis for various elements that range from a very brief context of the conflict, factors that led to the termination of conflict, the design and characteristics of the agreement, landmark developments in the course of implementation, to a brief assessment of several key factors that impacted heavily on the process.

Having reconstructed the Bonn Process as a flowing narrative, the next objective is to assess the overall outcome of the process. While the assessment of whether and in what way the Bonn Process can be judged as a success in post-conflict peacebuilding is an important element of the third objective, an equally important preoccupation is to carefully identify and analyze the dilemmas encountered in the process of post-conflict peacebuilding in the Afghan context. While it is easy to point to the negative developments and conclude that things are not working, it is much more difficult to identify the structural complexities which present dilemmas. It is this dissertation's

main objective to identify and closely assess the various dimensions of the problems that collectively lead to the sometimes unencouraging state of affair. There are tensions in the transition process that are difficult to reconcile and referring to them as "dilemmas in post-conflict peacebuilding", this dissertation will assess challenges including the following: the need to bring about greater security and stability even when the ones that can offer to do so ---short of full international commitment to assign international military presence to take on the task--- are former combatants or warlords that symbolize everything but respect for the rule of law to the local population; the fact that liberal democratic processes has a high chance of enshrining dubious actors into position of power. While some may argue to put off the electoral process off until civil societal and state institutional capacities are sufficiently created, but how to balance this with the reality of donor fatigue; the fact that while most post-conflict peacebuilding processes are impossible to realize without extensive support from the international community, international assistance brings its own complications such as the dilemma between need for international standards of accountability and local priority setting and capacity building. And in some extreme cases the international assistance has been criticized for the potential to undermine central government's legitimacy. Clear identification and better comprehension of these sets of complicated dilemmas encountered in the Afghan post-conflict peacebuilding process is one of the key objectives in the context of assessing the overall outcome of the process.

The fourth objective is to determine the strengths and weaknesses of United Nations peace operations, by examining the core of UN's relevance in relation to ending/preventing conflicts and help creating peace, identifying the factors constraining its ability to deal effectively with conflicts. The final part of the dissertation that addresses this objective will be concluded with several proposals on how UN's capacity to deal with conflicts can be maximized.

#### **4. HYPOTHESIS PRESENTED IN THE STUDY**

As it will be reviewed in depth in the pages to follow, in the post-conflict period under the Bonn Process, ensuring security was the paramount consideration for the Afghan and international decision-makers. This dissertation argues that this determinant feature of the Process was due to two inter-related factors: first, as the Bonn Agreement excluded one major party to the conflict ---the Taliban--- from taking part

in the post-conflict transition process, there was a real potential and threat that security situation will deteriorate and derail the peace process; second, as the War on Terror waged by the United States and its coalition forces continued i.e. foreign military engagement (different from the UN-mandated security support force) was sustained for combat purposes throughout the Bonn Process, the situation in Afghanistan in parts of the country's territory was not one to be characterized as "post-conflict". Analysis presented in this dissertation will demonstrate that for these reasons, attaining and maintaining security had to be at the top of the agenda in the implementation phase of the Bonn Process, sometimes at the cost of other important objectives in the peacebuilding process described in the Agreement, such as state institution building, socio-economic development, accountability to past action and promotion of human rights and reconciliation between different ethnic groups.

A key variable underlying the two factors that led to the supremacy of security consideration<sup>21</sup> described above, is the relationship of Taliban to the peace process. From the outset, as the Bonn Process emerged responding to US attack on Afghanistan in the aftermath of 9.11, it was a given condition that the Taliban was grouped with Al-Qaida and treated as a terrorist organization of international significance. It was the enemy of the United States and its allies in the War on Terror and as that War never ended<sup>22</sup>, this scenario remained throughout the Bonn Process. Therefore, all associated with the Taliban and those regarded to be affiliated with them continued to remain outside the post-conflict transition process and grew as the center of "insurgency" acting against central government which was backed by the international community. Herein lie two critical elements. The relationship of the Taliban to the post-conflict process (or lack of it) was dictated by its significance from an international perspective, rather than from its domestic significance. Taliban as an Afghan entity is less a "supporter of terrorism" than one among various groups of contending warlords composed of Pashtuns albeit with extremist views. Taliban also embodies partially the

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<sup>21</sup> Expressed by the Afghan government and its international partners on various occasions of policy discussion e.g. SRSG Brahimi's brief to the Security Council on 19 July 2002 (S/PV.4579)

<sup>22</sup> President Bush pledged that "Our War on Terror begins with Al-Qaida but it does not end there... it will not end until every terrorist group of global reach has been found, stopped, and defeated" speaking on 20 September 2001 before beginning the attacks in Afghanistan. ("Address to the Joint Session of Congress and the American People" <http://whitehouse.gov/news.releases/2001/09/20010920-8.html>) Various criticism were made to the notion of War on Terror as being indefinite, indeterminate, and counterproductive ---most authoritatively by RAND Corporation's comprehensive study titled "Defeating Terrorist Groups" presented to the US House Armed Services Committees in September 2008--- but throughout the Bush

Pashtun population's frustration towards non-Pashtun attempts for political dominance after the withdrawal of the Soviet troops. By excluding the Taliban from the post-conflict transition process and not taking other measures to bring the non-Taliban conservative tribal Pashtuns solidly on board to the process, a sizable segment of the most numerous ethnic group of the country remained outside of the process they had to be a part of if post-conflict peacebuilding was to happen. As we shall see in detail, this was never corrected during the Bonn Process and led to unignorable growth of "insurgency" movements to which some non-Taliban population joined due to dissatisfaction with the central government policy or Coalition's military action.

This dissertation sets and explores the hypothesis that this was a situation where external conditions at the inter-state level (i.e. War on Terror) dictated the internal peace process at the intra-state level (i.e. not to include the Taliban in the peace process and therefore having to place security consideration above all other goals) and that in turn negatively affected the peace process to deliver desired results (i.e. security and lasting stable peace), with an impact back to both levels of analysis. Differently put, it is argued that if it was not for the significance of the War on Terror, Afghanistan's post-conflict transition process would have looked substantively different ---involving different actors--- and had the peacebuilding process been more inclusive, prospects for consolidating peace would have been greater. Upon designing the Bonn Agreement and in the initial stages of its implementation on the ground, should the international community, led by the United Nations, have taken more intrusive measures to alter the power structure of the country and resolving underlying causes of conflictual relationship among the country's various actors? Should there have been more weight given to institutional capacity building based on these principles? Was the international mediator's position too close to accepting the status quo, not addressing the underlying causes of continued fighting and dissatisfaction among the Afghan population? If we suppose that above questions are to be answered affirmatively, then another question renders itself to be asked: was there an alternative in a realistic sense?

From a theoretical point of view, proponents of a more intrusive international presence to manage transitional process in post-conflict countries such as Roland Paris who proposes the *"Institutionalization before liberation approach"* are critical of the peace

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Administration's second term, the phrase was used as an ongoing state of affairs.

operation in Afghanistan under the Bonn Process assessing it as a disappointing step back in the evolution of UN's peace operations after transitional administrations UN administered in Kosovo and East Timor<sup>23</sup>. However, in drawing relevant lessons for future post-conflict peacebuilding operations, the counter-arguments drawn from Lakhdar Brahimi and others engaged in practice of designing and administering peace operations should also be weighed appropriately. The "light footprint approach" that guided the UN's work in the Afghan post-conflict peacebuilding that argued that national ownership of the process is paramount will also be analyzed in this dissertation.

## **5. STRUCTURE OF THE STUDY AND METHOD OF RESEARCH**

This dissertation aims to address these questions and test the abovementioned hypothesis through three segments of analysis. First, it will examine the changing nature of UN operations in post-conflict settings, drawing on various definitions and events that shaped the literature on UN's engagement with conflicts. Second, it will review the Afghan post-conflict transition process governed by the Bonn Agreement by analyzing its origin, content, progress, factors that affected its implementation, leading to assessment of the process. Third, it will determine the strengths and weaknesses of UN peace operations, identifying factors constraining UN's ability to deal more effectively with conflict situations and to explore ways to maximize UN's capacity in this regard. In these three distinct but related segments, the following methodology of research will be applied:

(i) *Theoretical and conceptual underpinnings Analysis*: Review and analysis of preceding academic/analytical work and policy statements concerning UN's role in the management of conflicts and in particular post-conflict peacebuilding: Its place in International Relations at the beginning of the 21<sup>st</sup> Century.

(ii) *Comparative analysis*: Brief review and analysis of several key cases in internationally led post-conflict peace building efforts in the post-Cold War era: Different circumstances and external conditions in which UN became involved with very different mandates, implication of these on the outcome of the peace building process.

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<sup>23</sup> Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge University Press, 2004), p212-227.

(iii) *Historical narrative and content analysis of relevant official documents:* Constructing a detailed narrative of development surrounding and in Afghanistan from December 2001 to January from the perspective of post-conflict peacebuilding: Deriving the pertinent issues through review of socio-political development, policy statements and official documents (including relevant reports by the United Nations and the government of Afghanistan).

(iv) *Interview with relevant actors and analysis of perspectives:* In-depth review of relevant literature and interview with individuals engaged in the design and implementation of the Bonn Agreement: Analysis of their perspectives will aid in identification of characteristics of the Bonn Process, guiding factors/priorities set by the actors involved and its impact on the outcome of the peacebuilding process.

## **6. LIMITATIONS AND RELEVANCE OF THE STUDY**

As described in depth in the following chapters, the field of research on post-conflict peacebuilding has a distinct characteristic that, to a great extent, the practice led theorization. Furthermore, this is a field of study that is constantly being updated from new experiences gained with every new major engagement by the United Nations and other mandated bodies. Therefore, the definitional clarity and analytical rigour cannot be expected to be at the standards of research where the object of analysis is static and non-debated. It is beyond the scope of the study to arrive at a definitive notion or an ideal model of concepts central to the analysis such as post-conflict peacebuilding.

In relation to the case study in particular, the recent nature of the event and the very condition that the Afghan government institutions are in limited access to primary data that should be available from government sources. Much of the primary data in written form was drawn from official documents of United Nations and other government and academic institutions outside of Afghanistan. In order to fill the gap of knowledge, these were complemented by some primary data obtained through questionnaire and interviews conducted for this research. As for sources for secondary analysis, many journalistic reporting and contemporary assessments were used to construct some picture even if they are fragmented. These sources may be put in better perspective at a later point with the benefit of historical and comprehensive analysis that is not available at the time of writing of this dissertation.

Finally, common to any attempt at analyzing a political process which is conducted in the “real world” of geopolitical and strategic interests, sources of credible information to shed light on the reasons that motivated certain course of action is difficult to obtain. In addition to the problem of having limited sources of information described above, where access to additional relevant information was made possible through this research mainly through interviews, a level of subjectivity in the respondent’s account needs to be factored in. With the impossibility to interview key actors on all sides, it is difficult to claim for a rigorous comparison of viewpoints and a comprehensive picture. It must be said that these were beyond the scope of this study.

Limitation in the scope of the study outlined above notwithstanding, this dissertation is put forward to claim relevance for contribution to a better comprehension of the Afghan post-conflict transition process governed by the Bonn Agreement. Bonn Process being one of the key contemporary cases in post-conflict peacebuilding that UN engaged in, identifying new angles of analysis as well as uncovering and analyzing additional primary data related to the process will contribute to better assessment of this intervention. The dissertation also makes its contribution to and forwards the contentious debate on the optimal model of UN’s engagement in post-conflict peacebuilding process. Contending perspectives by leading scholars and practitioners on the ideal modality of UN’s engagement will be surveyed in detail in Part II, then applied in the context of the Afghan Bonn Process in Part III and specific insights from this study will be elaborated in Part IV and V.

An additional relevance of this dissertation is to be found in its approach to combine the “lessons learnt” and other critical perspectives accumulated among practitioners of international peace operations and the analysis and findings based on theorization offered by the academic community. Deliberately drawing on sources from both ends, the study aims to make a modest contribution to the bridging of the sometimes distant circles of knowledge, sharing common interest in better understanding how the international community should best support post-conflict societies in peacebuilding. As the unfortunate trend of instability and conflict grows around the world, and with the recognition of the post-9.11 world that unattended conflicts can have global repercussions, such integrative aspect of this study’s relevance is believed to have greater significance in the years to come.



**PART II:**  
**UNITED NATIONS**  
**PEACE OPERATIONS**



One of the key objectives prescribed to many intergovernmental organizations ---in particular those of universal nature, such as the United Nations and its predecessor the League of Nations--- is the maintenance of peace and security. But the precise nature of how the United Nations deals with conflicts and maintains peace and security as the representative of the international community is not clearly defined and the practice as well as its theorizing have changed overtime.

In Part II, we aim to capture the changing nature of UN's peace operations with the objective of setting the context for the case study to be discussed in the Part III and IV. We will begin by recalling the legal basis of UN's engagement with conflicts and then assess the background under the Cold War bipolar structure where "peacekeeping" was invented and remained the main *modus operandi* for the first four decades of UN's history. Subsequently, we shall review the developments in the post-Cold War era, analyzing several key policy documents produced by the United Nations that impacted on the fifth and sixth decade of UN's history. Conceptual frameworks and definitions given to various components and modalities of UN's engagement in conflicts will be discussed in this context and theoretical underpinnings of these discussions from various schools of International Relations will also be articulated.

In addition to above, the influence of the liberal democratic peace thesis on post-conflict peacebuilding design will be examined at the end of Part II. While an in-depth analysis of the theory and debate surrounding the thesis are beyond the scope of this dissertation, a brief attempt will be made to introduce the debate over the desirability of liberalist suppositions in peacebuilding efforts, as they impact substantively on theorizing and practice of UN's peace operations in the near future.

## **1. MANDATE UNDER THE CHARTER AND OTHER LEGAL GROUNDS**

The question of how to deal with conflicts has always been one of the most central issues capturing the community of world nations that we refer to today as the "international community"<sup>24</sup>. Establishment of the United Nations as well as its predecessor the League of Nations were attempts to better address this and other important problems facing the community of nation states. It is natural therefore that the United Nations identified the question of "maintenance of international peace and

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<sup>24</sup> Joseph S. Nye, *Understanding international conflicts* (Harper Collins, 1993)

security”<sup>25</sup> as one of the most important issues for which the world body should deal with.

With the limitation of world order based on the “balance of power” model blatantly exposed by the First World War, the concept of “collective security” emerged as a basis for world order to avoid war and maintain peace, and became enshrined in the Covenant of the League of Nations<sup>26</sup>. By defining that an attack on a member state within the system constitutes an attack on all members of the system and that it legitimizes concerted action by all members of the system, the concept of collective security provided a logical justification required for acts of self-defense and sanctions endorsed through international agreement. This concept filled the normative gap created for these types of actions after the Kellogg-Briand Pact of 1929 that made resolution of conflict through violent means illegal in principle<sup>27</sup>.

In legal terms, the UN’s responsibility for the maintenance of international peace and security in general stems from the Preamble and articles 1(1), 24 (Security Council’s responsibility), 99 (Secretary-General’s responsibility)<sup>28</sup>. More specifically, the UN Charter Preamble begins by stating that “We the peoples of the United Nations determined to save succeeding generations from the scourge of war ... and for these ends to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force should not be used, save in the common interest”. The Charter continues on in Chapter 1 “Purposes and Principles” to identify “maintenance of international peace and security” as the first item under the purpose of the UN in Article 1. Article 24 states that the “Members confer on the Security Council primary responsibility for the

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<sup>25</sup> As we shall see in the following pages, the definition of what constitutes a “threat to international peace and security” shifted dramatically over the past two decades to include various cases which would have previously not have been considered in this category.

<sup>26</sup> “Collective Security” by Peter J. Opitz in Helmut Volger (ed), *A concise encyclopedia of the United Nations* (Kluwer Law International, 2002).

<sup>27</sup> One of the many efforts made after the World War I to outlaw war, signed in Paris in August 1929. While it failed to prevent the rise of militarism in the 1930s and eventually the Second World War, it remains a binding treaty under international law. ([www.state.gov/r/pa/ho/time/id/88736.htm](http://www.state.gov/r/pa/ho/time/id/88736.htm)) Its principle denouncing aggressive war was confirmed in a broadened manner in the Charter of the United Nations Article 2(4).

<sup>28</sup> General Assembly (GA)’s responsibility in the area of peace and security is not explicit but GA discusses matters pertaining to peace and security based on its mandate described in Article 10 that states “The General Assembly may discuss any questions or any matters within the scope of the present Charter... make recommendations to the Members of the United Nations or to

maintenance of international peace and security". Beyond assigning of mandates and responsibilities, the key provisions of the Charter that defines "the specific powers granted to the Security Council for the discharge of ... duties" are contained in Chapter VI "Pacific settlement of disputes" (Articles 33-38) and Chapter VII "Action with respect to threats to the peace, breaches of the peace, and acts of aggression" (Articles 39-51)<sup>29</sup>.

As we shall see in detail in the subsequent chapter with reference to the development of the concept of "peacekeeping" during the Cold War era, the United Nations' mandate to ensure international peace and security as described in the Charter is not matched with conditions in reality, especially concerning its capacity to enforce peace. Even when the Cold War bipolar structure ended and requests were made for the UN to make greater interventions in conflict prevention and resolution, resource provision to the United Nations from the Member States did not grow commensurate to the mandates given. This is most acutely reflected in the fact that the type of standing force to be made available to implement military action decided by the Security Council (envisaged in Articles 43-47) that should be able to act on Chapter VII provisions in the event that the Security Council determines the "existence of any threat to the peace, breach of the peace, or act of aggression" (as defined in Article 39) is not established six decades after the adoption of the Charter and it is not expected to be so in any near future. This points to the fact that despite legal grounds laid out above, to this day, the project to concretize the system of collective security based on the United Nations prescribed in the Charter is incomplete. Nonetheless, this is not to imply that little was done by the United Nations with the aim of maintaining international peace and security as we shall see in the following chapters.

## **2. "PEACEKEEPING" DURING THE COLD WAR**

As demonstrated in the previous chapter, in the area of engaging with conflicts to maintain international peace and security, the United Nations begun with unclear mandate and inadequate means to meet the challenges presented. During roughly the first four decades of UN's existence, the situation largely remained unquestioned, due

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the Security Council or to both on any such questions or matters."

<sup>29</sup> As we shall see in Part II Chapter 2, "peacekeeping operations" have no reference in the Charter itself and are often dubbed as "Chapter VI ½".

to the reality of world politics during the Cold War<sup>30</sup> characterized by East-West rivalry based on ideological lines and proxy wars. In any event, the bipolar world structure that characterized this period offered little space for the world body to exercise its responsibility in the area of maintaining peace and security<sup>31</sup>. The most important development in this area during this period was the development of concept and practice of peacekeeping<sup>32</sup>.

It is important to note that "peacekeeping" is a term not envisaged in the Charter and its creation is a manifestation of UN's attempt to intervene in conflicts against the backdrop of the abovementioned reality during the Cold War period. While the Cold War bipolar structure characterized the international system framework, UN's role in conflict situations had to be limited in scope, centered mainly around providing buffer zone for separation of forces, monitoring cease-fires and observing demilitarization on principles of neutrality, with the consent of the parties concerned, and force was used only in self-defense<sup>33</sup>. Two analysts with long personal experience in UN's peacekeeping activities, Kiyotaka Kawabata and Shigeru Mochida, analyzes as follows:

*"For better or for worse, Peacekeeping is a product of the dilemma of world politics, and therefore its existence cannot be discussed separately from the reality of international politics. This limitation imposed by reality gave rise to two seemingly contradicting traits of peacekeeping: limitless expectation it raises as a conflict resolution mechanism on the one hand and its actual powerlessness that disappoints many on the other. It is perhaps a fate prescribed at its birth that peacekeeping contains two distinct aspects as if it were light and shadow of the same concept. "Light" as it is a creation by the Member States and the Secretariat crystallizing the international community's wisdom in dealing with the*

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<sup>30</sup> The term Cold War describes the state of conflict, tension and competition that existed between the US and the USSR and their respective allies from the mid-1940s to the early 1990s. Throughout this period, the two superpowers engaged in costly defence spending including a nuclear arms race and numerous proxy wars. (For the origin of the term and how it became embraced in US foreign policy parlance, see 'Bernard Baruch coins the term "Cold War"', history.com entry 16 April 1947)

<sup>31</sup> It should be noted that during this period UN played much more expansive role in the area of socio-economic issues, for a good summary of accounts in these field during the first six decades see Richard Jolly, Louis Emmerij & Thomas G. Weiss, *The power of UN ideas: lessons from the first 60 years* (United Nations Intellectual History Project, 2005)

<sup>32</sup> Lily Sucharipa-Behrmann, "Peacekeeping operations of the United Nations" in Franz Cede & Lily Sucharipa-Behrmann (eds) *The United Nations: Law & practice* (Kluwer Law International, 2001)

<sup>33</sup> Based on definition of "Peacekeeping" by Brian Urquhart in Helmut Volger (ed), *A concise encyclopedia of the United Nations* (Kluwer Law International, 2002). One notable exception is

*political limitations that are given factors in international relations, “shadow” as it is a makeshift concept designed to deal with crisis with immediate political improvisation in place of a serious response.<sup>34</sup>”*

It could be said that peacekeeping is a concept that deliberately resisted a fixed definition through institutionalization<sup>35</sup>. During the Cold War period, peacekeeping proved to be the most and only relevant tool at the disposal of the UN in dealing with conflicts and it managed to be in center stage by keeping its flexibility as a concept and practice.

Table 1: UN Peacekeeping operations during the Cold War<sup>36</sup>

Mission	Target area	Mandate Resolution	Duration
<b>UNTSO</b> (United Nations Truce Supervision Organization)	Egypt, Lebanon, Israel etc	SC R 50	05/1948 - present
<b>UNMOGIP</b> (United Nations Military Observer Group in India and Pakistan)	Kashmir (India-Pakistan border)	SC R 47	01/1949 – present
<b>UNEF I</b> (United Nations Emergency Force)	Suez Canal, Sinai, Gaza	GA R 998 GA R 1000	11/1956 – 06/1967
<b>UNOGIL</b> (United Nations Observation Group in Lebanon)	Lebanon-Syria border	SC R 128	06/1958 – 12/1958
<b>ONUC</b> (United Nations Operation in the Congo)	Congo	SC R 143 SC R 161	07/1960 – 06/1964
<b>UNSF</b> (United Nations Security Force in West New Guinea)	West New Guinea	GA R 1752	10/1962 – 04/1963
<b>UNYOM</b> (United Nations Yemen Observation Mission)	Yemen	SC R 179	07/1963 – 09/1964
<b>UNFICYP</b> (United Nations Peacekeeping Force in Cyprus)	Cyprus	SC R 186	03/1964 – present
<b>DOMREP</b> (Mission of the Representative of the SG in the Dominican Republic)	The Dominican Republic	SC R 203	05/1965 – 10/1966
<b>UNIPOM</b> (United Nations India-Pakistan Observation Mission)	India-Pakistan Border	SC R 221	09/1965 – 03/1966

the UN Operation in the Congo (ONUC) deployed in the Belgian Congo 1960-64.

<sup>34</sup> Kiyotaka Kawabata and Shigeru Mochida, *New Era of peacekeeping: testimony from the UN Security Council* (original title: *PKO shinjidai: Kokuren Anpori karano shogen*) (Iwanami Shoten, 1997), p4. This quote is a rough translation into English by Kato from the book written in Japanese. Responsibility for the accuracy of the translation rests with the author of this dissertation.

<sup>35</sup> A. B. Fetherston, *Towards a theory of United Nations peacekeeping* (Macmillan Press Ltd, 1994), p13.

<sup>36</sup> For full name of missions, detailed description of mission mandate and other information, see source data found on the UN-DPKO homepage (<http://www.un.org/depts/dpkp>).

<b>UNEF II</b> (Second United Nations Emergency Force)	Suez Canal, Sinai	SC R 340 SC R 341	06/1974 – 07/1979
<b>UNDOF</b> (United Nations Disengagement Force)	Golan Heights, Syria	SC R 350	06/1974 – present
<b>UNIFIL</b> (United Nations Interim Force in Lebanon)	Southern Lebanon	SC R 425	03/1979 – present
<b>UNGOMAP</b> (United Nations Good Offices Mission in Afghanistan and Pakistan)	Afghanistan	SC R 622	05/1988 – 03/1990
<b>UNIMOG</b> (United Nations Iran-Iraq Military Observer Group)	Iran-Iraq border	SC R 619	08/1988 – 02/1991
<b>UNAVEM I</b> (United Nations Angola Verification Mission)	Angola	SC R 626	01/1989 – 06/1991

As summarized in Table 1 above, 16 peacekeeping operations were established and deployed by the UN during the Cold War<sup>37</sup>. While these operations served many useful purposes, there were evident limitations in their ability to resolve conflicts and ensure international peace and security. Some missions were criticized for entrenching the conflict situation and not being able to bring about peace other than that defined as a mere absence of violent conflicts<sup>38</sup>. The outcome situation they provided was far from the state of peace UN was supposed to protect and ensure under the Charter and yet even at the face of such criticisms, there was little that the UN was able to do given the dynamics of Cold War politics as well as the limited means it had at its disposal. In the early 1990s when the post-Cold War world order begun to take place marked with many outbursts of internal conflicts, interest in UN peacekeeping operations surged. Among various attempts to categorize its various types, the most famous one was that of categorizing UN peacekeeping operations into three “generations”<sup>39</sup>. First

<sup>37</sup> There are different ways of categorizing Cold War peacekeeping operations but for the purpose of this dissertation, UNAVEM I is seen as the cut off mission for missions launched during the Cold War structure, as the next mission, United Nations Transition Assistance Group (UNTAG) in Namibia, launched in April 1989 has some elements of a new and expanded role expected for United Nations characteristic of post-Cold War operations incorporated. This is not to say however that no missions following UNTAG were traditional peacekeeping missions, or that no missions before UNTAG had an expanded role beyond monitoring ascribed (as in the case of ONUC) as discussed elsewhere in the text.

<sup>38</sup> For instance, UNFICYP has been deployed in Cyprus since 1964 to present for over four decades with no role in bringing about resolution of the conflict, for detailed analysis see Michael W. Doyle and Nicholas Sambanis, *Making war & building peace: United Nations peace operations* (Princeton University Press, 2006), p257-280.

<sup>39</sup> Doyle and Sambanis, p10-18.



generation was “the traditional operation” that characterized most<sup>40</sup> of the operations during the Cold War period as described above based on the principles of neutrality, consent and non-use of force. Several of the peacekeeping operations deployed in the initial years after the end of the Cold War, such as the United Nations Transitional Assistance Group (UNTAG) for Namibia, the UN Observer Mission in El Salvador (ONUSAL), and the United Nations Transitional Authority in Cambodia (UNTAC) had mandates that allowed much greater intervention in the country’s domestic management issues but still operated on the principle of consent by the parties. These operations that came to be characterized as “multidimensional peacekeeping operations” were also referred to as the second generation of peacekeeping operations to be distinguished from the first generation operations. Then came the third generation of peacekeeping operations that included mandates for peace enforcement and preventive deployment such as the UN Operation in Somalia II (UNSCOM II) and the UN Protection Force (UNPROFOR deployed in Croatia, Bosnia and Macedonia). Due to the widely-publicized failure of the operation in Somalia, operations deployed in the post-UNSCOM II period often had designs that the military component of the mandate is assumed by regional organizations which the UN operation was expected to work alongside with while paying focusing on the political process and state capacity building. As we shall explore later, in the 1990s further attempts were made to distinguish various types of interventions UN makes in conflict situations and in the following decade into the new Millennium, the discussion progressed from one artificially centered around peacekeeping to one comprehensively discussing various forms of UN’s peace operations<sup>41</sup>.

### **3. AGENDA FOR PEACE AND THE EMERGENCE OF “PEACEBUILDING” AS THE NEW FOCUS**

As the Cold War bipolar structure came to an end in December 1991 with historic demise of the Soviet Union, a new environment has emerged in which the international community called upon the UN to actively deal with conflicts for their solution<sup>42</sup>. It was no coincidence that the same period saw the beginning of many internal conflicts that

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<sup>40</sup> Although not all, such as the ONUC operation in the Congo 1960-64.

<sup>41</sup> This “generational” categorization is confusing as the three broad categories described as “generations” did not appear in reality in chronological terms, as the second and the third generations were born within months (with the exception of the 1960 experience in the Congo which is indeed a Third generation operation predating the appearance of the second generation operation in Namibia in 1989. (Pointed out by Doyle in Otunnu and Doyle, Chesterman.)

<sup>42</sup> Otunnu & Doyle, p 1-12 & 297-302.

were previously either contained or resolved within the context of Cold War bipolar rivalry. The need to have new mechanisms to deal with these new conflicts and the disappearance of hindrance on UN's political activism opened new avenues for UN's engagement with conflicts. Symbolical of this change, the Security Council held a milestone session attended by heads of states in January 1992, affirming its commitment to work through the UN in dealing with conflicts. The summit session called upon the UN secretariat to present its views on how UN's role may be stepped up in this area by providing "analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the UN for preventive diplomacy, peacemaking and peacekeeping"<sup>43</sup>.

Prepared in this context of unprecedented rise of demand and expectation, the *Agenda for Peace* report presented in June 1992 laid out the secretariat's view of how UN can best assist resolution of conflicts<sup>44</sup>. With the following working definition, the report gave a coherent framework to various tasks performed by the UN by separating UN's activities in relation to conflicts into four areas of chronological progression *i.e.* preventive diplomacy, peacemaking, peacekeeping, and post-conflict peacebuilding.

**Preventive diplomacy:** action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.

**Peacemaking:** action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter.

**Peacekeeping:** the deployment of a UN presence in the field, hitherto with the consent of all the parties concerned, normally involving UN military and/or police personnel and frequently civilians as well. Peacekeeping is a technique that expands the possibilities for both prevention of conflict and the making of peace.

**Post-conflict peacebuilding:** action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.

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<sup>43</sup> S/23500, Statement of the President of the Council, 31 January 1992.

<sup>44</sup> S/24111

Already in 1992, it was evident that several key variables distinguished the new operations in the post-Cold War era from its predecessors during the first four decades of UN's history. These were (i) involvement in internal issues of a state (such as electoral assistance, state capacity building), (ii) diversification of tasks to be performed which also translated to dramatic increase in scale of operations, (iii) preventive deployment at an early stage of conflict, not necessarily awaiting termination of conflict, became the norm, (iv) increase in expected tasks to be performed by the peacekeeping operation.

Reflecting the broadening of tasks to be covered by UN peace operations, the new emphasis was made on the mandate of peacebuilding. This is believed to be the reason why the Secretary General included this concept to the three concepts predetermined by the Security Council's request. While the first three concepts defined in the *Agenda for Peace* were widely used from the preceding decades under the bipolar structure (and therefore explicitly referred to by the Security Council), the concept of "peacebuilding" hitherto discussed mainly in small academic/policy circles was brought to the forefront of international discussion, through the articulation of the concept in this report. It represented an area that the UN saw itself to actively be involved in the post-Cold War era.

Defining peacebuilding as activities conducted once peace is achieved, the report identified as peacebuilding, activities in wide ranging areas such as demilitarization of former combatants, improving security, collection and destruction of weapons, return of refugees, advise and training to law enforcement personnel, monitoring of elections, promotion of human rights protection, reform and strengthening of governmental institutions, promotion of political participation to be constituting peacebuilding support. Most of UN's peace operations after 1988 focused on this post-conflict peacebuilding element<sup>45</sup>. Therefore, the focus of this dissertation will center primarily on this concept.

In a statement issued by its President in April 1993, the Security Council endorsed the concept of peacebuilding and expressed its support for UN to conduct peacebuilding as part of efforts to build strong foundation for peace. In terms of definitional development, following the operations in Somalia and Bosnia which were widely

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<sup>45</sup> Paris, p18.

perceived as failures, the UN issued a *Supplement to the Agenda for Peace* in 1995 recognizing that a new breed of intra-state conflict characterized by failed states presented the UN with new challenges (reminiscent in a remote manner the 1960 Congo operation)<sup>46</sup>. The supplementary report articulated that the collapse of state institutions in these countries ---especially those institutions providing law and order--- necessitated international interventions to go beyond the traditional military and humanitarian tasks to embrace “promotion of national reconciliation and re-establishment of effective government” thereby highlighting the need for strengthened capacity in peacebuilding.

The UN also made several amendments to the initial scheme presented in the *Agenda for Peace* in this supplement. For instance, the following six activities were identified as various methods in which UN tries to resolve conflicts between and within states: “preventive diplomacy and peacemaking”, “peacekeeping”, “peacebuilding”, “disarmament”, “sanctions”, and “peace enforcement”. The first three were characterized by having the consent of the parties to the conflict while the last two were exercise of Council's authority based on Chapter VII of the Charter. “Disarmament” was considered to be somewhere in between. It was also explained that the first three were still based on the notion of chronological progression. Here the content of “peacebuilding” was defined as activities aimed at creating “structures for the institutionalization of peace” which included demilitarization, control of small weapons, institutional reform, police and judiciary reform, monitoring of human rights, electoral reform, and social and economic development.

Towards the end of the 1990s, there was a renewed interest on the topic, with particular emphasis on UN's engagement in post-conflict peacebuilding, as many saw the need for greater focus on the phase to consolidate peace. At the end of 1998, the Security Council held an open debate entitled “Maintenance of peace and security and post-conflict peacebuilding” and many Member States participated expressing various views on the subject. As Bert Theuermann points out, the Presidential Statement issued on this occasion<sup>47</sup> is the most comprehensive generic policy formulation of the Council on peacebuilding<sup>48</sup>. It affirmed the Council's recognition of the importance of

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<sup>46</sup> S/1995/1

<sup>47</sup> S/PRST/1998/38

<sup>48</sup> Bert Theuermann, “Peacebuilding activities of the United Nations” in Franz Cede & Lily Sucharipa-Behrmann (eds) *The United Nations: Law and practice* (Kluwer Law International,

post-conflict peacebuilding efforts of the UN system, and the value of including peacebuilding elements in mandates of peacekeeping operations, and emphasized the need for smooth transition from peacekeeping to post-conflict peacebuilding structures, while at the same time affirming the Council's commitment to the principles of political independence, sovereignty and territorial integrity of all states.

#### 4. POST-COLD WAR PEACE OPERATIONS

Turning our attention away momentarily from the development of conceptual framework on UN's engagement in conflicts, this Chapter will briefly review the actual cases UN engaged in conflicts during the first decade after the end of the Cold War to assess the key results. We begin by noting that all the enthusiasm and optimism expressed in the *Agenda for Peace* was matched by a spirit of unprecedented activism in the Security Council that defined various issues as posing "threat to international peace and security" in the first half of 1990s. As the two former West-East bloc leaders became more willing to pull out of conflict situations in grounds where during the Cold War proxy wars were fought, greater role and responsibility were placed on the UN to bring conflicts to an end. At the same time, after the end of the Cold War, conflicts in question changed to be predominantly intra-state nature and many of UN's missions dispatched during this period required elements which went beyond peacekeeping mandates, with added various roles in the area of peacebuilding<sup>49</sup>.

It must be assessed that UN did generally well during the initial years of the post-Cold War world to fulfill the new expectations placed on the world organization for the first time<sup>50</sup> as seen in the four major operations during the early post-Cold War era in Namibia (1989-90), El Salvador (1991-96), Cambodia (1991-93), and Mozambique (1992-94). They followed a similar pattern where the international stakeholders (usually led by a key Security Council member) supported the formulation of a peace accord and then the Council subsequently authorized a UN mission to support and monitor specific elements prescribed in the peace accord<sup>51</sup>. These operations were deployed to countries where there was a general readiness for ending conflicts and

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<sup>49</sup> Simon Chesterman, *You, the people: The United Nations, transitional administration, and state-building* (Oxford University Press, 2004)

<sup>50</sup> With the exception of 1960 Belgian Congo.

<sup>51</sup> Usually this included *inter alia* monitoring of ceasefire, disarmament and demobilization of former combatants, holding and monitoring of an election.

peace agreement was in place, and the lead members of the international community committed resources to enable international operations. All four operations ended in a relatively speedy manner deemed as success after conducting the first democratic election.

However, the relative ease with which UN conducted above operations contrasted to the next two operations that proved to be more difficult to manage *i.e.* Somalia (1992) and Bosnia (1995). In these two instances, the UN mission arrived in a terrain where there was no peace to keep. Although a peace accord was signed due to big power pressure, willingness among the local parties to abide by it was not as high as in the first four operations. Lack of resources to carry out the mandate was another problem; UN forces entered the ground with insufficient manpower based on best-case scenario<sup>52</sup>. In both cases, forces available for the UN proved to be insufficient to provide the necessary security and had to be supported by a larger US-led force. US and some other key Member States remained unwilling to provide their force to operate under UN's command. In the case of Somalia, initial problem was solved with the reinforcement of 20,000 strong US force but it was followed with the withdrawal of 90% of the US troops, just as the Security Council was mandating greater responsibility for the UN mission<sup>53</sup>. This unfortunate turn of events resulted in the widely televised death of 18 US soldiers which led to US troops' complete withdrawal and the operation spread the image of UN's failure to deal effectively in conflicts. In Bosnia, the shocking consequence of the mismatch between robust mandate and insufficient manpower given to the UN took the form of the massacre of Srebrenica (July 1995) up to 20,000 people ---overwhelmingly Bosnian Muslims--- perished in UN controlled "safe zones". Coupled with the outrageous development in Rwanda where despite UN's presence in the country, genocide which claimed the lives of roughly 800,000 Tutsis and moderate Hutus (April-July 1994) took place unhindered<sup>54</sup>, these failed operations in the mid-1990s gave a strongly negative image for UN's ability to deal with internal conflicts.

Although UN's performance in these operations left strong impression to many that UN

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<sup>52</sup> James Dobbins et al, *The UN's role in nation building: From the Congo to Iraq* (RAND Corporation, 2005)

<sup>53</sup> Walter Clarke and Jeffrey Herbst (eds), *Learning from Somalia* (West View Press, 1997), p244.

<sup>54</sup> In the case of Rwanda, revealing of UN and the international community's inability to respond to crisis even where many alerts were given from the field commander led to further questions as detailed in Lieutenant-General Dallaire's important account, see Romeo Dallaire,

was unable to deal effectively with peace enforcement operations, records of later missions, in particular those in Eastern Slavonia (1995), East Timor (1999) and Kosovo (1999) attest otherwise. These examples seem to point out that when provided with sufficient resources and strong political support, UN missions are able to work effectively to attain the mandates given<sup>55</sup>. Especially in the case of Eastern Slavonia, despite the fact that the conflict occurred simultaneously and in close proximity to the escalation of violence in Bosnia, the peace operation concluded well. This success is attributable to several factors pertaining to the condition in the country at the time of the end of the conflict but it also has to do with the well-staffed, well-conducted mission that UN was able to send due to the willingness of the key Member States.

Although the *Supplement to the Agenda for Peace* cautioned against UN assuming responsibility for law and order, or attempting to impose state institutions on unwilling combatants, the reality in fact pulled the UN to greater involvement in these areas in the following years. UN's mandates continued to increase and expand in the years to follow<sup>56</sup>. By the end of 1995, UN assumed policing responsibility in Bosnia under the Dayton Accord and the following year it assumed responsibility for temporary civil governance functions in Eastern Slavonia. In East Timor and Kosovo, UN mission's mandate was substantially increased reaching new heights, performing the role of transitional administration<sup>57</sup>. Beyond the parlance of *Agenda for Peace*, these operations came to be characterized as "Multi-functional/complex operations" characterized with a strong "peacebuilding" component.

With reference to Kosovo and East Timor, the assessment of dramatic expansion in mandate to perform the function of a transitional administration was mixed, both among practitioners and theoreticians. As this debate will be explored in more detail in the context of the case study, here it suffices to note that it was applauded by some as long-awaited and appropriate response to the need for a more full scale and intrusive peace operations<sup>58</sup> and others assessed that they were unsustainable as a model for standard peace operation by the UN<sup>59</sup>. Whatever the longer term verdict will be on

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*Shake hands with the devil: the failure of humanity in Rwanda* (Random House Canada, 2003).

<sup>55</sup> James Dobbins et al, *The UN's role in nation-building: from the Congo to Iraq* (RAND Cooperation, 2005)

<sup>56</sup> Chesterman, p2.

<sup>57</sup> It should also be noted that these operations were not without controversy, especially as similarity with colonialism or military occupation was suggested.

<sup>58</sup> Paris, p213-221.

<sup>59</sup> Brahimi report (S/2000/809)

these wider mandate operations, the architects of the next major peace operation *i.e.* in Afghanistan chose to revert to a more limited scope of UN's involvement, explicitly calling for a "light footprint" as the desired model in this country's post-conflict peacebuilding process. Whether this model will be regarded as the norm rather than the exception for future major UN peace operations remains to be seen but its pros and cons in actual application will be assessed in greater detail in Part II.

## 5. 2000 HIGH-LEVEL PANEL ON PEACE OPERATIONS AND THE "BRAHIMI REPORT"

Reverting our attention to the development of conceptual framework and attempt at theorization of UN's engagement in conflicts, almost a decade after the *Agenda for Peace*, Secretary General Kofi Annan established in 2000 a High-level Panel to review UN's peacekeeping operations and mandated the Panel to draw up recommendations for change in UN's practice. Hence a report was produced in August 2000, in time for discussion at the Millennium Summit in September 2000, titled "*Report of the Panel on United Nations Peace Operations*", better known as the "*Brahimi report*" taking the name of the Chairman of the Panel Lakhdar Brahimi.

The *Brahimi report* is based on a conceptual framework that "peace operations" of the UN consists of the following three "principle activities":

**Conflict prevention and Peacemaking:** Long-term conflict prevention is attained through establishment of a solid foundation for peace by eliminating structural causes for conflict. When there are specific factors and incidents threatening the maintenance of the foundation for peace, *preventive diplomacy* supports the maintenance of peace through diplomatic efforts. The report notes that *preventive diplomacy* is usually conducted in a low-profile manner and when successful, they are largely unnoticed. If the stage to engage in preventive diplomacy is missed and conflict erupts, diplomatic mediation takes the form of *peacemaking*. These activities could be undertaken successfully by representatives of governments, intergovernmental organization of regional or global character, NGOs or even by influential individuals, as long as there is recognition for legitimacy and influence to the parties to conflict.

**Peacekeeping:** The report recognizes the dramatic shift in the concept and practice of peacekeeping experienced, in particular during the decade



after the Cold War. The “50-year-old enterprise” evolved rapidly from a traditional primary military model of overseeing ceasefire and force separation after inter-state wars to deployment in ongoing conflict situation in intra-state conflicts, often to provide security and to create space for peacemaking and peace building.

**Peacebuilding:** Described as activities conducted to “reassemble the foundations of peace” and providing the tools to build on those foundations “something that is more than just the absence of war”. Includes, but not limited to:

- Reintegrating former combatants into civilian society
- Strengthening the rule of law (e.g. through training and restructuring of local police, judicial and penal reform)
- Improving respect for human rights (monitoring, education and investigation of past and existing abuses)
- Technical assistance for democratic development (including electoral assistance and support for the media)

While keeping the general framework of *Agenda for Peace* with slight modification, the conceptual framework presented in the *Brahimi report* no longer expects each activity to be progressing in timeframe, moving from one activity to another. It also calls for integrated and coordinated action by various actors/agencies engaged in different aspects of peace operations, not compartmentalizing them into each category, resulting in lack of horizontal coordination. It is interesting to note that where theoretical recognition for various distinct components of UN's engagement with conflicts was felt necessary in 1992, by the time the new Millennium was beginning, the greatest need was to seek better integration of various aspects of UN's work to avoid fragmentation, so that interventions can be made in a holistic manner. As the number of mandates and UN agencies involved in various stages of conflict increased, lack of coordination and duplication among them begun to emerge as a key priority issue in need of political attention.

In terms of conceptual definition, it is in relation to the concept of peacebuilding in particular that the *Brahimi report* refined the earlier definitions offered in the *Agenda for peace*. The concept is no longer artificially limited to post-conflict situations as it is expected to take place at various stage of conflict. Equally important, previous emphasis on social-economic aspects of peacebuilding is supplemented with the

recognition that peacebuilding activities carry great political significance.

The report takes into account the fact that complex peace operations UN engaged in dealing with intra-state conflicts in the post-Cold War period have often been a combination of peacekeeping and peacebuilding operations. It clearly defines that operations in these setting with “complex and risky mandates ---which have been the rule rather than the exception since the end of the Cold War--- calls for peacebuilding as the key task of “moving the ongoing conflict from the military sphere involving direct violence to the political sphere where differences and conflictual positions can be contested within the framework of rule of law”<sup>60</sup>.

With the abovementioned centrality of peacebuilding in mind, we shall now move on to review the key attempts at theorizing the concept.

## **6. RECENT TRENDS IN THEORETICAL ANALYSIS OF PEACEBUILDING**

Over the past two decades, the concept of peacebuilding developed in a manner where practice and the actual phenomena led theorization and conceptualization<sup>61</sup>. In the strict sense of the term, there are no theories of peacebuilding. As we have seen in the previous few chapters, much of what constitute our current definition of peacebuilding were developed by United Nations Secretary General's reports and other policy documents of governmental and intergovernmental bodies. In the academic community, Johan Galtung has been using the concept of “peacebuilding” from an early stage but his use was in the context of inter-state conflicts and it will not be correct to consider his work as the initial attempt at theorizing the concept of peacebuilding as we have come to accept today<sup>62</sup>. Yet with the growing attention on the topic in the recent years, several important work have been put forward and we shall review their main contribution in this chapter.

In *Building Peace*, John Paul Lederach identifies three levels of key actors in the

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<sup>60</sup> Ibid.

<sup>61</sup> Chesterman observes this characteristics in relation to “peacekeeping” and “UN complex peace operations” (Chesterman, p48)

<sup>62</sup> Johan Galtung, “Three approaches to peace: peacekeeping, peacemaking, and peacebuilding” in Johan Galtung (ed) *Peace, war and defense: essays in peace research, volume II* (Copenhagen: Christian Ejlers, 1976) as quoted in Hideaki Shinoda, *Peace-building and the rule of law: theoretical and functional analysis of international peace operations* (Sobunsha, 2003) (In Japanese)

peacebuilding process ---Level 1 composed of top political military leadership, Level 2 composed of mid-level leadership in various sectors, Level 3 composed of grassroots leadership at the local level--- and prescribes actions conducive to peacebuilding that can be taken at each of these levels. Lederach argues that there are pertinent issues to be addressed at each level and by addressing these issues which otherwise will block the peacebuilding process at each level, the overall process of peacebuilding will be expedited.<sup>63</sup>

In *Peacebuilding as politics*, Elizabeth Cousens and Chetan Kumar argues that although the research on the topic has been led by drawing conclusions from analysis of cases, analysis of peacebuilding can also benefit from being subject to the classic scientific approaches of deduction and induction analysis. They emphasize the importance of noting the political nature of peacebuilding while utilizing the two contending analytical approaches.<sup>64</sup>

Ho-won Jeong's 2005 work, *Peacebuilding in post-conflict societies* is probably the most comprehensive study on peacebuilding published to date. Jeong outlines what he terms as a "peacebuilding design" that encompasses the principles, concept and expected outcomes of peacebuilding and adds reference to an evaluation process for peacebuilding activities. The work provides detailed analysis on the four main areas related to peacebuilding i.e. "security and demilitarization", "political transition phase", "development" and "reconciliation and social rehabilitation" and concludes with a discussion on "operational obligation and coordination".<sup>65</sup>

Michael W. Doyle and Nicholas Sambanis take the approach of applying theories of civil war in determining the strategic environment within which UN peace operations function in postwar transitions, defining that "peacebuilding is a key part of international capacities that can compensate for the lack of local capacities and mute residual hostilities of civil war". Based on this assumption, they articulate what they term as "ecological spaces for peace" for each post-conflict situation. By "ecological spaces for peace", they refer to "different opportunity structures within which actors involved in the peace process decide whether to support the peace or return to war"

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<sup>63</sup> John Paul Lederach, *Building Peace* (United States Institute of Peace Press, 1997)

<sup>64</sup> Elizabeth Cousens, Chetan Kumar and Karin Wermester (eds), *Peacebuilding as politics: cultivating peace in fragile societies* (Lynne Rienner Publishers, 2001)

<sup>65</sup> Ho-won Jeong, *Peacebuilding in post-conflict societies* (Lynne Rienner Publishers, 2005)

and it is determined by the combination of the three variables ---local and international capacities and hostilities---. They argue that strategic peacekeeping and peacebuilding must match means to ends and fit within the conflict's "ecology".<sup>66</sup>

Digesting these contributions on the theorizing of peace operations, and peacebuilding in particular, by the academic community in the recent years, and combining them with the notion presented with the practitioners in mind in the Secretary General's reports and other defining work reviewed earlier in this Part, following definitions are developed and applied in the context of this dissertation.

**Peace operations:** Activities conducted with the aim of building a secure society capable of sharing and pursuing the ideal of peace, by eliminating violent conflicts and creating conditions conducive to peaceful settlement of conflicts and prospect for human development, by applying appropriate methods available to the international community including conflict resolution, peacemaking, peacekeeping, peace enforcement, peacebuilding. While the United Nations continues to possess a central role in fostering and coordination peace operations, increasing number of cases involve design where UN partners with other actors (such as regional organizations, multi-lateral coalition forces led by a Member State of the UN) to apply the combination of methods required in the particular circumstance.

**Peacebuilding:** Activities aimed at "the creation of structures for the institutionalization of peace"<sup>67</sup> conducted to "reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war"<sup>68</sup>. Peacebuilding ---one of the main five main methods of peace operations---, by definition, embraces a broad range of activities<sup>69</sup> that are believed to be beneficial to building a peaceful society where disputes are resolved through non-violent means, based on the rule of law. Among its core areas of intervention is reforming or strengthening of governmental institutions<sup>70</sup> capable of providing citizens with physical and

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<sup>66</sup> Doyle and Sambanis, p27 & 63-68.

<sup>67</sup> Supplement to the Agenda for peace, para 49.

<sup>68</sup> Brahimi report, para 13.

<sup>69</sup> One problem of the concept of peacebuilding is that it is often used so broadly that it has no defining significance. As Chesterman critiques "At times being used to describe virtually all forms of international assistance to countries that have experience or at risk of armed conflict". (Elizabeth Cousens "Introduction" in Cousens and Kumar, p-5-10.)

<sup>70</sup> This definition is inclined towards the rule of law approach, focused on institutional governance. While fully acknowledging the partial relevance of other approaches placing greater emphasis on the strengthening of civil society and socio-economic aspects of

economic security, based on respect for human rights and professional competence. In terms of international involvement, this includes quasi-governmental activities such as electoral assistance, technical assistance to establish and promote structures and culture based on the rule of law and respect for human rights, security sector reform (including DDR, military and police reform, judicial reform) and certain forms of development assistance. "Effective peacebuilding is, in effect, a hybrid of political and developmental activities targeted at the source of conflict."<sup>71</sup>

With these theoretical underpinnings and definitions, elements required to analyze the case study of the Afghan post-conflict peacebuilding process are attained. However, before moving onto the case study, one other important policy debate on design of peacebuilding processes shall be examined.

## **7. SUPPOSITION OF LIBERALISM IN POST CONFLICT GOVERNANCE DESIGN**

We have seen in the previous chapters how the number and scope of UN intervention in conflict and post-conflict situations dramatically increased in the past two decades. Another less noticed shift that occurred during period was related to the models and ideals of the end-state that are presupposed in the design of the peace agreements and the implementation of the post-conflict peacebuilding process. The ideological debate over different interpretation of democracy was one of the key sources of profound debate during the Cold War period between the countries of the "West" with its liberalist interpretation coupled with capitalist market liberalism and the countries of the "East" bloc espoused to the communist interpretation prescribing state-owned managed economy. In the post-Cold War world, this debate was dropped as a point of dispute, as the liberal model of democracy and market economy was seen to have won over its contender with the demise of the Soviet Union. While some countries (such as the People's Republic of China, Cuba, Libya) continue to be espoused to non-liberal doctrines for state and economic management, they do not constitute the contending bloc that the former Eastern bloc used to create<sup>72</sup> and these countries are also

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development, this dissertation is written with the position that question of political legitimacy and institutional capacity building of governance structure are the sine qua non requirement in a successful peacebuilding process accomplished with international/external assistance.

<sup>71</sup> Brahimi report, para 44.

<sup>72</sup> Even under the Cold War structure, these countries disassociated themselves from either of the two blocs, despite their marked similarity in political ideology and economic models to the Eastern bloc. They have preferred to see themselves as the "Third World" not belonging to one camp or the other under the Cold War bipolar structure, also creating separate dynamism such

introducing increasing level of liberalist policies in the management of their domestic policies. Responding to these historical shifts<sup>73</sup>, the liberal peace thesis that argues that liberal democracies have less chance of going to war (at least among each other)<sup>74</sup> became mainstream and it also found its way into the model designs for country emerging from conflict<sup>75</sup>.

Presupposition of liberalist political and economic principle as the correct model of government in post-conflict peace operations managed by the UN in the past two decades is a reflection of the abovementioned changes in international political norm. UN itself has always been the most vigorous proponent of political liberty as enshrined in the Charter and the Declaration of Human Rights, but now the ideological divide between its key Member States were removed so that UN could engage in promoting these models in practice. Indeed, many recent experiences show that the democratic form of government anchored with respect for human rights and civil liberties tend to facilitate a polity where conflicts are resolved through non-violent means. The economic sphere governed by market capitalism offers an avenue for non-violent manifestation of pursuit for power and interests. But the fact that liberalist models are so strongly enshrined in the designs of post-conflict peacebuilding strategy is also a reflection of the fact that the donor states that support these operations are firmly espoused to these principles. Most post-conflict operations UN managed in the past two decades included assistance for holding of elections as a key step in legitimizing the process<sup>76</sup>.

Some have begun to point out that while these liberalist designs are not to be contested, there are some aspects of this presupposition that we should be mindful

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as the "Non-aligned movement".

<sup>73</sup> This, of course, does not mean that there are no longer ideological battles in the UN based on different political ideals or that different notions of what constitutes state's rights and obligations does not bloc action by the Security Council, as most recently seen in the Security Council's inability to impose sanction against President Robert Mugabe of Zimbabwe due to veto by Russia and China in July 2008. (For details on the Zimbabwe case, see "The return of Mr. Nyet", *The Economist*, 17 July 2008.)

<sup>74</sup> James Lee Ray "Does Democracy cause peace?" *Annual Review of Political Science*, 1998 Vol. I, p27-46. For a comprehensive summary of debate on liberal peace thesis, see Bruce Russett & Harvey Starr, "From democratic peace to Kantian peace: democracy and conflict in the international system" in Manus Midlarsky (ed.) *Handbook on war studies*, 2<sup>nd</sup> edition (University of Michigan Press, 2000).

<sup>75</sup> This is referred to by some scholars as the revival of Wilsonianism in post-Cold War conflict management. See Paris, p40-42.

<sup>76</sup> Benjamin Reilly, *Democracy in divided societies: electoral engineering for conflict management* (Cambridge University Press, 2001) and "Post-conflict elections: constraints and

of<sup>77</sup>. For instance, Roland Paris points out that there is a potential destabilizing effect in the course of transition into liberal political economic system in a country just emerging from conflict. When these factors are not duly taken into account in the post-conflict transition management process, and election, political liberty and other symbols of liberal democracy is introduced too quickly, it could have the adverse effects of reinforcing the very sources of conflict that ignited the conflict in the first place. In such cases ---which Paris concludes is more the norm than the exception among the 13 peace operations conducted during 1989-1999 he investigates--- paradoxically the intended goal of lasting and self-sustaining peace became more remote after the introduction of political liberalism. Michael Barnett also makes similar critique of what he terms as "liberal peacebuilding" and argues for "republican peacebuilding" in which the immediate emphasis will be on creating "institutional foundations of stability and legitimacy" based on "the republican principles of deliberation, constitutionalism, and representation".<sup>78</sup>

One of the main arguments of Paris that can be summarized as the need for strong institutions before one can limit state power is in fact echoed in many traditional writings such as a statement dating back to 1788 by James Madison that reads: "*In framing a government which is to be administered by men over men, the great difficulty is this: you must first enable the government to control the governed; and in the next phase, oblige it to control itself.*"<sup>79</sup> The need for dual emphasis on justice and domestic order is recognized by the classic liberals. They saw that liberal democracy and market economy presuppose a functioning government where the rule of law and basic security is guaranteed by the state. Therefore political thinkers such as John Locke, de Toqueville recognized that before limiting the power of the state institutions, there is a need for establishing effective/functioning state in the first place. Paris analyzes that modern liberals forgot to emphasize this basic premise recognized by the classic liberals, as the Western countries came so far in accomplishing this presupposition. He highlights the importance of recognizing this point in the process of peacebuilding in societies just emerging from conflicts.

As a concrete example, Paris refers to the situation in Latin American post-conflict

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dangers" in *International Peacekeeping*, 9(2), p18f.

<sup>77</sup> Paris, p44-51 & 185-187.

<sup>78</sup> Barnett, Michael. "Building a republican peace" in *International Security* Vol. 30, No. 4 (Spring 2006), p99-98.

countries where *"recurring rounds of revolutionary violence are caused by the economic structure of the country charged with historical pattern of wealth concentration and coffee-export centered growth where development and growth at the aggregate level does not translate to improved condition for the majority of the population"*. In these countries, there is little prospect that state institutions will function to improve people's security or that elections will bring genuinely representative government into power unless the peacebuilding process gives space and time for changes to take place in the underlying socio-economic conditions. Paris advocates for what he terms as the "Institutionalization Before Liberalization" strategy in post-conflict peacebuilding process. This approach prescribes stronger support for forces available within the country that may contribute to pluralistic and democratic form of governance as well as capacity building both in government and the civil society to increase provision of basic needs (including security from intimidation), stating that these interventions are required before the electoral process or checks and balances of government can be expected to bring its intended results.

This dissertation considers it a principle beyond debate that post-conflict transition process should include freedom of expression and choice of government through democratic elections as key steps designed into the process. However, as regards the timing and speed of introducing the symbolic steps in democratic governance, it seems worth taking the points raised by Paris and others into account when designing the roadmap and the overall plan of post-conflict peacebuilding schemes. The outcome of elections depends on the nature of the society and the structure of the conflict that are different from case to case, but in general, in countries just emerging from violent conflicts, sources of discontent (such as ethnic division, economic class differences etc) is often fanned in the course of the electoral campaign and this could make division wider in some cases. Even without rhetorical statements related to electoral campaigns, division could be fanned in the name of freedom of expression so much so that it creates grounds for renewed and greater violence against certain groups, as the tragic case of Rwanda demonstrated. In other cases, the divisions are highlighted in the electoral process so excessively that parties to the election will accept the result only if they are on the winning side, and the one fairs badly will not accept the results and go back into worse kind of violence. This was, for instance, the case in Angola under Jonas Savimbi and was likely to happen in Liberia if Charles Taylor lost in

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<sup>79</sup> James Madison, *Federalist* no. 51, February 6, 1788 as quoted in Doyle and Sambanis, p197.



the 1997 election<sup>80</sup>.

Yet another problem arising in the context of instruments of democratic process being introduced in post-conflict setting is evident when leaders elected through democratic process supervised by the international peace builders would change their approach after the election into legitimate power. Once securely in position, some heads of states elected through UN-sanctioned electoral process begin to use non-democratic means to consolidate their power in anticipation of the next election, as in the case of Cambodia's Hun Sen and Liberia's Charles Taylor. In the case of Cambodia, the problem continues to this day where the country is no longer considered to be in its immediate post-conflict state. Those in position of power as democratically elected representative of a state, the UN has very little ability to suggest different course of action and the international community at large finds it difficult to address these problems without falling into semblance with the classic big power intervention.

The UN and the key players of the international community learnt some of these lessons from early 1990s (Cambodia, Angola, Rwanda, Liberia) and tried to apply them in designing the Dayton Accords in 1995, dealing with the post-conflict management of Bosnia<sup>81</sup>. On the other hand, however, the actual model derived in post-conflict peacebuilding process holding off elections aimed at avoiding these pitfalls, such as the Bosnia High Representative-type takeover of authority by the international actors, is also assessed to be not optimal in the manner they are currently administered<sup>82</sup>. Such model does not foster true and lasting peace independent from outside pressure and the absence of violent conflicts build on such foundation is likely to disintegrate the moment the international forces depart<sup>83</sup>.

Debate over what constitutes the best strategy for the introduction of political and economic liberalism is far from over and is expected to continue. But one variable that

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<sup>80</sup> It may be the case that Taylor was elected more out of the populations' fear that he would "do a Savimbi" if not elected. (Adekeye Adebajo, *Liberia's civil war, Nigeria, ECOMOG and regional security in West Africa* (Lynne Rienner, 2002), p223 quoted in Chesterman, p209)

<sup>81</sup> Richard Holbrooke, *To end a war* (Random House, 1998)

<sup>82</sup> The Bosnia model is also more an exception where the European countries can be counted to provide high-level of support to the management of the process on a continuous basis, as shown by the fact that it is not an UN-led framework.

<sup>83</sup> As we shall see in greater detail in Part III, the lessons of entrenchment of divisions through peacebuilding design in Bosnia as well as the unsustainability of operations in Kosovo and East Timor ---where UN temporarily administered the territory in the transition process--- were applied to the design of peace accords for Afghanistan.

also should not be forgotten in this debate is the will (and commitment in deed) of the Member States that are contributing to the peacebuilding process. In particular, as UN's operation in post-conflict support depends on resources made available voluntarily outside of the regular assessed budget of the United Nations, it is important for the debate to take this factor into account. It must be said that policy debate of this nature put forward to the decision-makers of contributing Member States is a useful tool in influencing the position of these countries that determines the length and modality of UN's involvement. Therefore, more synergies should be explored between those engaged in the practice of post-conflict transition management and those leading theoretical debates on the desired modality of such processes to make a common case.

**PART III:**  
**AFGHANISTAN'S EXPERIENCE IN**  
**POST-CONFLICT PEACEBUILDING**  
**UNDER THE BONN PROCESS**



The aim of Part III and IV is to analyze the Afghan Bonn Process as a case study of a post-conflict peacebuilding process that the international community engaged with in the most recent years after the turn of the Millennium. This attempt will be made in two broad steps.

In the first, in Part III, we shall reconstruct the Bonn Process in one coherent narrative bringing various developments and elements under one analytical perspective. We shall begin by considering the historical context of Afghanistan's conflict, through a very brief review of the historical conditions leading to 2001 and reference will be made to the role and response of the international actors, including the UN, in the period preceding 2001. Subsequently, the events of September 2001 and its immediate repercussion on the situation in Afghanistan will be reviewed. We will assess the immediate response of the US administration to 9.11 and how the United Nations framework was engaged in legitimizing the course of action and attaining international support for War on Terror. By reviewing the emergence of the Bonn Process through description of the United Nations Secretariat's planning and sculpting out of key features of the post-conflict peacebuilding phase and analyzing the Bonn Conference that took place in late November/early December 2001, we will arrive at a better comprehension of the factors and dynamics that shaped the Bonn agenda.

Detailed analysis of the actual Agreement adopted will identify the characteristic of the Agreement ---which is not a classic peace settlement--- that had great bearing on the four years of the immediate post-conflict peacebuilding process to follow. Descriptive analysis of the particular structure and modality of international assistance through examination of the parallel military engagements by the US-led Coalition Forces and the UN Security Council-mandated ISAF, as well as the mandate and structure of the UN's civilian assistance mission, UNAMA, will follow.

An extensive chapter will be devoted to assessing key political developments that occurred under the Bonn Process such as the formation of the Transitional Authority, the Emergency Loya Jirga and the formation of the Transitional State, the Constitutional Loya Jirga and the promulgation of the new Constitution and finally the two elections (Presidential and the lower house of the national assembly and provincial councils). Subsequently, particular reference and analysis will be made to identify several critical factors that influenced the overall the transitional process. These relate to developments in the "security sector reform" and the problem of warlordism, the



## 1. THE AFGHAN CONFLICT AND ITS CONTEXT

### 1.1 Brief history of Afghanistan before 1979

Afghanistan's fate of being at the crossroads of civilizations and therefore being the buffer state of various powerful foreign powers over centuries is well acknowledged<sup>85</sup>. From the days of when Afghanistan emerged from the Turco-Mongol conquerors<sup>86</sup> as an own entity under the rule of the Pashtun tribes forming the Durrani dynasty<sup>87</sup> in the Eighteenth Century, through the "Great Game" between the British and Russian Empires in the day of imperial conquests and the British Raj<sup>88</sup>, straight through to the Twentieth Century "Cold War" period when the United States and the Soviet Union competed to bring Afghanistan into its sphere of influence, Afghanistan's fate has been mainly shaped by its geopolitical significance.

Managing to fend off British attempts to bring in Afghanistan into its rule from India during the two Anglo-Afghan Wars of 1838-1842 and 1878-80 gave Afghans the reputation of not yielding to foreign subjection. Britain eventually managed to bring Afghanistan under its influence in agreement with Russia struck against the background of the First World War, but as that war ended in 1919 Afghan resistance made Britain agree to Afghanistan's independence, delineating its border with India<sup>89</sup>.

After attaining independence in 1919, King Amanullah Khan pursued various rapid modernization policies but he was ousted from power in 1929. King Nadir Shah took over but he did not remain in power for long as he was assassinated in 1933. His son Zahir Shah took power in 1933<sup>90</sup> and provided a stable rule over four decades but

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<sup>84</sup> Map source: UN's cartographic unit ([www.un.org/maps/afghanistan](http://www.un.org/maps/afghanistan))

<sup>85</sup> Amin Saikal, *Modern Afghanistan: A history of struggle and survival* (I. B. Tauris & Co, 2004), Mark Ewans, *Afghanistan: A short history of its people and politics* (Harper Perennial, 2002)

<sup>86</sup> "The Ottomans, the Safavids, Shaybanid Uzbeks, Mughals dominated the West Asian landmass and the latter three fought over the territory of today's Afghanistan and divided it among themselves" (Rubin 2002, p19)

<sup>87</sup> Founding of the Monarchy in 1747 by Ahmad Shah Durrani.

<sup>88</sup> Peter Hopkirk, *The Great game: On secret service in High Asia* (Oxford University Press, 1990)

<sup>89</sup> King Amanullah Khan launched attacks on British forces in Afghanistan shortly after he took power in 1919 and won complete independence from Britain as recognized in the Treaty of Rawalpindi of 9 August 1919.

<sup>90</sup> Although early part of King Zahir Shah's reign was marked only by nominal power of the King as his uncles Mohammad Hashim Khan and Shah Mahmood Khan (both brothers of the late King Nadir Khan and served as Prime Ministers until 1945 and 1952 respectively) exercised actual decision-making power. The King was only 19 years old at the time of enthronement due to his

political instability grew in the 1970s as the communist party of Afghanistan, People's Democratic Party of Afghanistan (PDPA)<sup>91</sup> and the Islamic movements grew their influence with diametrically opposed views. On 16 July 1973, King Zahir Shah was displaced in by a coup d'état while away for medical treatment in Italy. Upon taking power, the main protagonist of the Coup, Mohammad Daoud ---King Zahir Shah's cousin as well as son-in-law and a former Prime Minister---- declared the end of monarchy and positioned himself as the President of the new "Republic of Afghanistan". Daoud strengthened his dictatorial rule by extracting significant external assistance, aligning his regime initially with the Soviet Union and eventually also with the United States. Oppression of political liberty escalated and his clamp down on the communists<sup>92</sup> led to a military coup d'état in April 1978. Noor Mohammed Taraki of the Khalgh faction of the communist party was the Chairman of PDPA at the time of the April 1978 coup where Daoud was assassinated<sup>93</sup> and he became the first President of the "Democratic Republic of Afghanistan". By the end of 1978, an alliance treaty was signed with Moscow and Afghanistan became a de facto satellite state of the Soviet Union. However, due to internal power struggle within PDPA leadership, Taraki's position became increasingly undermined by Hafizullah Amin who belonged to the same Khalgh faction and was made the Foreign Minister following the April 1978 coup and subsequently Prime Minister in March 1979. Amin rapidly gained power and removed Taraki from Presidential position "due to health reasons" and assassinated Taraki and took over the position of President in September 1979. At this stage, the Soviet Union grew concerned about the dynamics in Afghan leadership. Growing

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father's sudden death and initially lacked political experience. It is commonly assessed that King Zahir Shah's real reign begun around 1963 when Mohammad Daoud who served as Prime Minister from 1953 replacing Shah Mahmood Khan resigned in 1963. Despite these underlying currents of dissenting policy, King Zahir Shah's continuous reign at the surface level did provide a great sense of stability for Afghanistan for over four decades and included many achievements such as the adoption of the Constitution in 1964 that gave way to move towards democratic governance.

<sup>91</sup> People's Democratic Party of Afghanistan (PDPA), founded in 1965 by Noor Mohammed Taraki and Babrak Karmal among several others, adopting the ideological standards of the Soviet global vision, was supported by the Soviet Union since the day of its inception in. Later the PDPA split into two factions broadly based on ethnic lines and a different approach to democratic revolution and socialism in Afghanistan: "Parchem (flag)" under Karmal's leadership mainly supported by ethnic Tajiks and other minorities in the urban areas (although Karmal himself was originally from a renowned Pashtun family) took more collaborative stand with non-Marxists in the course of realizing a revolution and taking power; and "Khalgh (people)" under Taraki mainly composed of Pashtuns advocating pure revolutionary socialism rejecting any collaboration with non-Marxists. (Based on analysis by Nojumi, 2002, p31-40)

<sup>92</sup> Daoud initially cooperated with the Communists and several were included the cabinet as the coup against King Zahir Shah was conducted with the cooperation from the military and the Pachami faction of PDPA.

<sup>93</sup> Nojumi argues that Amin who was the Khalqi military recruiter at the time was the major



tension and violent crushes between Amin with the other factions of the communist party as well as with the Islamic opposition gave pretext for the Soviet Union to directly intervene marching straight into Kabul on 27 December 1979 to assassinate Amin and to crush his regime. The following day on 28 December 1979, Babrak Karmal of the Parcham faction declared himself President of the Democratic Republic of Afghanistan and made a statement justifying USSR's action as one being based on the treaty of friendship and mutual support between the two countries<sup>94</sup>. What appeared to the world at the time was that amidst the internal fighting within the communist regime between various factions<sup>95</sup>, the Soviet Union invaded Afghanistan in December 1979. This was the beginning of the conflict which continued to disrupt ordinary life for the Afghan population for nearly quarter of a Century.

Such critical situation in Afghanistan alarmed many in the international community, not just the Western nations but also the group of non-aligned states and 52 countries jointly requested that the Security Council take up this item, assessing it as a clear threat to international peace and security. As a reaction to this, the Security Council did take up the crisis in Afghanistan during 5-9 January 1980 but the representative of USSR recited its position matching to Karmal's statement and there was nothing that the Security Council could do under the Cold War paralysis, especially when one party criticized of threatening peace and security through violent means happened to be the veto-holding permanent member of the Council itself<sup>96</sup>. Using the provisions of Uniting for Peace resolution of 1950<sup>97</sup>, a special session of the General Assembly was convened on 14 January 1980 to discuss the Afghan crisis and it adopted a resolution strongly condemning military intervention by USSR and demanding immediate and complete withdrawal of foreign troops from Afghanistan<sup>98</sup>. However, as with all other resolutions adopted by the General Assembly, it does not bind the Member States and

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architect and commander of the 1978 coup. (Nojumi, 2002, p39)

<sup>94</sup> Chronology and event analysis between 1973-1979 based on combination of accounts and analysis by Nojumi, p31-40, Maeda and Yamane, p111-126 and supplemented by oral interviews with Rasuly, November 2008 in Vienna.

<sup>95</sup> The negative effects of factionalized party politics from this period is still vividly remembered and referred to as the root cause of Afghan conflict among many Afghan elites and this affected critical decision-making on electoral systems in the Bonn period as explained in detail in Part III Chapter 7.3.

<sup>96</sup> Kawabata 2002, p22.

<sup>97</sup> Based on a resolution of the General Assembly (Resolution on Uniting for Peace 337 (v)) adopted at the time of the Korean War in 1950 that stipulates that the General Assembly is authorized to take certain action when the Security Council is unable to take action against clear acts of aggression due to difference of opinion among its Permanent Members.

<sup>98</sup> A/RES/35/27.

the Soviet Union's position was not at all altered. The Secretary General began to pursue mediation for political resolution of the crisis but this remained the extent of UN's reaction to the development in 1979.

## **1.2 Soviet occupation and the Mujahideen resistance (1979-1989)**

While the communists engaged in in-fighting which ultimately brought in the Soviet forces to effectively occupy the country, a major resistance movement was taking shape composed of conservative and religious elements of the Afghan society. Contrary to popular perception that the fabled Afghan resistance movement sprung up against the marching Soviet troops, their political roots must be sought in period preceding the Soviet invasion. As Afghanistan tried to move towards more inclusive democratic form of government under King Zahir Shah's actual leadership from the mid-1960s, various political circles emerged in Afghanistan advocating change and reform of governance based on their political views. Next to the communists ---whose organizational development we have already reviewed---, those basing their perspectives on Islamic teachings were also very active and radical. When Daoud's coup brought an abrupt end to the monarchy and oppression of political liberty escalated, some of the Islamists organized secret action against the regime. Most prominent among these Islamist circles was the Afghan *Ikhwan-al-Muslimin* (Muslim Brethren) whose membership included Gulbuddin Hekmatyar, Burhanauddin Rabbani, Ahmad Shah Massoud, Maulawi Yunus Khalis, Maulawi Mansoor, Jalaladdin Haqani and it organized armed campaigns against the regime and assassinated a cabinet Minister from Daoud's regime. Some were jailed or killed by the regime while others including Gulbuddin Hekmatyar and Ahmad Shah Massoud took refuge in Peshawar. In Pakistan, under the support of Zulfikar Ali Bhutto's and later Zia ul Haq's government, these Islamists formed *Hezb-e-Islami* (the Islamic Party), a Pakistan-based militant organization. Later, many of the Islamist activists broke away from *Hezb-e-Islami*, mainly due to differences with Hekmatyar and formed their own parties. Among them the most notable party was the *Jamiat-e-Islami* of Afghanistan (the Islamic Society of Afghanistan) founded by Rabbani and Massoud joined. As the Mujahideen movement consisted of seven parties based in Pakistan and eight parties based in Iran, there were others in the movement who took less radical Islamic views such as *Harakat Inqelabi-Islami* (the Islamic Revolutionary Movement) headed by Maulana Mohammed Nabi Mahommedi and *Hezb-e-Islami* led by Maulawi Yunus Khalis, just to name two. These Islamic Mujahideen parties were more traditional tribal based parties, less

ideological and non-hierarchical compared to parties of Hekmatyar or Rabbani<sup>99</sup>.

In exile, these groups were already engaged in conflict with first Daoud's, then successive communist regimes, waging battles against the dictatorial state but with the direct invasion of the Soviet Union in December 1979, their political struggle became transformed into a much larger movement that came to be called as the "Mujahideens" (defenders of Islam, freedom fighters) fighting a "Jihad" (holy war to protect Islam) from the unjust advances of the atheist, communist USSR. Mujahideens fought on two fronts: the "external front" composed of exiled party leaders based in Pakistan and Iran, and the "internal front" led by commanders fighting with local population waging armed resistance against the Soviet army and the communist regime's army<sup>100</sup>. As the Afghan puppet regime's military force was unsubstantive, direct battle between the Mujahideens and the Soviet force were waged and continued for nearly a decade until the final withdrawal of USSR.

The United Nations made attempts to mediate an agreement from the early 1980 but had little luck in a situation where one party to the conflict was a member of the Security Council. Settlement of this chapter of the conflict had to wait for a major shift of priority within the Soviet Union under Gorbachov in the context of the crumbling Soviet empire. Following substantive agreements reflecting renewed position of the Soviet Union, a peace agreement was signed in Geneva in April 1988, agreeing to (i) mutual respect for non-intervention between Afghanistan and Pakistan, (ii) on the timetable of withdrawal of Soviet troops from Afghan territory, (iii) safe voluntary repatriation of refugees from Pakistan, and (iv) US and USSR providing international guarantee for independence of Afghanistan<sup>101</sup>. As referred to in the Geneva Agreement,

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<sup>99</sup> However, according to analysis of Ahmed Rashid, due to CIA-ISI preferential support to the radical Islamists, vast majority of the aid was channeled to the radical parties and that marginalized the moderate Islamists among the resistance movement. (Rashid 2001, p85.)

<sup>100</sup> Nojumi's insightful analysis on the process of mass mobilization and dynamics within the Mujahideen movement illustrates that the two fronts were far from being unified and that great deal of frustration of those engaged in the armed resistance remaining in the country (such as Massoud, Ismail Khan, Maulawi Haghani, Abdul Haq etc.) came also from the inability of the leaders of the external front (Hekmatyar, Rabbani, Sayyaf etc.) to come to agreement to form a unified opposition towards the Soviet Union and the communist regime. According to Nojumi, the external front created or contributed to the difficulty in accessing funds and armaments by the internal front which also disadvantaged their position vis-à-vis the Soviet forces and the communist regime.

<sup>101</sup> Formally the "Agreement on the interrelationships for the settlement of the situation relating to Afghanistan", commonly known as the "Geneva Accords", signed in Geneva on 14 April 1988. (For detailed reference on the Geneva Accord and its limited scope and effectiveness, being focused on Soviet withdrawal and not addressing the resolution of the Afghan conflict per se ---

the United Nations established in May 1988 the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP). A classic example of traditional peacekeeping mission, UNGOMAP monitored the implementation of the agreement and completed its work in March 1990, as the withdrawal of the Soviet troops from Afghanistan begun in May 1988 and was completed in February 1989. By the end of the occupation-resistance war, both sides suffered great damage: official causality announced by the USSR numbered 13,833 dead and 49,985 wounded by March 1989<sup>102</sup> and an estimated 876,825 Afghans lost their life<sup>103</sup>, 1.5 million people were physically disabled, 6 million displaced from their land of origin as refugees in neighbouring countries and countless more were displaced internally<sup>104</sup>.

The sheer fact that the mediievally-attired Mujahideens sustained without surrender (and causing bitter damage) to the one of the world superpower over nearly a decade based on their fierce sense of independence did add significantly to the fame of the "Afghan resistance freedom fighters". But Mujahideens were far from being alone in sustaining this battle against the Soviet Union. It was able to do so only with great foreign support, motivated by various political considerations on the part of the supporters. Significant amount of weapons and operating cash was transferred to various factions of the Mujahideen forces from external supporters<sup>105</sup>, most significantly (in financial terms) the United States provided US\$ 3 - 3.3 billion to the resistance movement during the 1980s in a classic proxy war scenario under the Cold War paradigm<sup>106</sup>. These resources were channeled through Pakistan ---more

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the most obvious one being the exclusion of the Mujahideen parties---, see William Maley, *The Afghanistan Wars* (Palgrave Macmillan, 2002), p134-142 as well as Saikal, p200-204)

<sup>102</sup> Figures based on Liakhovskii and Zabrodin "*Tainy afganskoi voiny*" p213 quoted in Saikal. Beyond these quantifiable direct loss, unwise policy resulting in protracted engagement in Afghanistan severely discredited USSR both internationally and more importantly vis-à-vis its own public. Some cite engagement in Afghanistan as one of the direct cause of the collapse of the Soviet Union (Maley 2002, p159-166).

<sup>103</sup> Noor Ahmad Khalidi, "Afghanistan: Demographic consequences of war, 1978-1987" in *Central Asian Survey*, 1991, p107 quoted in Maley 2002. This figure only covers until 1987 and the figure for the entire duration until complete Soviet withdrawal is estimated to be around 1 million dead (based on interview with Vladimir Fenopetov, December 2008, Vienna).

<sup>104</sup> Maley 2002, p154.

<sup>105</sup> According to Steve Coll's research, combined aid from US, Saudi Arabia and China for military equipment to the Mujahideen movement during the 1980s is estimated to have been between US\$ 6-12 billion while Soviet Union's spending for military equipment of the communist regime in Afghanistan is estimated at US\$ 36-48 billion. This amounts to tremendous concentration of weapons in the country and the surrounding area, leading Steve Coll to observe: "By 1992, there were more personal weapons in Afghanistan than in India and Pakistan combined. By some estimates more such weapons had been shipped to Afghanistan during the previous decade than to any other country in the world." (Coll 2004, p238.)

<sup>106</sup> Samuel P. Huntington, *The clashes of civilizations and the remarking of world order* (Simon

specifically through its military intelligence agency, Inter State Service (ISI)--- as Pakistan had vested interest in intervening in the political scene of Afghanistan. As ever occupied with its existential fear of a united front between India and the Pashtun population across the Durrant-line borders, Pakistan's main objective was to establish a pro-Pakistani central government in Kabul, one that it can exert influence over, defining Afghanistan as a "strategic depth" of its foreign policy<sup>107</sup>.

Another major actor that played the role of the financier of the Mujahideens was Saudi Arabia that ascribed its obligation in supporting those fighting a "jihad" to save Islam against communism, and also saw it as an opportunity to spread the influence of its version of Islam, Wahabbism, which is known for its inclination towards fundamentalist interpretation of the religion<sup>108</sup>. In 1980, Saudi Arabia agreed to match US support for the Mujahideen dollar for a dollar and by 1989 they agreed with the Americans to supply 61% of the two country's total assistance of US\$ 436 million. While Saudi spending is difficult to trace, based on these arrangements with the US, it is estimated that they spent at minimum exceeding US\$ 3 –3.3 billion<sup>109</sup>. In additions to supplying weapons and ammunitions, Saudi Arabia also contributed by way of extending major financial support to "Madrassas" (religious schools) in Pakistan where Afghans in exile/refugees, as well as Pakistanis, were educated in strict Islam teachings and served as recruiting ground for fighters to continue staffing the jihad operations. At the same time, significant number of individuals from the Arab states ---and later all over the Muslim world (including Muslim communities in Western countries) as the resistance movement gained international acclaim--- directly joined the Mujahideen as voluntary conscripts during this period<sup>110</sup>. As we shall revisit later, personal ties and shared experiences cultivated during this period ---together with heavy supply of arms and the fundamentalist ideas--- will come to form the basis for critical relationship

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& Schuster, 1996), p247.

<sup>107</sup> Owen Bennett Jones, *Pakistan: Eye of the storm, 2<sup>nd</sup> Edition* (Yale Nota Bene, 2002), Mary Anne Weaver, *Pakistan: In the shadow of Jihad and Afghanistan* (Farrar, Straus and Giroux, 2002)

<sup>108</sup> Rashid writes of Wahabbism and its place in Saudi foreign policy: "Within the Sunni tradition were the Wahabbis, the followers of the strict and austere Wahabbi creed of Saudi Arabia. Begun by Abdul Wahab (1703-1792) as a movement to cleanse the Arab Bedouin from Sufism, the spread of Wahabbism became a major plank of Saudi foreign policy after the oil boom of the 1970s." (Ahmed Rashid, *Taliban: the story of the Afghan warlords* (Pan Macmillan, 2001), p85.)

<sup>109</sup> Samuel P. Huntington, *The clashes of civilizations and the remarking of world order* (Simon & Schuster, 1996)

<sup>110</sup> Among them were key figures that would be later linked to fundamentalist Islamic movements, such as Osama bin Laden. For detailed reference, see Rashid 2001 and Coll 2004.

between Afghanistan and individuals with ties to entities that will later be classified as terrorist organizations. Various previously classified government documents that came under public scrutiny after 9.11 testify that the US government actively supported the Mujahideen movement in its entirety as part of anti-Soviet covert operations of CIA<sup>111</sup>. In this perspective, understanding and analyzing of the roots and impact of the Afghan conflict as well as how the country came to harbour Al-Qaida requires attention to this early phase of conflict, especially the dynamics of the role played by external actors<sup>112</sup>.

### **1.3 Mujahideens' internal conflicts and the rise of the Taliban (1989-1996)**

As so commonly seen in the history of human civilization, departure of the common enemy brings to surface the internal differences. The dynamics of how this expected phenomena is handled by the decision-makers is decisive to the course of a country emerging from resistance to foreign occupation. Also critical is the external interference that affects internal decisions among various groups. In many respects, continuation and worsening of Afghanistan's conflict after the departure of the Soviet troops was a classic case where internal and external actors failed to capture the possibility of peace, as if they rather wished that the conflict would never end.

After the completion of departure of the Soviet troops in February 1989, arms struggles continued first between the puppet communist regime of Najibullah<sup>113</sup> and the "Islamic Alliance of Afghan Mujahideen" that established itself in February 1989 as an interim administration based in Peshawar. Subsequently, when Najibullah --- weakened fatally with the collapse of the Soviet Union in August 1991--- was forced

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<sup>111</sup> While "The 9/11 Commission report" gave great overview of official accounts, Pulitzer-prize winning journalist Steve Coll's work based on extensive and authoritative research gives in-depth account of the engagement throughout the 1980s and 90s. See *The Final Report of the National Commission on Terrorist Attacks upon the United States* (W.W. Norton & Company, 2004) and Steve Coll, *Ghost Wars: The secret history of the CIA, Afghanistan and Bin Laden, from the Soviet invasion to September 10, 2001* (Penguin, 2004).

<sup>112</sup> How many among the general public of countries supporting Afghanistan ---and thereby influencing donor government's behaviour--- is accurately aware of this historical perspective is a sobering question.

<sup>113</sup> Najibullah belonged to the Parcham faction of PDPA and was promoted to head the secret police under Karmal's regime since 1980. Having established a reputation for his ruthless administration of power, with Soviet approval he headed the puppet regime since May 1986. Najibullah took refuge in the UN compound as the Mujaheddin forces captured Kabul in April 1992 and remained in confinement under UN protection until 1996 when Taliban captured the city on 26 September 1996. The following morning, Kabuli found the bodies of Najibullah and his brother hanging from a traffic light in the center of the city with Afghani notes stuck into their mouths. (Accounts of Najibullah's death based on newspaper articles at the time and on narrative in Kawabata 2002, p82-84.)

out of power and the interim Mujahideen government was established in April 1992<sup>114</sup>, the struggle shifted to inter-factional fights between the Mujahideen groups<sup>115</sup>. As the transitional Mujahideen government led by Rabbani based on the Peshawar Agreement of 26 April 1992<sup>116</sup> was unable to resolve differences with a key Mujahideen party led by Hekmatyar that refused to join the regime, armed conflict continued and escalated since this year<sup>117</sup>.

Against such background of an anarchical state of conflict, where armed forces of various kinds did whatever they wanted to do with no state institutions to control or order the power structure, a new group of actors emerged as ones offering solutions to end the chaos. This was the "Taliban" –students of Islam- rising to power through near mythical incidents in Kandahar in 1994 and conquering one armed force after another, regardless of whether they were Mujahideen groups or simply thugs taking advantage of disorder and lawlessness in the failed state<sup>118</sup>. Taliban continued their advances for the next two years and managed to take control of Kabul in September 1996 and

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<sup>114</sup> In continuation of its peacemaking efforts since the 80s, the UN, under its Representative Benon Sevan, was engaged with all relevant parties to bring a peaceful solution. UN tried to broker a transitional government representing all parties under its auspices and by March 1992 convinced Najibullah to resign peacefully and be evacuated. But due to clear advantage of the Mujaheddin forces in the battle field, as well as various other factors that tipped the dynamics --such as switching side of an influential government force of the northern region, General Abdul Rashid Dostum from government forces to the Mujaheddins in March 1992--- Mujaheddin forces decided to take the capital by power and it forms its transitional government without power-sharing with the communists. (As accounted by Kawabata 2002, p39-46.)

<sup>115</sup> Despite efforts of negotiation among the Mujaheddin groups to make a joint entry into Kabul leading to a united transition government, *Hezb-e-Islami* led by Hekmatyar (backed by the Pakistani ISI) showed strong intension to go its own way in taking Kabul. Assessing the impossibility to persuade Hekmatyar, Massoud's forces joined by government rebel forces of Dostum and others launched an attack on Kabul on 25 April 1992 and Hekmatyar's forces began attacking from the other end of the city and this was the beginning of the bloody internal fighting among the groups that formerly fought together against the Russians under the same Mujahideen movement (Based on accounts from Kawabata 2002 and Coll 2004). The internal divide within the Mujahideen movement was a characteristic even before the fall of the Communist regime and some of the causes were structurally created due to the way strategic aid resources from US were channeled by the government of Pakistan. For detailed and insightful analysis of internal dynamics within the Mujaheddin movement and how it weakened their ability to win over the communist regime, see Nojumi 2002, p84-104.

<sup>116</sup> The agreement stipulated that Sebghatullah Mojadedi (leader of a smaller Pashtun group Jabha-e-Nejat-e-Milli (National Salvation Front)) would serve as the President for the first two months and then Rabbani would serve for four months and a new government would be formed following a Loya Jirga and general elections.

<sup>117</sup> Many Afghans ---and Kabulis in particular--- will recount that the battles of the internal fighting that begun in 1992 were far more devastating than the battles with the Soviets, destructing many city centers but affecting Kabul in particular beyond comparison.

<sup>118</sup> For detailed accounts of the rise and rule of Taliban, see Ahmed Rashid, *Taliban: the story of the Afghan warlords* (Pan Macmillan, 2001) and Neamatollah Nojumi, *The rise of the Taliban in Afghanistan: Mass mobilization, civil war and the future of the region* (Palgrave, 2002).

claimed the establishment of the new regime. Although they struggled in the Panjshir Valley and suffered humiliation in their initial attempt at capturing Mazar-i-Sharif in 1997, they eventually took over Mazar-i-Sharif the following year. By 2000, the Taliban managed to bring nearly 90% of the Afghan territory under its control, with the exception of the area in the Northeast where the non-Taliban opposition that did not flee the country concentrated in and barely kept the flag up for the Northern Alliance<sup>119</sup>.

#### **1.4 International isolation under the Taliban regime (1996-2001)**

During the initial period after Taliban's appearance on the Afghan political scene, action by the Taliban to restore order amidst chaos generated limited but genuine support among parts of the local population who were tired of chaos and lack of minimal security. During the same initial period, key international supporters of Afghanistan also saw potential benefit in a force that would be able to bring some order to Afghanistan<sup>120</sup>. But two factors made the Taliban regime unpopular both to the population of Afghanistan and the international community (except Pakistan that supported the Taliban).

First related to Taliban's rule based on fundamentalist interpretation of Islam. Once a territory was occupied, no formal state structure was established and the Taliban's actions were based on orders of its religious leaders ---with Mullah Mohammad Omar at its pinnacle and acting as the supreme authority--- and legitimized its decisions through traditional councils of Pashtun communities called *Shuras*. Many of the decisions imposed by the Taliban regime were based on particular interpretation of Islam taught at Madrassas influenced by the Deobandi school of Islam<sup>121</sup> as well as on *Pashtunwali*, codes of conduct and punishments used in very traditional Pashtun

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<sup>119</sup> While there are many important developments related to the Taliban's military advances and administration of territory they conquered, as well as those relating to the former Mujaheddin groups opposing the Taliban, they will not be elaborated here as it digresses from the theme of the dissertation. Some of the key developments related to the Northern Alliance are provided with reference to Massoud Ahmed Shah in footnote 127 on page 65.

<sup>120</sup> US governments pursued negotiation with the Taliban in the initial stage hoping they may be able to offer an alternative to the warring former Mujaheddins and later putting hopes that Taliban may agree to handing Osama bin Laden over through diplomatic pressure. Their position changed decisively following the bombings of US Embassies in East Africa and led to retaliatory bombing in Eastern Afghanistan in August 1998.

<sup>121</sup> Deobandism is a branch of Sunni Hanafi Islam originating in British India in the mid 19<sup>th</sup> Century following the Indian Mutiny of 1857 where Indian Muslims were severely defeated in an anti-British revolt. For more detail see Rashid 2001, p88-90, where Rashid concludes "The Deobandis ... has had a history in Afghanistan, but the Taliban's interpretation of the creed has



communities. They were largely inconsistent with the values of most Afghans including those who were espoused to Islam principles<sup>122</sup>. Some of these rules ---especially those relating to restriction of women's rights and actions, but also other particular restrictions of personal freedom ranging from prohibition to listen to music or to fly kites, or for men to not grow beard--- and the harsh way they were enforced were peculiarly distinct from the social norms of the Afghan people. Such restrictions on individual freedom not only alienated the majority of the population under Taliban rule but also gave grounds for intense criticism from influential parts of the international community that may have otherwise cautiously welcomed some level of stability and order in this country after two decades of conflicts.

Another factor that led to the international isolation of the Taliban regime was its close ties with those suspected of committing terrorist activities, most notably the Al Qaida group led by Osama bin Laden. Bin Laden has been in on the radar of CIA being suspected of involvement in attacks against US interests starting from the 1993 New York World Trade Center bombing. CIA believed that his group was conducting training for terrorist attacks in camps built in Afghanistan and pressure mounted from the international community for the Taliban to take measures to close down terrorist camps in Afghanistan and to hand-over bin Laden. Why the Taliban regime did not yield to pressure and calls from the international community also expressed through formal mechanisms such as a series of Security Council resolutions<sup>123</sup> passed since 1999, supplying seemingly unbelievable argument of the need to be hospitable to guests (as they replied even after the final calls in the post-9.11 phase) is a subject of interesting analysis. Was it their defiance to external influence and polemical excuse? Or was it illustrative of their lack of comprehension of the norms and practices of the international community? Many speculations were made at the time while the Taliban hid behind the veil of mysticism. In hindsight, it seems most logical to assess that they did not grasp the magnitude of the threat and the opponent they were facing beyond the confines of the Afghan border, lacking basic knowledge of the world and misreading/underestimating the significance of their action in the context of international relations. Furthermore, there is an additional reason for Taliban's perplexing position towards Al Qaida. Taliban leadership, not having clear direction or principles to base running of a country, may have needed to depend on the absolutist

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no parallel anywhere in the Muslim world."

<sup>122</sup> Rashid 2001, p87-88.

<sup>123</sup> S/RES/1267 (1999), S/RES/1333(2000), S/RES/1363(2001).

and fundamentalist logic imported by the Arab fundamentalist groups to claim legitimacy and difference to other forces within Afghanistan. This question of providing political legitimacy (at least in the eyes of the Taliban themselves) is believed to have been as important a factor as the financial contribution by Al-Qaida that Taliban could not dispose of even at the immense pressure from the international community<sup>124</sup>.

While the regime became increasingly unpopular from the Western countries and drew criticism from the wider international community as Taliban escalated their action as seen in their destruction of the Buddha statues in Bamyan in late February 2001<sup>125</sup>, Pakistan and Saudi Arabia continued to support the Taliban regime. This support, coupled with the lack of willingness among the international community to commit in bringing about a change in Afghanistan left the country in isolation progressing deeper and deeper as a failed state<sup>126</sup>.

During this period of Mujahideen internal fighting and continued battle with the emerging Taliban forces, referred to by some as "the second phase of the civil war", the United Nations response was based on aim to bring together all warring parties around a negotiation table to agree on a power-sharing arrangement. Following a resolution passed by the General Assembly in December 1993 requesting the Secretary-General to engage in peacemaking activities, the United Nations Special Mission to Afghanistan (UNSMA) was established in early 1994 with a modest presence in Islamabad. UNSMA engaged with various Mujahideen parties and also established

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<sup>124</sup> There are many accounts that the Taliban leadership (Mullah Omar) radicalized in the later 1990s in a manner inconsistent from the behavior of the group at its formative stage in the early/mid-90s. This coincides with the relocation of Osama bin Laden as an official guest of the Taliban regime in May 1996, the issuance of manifesto by the newly formed International Islamic Front for Jihad against Jews and Crusaders containing a fatwa for jihad against the US and Israel issued on 23 February 1998 which was his "first explicit attempt to lead an international coalition of Islamic radicals in violent attacks against the United States (Coll, p380). Bin Laden on his part made several statements legitimizing Mullah Omar and the Taliban in international setting, for instance in his statement to the International Conference of the Deobandis held near Peshawar on 9 April 2001 organized by the Pakistani JUI. (Detailed in Bruce Lawrence (ed.), *Messages to the world: The statements of Osama bin Laden* (Verso Publishing, 2005)

<sup>125</sup> Destruction of the statues begun on 28 Feb 2001 and continued to mid-March despite calls of opposition from various parts of the world. See Barry Bearak, "Over world protests, Taliban are destroying ancient Buddhas" in *New York Times*, 4 March 2001.

<sup>126</sup> "Failed state" –a concept and phenomena which became widespread after the end of the Cold War- is defined as a state where basic state institutions ceases to function in providing basic services to its citizens and allows space for chaos and disorder where criminal activities take place rampantly with no sanction. In the case of Afghanistan, the description would fit for the entire period after the fall of the Najibullah regime in 1992 with varying degree, also including periods prior to Taliban control.

channel of communication with the Taliban since spring of 1995 but its approach of relaying on cooperation among warring parties was not leading to any results. As Kofi Annan was appointed as the new Secretary General ---moving on from the position of head of the Department of Peacekeeping Operations--- in 1997, he appointed Lakhdar Brahimi as his Special Representative on Afghanistan in July 1997 and mandated Brahimi to review the policy of UN engagement in Afghanistan. As a result of this, the UN's approach changed drastically, recognizing publicly that in addition to the internal dimension of conflict among Afghan parties, there was an extensive external dimension to the Afghan conflict involving neighbours and other foreign parties significantly contributing to the continuation of the conflict that had to be addressed. Brahimi went on to create mechanisms to coordinate position among the external actors such as the "6+2" group composed of Afghanistan's six neighbours with USA and Russia and navigated through to getting agreements of non-interference. But the fact that the agreements were merely on paper was bitterly exposed when the Taliban forces ---clearly supported by elements of the Pakistani government--- began a major offensive in the summer of 1999, only days after the signing by senior representatives of the 6+2 countries of the Tashkent Declaration on 19 July 1999 agreeing to the contrary<sup>127</sup>. This marked the effective end of UN's renewed peacemaking efforts ---Brahimi resigned from the post in frustration by end 1999--- and from this point, UN action on Afghanistan moved to the Security Council which introduced various sanctions and arms embargo against the Taliban regime<sup>128</sup>.

### **1.5 Historical pattern of dependence on foreign aid leading to fragmentation of the state**

Before moving onto the next chapter that brings us to the beginning of the history-altering events of autumn 2001, in completing a brief historical background analysis of Afghanistan, it is important to highlight a structural pattern inherent in its engagement with the external world that seriously affected Afghanistan in its path to becoming a failed state or a "fragmented state".

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<sup>127</sup> "Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan" (S/1999/812). Observers from the Taliban regime as well as the Northern Alliance were present in the Tashkent meeting. Among the 6+2 countries, only Turkmenistan declined to sign (understood to be due to their wish to collaborate with the Taliban regime in a pipeline project to connect Turkmenistan via Afghanistan to South Asia). (Based on accounts by Kawabata 2002, Rashid 2001).

Afghanistan's fate stemming from its geopolitical position and the turbulent recent history is relatively well known. Less widely acknowledged is the implication of this to the structural conditions in which Afghanistan became and remains highly fragmented. Being surrounded by foreign powers competing to influence Afghanistan, the Afghan rulers managed to extract significant amount of foreign aid of one sort or another through all phases of its recent history, not just in the Cold War context. From the days of King Amanullah who won independence in 1919, and under successive ruler of the Musahiban dynasty (Nadir Shah, Zahir Shah and for that matter Daoud as well) steady flow of foreign aid was required, expected and provided. This created a situation where the central government in Kabul could finance all basic state expenses without taxing the rural power holders. As Barnett Rubin describes in his seminal work *The Fragmentation of Afghanistan* as a key characteristic of Afghanistan, "this aid enabled the rulers to build an army, schools, roads, and bureaucracy without directly confronting resistance from rural power-holders."<sup>129</sup> In such a situation, political dialogue and pressure of civil society gained no significance and Afghanistan had no pressure to gradually move the social debate and power structure to more equitable forms. This also created power-bases in peripheral zones, accumulating resources independent from the central government in Kabul. Impact of such conditions on long-term political and societal unity was not questioned as long as aid continued to flow. Great powers, competing to win influence in this strategic area of the Eurasian continent, also disregarded long-term destabilizing effects to the country and the region. It is important to recognize this structural context under which Afghan conflict occurred and from which point the post-conflict peacebuilding efforts needed to begin working with. We shall look at this issue in more detail in later chapters; for now, a perspective on the beginning of a change is in order.

## **2. 9.11 AND ITS IMMEDIATE CONSEQUENCES FOR AFGHANISTAN**

In the history of International Relations there are defining moments when the old paradigm is abruptly demolished by a shocking event that changes the frame of reference from that point onwards. Such events occurred in September 2001 and forcefully reshaped the agenda of the "post post-Cold War period" at the dawn of the new Millennium. On 11 September 2001, a series of terrorist attacks took place in New

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<sup>128</sup> S/RES/1267 (1999), S/RES/1333(2000), S/RES/1363(2001).

<sup>129</sup> Barnett Rubin, *The Fragmentation of Afghanistan* 2<sup>nd</sup> edition (Yale University Press, 2002), p20.

York, Washington DC and Pennsylvania in a near simultaneous manner, killing thousands of civilians and sent the United States ---the sole superpower in the post-Cold War world--- into chaos and confusion<sup>130</sup>. Although the number of casualty in itself was not higher than casualty dying on ordinary basis due to other preventable causes around the world, a hit of this magnitude to the nerve center of the United States symbolizing the Western world was unprecedented and truly shocked the world. It was also seen to be the beginning of an era where non-state actors, in form of terrorist organizations such as the Al-Qaida in relation to the 9.11 attacks, can cause fatal attack to the citizens of powerful states, in manner which traditional state security apparatus was not well-prepared to defend<sup>131</sup>. This recognition eventually led to the logic of US waging a "War on Terror" which included "pre-emptive" military action against states believed to be harbouring suspects of terrorism. This signaled a profound change in the paradigm of "security" analysis, as the non-state actors were now deemed legitimate targets for state-actors to wage a war against. While we shall examine in closer detail how such process was legitimized domestically and internationally through UN resolutions, it is important to note here that the tragic events of 9.11 and the extension of logic of self-defense in a war against terror brought to the population of Afghanistan international attention and a chance for support in resolving the deadlock, unwitnessed in the decades of conflict since the late 1970s.

But hidden behind the sensational events of 9.11 attacks in the United States was another shocking attack that took place several days before 11 September in Afghanistan which was a part of the beginning of a profound change in Afghanistan. On 9 September 2001, Ahmed Shah Massoud, the charismatic leader of the Northern Alliance<sup>132</sup>, was assassinated by suicide bombers posing to be Arab journalists. The

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<sup>130</sup> Officially recorded fatalities were 2,974 (excluding the 19 hijackers) of which 246 were on the four planes, 2,603 in New York in the towers and on the ground (including 411 rescue workers) and 125 at the Pentagon. Reflecting the diversity characteristic of the city, more than 90 countries lost citizens in the World Trade Center. (Sources: *Wikipedia* entry "September 11 attacks" quoting various public sources and secondary information such as "September 11: Chronology of terror" (<http://archives.cnn.com/2001/US/09/11/chronology.attack/index.html>))

<sup>131</sup> Attack on US citizens and strategic interests abroad were already happening in large scale --such as the attack on US military presence in Saudi Arabia in 1995 and 1996, and most recent to 2001, an attack on US Navy destroyer USS Cole on 12 October 2000--- that increased US government's sense of vulnerability, but they were occurring in foreign lands. Mounting of such attack on US soil was unprecedented and suddenly brought the threat to a different level for ordinary Americans.

<sup>132</sup> Massoud was an Afghan of Tajik ethnicity, born in 1952 in Jangalak in the Panjshir Valley as a son of a military colonel, which made him live in Helmand, Herat and then in Kabul as a child.

Arab origin of the assassins and the resemblance of the tactics to those of Muslim fundamentalists in the Middle East, it is generally believed that this assassination was orchestrated by Al-Qaida that was supporting Taliban and some speculated that it also served as a precursor signal to the attacks in the United States<sup>133</sup>. General Massoud --- known by the population with awe as “the Lion of Panjshir”--- was one of the most respected Mujahideen fighters of Afghanistan that constantly led operations in large parts of northern Afghanistan from the days of the resistance against the Russian invasion, through the days of internal strife between different factions of Mujahideens after Soviet withdrawal. He became the military leader of the Northern Alliance when

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Massoud studied in Kabul Polytechnic Institute in late 1960s. (For detailed account of Massoud's early life based on interview with Massoud's brother, see Coll 2004, p107-110. Another valuable account of Massoud's life based on interview with Massoud himself in 1980s and 90s confirms these points, and additionally sheds light on many other interesting aspects of this charismatic leader, see Hiromi Nagakura, *Battles of Massoud* (Kawade-Shobo, 2001).) Massoud's political activities begun in the late 1960s in student organizations affiliated with the Afghan *Ikhwan-al-Muslimin* (Muslim Brethren). After the military coup of Daoud in June 1973, Massoud took refuge in Pakistan and joined Pakistan-based militant organizations, initially belonging to *Hezb-e-Islami* (the Islamic Party) led by Hekmatyar but moved with Rabbani to form *Jamiat-e-Islami* of Afghanistan (the Islamic Society of Afghanistan). While the external front leaders remained in Pakistan (and Iran) and played their politics, Massoud returned to Afghanistan and grew in importance as a key internal front commander for the northern region based in the Panjshir Valley. Knowing that Mujaheddin forces' internal incoherence was a great weakness in winning over the opponents, he managed to convince various internal front commanders of the north and northeast area to form the Supervisory Council of the North (SCN) in 1984, unifying the military and civilian administration in the north for effective resistance operation. While he remained loyal to Rabbani and was positioned as the military leader of the *Jamiat-e-Islami* Massoud maintained his own independent, moderate approach already from the early 1990s. Nojumi assesses that by the time that the Soviet forces withdrew, Massoud “moved from a self-centered organizational structure and fanatic political ideology to a more realistic and moderate position. Politically speaking, Massoud moved from the far right of political extremism to the center, which was based on a mixture of traditional and modern political views.” After the fall of Kabul to Taliban in 1996, Massoud retreated to his native Panjshir Valley, established the Supreme Council for the Defense of the Motherland (later recast as the “United Front”) and fought several successful battles against the Taliban. In spring of 1997 after fending off Taliban's initial, unsuccessful attempt at capturing Mazar-i-Sharif, Massoud joined forces with the wider anti-Taliban groupings through formation of the National Islamic Front for the Deliverance of Afghanistan (NIFDA). This alliance, commonly referred to as the “Northern Alliance”, consisted of Massoud's Panjshiri-Tajik forces, Dostum's Uzbek Army, Wahdat Hazara forces led by Karim Khalili and Ismaeli Shia forces led by Sayed Nader Kiani but Massoud was clearly taking the lead, both in military and political terms. Despite his acclaimed military command and skillful public management, Northern Alliance forces were pushed into ever smaller corner of the country in the course of the 1990s. Many observers attribute this to the fact that his opponents (initially Hekmatyar's forces and later the Taliban) received disproportionately larger material assistances from Pakistan, US and Saudi Arabia. (Accounts based on Nojumi 2002, Rashid 2001 and Coll 2004.)

<sup>133</sup> Although another account based on interrogation reports of 9.11 flight hijackers recounts this as a concession that Al-Qaida gave to Taliban leadership who initially opposed to attacking targets in the US and prioritized attaining victory over Northern Alliance. The fact that Taliban offensive against Northern Alliance was delayed until the day after the assassination of Massoud seem to substantiate this link. (“Final report of the National Commission on terrorist attacks upon the United States” p250-253)

there was a need to join forces against the Taliban. He was unquestionably one of the top leaders of Afghanistan and it is fair to assume that if he had survived for a further few months to see the defeat of Taliban he would have been a central figure in any interim government of Afghanistan. The quiet and unaccounted elimination of this central figure from Afghan politics only few months from a new beginning after decades of survival was ironic and regretful. How Massoud's name and image was used in the years that followed to portray national unity<sup>134</sup> is an interesting topic but for now we shall return to September 2001 to assess the immediate consequences of 9.11 that forced the world attention back to Afghanistan.

A day after the attacks in the United States that took everyone by surprise and shock<sup>135</sup>, the US government was still in a highly confused state, also unable to determine if the chained attacks were finished or if there was still more to come<sup>136</sup>. Considering this state of affairs, it is remarkable how a Security Council resolution was immediately prepared and adopted on the following day. But it was important for the steps to follow that these attacks are recognized as "terrorist attacks" and that the highest authority of inter-state politics give grounds for action against Afghanistan and Al-Qaida which the United States believed to be behind the attacks. Echoing the statement of US President George Bush delivered on the same day declaring that the United States "will make no distinction between terrorists who committed these acts and those who harbour them", Security Council resolution of 12 September 2001<sup>137</sup> "unequivocally condemns in the strongest terms the horrifying terrorist attacks which took place in New York, Washington D.C. and Pennsylvania and regards such acts, like any act of international terrorism, as a threat to international peace and security" and "calls on all states to work together urgently to bring to justice the perpetrators, organizers and sponsors of these terrorist attacks and stresses that those responsible for aiding, supporting or harbouring the perpetrators, organizers and sponsors of these

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<sup>134</sup> Pictures of Massoud and President Karzai were found in major squares and government buildings even in the remotest locations as national heroes. For many who suffered under attack from Massoud's forces during the internal strife among Mujahideen factions –and any outside observer aware of such recent historical facts–, the placement of Massoud as a national hero next to a legitimately chosen President was an odd reality. But behind these posters were the artificial and intentional message of national unity with a Pashtun President paying respect to war hero of Tajik origin. One example of many subtle ways of promoting national reconciliation in Afghanistan.

<sup>135</sup> According to accounts in the "Final report of the National Commission on terrorist attacks upon the United States", there was intelligence/information available to the US government decision makers but this did not lead to decisive preventive action. (p212-214)

<sup>136</sup> Ibid, p326.

<sup>137</sup> S/RES/1368 (2001)

acts will be held accountable”.

This provision gave important initial grounds for United States government to begin preparing for military action in Afghanistan against the Taliban and Al-Qaida. Domestically, the new legal authorities for covert action in Afghanistan was provided by National Security Presidential Directive titled “Defeating the terrorist threat to the United States”. On 20 September 2001, addressing the nation before a joint session of Congress, President Bush publicized the issuance of the Directive<sup>138</sup> and an ultimatum to the Taliban<sup>139</sup>: “hand over Bin Laden and his deputies and shut down Al-Qaida camps within 24 to 48 hours, or the United States will use all necessary means to destroy the terrorist infrastructure.” As expected, the Taliban regime did not meet these demands<sup>140</sup> and therefore a four-phased plan, as summarized below<sup>141</sup>, for Operation Enduring Freedom was set in motion:

Table 2: Four phased approach of Operation Enduring Freedom

Phase one	The United States and its allies would move forces into the region and arrange to operate from or over neighbouring countries such as Uzbekistan and Pakistan.
Phase two	Air strikes and Special Operations attacks would hit key Al-Qaida and Taliban targets. In an innovative joint effort, CIA and Special Operations forces would be deployed to work together with each major Afghan faction opposed to the Taliban.
Phase three	The United States would carry out decisive operations using all elements of national power, including ground troops, to topple the Taliban regime and eliminate Al-Qaida’s sanctuary in Afghanistan.
Phase four	Civilian and military operations turned into the indefinite task of what the armed forces call “security and stability operations”.

While preparations for military action progressed, a further resolution of the Security Council was adopted on 28 September 2001 establishing various sanctions “acting under Chapter VII of the Charter of the United Nations”<sup>142</sup>. The Counter-Terrorism Committee was established to review implementation of the resolution that decided that all state shall “prevent and suppress the financing of terrorist acts” by freezing of

<sup>138</sup> The directive was formally signed on 20 October 2001.

<sup>139</sup> “Transcript of President Bush’s address” (<http://www.cnn.com/2001/US/09/20/gen.bush.transcript/>). At the request of the Bush Administration, this ultimatum was already conveyed privately by the head of Pakistan’s intelligence service (ISI) Mahmud Ahmed to Mullah Omar some time between 14-17 September. (“Final report of the National Commission on terrorist attacks upon the United States”, p331-333)

<sup>140</sup> “Taliban rejects President Bush’s demands” ([http://www.pbs.org/newshour/updates/september01/Taliban\\_9-21.html](http://www.pbs.org/newshour/updates/september01/Taliban_9-21.html))

<sup>141</sup> Wording adopted from “Final report of the National Commission on terrorist attacks upon the United States”, p337-338.

<sup>142</sup> S/RES/1373 (2001)



assets and denying free havens<sup>143</sup>.

In relation to combat operations, the preparatory positioning phase (phase one) begun in the weeks following 9.11 and the base arrangements were largely secured by the end of October. Air strikes and raids (phase two) by United States military forces begun on 7 October 2001<sup>144</sup>. Operation moved seamlessly into phase three and by 9 November, Mazar-i-Sharif ---where the Taliban was cornered in the North--- fell to a coalition assault by Afghan and US forces led by General Dostum. On 12 November, Afghan and US coalition forces led by Ismail Khan captured Herat. On 13 November 2001, Taliban fled from Kabul and by early December all major cities had fallen to the coalition. The symbolic end of Taliban's political and military life came on 7 December 2001 with the fall of Kandahar, the city of its original stronghold and the last remaining capital under Taliban control.

### **3. EMERGENCE OF THE BONN PROCESS<sup>145</sup>**

Against such military campaign progress in the background, preparation and negotiation leading to Bonn talks took place in the UN headquarters in a "fight against time" manner between September and November 2001.

As the military campaign in Afghanistan progressed with quicker-than-expected success, pressure mounted from the governments, of the United States and the United Kingdom in particular, towards the United Nations Secretariat to prepare a post-Taliban peace settlement designing a plan to establish an interim government, so as to avoid a political vacuum. Already in the second week of November 2001, serious warning was communicated from senior level representative of the UK government to the UN Secretariat regarding the quick dissolving of the Taliban regime and the political chaos anticipated to follow. It was feared that if the military objective of defeating the Taliban regime were attained without prospect for political resolution of internal

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<sup>143</sup> This was further reinforced by resolution S/RES/1377 (2001) adopted on 12 November 2001 containing "declaration on the global effort to combat terrorism" adopted at the ministerial level meeting.

<sup>144</sup> United States Department of Defense (<http://defeselink.mil/home/features/1092004a.html>)

<sup>145</sup> This and the subsequent chapter on the process leading to and in Bonn draws heavily on account provided from an insider perspective by Kiyotaka Kawabata detailed in Kawabata, *Afghanistan: UN Peacekeeping activities and regional conflict* (Misuzu Shobo, 2002). Kawabata served as the desk officer for Afghanistan in the Department of Political Affairs of the United Nations and was a Special Assistant to the SRSG, Lakhdar Brahimi.

conflict among various warring parties along ethnic lines, the scene would revert to the early 1990s where factional fighting between Mujahideens after the withdrawal of the Soviet troops did tremendous damage to the Afghan people. This task had to be performed by the United Nations, aside from the coalition activities.

The enormous impact of the 9.11 attacks dramatically shifted the gear of the United States government to prioritize resolution of the Afghan conflict and lawlessness. In face of United State's vocal resolve and unquestionable pressure, the neighbouring countries of Afghanistan that fueled the continuation of conflict for two decades had no choice but to cooperate in letting the conflict be resolved<sup>146</sup>. In a twist of fate, the attacks attempted to damage the United States orchestrated by those based in Afghanistan resulted in setting in motion an unprecedented level of determination by the international community to resolve the Afghan conflict that has been largely ignored over the past two decades even at the great suffering of its population. After a long period of United Nations' engagement with the Afghan conflict not leading to any resolution, suddenly there was an opening for real progress and change in Afghanistan. The question was how to capture these in a viable political framework acceptable to all concerned parties but strong enough to bring real peace to the troubled country.

Initially, the Secretariat was hoping to take the necessary time to forge a new governing structure, seeking qualified interlocutors from the Afghan society at large, not relying on existing political figures. But the unexpectedly rapid fall of Kabul and the Taliban regime necessitated this vision to be adjusted to pragmatic considerations. In view of the fact that the Northern Alliance moved into Kabul and occupied the city as a fait accompli ---contrary to prior agreement with the US forces--- and the dissatisfaction this would bring to the Pashtuns which could be the source of next conflict, the United Nations had to focus its efforts to realistic targets. Under these circumstances, the immediate objective was defined as the establishment of an interim administration in Kabul as soon as possible ---even if not perfect in its scope and composition--- and to put an end to 23 years of internal conflict.

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<sup>146</sup> Part of the quick demise of the Taliban was due to halting of Pakistani support to the Taliban regime as a consequence of US government's seven-point ultimatum to the Pakistani government. According to New York Times, final supply of resources to the Taliban from Pakistan was made on 8 October 2001, one day after the commencement of the air strikes. (Douglas Frantz, "Supplying the Taliban: Pakistan ended aid to Taliban only reluctantly" in *New York Times*, 8 December 2001)

Leading these efforts in the United Nations Secretariat was Lakhdar Brahimi. As reviewed earlier, Brahimi served as the Secretary General's Special Representative (SRSG) to resolve the Afghan conflict for two years from July 1997. After resigning from the SRSG post by the end of 1999 as a demonstration of his frustration with lack of cooperation from certain parties to the conflict and a key neighbouring state, he had spent a year as a head of the high-level panel to review UN's peacekeeping activities that produced the 2000 report on Peace Operations, reviewed earlier in Chapter 5 of Part II. He was reappointed as the SRSG for Afghanistan following the 9.11 incidents. Brahimi invited various experts ---also many from outside UN--- and begun to sculpt out the key elements of the peace agreement and embarked on a two week mission beginning in late October 2001 to Islamabad, Teheran and Rome. In these three capitals, Brahimi discussed with the top officials of the two key neighbouring states of Afghanistan as well as with the former King Zahir Shah and formulated consensus on how to proceed with the finalization of the peace process. As a result of these discussions, Brahimi presented by the end of November the following as guiding elements for the peace settlement:

1. The United Nations would focus on the mediation of various Afghan groups in the post-Taliban interim regime formulation, drawing a clear line from the US-led war on terror.
2. The composition of the interim administration will be, in principle, left to the Afghans to agree on, but the United Nations will ensure that the opinion of the Pashtuns, constituting the majority population, will also be sufficiently reflected in the outcome.
3. As the internal conflict is not resolved, sufficient time will be allocated before attempting to establish a democratically elected government based on principles of national reconciliation, putting off UN-monitored elections for the immediate period.
4. To gradually increase level of reflection of democratic principles during the interim transitional period, by utilizing traditional Afghan political mechanisms such as the Loya Jirga.
5. To support the creation of a new broad based national army and police force as a key pillar of the peace process, so as to ensure security and political stability.
6. To consider deploying international military presence to ensure security in Kabul for the immediate future. In view of the volatile security situation in the country, this military presence should be armed multilateral force rather than

lightly armed peacekeeping force.

7. Regarding the humanitarian and reconstruction assistance that will be conducted after the peace settlement, UN staff to be placed in Afghanistan will be kept at minimum and planning and implementation by the Afghans will be encouraged.

Satisfied with these developments behind the scenes, the Security Council issued another resolution on 14 November 2001 “condemning Taliban for allowing Afghanistan to be used as a base for the export of terrorism by Al-Qaida network and other terrorist groups ... and in this context supporting the efforts of the Afghan people to replace the Taliban regime”<sup>147</sup>. It endorsed the ongoing efforts of the United Nations led by SRSG Brahimi and called on the Secretariat to take active steps in organizing the peace settlement. The stage was set for the official negotiation involving the Afghan parties to the conflict.

#### **4. THE BONN TALKS**

Germany was among one of the countries indicating its willingness to host the peace talks for the settlement of the Afghan conflict<sup>148</sup>. The rapid turn of events worked in their favour and the venue of the peace talks was decided to be in Bonn.

The next difficult step was to determine the participants to the peace talk. Aside from the Northern Alliance that fought the frontline battles to defeat the Taliban and had effective control of over 50% of the national territory including Kabul, it was difficult to identify groups that were legitimate and representative of the Afghan population. But it was very important to have delegates representing various ethnicities and regional groupings to take part in the peace talks so that the agreement reached will be realistic and hold legitimacy required to build a broad based government. After much deliberation, the following composition carefully balancing ethnic and various grouping was agreed:

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<sup>147</sup> S/RES/1378 (2001)

<sup>148</sup> Among other offers available/options considered were Saudi Arabia, UAE, Tokyo, Geneva, Vienna and Kabul itself. (Source: Kawabata)

Table 3: Composition of Afghan participants to the Bonn Talks<sup>149</sup>

Representing	Characteristics of the group	#	Name of individuals
Northern Alliance	Defeated Taliban and had over half of national territory (including Kabul) under control	11	Mr. Yonus Qanooni Dr. Abdullah Abdullah Mr. Ahmad Wali Massoud Mr. Humayun Tandar Mr. Mustafa Kazimi Mr. H. Mirwais Sadeq Ms. Amena Afzali Mr. S. Hussain Anwari Mr. Abbas Karimi Mr. Mohammad Natiqi Eng. Abdul Hakim
Rome Group	Associated with the former King Zahir Shah, pushing for a formation of new government through convening of Loya Jirga	8	Prof. Abdul Sattar Sirat Dr. Zalmai Rassoul Ms. Sema Wali Prof. Mohammad Ishaq Nadiri Mr. Hedayat Amin Arsala Gen. Abdul Rahim Wardak Mr. Pacha Khan Zadran Hamid Karzai (not present, through satellite phone)
Cyprus Group	Supported by Iran, pushing for formation of a new government through convening of Loya Jirga	3	Mr. Houmayoun Jareer Dr. Azizullah Ludin Dr. Mohammad Jalil Shams
Peshawar Group	Formed in late-October by pro-Pakistani Pashtuns	3	Mr. Sayed Hamed Pir Gailani Mr. Hafizullah Asif Mohseni Mr. Rahmatullah Musa Ghazi

The peace talks begun in Bonn on 27 November 2001 in an environment secluded from external interference but great attention of the world to this event was testified by the presence of observer delegations from 20 countries and 900 journalists. Although the process started in a smooth manner and ended well, attaining much of the objectives initially set out, there were dramatic disagreements and negotiations behind the scene that could have derailed the whole peace process<sup>150</sup>. In order to illustrate international peace negotiation in practice, below excerpt is provided in full detail as a rare first-hand account of a United Nations Secretariat officer that accompanied the whole process<sup>151</sup>:

<sup>149</sup> Names of participants taken from signatories of the Bonn Agreement, placement into the four groups made based on various public sources and with advice from Ludmilla Dadrass.

<sup>150</sup> Maley writes: "Zahir Shah was not present, and neither was Burhanuddin Rabbani, still formerly President of the Islamic State of Afghanistan. Dostam did not take part, and Haji Abdul Qadir and Karim Khalili left, protesting what they saw as lack of representation for their particular interests. Still, the participants were a stellar group by Afghan standards, with women as well as men taking part." (Quote from William Maley, *The Afghan Wars* (Palgrave Macmillan, 2002) p269.)

<sup>151</sup> With the kind permission of Kiyotaka Kawabata, this detailed day-by-day account of the negotiation in Bonn with valuable analysis is reproduced here from his work in Japanese,

On the initial day of the talks (27 November), the United Nations put forward its initial proposal of a new administration consisting of an interim national council (200-300 representatives) and an interim administrative authority (20-30 ministerial level members). No major opposition was expressed to this proposal and pledges were made by participants to put aside their own group interests for the benefit of a united Afghan government. In particular, statement by the representative of the Northern Alliance Yunus Qanuni's declaring to hand over authority to the new government was promising. Hamid Karzai ---who was already identified to be the hope of the new government, especially by the Americans, as one of the few Pashtun leaders that continued to engage actively in operations against the Taliban without going into exile in Europe or in the United States--- was not present in Bonn as he was pursuing military operations in Kandahar but connected via satellite phone, he read out statements fully supporting the establishment of a new interim regime in Kabul. Things seem to progress smoothly in the eyes of the coordinators.

However, despite the hopeful beginning, between second and fourth day of the talks progress was slow to come. The general direction and framework was endorsed but many of the key details were being agreed. Especially contentious was the composition of the list of cabinet members of the interim administration. Initially the reasons were not apparent but it boiled down to the fact that the Northern Alliance felt it was unreasonable to make large concessions to other groups when they were the defeaters of the Taliban and only they had real control of the territory. Their uncompromising attitude was initially regarded as "excessive demands" but eventually other groups, especially the Rome Group participant who initially had a strong stance owing to the moral authority and legitimacy of the King, begun to weaken their position. There was also dissatisfaction among the smaller groups within the Northern Alliance --Uzbeks and Hazaras- to the line Qanooni was taking to prioritize Tajik component of the Alliance. The United Nations and other observer delegations kept a keen eye to make

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translated by Kato to English with Kawabata's consent. (For reference on the Japanese work and Kawabata's affiliation, see footnote 141 on page 69. Responsibility for the accuracy of the translation rests with the author of this dissertation.)

sure that the dynamics of the negotiation would not lead to agreements disproportionately disadvantageous for particular groups. As seen often in peace settlements, if the agreement is disproportionately advantageous to one group only, it will not hold in its application, as dissatisfaction would mount and lead to next conflict.

By the fourth day, the real reason behind Northern Alliance's uncompromising position became obvious to the coordinators through numerous rounds of informal consultations with Qanuni. Principally it relates to internal power relations within the leading Tajik group. There was pressure towards Qanuni and other younger leaders of the Tajik group belonging to the Massoud faction, from the old time veteran Tajik leaders such as President Burhanuddin Rabbani and leaders of "*Hezb-e-Jabha-e-Milli Islami* (Islamic United Front)" Abdul Rasoul Sayyaf. The influence of these older generation leaders were marginal under Massoud's charismatic leadership but with his sudden death in September 2001, these figures were trying to regain influence within the Northern Alliance, making full use of their international celebrity and personal ties with Arab leaders. They had no interest in letting Bonn talks a success, as this would strengthen the power of Qanuni and the younger leaders. These leaders therefore pressured Qanuni not to come to any concrete agreement in Bonn and to delay the actual power-allocation decisions for them to decide in Kabul.

Against this background, diplomatic delegation of Russia and Iran approached the United Nations mediators with advice that rather than rush to push through with hasty decisions on power-sharing that is unlikely to come through, the conference should be put on hold and that will give time for Russia and Iran to persuade Rabbani and others representing the older generation of Northern Alliance and to work out a solution. It was clear that these countries, wary of a US-led peace process were trying to delay the conclusion of the process in Bonn, and were beginning to dance to the same tune with their old ally Rabbani.

On the evening of the fourth day, Qanuni openly maintained that he had no authority to agree to any decisions beyond agreeing to general principles without consulting Rabbani and Sayyaf. He proposed that

compromise be struck with one of the following scenario that either (1) the talks be closed for the time being and be reconvened in Kabul or another country at a later date to agree to a list of Cabinet members, or (2) Qanuni will fly with SRSB Brahimi to Kabul and discuss the list of Cabinet members with Rabbani and Sayyaf and return with results. The United Nations mediators seriously considered these two proposals but neither was acceptable. That the objective of the talks in Bonn was to come to agreement on immediately establishing an interim administration structure in Kabul was well understood by all parties prior to the convening of the conference and clear agreement on this line was given from Northern Alliance leaders in Kabul to the local United Nations representative. Brahimi communicated this position and urged Qanuni and the leaders in Kabul to come up with sincere position to allow a comprehensive peace agreement by the following morning. Internally, the United Nations mediators decided that agreement to the list of cabinet members, essential for the establishment of the interim administration, was the minimum line required outcome of the Bonn conference and that if this had to be compromised or delayed, Brahimi will call for closing of the talks.

Accumulation of these factors put the peace talks at the edge of breakdown. With this situation, concerned Member States discarded their position as "observers" and actively moved to rescue the peace talks along the lines proposed by the United Nations. Between late evening of 30 November and the morning of 1 December, intensive and complex diplomatic negotiations involving various capitals took place with telephone and satellite phones. President Rabbani himself was persuaded in no unclear terms not only by the United Nations but also by US, UK and Germany. United Nations also tried to persuade Qanuni by urging him to take the Northern Alliance beyond the past limitations by choosing the route of peace and stability cooperating with the international community instead of pursuing narrow interest of the group, referring to the bitter past where the Mujahideen coalition government ended up breaking down in face of internal conflicts. It also made it clear to other participants that this is the first and last chance for peace settlement and that nominal agreement to principles and postponement of real decisions was not an option. This message was communicated not only to the Afghan parties but



also to countries supporting the Northern Alliance, asking for their support. United States and Germany made foreign ministerial level demarche to Russia and Iran and their position initially supportive of Rabbani's sentiment has begun to show flexibility as a result of these consultations.

As a result of these intense negotiations overnight, Qanuni returned to the United Nations mediators with the following position on the morning of 1 December 2001, opening a real prospect for agreement: the Northern Alliance will agree to (1) preparing a list of cabinet members, limited to the interim administration, (2) allowing the former King to appoint the chairman of the interim administration (implying acceptance of a Pashtun, Hamid Karzai belonging to the Rome Group, to be nominated for the post), (3) inviting the former King to Kabul for convening of the emergency Loya Jirga. This was the moment when prospects opened for real peace in Afghanistan putting an end to the 23 years of conflict.

Following this breakthrough, draft text of the agreement was prepared by the United Nations and the Afghan parties were asked to submit a list of their candidates for the cabinet positions by 3 December 2001. The selection of members of the 29 cabinet posts (including a chairperson and two vice-chairperson) proved to be a very difficult process. Each group was asked to present 10-15 names of individual with high competence and integrity but all parties come up with candidates based on individual factional lines and the 150 names presented included some with corruption charges and some suspected for gross violation of human rights.

As a result of intense negotiation where a full day of 4 December 2001 had to be dedicated, the composition of the cabinet was agreed as follows: 17 seats for the Northern Alliance (including the three key ministries of Defense, Interior and Foreign Affairs to be continuously occupied by Fahim, Qanooni and Abdullah-Abdullah, respectively), 11 seats for the Rome Group (including the post of the Chairman) and 2 seats to the Peshawar Group<sup>152</sup>. In terms of ethnic distribution, this translated in to: 11 seats for the Pashtuns, 8 seats for the Tajiks, 5 seats for the Hazaras, 3 seats for the

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<sup>152</sup> Cypress Group was allocated 2 seats but decided to decline joining the interim

Uzbeks and 2 seats for other minorities. Even after this agreement, participant continued to show mixed signals whether they will be a part of this process and this continued until the early hours of the day of the signing ceremony<sup>153</sup>. Many felt and expressed that the agreement was not perfect but that they agreed to nonetheless be a part of it so as to allow the process to move forward, putting an end to conflict.

On the morning of 5 December 2001, all key participants, together with the SRSB Brahimi, signed the Bonn agreement together with the list of the cabinet members of the interim administration.

## 5. CHARACTERISTICS OF THE BONN AGREEMENT

Hence we have seen with which enormous diplomatic maneuver the agreement that came into being in early December 2001. We shall now review the characteristics of the agreement. The "Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions"<sup>154</sup> ---commonly referred to as the "Bonn Agreement" and hereafter so referred in this dissertation--- is not a peace accord in the general sense of the term<sup>155</sup>. Unlike the peace accord such as the Dayton Accords for Bosnia, Arusha Accords for Rwanda, or Paris Peace Agreement for Cambodia, the Bonn Agreement does not specify the final state of the settlement. Rather, it prescribes certain time-bound steps to move from termination of violent

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administration.

<sup>153</sup> According to press reports, one of the final contentious point was the number of posts to be allocated to the Northern Alliance. While those negotiating on behalf of NA in Bonn agreed to 17, Rabbani, Sayyaf and other senior/older generation of NA leaders in Kabul asserted for 20 posts (out of 29) and only gave into the final distribution in the final hours after much external pressuring, reminding them that while they were in control of 90% of the territory by this time, the situation changed dramatically from them being in control of only 10% of the Afghan territory two months ago and this was only made possible and will remain so with external backing. Two other key concessions made to NA's leadership in Kabul were the removal of two draft clauses that said (1) the international security assistance force would help in "voluntary disarmament of former combatants", (2) the interim authority was prohibited from granting amnesty to those who committed crimes against humanity or serious violation of human rights. (All these insights in this footnote based on reporting from Bonn based on quotes from international negotiators by Steven Erlanger "After arm-twisting, Afghan factions pick interim government and leader", *New York Times*, 6 December 2001)

<sup>154</sup> Official document submitted to UN on 5 December 2001 as an annex to a letter addressed to the Secretary General (S/2001/1154). The full text can be found at [http://www.unama-afg.org/docs/\\_nonUN%20Docs/\\_International-Conferences&Forums/Bonn-Talks/bonn.htm](http://www.unama-afg.org/docs/_nonUN%20Docs/_International-Conferences&Forums/Bonn-Talks/bonn.htm)

<sup>155</sup> For detailed discussion and definition on "peace accords" see Stephen J. Stedman, Donal Rothchild and Elizabeth Cousens, (eds), *Ending civil wars: the implementation of peace agreements* (Lynne Rienner, 2002)

conflict to setting up of a governance structure with increasing level of legitimacy. It does not guarantee in any way the eventual establishment of a democratic and stable government. What has been agreed is how Afghanistan should proceed in attaining the ultimate goal of peace and stability, through holding of two national-level consultations based on traditional models available in the country (Loya Jirga) with the assistance of the international community. Establishment of an interim administration and a transitional administration are steps along this process to increasingly reflect greater amount of popular will. It is a roadmap that would require wise and sincere action by various Afghan parties and international community's continuous support, if it were to succeed and lead to a stable and representative government structure providing peace and stability. Unlike the peace processes mediated by the United Nations for countries such as Cambodia, Kosovo, or East Timor, the Afghan peace process is designed to leave the shaping of the political process to the Afghans themselves. Reasons for this design can be attributed to two factors: (1) lack of time to broker a comprehensive peace accord like the Paris Agreement for the resolution of conflict in Cambodia, due to sudden progress in the military front following the events of 9.11, necessitating immediate interim scenario to avoid political vacuum, (2) vast national territory of Afghanistan, with still ongoing internal conflict, did not leave a possibility for interim administration structure administered by the United Nations, seen in earlier post-conflict engagement in Kosovo or East Timor.

## **5.1 Structure of the agreement**

As the Agreement formed the legal basis of the peacebuilding process that spanned over the following four years, the centrality of the Agreement warrants a content analysis focusing on each of the ten segments.

(1) The preamble segment consisting of ten paragraphs, outlines the context in which the talks were held and agreement was made; expression the determination to end the conflict; making references to independence, sovereignty and territorial integrity of Afghanistan and that the people of Afghanistan will be freely choosing their own future in accordance with the principles of Islam, democracy, pluralism and social justice; also makes reference to the role of the Mujahideens.

(2) "General provisions" consisting of six paragraphs, outline the roadmap for the transition with timelines beginning from the establishment of the Interim Authority (as

of 22 December 2001); describe that composition of the Interim Authority (Interim Administration, Commissions, Supreme Court) that will be the repository of Afghan sovereignty, tasked to convene the Emergency Loya Jirga (within six month) that would decide on the Transitional Authority; stating that free and fair elections to elect a fully representative government should take place within two years from the Emergency Loya Jirga; also specifying that a Constitutional Loya Jirga should take place within 18 months from the establishment of the Transitional Authority.

(3) "Legal framework and judicial system" segment consisting of two paragraphs, stipulates the interim legal basis preceding the adoption of the new constitution and places the judicial power on the independent Supreme Court; state that a Judicial Commission would be established by the interim Administration to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions.

(4) "Interim Administration" segment consisting of nine paragraphs contains the resultant agreement most contentiously debated stating the practical aspects. It defines the composition, procedures and functions of the Interim Administration. Composition is set as: one Chairman, five Vice Chairmen and 24 other members, of which all (except the Chairman) would head a department of the Interim Administration. It is stated rhetorically stated that the former King was offered by the participant to head the Interim Administration but that he preferred selection of other suitable candidate; it further states the criteria the selected individuals for the new Administration is annexed to the Agreement. It defined basic procedural arrangements such as on decision-making by the Interim Administration and suspension of membership for individual serving in the Interim Administration. It also defines certain key functions of the Interim Administration including: representation, national currency management, establishment of key institutions such as the Central Bank, an independent Civil Service Commission, and an independent Human Rights Commission. Naturally, the list of functions are not exhaustive and room is left for various other provisions concerning the functions and the powers of the members of the Interim Administration to be further elaborated.

(5) "The Special Independent Commission for the convening of the Emergency Loya Jirga" consisting of five paragraphs, requires the Interim Administration to establish this body within one month of establishing of the Administration itself, and outlines

basic composition and functions of the body to lead to process to the holding of the Emergency Loya Jirga within six months time. It is defined that this Emergency Jirga is defined as the first most significant step in the transitional process that involves expression of the will of the Afghan population -albeit in a limited manner- and elect the head of the state for the Transitional Administration.

(6) "Final provisions" consisting of six paragraphs are composed of various other crosscutting issues such as: the principle that all armed forces and groups come under the command of the Interim Authority upon the official transfer of power; adherence to international human rights instruments; cooperation with the international community in the fight against terrorism, drugs and organized crime and respect for international law; ensuring equitable representation of women and minority groups in the Interim Administration and the Emergency Loya Jirga; requiring consistency with all Security Council Resolutions on Afghanistan; provision for elaboration of rules of procedure for organs established under the Interim Authority.

(7) "Annex I" contains reference to the premise that the Afghans themselves are responsible for providing security, law and order but request the international community's assistance in providing a UN-mandated force during the transitional period as well as establishing and training of new Afghans security and armed forces. It also contains, in the final paragraph, a pledge to withdraw all military units from Kabul and other urban areas which UN-mandated forces is deployed<sup>156</sup>.

(8) "Annex II" defines some basic provisions for the role of the UN during the interim period including: SRSG's responsibility to be accountable for all aspects of the work of the UN, monitoring and assessing implementation of the Agreement; facilitating resolution of impasse, if they occur, and decision-making. It also contains a paragraph that gives UN the right to investigate human rights violations and to recommend corrective action

(9) "Annex III" contains requests to the UN and the international community to guarantee sovereignty; to reaffirm, strengthen and implement their commitment to assist with rehabilitation, recovery and reconstruction of Afghanistan; to assist with the

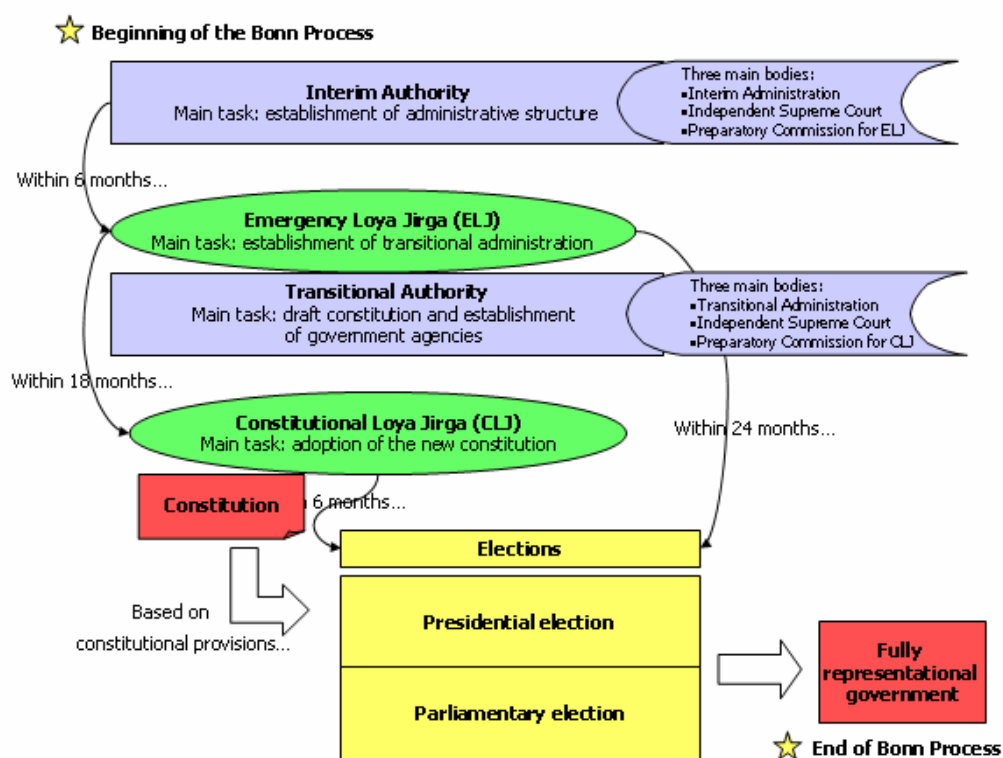
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<sup>156</sup> This pledge is probably the most blatantly disrespected provision of the Agreement ---which illustrates the difficulty in actual implementation--- as discussed later with reference to prevalence of warlordism in Chapter 2 of Part IV.

reintegration of the Mujahideen into the new Afghan security and armed forces; to create a fund to support victims of the war; and to cooperate in combating international terrorism, cultivation and trafficking of illicit drugs and to provide alternative livelihoods. It also requests UN to conduct voter registration and census in view of the Emergency Loya Jirga and the elections.

(10) "Annex IV" contains the list of names indicating the composition of the Interim Administration<sup>157</sup>.

Figure 2: Process of the Bonn Agreement<sup>158</sup>



## 5.2 Observation and notable aspects of the Agreement

It can be discerned that some of the elements contained in the Agreement are products of compromise or delaying of clear-cut decisions, delicately balancing concurring positions. For instance, it can be seen in the premise that Afghans are free to choose their political future but that it must be based on specific ---and often mutually contending--- principles of Islam, democracy, pluralism and social justice (in preamble paragraph 4). Another example is seen in the description of the judicial

<sup>157</sup> As reproduced on Table 3 on page 75.

power of Afghanistan where the Judicial Commission is mandated to rebuild the domestic justice system "in accordance with the Islamic principles, international standards, the rule of law and Afghan legal traditions". These are sets of distinct principles which are not necessarily mutually exclusive or impossible to be reconciled in a single system, at least in theory, but a difficult mix which even countries with more developed state of judicial system may be struggling with, as attested by the fact that reform of the judicial system was one of the areas that saw the greatest lack of progress by the end of the Bonn Process, as we shall examine in detail in Chapter 8. And yet it is assessed that these formulations had to be included in the Agreement, as it had to be a combination of reality and ideals.

Furthermore, it can also be observed that some provisions were included to give recognition to claims of some parties to the Bonn Agreement, even if it indicated an understanding that many Afghans, and international partners, may not agree with. This category of references include a paragraph dedicated to praising the role of the Mujahideens as "heroes of jihad and champions of peace, stability and reconstruction" (in preamble paragraph 5). This is not an accurate description of the Mujahideens which includes those responsible for much of the destruction experienced during the last 10 years of conflict due to factional fighting and power struggle. Nonetheless, it is understandable that some ---especially those representing the Northern Alliance in particular--- needed this blanket reference of affirmation to set the tone for the transitional period ahead and fending off any possibility of being accused for the destructive actions committed during the internal war period. It could also be argued that this minimized the possibility for truth and reconciliation commission type of activity in the style of South African post-conflict management of the issue to take place in Afghanistan. It was indicative of the stance of those who run the post-conflict transition process under the Bonn Agreement, as we shall discuss later. Nonetheless, assessing the fact that such treatment of the Mujahideens avoided the alienation of the former Mujahideens (whether their status is widely accepted or merely through self-proclamation) and this should be assessed as an important achievement. In addition, although critical comments may be heard from the better-educated, city-dwelling<sup>159</sup> segments of the Afghan population, for the vast majority, the Mujahideens still represent their national pride, tied to the courageous resistance to the Soviet

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<sup>158</sup> Figure created by the author based on the content of the Bonn Agreement.

<sup>159</sup> Especially residents of Kabul which saw greatest destruction in the period following the withdrawal of the Soviet troops and under Mujahideen coalition regime in the early 1990s.

occupation and fighting in the name of jihad<sup>160</sup>. Therefore, it is possible to assess that inclusion of these references in the Agreement and positioning of the Mujahideens in such context were appropriate on overall account.

The Agreement also makes clear reference to respect for human rights and the rule of law as the basis of the transitional process ahead and the establishment of independent commissions on human rights and judicial reform under the interim and transitional authorities are mandated. As we shall see later in the analysis of the implementation of the transitional period covered under this Agreement, in reality these idealistic aspects became largely eclipsed by the difficulties encountered on other more realistic aspects of the Agreement such as provision of security, meeting the political timeline in moving towards a progressively more democratic governance structure and the fight against the illicit activities such as opium production and trafficking. Nonetheless, it was of necessity and of significance that the key segments of the society warring for over a decade has been able to produce an Agreement that broadly reflects the commitment for a peaceful future ahead<sup>161</sup>. It is only natural that the resulting text bore some conflictual or loosely defined elements which would not withstand rigorous analysis as some observers criticized. It was, and should be, seen first and foremost as a signal to end the conflict and a first attempt to design the initial stages of the transition. It was an effort to strike a fine balance between what is (and likely to continue to be, at least for a while) and what ought to be, and this premise should be correctly remembered when making assessment of the implementation of the Agreement, as we shall explore later in Chapter 1 of Part IV.

## **6. STRUCTURE OF INTERNATIONAL ASSISTANCE**

### **6.1 Immediate steps after the conclusion of the agreement**

Eagerly awaiting for the outcome of the Bonn talks, upon its conclusion, the Security Council immediately issued a resolution on 6 December 2001 “welcoming” the outcome of Bonn talks, stating that it “endorses the agreement on provisional arrangements” which are “intended as a first step towards the establishment of a broad-based, gender

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<sup>160</sup> Interview with Sayed Hassan, Kabul, July 2004.

<sup>161</sup> Although it was critically excluding one major party to the conflict ---the Taliban---, an aspect we will examine in detail in Chapter 2 of Part IV.



sensitive, multi-ethnic and fully representative government”<sup>162</sup>.

Only a day later on 7 December 2001, the Taliban fled from their original stronghold and last remaining capital city under their control, Kandahar. Among those present on the ground winning over the city was Hamid Karzai who has been named as the Chairman of the Interim Administration in Bonn. Son to a powerful Pashtun family from Kandahar power-base, Karzai was one of the few Pashtun leaders that remained engaged in Afghanistan (based in Peshawar) and fought actively with the Taliban<sup>163</sup>. Well versed in English, educated and comfortable dealing with both the international interlocutors and the tribal community, Karzai was seen as a natural candidate for Afghanistan's future government leadership. Although his nomination for chairmanship of the interim administration was not uncontested<sup>164</sup>, the consensus was that there is no better figure to lead the country at this stage. On 22 December 2001, Karzai was installed as the chairman of Afghanistan's Interim Administration. 101 days after the 9.11 attacks and 71 days from the commencement of US military strikes, Afghanistan had been liberated from the rule of the Taliban and was set for a new statehood with heavy international presence.

Military operations classified under phase three continued into 2002, as seen from the fact that the largest battle of the war in Afghanistan since October 2001 was fought in March 2002 in the mountainous Shah-i-Kot area south of Gardez against a larger-than-expected force of Taliban/Al-Qaida in a three week battle<sup>165</sup>. However, after the conclusion of the Bonn Agreement and the inauguration of the Interim Administration on 22 December 2001, the military operations focused on War on Terror and systematically separated from the nation-building activities centered around the Afghan Interim Administration with international support led by the United Nations. As we shall see in greater detail in the following chapters, this dichotomy provided many complications to Afghanistan's fragile new statehood. Nonetheless, it is difficult to

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<sup>162</sup> S/RES/1383 (2001)

<sup>163</sup> Initially cooperated with the Taliban at the inception of the movement as a prominent Pashtun and served at one point as the Deputy Foreign Minister of the Taliban regime but differences grew and Karzai became a clear anti-Taliban force after the assassination of his father allegedly by the Taliban.

<sup>164</sup> When the Rome Group was given the right to nominate the chairman post, leader of the group Abdul Shirat, a long time advisor to the former King, insisted on being nominated himself. However, as the views of the mediators was that the Chair post had to be allocated to a Pashtun from the Southern region, Shirat was convinced –though with bitter remarks- to support Karzai.

<sup>165</sup> “Battle of Anaconda” detailed reference found at [www.wikipedia.org](http://www.wikipedia.org) under heading “War on

dispute the fact that the continued engagement of the US military in the country provided the sine qua non condition for the new statehood to take shape, not allowing the spoilers to derail the process<sup>166</sup>.

## 6.2 Designing the framework of international assistance

Against these developments, the immediate response United Nations had to take was to authorize and provide a United Nations-mandated international security force --- separate from the Coalition Forces led by the United States with the primary objective of waging a War on Terror--- as requested in Annex 1 paragraph 2 of the Bonn Agreement. This process proved difficult, partly as the United States made it clear that it would not take part in this effort and also expressed preference to limit this operation to Kabul and its surrounding areas which was seen by many to be inadequate in meeting the needs on the ground. However, as with all other decisions by the United Nations ---but particularly true for matters relating to military deployment---, where there is no support from Member States, the United Nations Secretariat as such does not have the means to take the course of action it assesses as required<sup>167</sup>. Therefore the resultant UN-mandated force was restricted in a manner envisioned by the United States and other key Member States contributing to UN's engagement in Afghanistan.

Security Council resolution of 20 December 2001 "authorizes" the establishment of International Security Assistance Force (ISAF) for 6 months duration, under Chapter VII mandates of the United Nations Charter, "as envisaged in Annex I to the Bonn Agreement" "to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas, so that the Afghan Interim Authority, as well as personnel of the United Nations can operate in secure environment"<sup>168</sup>. The United Kingdom offered to take the lead of IASF at its inception<sup>169</sup>. ISAF's mandate was thereafter extended for another six months in May 2002<sup>170</sup> and for further twelve

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Afghanistan".

<sup>166</sup> At least not from those who signed up to the Bonn Process. The fact that the Taliban was excluded in the first place is analyzed in detail in Chapter 2 of Part IV.

<sup>167</sup> Phenomena discussed in detail in Part II and V.

<sup>168</sup> S/RES/1386 (2001)

<sup>169</sup> Warren Hoge, "Afghan peacekeeping: Britain to send up to 1,500 for security force" in *New York Times*, 18 December 2001.

<sup>170</sup> S/RES/1413 (2002)

months in November 2002<sup>171</sup> but without extending its scope or coverage until 2003.

In the meantime, UN provided emergency assistance to the newly established Interim Administration, centered around the following areas of immediate needs<sup>172</sup>:

1. Salary provision to national and provincial civil servants (excluding military and police) estimated to be roughly 210,000, covering for the unpaid 5 months and the next 6 months
2. Establishment of and support to Civil Service Commission, to enable the government's recruitment of capable staff based on merit
3. Basic infrastructural support to new Ministries (including provision of office equipment and vehicles as well as refurbishment of governmental compounds)

Also established during this period was the Loya Jirga Preparatory Commission composed of 21 Commissioners, carefully selected jointly by the Interim Administration and the United Nations selecting individuals commanding respect and influence but not politicized by specific groups.

As for the international community's initial consolidated response on the reconstruction and aid aspects, an International Conference on Reconstruction Assistance for Afghanistan was held in Tokyo in January 2002. Over US\$ 4.5 billion was pledged through 2005 by the international community<sup>173</sup>. There was a whole new dynamics in place for a new Afghanistan, to which the UN Secretary General needed to devise a new support structure coordinated by the UN as requested in Annex II of the Bonn Agreement. This resulted in recommending the establishment of a new integrated presence for the United Nations to be headed by the Special Representative of the Secretary General (SRSG), bringing together the political components from the United Nations Special Mission for Afghanistan (UNSMA) and various agencies working on humanitarian and reconstruction sectors<sup>174</sup>. A Security Council resolution adopted on 28 March 2002 "endorses" the establishment of United Nations Assistance Mission in Afghanistan (UNAMA) for initial duration of 6 months, "as outlined in SG report dated

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<sup>171</sup> S/RES/1444(2002)

<sup>172</sup> Kawabata, p 216-217.

<sup>173</sup> Of the total pledge, US\$ 1.8 billion was for the first year. ("Afghan aid meeting ends" in *New York Times*, 23 January 2002)

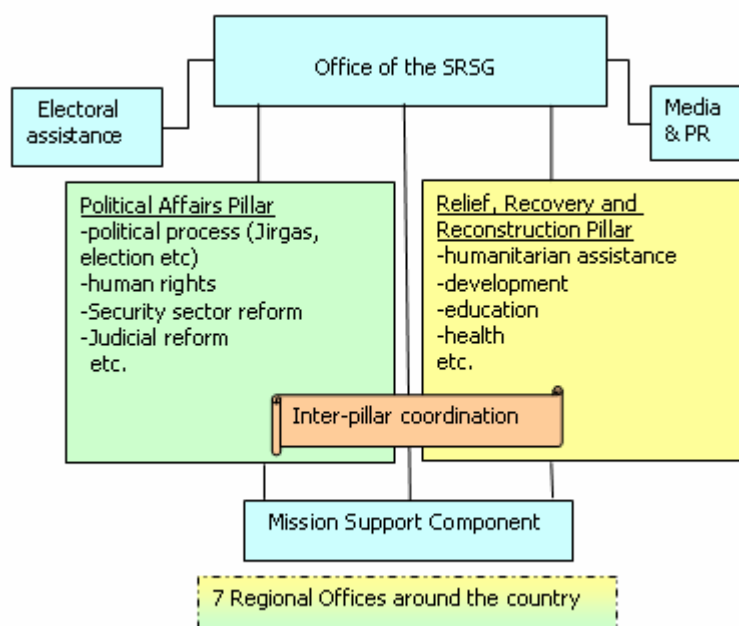
<sup>174</sup> Proposed structure of the new UN presence presented in detail in the SG report dated 18 March 2002 (S/2002/278).

18 March 2002 (S/2002/278)”<sup>175</sup>. The mandate of UNAMA, the new integrated mission of the United Nations to assist Afghanistan, was to be reviewed and extended, every twelve months from thereafter throughout and beyond the Bonn Process.

### 6.3 Structure of the United Nations mission

Based on requests made in the Bonn Agreement, Security Council Resolution S/RES/1401(2002) and subsequent consultations with the Afghan counterparts, UNAMA defined its overall function as being one “to promote peace and stability in Afghanistan by leading efforts of the international community in conjunction with the Government of Afghanistan in rebuilding the country and strengthening the foundations of peace and constitutional democracy”<sup>176</sup>.

Figure 3: UNAMA structure<sup>177</sup>



UNAMA is categorized technically as a political mission (as opposed to a peacekeeping mission) but from this point, it was directed and supported by the Department of Peacekeeping Operations (DPKO) in UN Headquarters in New York<sup>178</sup>. As the first experiment of an ‘integrated’ mission, UNAMA was composed of two main pillars: the “Political Affairs Pillar” handling political matters and the “Relief, Recovery and

<sup>175</sup> S/RES/1401 (2002)

<sup>176</sup> UNAMA homepage ([www.unama-afg.org/about/overview.htm](http://www.unama-afg.org/about/overview.htm))

<sup>177</sup> Figure created by the author based on SG reports on Afghanistan.

<sup>178</sup> Until spring 2002, Department for Political Affairs (DPA) was primarily in charge of the mission in Afghanistan.

Reconstruction Pillar” dealing with development and humanitarian issues, each headed by one Deputy SRSR (at the rank of ASG) reporting directly to the SRSR. Through this structure, various components of UN’s engagement in the country, especially the political wing carried out formerly by UNSMA and humanitarian relief and reconstruction wing operated by various specialized agencies were brought under one architecture.

The mission started out with provision for 244 staffing in 2002 and towards the end of the Bonn process the number increased to 1,128, of which the vast majority (around 80 percent) were Afghan nationals<sup>179</sup>. One of the central philosophies of the mission’s engagement was depicted as the “light (expatriate) footprint” as outlined in paragraph 98 (d) of SG report S/2002/278 defining that *“UNAMA should aim to bolster Afghan capacity (both official and non-governmental), relying on as limited an international presence and on as many Afghan staff as possible, and using common support services where possible, thereby leaving a light expatriate “footprint”*. After the massive post-conflict operations in Kosovo and East Timor in the immediate recent history of UN peace operations, UNAMA’s modest size and lean structure based on such guiding philosophy presented a stark contrast in terms of modality of UN’s engagement. This approach and its consequences will be assessed in closer detail in Chapter 2.2 of Part IV as part of the assessment of the overall process of post-conflict peacebuilding.

#### **6.4 The military aspect: Parallel engagements by CFC & ISAF**

Throughout the duration of the Bonn Process and beyond, international military presence was a central element of the transition process. Continued deployment of international military forces was widely recognized as a requirement for the country to remain on track of the peace process, not falling back into conflict as many believed that only the deterrence effect created by credible foreign military presence prevented some of the parties to the Bonn Agreement ---with various degree of loyalty to the process--- from turning into a spoiler. What complicated the situation profoundly and characterised the process, however, was the fact that there were two distinct “international military presences” pursuing different objectives at the same time with

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<sup>179</sup> The 2002 figures are cumulative of UNSMA and UNAMA and of the 244 total, 95 were international staff and 149 were national staff. In 2005, of the total 1,128 staff, 251 were international staff, 877 were national staff and 43 were UN Volunteers. These figures are calculated based on authorized budgetary provisions for UNAMA civilian staff and were provided with the kind support of DPKO Afghan desk, Giuditta Scordino and Radha Day.

limited coordination, at least in the initial stage.

“Operation Enduring Freedom” of the Coalition Forces ---led by the United States Central Command with marginal contribution from its allied nations---<sup>180</sup> made it clear that its objective was to prevail over the remnants of the Taliban regime and Al-Qaida elements present in Afghanistan. Its mandate was strictly limited to the global War on Terror which was the central theme of US foreign policy after 9.11. While its sheer presence contributed in some cases to act as deterrent for violent conflicts and it would occasionally align its posture to the needs of the political process, this was not the norm and on many occasions its need for local allies in the provinces made them take action contrary to the objective of the political goals set out in the Bonn Agreement.

The International Security Assistance Force (ISAF) was the UN-mandated international military presence whose main mandate was to assist the Afghan interim and transitional authority in maintaining security for the reconstruction process to be able to take place. Although the aspirations of the drafters of the initial proposal was to have a strong ISAF deployed throughout the country, with the strong objection of the United States, its mandate was limited to cover only “Kabul and its surrounding areas” from the point of its inception<sup>181</sup>. Despite being pointed out on numerous occasions by the UN and the Afghan government that the fact that instability in areas outside Kabul is unattended by international military presence with a view to rebuilding of the country is a serious weakness threatening the viability of the Bonn Process,<sup>182</sup> this limitation remained unchanged for almost two years at the critical initial stage.

Finally, in October 2003, the Security Council authorized the expansion of the mandate

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<sup>180</sup> The first waves of attack beginning in October 2001 were conducted solely by US and UK forces. From early 2002, several countries deployed special forces to work alongside. Since the initial invasion period, these forces were augmented at different times by troops supporting OEF and/or ISAF. These forces were supported by main battle tanks (Canadian and Danish), artillery (British, Canadian, Dutch), ground-attack aircraft (French, Italian, Dutch, Norwegian and British) and transport aircraft from several nations. (*Wikipedia* entry on “War in Afghanistan” p16 reference “Operation Enduring Freedom”)

<sup>181</sup> S/RES/1386(2001)

<sup>182</sup> Earliest request to the Security Council was made in Hamid Karzai’s first address as the Chairman of the Interim Administration on 30 January 2002 (SC/PV.4461, SC/7284). For many recommendations and requests that followed, see records of Security Council meetings such as SC/PV.4750, SC/7751 of 6 May 2003) and the for the official request for ISAF expansion beyond Kabul that finally was met with Security Council action, see letter from the Afghan representative to the Secretary-General dated 10 October 2003 (S/2003/986).

of ISAF to areas beyond Kabul and its surrounding areas responding to strong calls by the UN<sup>183</sup>. SRSB Brahimi, in particular, has repeatedly alerted that without bringing basic level of security to the provinces, aid and reconstruction work suffered and this lead to disappointment by local population who could not see the peace dividend. Also stressed was the fact that in the absence of international forces to bring security to the provinces, there was no way to proceed in a meaningful way with the much-needed demilitarization of former combatants and local commanders through DDR programmes. This continued arbitrary use of power by localized armed groups left much of the Afghan population outside of the rule of law and protection by national authority as before the Bonn Process. Addressing this problem was identified as a precondition for the political process anticipated to unfold such as the Constitutional Loya Jirga and elections<sup>184</sup>.

Unfortunately, by this time ---almost two years since the fall of the Taliban---, the local power holders were given sufficient time to entrench their power base, many of them claiming quasi-official status by functioning as self-appointed "police chiefs" of districts and the like, and some through active or passive engagement with the illicit opium industry. Therefore the challenge that the ISAF had to deal with after the mandate expansion was much greater than it would have been at the outset of the Bonn Process. In addition ---as it is the case with all such mandates given by Security Council resolutions--- the increase in the size of the forces required to carry out the vastly expanded mandate depended on voluntary contribution from individual Member States and was not guaranteed by the adoption of this resolution. Although this expanded mandate was given based on the offer provided from the North Atlantic Treaty Organization (NATO) to lead the operation and to contribute significant forces from its Member States<sup>185</sup>, full deployment did not take place on the ground until the end of the Bonn Process<sup>186</sup>. The delay in dealing with the security threats beyond Kabul

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<sup>183</sup> S/RES/1510(2003) adopted on 13 October 2003, for detail of actual deployment envisaged, mainly based on offer from the Secretary-General of NATO regarding ISAF, see the record of Security Council deliberation reproduced in S/PV.4840 and SC/7894.

<sup>184</sup> SRSB Brahimi's briefing to the Security Council on 15 January 2004 (S/PV.4893 and SC/7977), Security Council's deliberation acknowledging the delaying of the Parliamentary election, holding it separately from the Presidential election on 15 July 2004 (Presidential Statement S/PRST/2004/25, S/PV.5004, SC/8149) referred explicitly to this point. Furthermore, the Secretariat's briefing to the Security Council following the Presidential election reiterated the need for improvement in security situation, DDR and rule of law as key preconditions for successful conduct of parliamentary elections (S/PV.5073, SC/8240).

<sup>185</sup> S/2003/970

<sup>186</sup> Authorized staffing of ISAF was 20,000 in 2001, while actual deployment was below 5,000 in 2002.

was one of the most regrettable aspects of the international community's engagement in the Bonn Process and one that would have profound implications, as we shall examine later in Part IV as a part of the assessment of the overall process.

Table 4: Summary comparison of the two international military presences<sup>187</sup>

Coalition Forces	Description	ISAF
Oct. 2001	Deployed since	Jan. 2002
US	Lead by	12/2001-06/2002: UK 07/2002-01/2003: Turkey 02/-07/2003: Germany & NL 08/2003-09/2004: NATO (lead: Canada) 10/2004-09/2005: NATO (lead: Turkey) 10/2005-9/2006: NATO (lead: Italy)
USA, UK, Canada, Australia, France	Key contributors	UK, Germany, Canada, Italy, France, NL
2002: 7,000 2005:19,000 US	Size	2002: 4,650 from 20 countries 2003: 5,000 by the end of 2003 from more than 30 countries 2004: 6,800 (1 <sup>st</sup> Stage: Northward expansion completed) 2005: 9,200 NATO (2 <sup>nd</sup> stage: expansion westward begun)
Counter-terrorism (capturing and destroying Taliban & Al Qaida members)	Mandate	Assisting the Afghan government in providing security in Kabul & its environs; providing security for UN personnel
2002: In Kabul as well as eastern and southern part of the country	Areas covered	2002-2003: Kabul and its vicinities 10/2003-: gradual increase, first to North Eastern, then Western and Central regions 2005-: take over of PRTs in the South from US (Kandahar by Canada, Helmand by UK etc)

Although the resentment from the local population is not at all comparable to that in Iraq, it would be difficult to deny the fact that there was a sense among the Afghan population in the provinces that the Coalition Forces were de facto “occupying force”. And this sentiment, initially held mainly by the insurgents and those not party to the Bonn Agreement, grew by the year among ordinary Afghans. Contributing factors to this were the behaviours in which some of the Coalition Force soldiers acted towards

<sup>187</sup> Table created by the author. Information regarding ISAF taken from SRSG brief to the Security Council (e.g. S/PV.5347), successive SG reports and NATO website. Information regarding the Coalition Forces taken from Congressional Research Service (CRS) Report for Congress: Operation Enduring Freedom: Foreign Pledges of Military & Intelligence Support and announcement made by the US government on 20 December 2005 stating their intention to withdraw 2,500 American forces from Operation Enduring Freedom in March 2006 which would “reduce the current level of 19,000 troops to 16,500”.



the Afghan people, perceived to be a typical occupying force manner. With the broad pretext of searching for insurgents and the remnant of the Taliban, people's houses were searched by armed Coalition Force soldiers, under authority not given by any Afghan or international institutional framework. At least in the first few years of the Bonn Process, such house-searches or random "checks" were conducted by the Coalition forces even in Kabul, some in a manner not giving the impression that these foreign forces were there to help Afghanistan at its request<sup>188</sup>. This sentiment present from the early stages of the Bonn Process grew more intense as the legality and appropriateness of treatment of detainees in the Guantanamo detention center came into public scrutiny as early as in 2002<sup>189</sup>. Lack of control over the procedure and criteria of how the Coalition Forces detained suspects in informal detention centers also within Afghanistan, as well as the way the detainees were reported to be treated, not only raised discomfort among the Afghans but also from various parts of the international community<sup>190</sup>. The incidents of prisoner abuse by US soldiers in the Abu Ghraib jail in Iraq publicized by the New Yorker Report in April 2004 were also widely reported in Afghanistan and critics of the counter-insurgency operations fanned public outrage<sup>191</sup>. In addition, the mistake or unjustifiable bombings by the Coalition Forces killing civilians continued to occur and statements made on these occasions by the Coalition Forces calling these "unfortunate" incidents and never offering apology --- giving the impression that they considered these as collateral damage within acceptable range---, all contributed to growing discomfort with the presence of the Coalition Forces. But problematic above all was the fact that the counter-insurgency operations did not produce the result they were designed to attain. Although some of the key figures of the Taliban and the Al-Qaida were reported dead or captured, Mullah Omar and Osama bin Laden remained at large and the Taliban movement itself was growing in strength as the Bonn Process progressed. While at the political level the

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<sup>188</sup> Craig S. Smith, "The intimidating face of America" in *New York Times*, 13 October 2004; The author witnessed firsthand several incidents where the Coalition soldiers blocked roads in Kabul and stopped all passing Afghan cars for highly intimidating search operations (even UN-labeled cars if there were Afghans on board). The manner in which the Afghan's ID documents were taken and questions were asked to Afghan citizens were highly militarized and some were taken away from their vehicles on the spot for further interrogation for "signs" possible sympathy to Taliban. (This particular incident occurred in July 2004 in Shahr-i-Naw road, Kabul)

<sup>189</sup> David Rohde, "The detainees: Afghans freed from Guantanamo speak of heat and isolation" in *New York Times*, 20 October 2002, Anthony Lewis, "Guantanamo's long shadow" in *New York Times*, 21 June 2005.

<sup>190</sup> The Bush Administration maintained the position that as those captured in the fight in terror were not conventional military combatants, the Geneva Convention regulating the treatment of prisoners of war do not apply.

<sup>191</sup> Interview with Sayed Hassan, July 2004, Kabul.

awareness was there that the fragile peace process depended on the continued presence of the US force and that this could only be justified with their focus on counter-insurgency, criticism towards the Coalition Forces mounted among the public.

This placed difficulties for the ISAF forces, when their mandate was finally expanded in October 2003 to provide security as a part of the nation building process in areas beyond the capital. One of the problems of this dual military engagement was that despite the fact that they were deployed for distinct purposes ---one for counter-terrorism and the other to support the process of nation building--- Afghans affected by or opposed to the counter-insurgency operations of the Coalition Forces could not distinguish between the two. First, from its own security point of view, it presented challenges as the ISAF was much less numbered than the Coalition Forces and their mandate was limited. Therefore should hostilities occur with the local armed groups, it would have been much more difficult for ISAF to respond to it in accordance to its mandate. Partly in response to this dilemma, a new concept referred to as the "Provincial Reconstruction Team (PRT)" was favoured by the contributors to ISAF<sup>192</sup>. Under this concept, the military personnel were deployed ---with a small number of civilian personnel component built in--- to support post-conflict reconstruction functions (or "nation building" functions, as would be referred to in US literature) with minimal amount of patrol and other tasks related to ensuring security. The concept and practice of PRTs became subject to criticism from some engaged in reconstruction work on the grounds that this blurs the line between civilian support activities and military engagement, thus causing danger to the unarmed civilians. Nonetheless, in post-conflict situations where security is not guaranteed by the central government in many parts of the country and where these spots are largely inaccessible for civilian aid workers, this concept to deploy military personnel to aid in key reconstruction work proved to be a useful model. It at least created a framework under which some international presence were secured in the provincial areas and in a manner that acquired local support<sup>193</sup>.

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<sup>192</sup> The concept was devised in late 2002 by the Americans operating in the South but it was adopted by various countries sending contingents to ISAF as well. The PRT concept evolved as different troop contributing nations in charge of different regions employed different approach in the application of the PRT concept.

<sup>193</sup> Although it should be noted that the concept of PRTs is not a set doctrine and thus various countries providing assistance either as part of ISAF or the Coalition Force to be responsible for a PRT in a specific location determined the actual implementation modality. Therefore the functions of the German PRT in Badakshan would be different from that of the New Zealander PRT in Bamyan, and much more different still from the US-run PRT in Kandahar, for instance.

## **7. KEY DEVELOPMENTS UNDER THE BONN PROCESS**

Having reviewed the structure of international assistance provided through the integrated mission of UNAMA and the two international military presences, we shall now examine the key political developments prescribed in the Bonn Agreement. Reconstructing a coherent narrative through chronological review of key events, this dissertation intends to generate better understanding of how the Afghan government and its international partners dealt with cornerstone events that shaped the post-conflict peacebuilding process.

### **7.1 Emergency Loya Jirga**

The first hurdle of the Bonn Process was the convening of the Emergency Loya Jirga within six months from the establishment of the Interim Authority. This was conducted on schedule as the Emergency Loya Jirga was held from 11 June 2002 for nine days and the Transitional Administration was established on 22 June 2002, exactly six months after the establishment of the Interim Authority. The Security Council endorsed this by issuing a resolution “welcome(ing)” and “not(ing) with satisfaction” the results of this process<sup>194</sup>.

Based on the 1964 Constitution which was determined in the Bonn Agreement to serve as the legal basis for the Interim and Transitional Authorities, there were separate provisions for a ordinary Loya Jirga and an Emergency Loya Jirga session. The latter required less formalities and representation and therefore 500-600 representatives would have sufficed for this occasion. However, the Afghan Interim Administration decided to have a full-scale representation in the selection of the actual delegates for the Emergency Loya Jirga. A remarkable 1656 participants gathered for the Emergency<sup>195</sup> Loya Jirga, composed of delegates from all over Afghanistan as well as from the Diaspora and refugee communities abroad. 1050 delegates were selected in an indirect election under United Nations monitoring and the remaining 606 delegates were selected by the Preparatory Commission from among special and/or minority groups such as women, religious leaders, refugees and nomads.

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<sup>194</sup> S/RES/1419(2002)

<sup>195</sup> The Situation in Afghanistan and its implications for international peace and security, Report of the Secretary General (S/2002/737), 11 July 2002, p5-8.

Former King Zahir Shah inaugurated the Emergency Loya Jirga on 11 June 2002, clearly stating that he returned to his homeland to be of service to the people of Afghanistan but not to revive royal rule<sup>196</sup>. He further declared his support for Karzai as a candidate for the position of the President of the Transitional Administration.

On the third day of the Emergency Loya Jirga (13 June 2002) election for the presidency was conducted and Karzai won a clear majority obtaining 1295 votes. Karzai assumed the post of the President and announced the cabinet Ministers of the Transitional Administration on 19 June 2002 and closed the emergency Loya Jirga. While all necessary outcomes were produced in the Emergency Loya Jirga, and therefore the event was hailed as a success, the process was not as open and democratic as it was hoped to have been. In addition to widespread manipulation and intimidation by armed commanders and warlords in the selection of the delegates (which led to many warlords and their proxies being present as delegates), the intimidation factor remained during the Jirga itself in manner that some delegates felt that they could not freely express their views. Minister of Defense Fahim himself, despite being a cabinet member led this by insisting on having the secret service he controlled being present during the Jirga proceedings. Also critical was the fact that the expected role and power of the delegates were not specified for a large part of the deliberation. Election of the President was conducted in a secret ballot and the selection of cabinet ministers were read out by the President and the delegates of the Jirga was not asked to take any part in its selection or approval. Another important conscious omission was the creation of the Advisory Council, of which provisions were provided in the Bonn Agreement to serve alongside the transitional administration. The reason was the fear that such a parallel entity may be dominated by potential spoilers and create obstacles for progress. Open election of the President and the cabinet members of the Transitional Administration and creation of the Advisory Council would have increased legitimacy of the transitional arrangements by increasing democratic choice and pluralism. But these options were not chosen mainly due to a strong fear held by President Karzai, shared by US envoy Zalmay Khalilzad that warlord and other spoilers will take center stage if given a chance.

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<sup>196</sup> This conclusion was not solid until the beginning of the Emergency Loya Jirga, as the Rome Group continued to push for the former King to assume Presidency of the Transitional Administration. This position was retracted only with strong persuasion from the United States and the United Nations, as such scenario will create dual power structure as the Tajiks in

While these considerations are understandable and their appropriateness is difficult to judge objectively, it must be noted that the overriding concern for avoiding spoilers compromised democratic proceedings. This had two effects for longer-term consequences: Firstly, although the Emergency Loya Jirga was intended to increase the administration's legitimacy, it failed to do so in the mind of many involved in the process due to the way things were decided without genuine consultations and debate. This severely disillusioned some delegates who believed in democratic practices and rather the Emergency Loya Jirga served to discredit the legitimacy of the main protagonists of the Transitional Administration, as the process was seen to be a legitimization of those in power backed by the United States with the acquiescence of the United Nations. Secondly, with the presence of many armed commanders and intimidation by armed militias de facto being tolerated, the Jirga impressed to the Afghans gathered from various corners that the two most important external partners in supporting the transition process were taking an accommodationist position to warlords and local strongmen. As we shall examine in Part IV, these two factors had tremendous consequences in setting the tone for the rules of engagement in the subsequent stages of the Bonn Process.

On a brighter note against the backdrop of General Fahim's behaviours making mockery of the spirit of a unified transitional administration, Yonus Qanooni --- another key figure in the former-Northern Alliance, Panjshiri-Tajik group was cooperative in opening a prospect for more ethnically balanced administration by declaring that he will not insist on remaining in his position as the Minister of Interior<sup>197</sup>. This gave Karzai an opportunity to correct the imbalance seen in the Interim Administration where three key posts were held by the Panjshiri-Tajiks.

In closing the Emergency Loya Jirga, the newly appointed President made a speech that foreshadowed the process ahead: After stressing the importance he attaches to the establishment of a new, ethnically-balanced national army and other key institutions of the central government, Karzai also stated that "Great if (stability and) peace can be attained simultaneously as justice (democratic values and human rights),

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control of Kabul will not agree to the return to Royal rule. (Kawabata, p217-220)

<sup>197</sup> Qanooni ended up being the Minister of Education and the Presidential Advisor on Internal Security Affairs under the administration announced at the end of the Emergency Loya Jirga. He failed to obtain the position of being one of the three Vice-Presidents, losing in an internal struggle among the Panjshiri-Tajiks against Fahim, who remained the Minister of Defense and also became one of the Vice-Presidents. (Kawabata p219, Maley)

but if that's not possible, we will have to try to attain these objectives in a gradual manner (prioritizing stability and peace)." In hindsight, this speech contained the essence of the Karzai's rule under the reminder of the Bonn Process and beyond.

## **7.2 Constitutional Loya Jirga and the adoption of the new Constitution<sup>198</sup>**

Among the mounting priorities the Transitional Administration had to deal with, one of the most important was to manage the process of designing and adopting a new national constitution with some degree of national consensus. This was the next official hurdle set out in the Bonn Agreement that had to occur within 18 months from the establishment of the Transitional Authority. While a constitution of a state is often attributed mainly symbolic value, in the stage of state development Afghanistan was in, the task of defining the actors and institutions of a state governed by the rule of law, establishing their relationship to one another as well as the limits of their power, is an important and delicate process that has vast implications beyond its symbolic value.

Under Section I (6) of the Bonn Agreement, a special commission was to be appointed by the Transitional Administration to convene a Constitutional Loya Jirga. To engage in the above task, a Drafting Committee of the constitutional commission composed of nine members was established by the Transitional Authority, with formal inauguration by the former King Zahir Shah on 3 November 2002. Its members included two women judges and legal scholars and jurists drawn from across the major ethnic groups and regions and received international technical support<sup>199</sup>. The draft prepared by the Drafting Committee was vetted by a Constitution Commission composed of 35 members and the National Security Council. While much technical assistance and expert advice was given by the international community regarding institutional design, the strong presidential system it came to embody in the final text reflected strong pressure coming directly from President Karzai<sup>200</sup>.

Constitutional Loya Jirga was convened from 14 December 2003 to 4 January 2004 chaired by Sebghatullah Mojadiddi. It constituted of 502 members, most elected

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<sup>198</sup> Facts and accounts contained in this chapter relies heavily on information and analysis from Barnett R. Rubin, *Afghanistan: towards a new constitution* (New York, Center on International Cooperation, New York University, 2003)

<sup>199</sup> The Situation in Afghanistan and its implications for international peace and security, Report of the Secretary General (S/2003/333), 18 March 2003, p5.

<sup>200</sup> On the constitutional design process, see Barnett R. Rubin, "Crafting a constitution for

through an indirect but lively process and some appointed by President Karzai. Fierce debate took place among the members, especially regarding contentious questions of (1) Islam versus modern secularism and (2) balance of power between the President and the parliament<sup>201</sup>. Balance among ethnic groups played a large role in the negotiations where Pashtuns were dissatisfied with the dominance of the Panshiri-Tajiks while the minority groups feared renewed Pashtun dominance. In the end a modified version of the final draft was agreed reflecting strong Presidential power but with added weight to the parliament, strengthened role of Islam, coupled with added acknowledgement of women's rights. The Constitutional Loya Jirga concluded on 4 January 2004 with the adoption of the new Constitution that had the following notable features:

- A strong presidential system<sup>202</sup>, with a degree of parliamentary oversight from the bicameral national assembly comprised of a lower house (Wolesi Jirga/House of People) and upper house (Meshrano Jirga/House of Elders)<sup>203</sup>. The President and the members of the lower house are directly elected whereas the upper house will be a mix of indirectly elected and appointed members. The lower house has the authority to approve the President's appointment of the Attorney General, Governor of the central and ministers and has the power to impeach ministers<sup>204</sup>.
- The constitution defines Afghanistan as an Islamic republic where Islam provides a framework for the establishment of the rule of law. (sharp contrast to the 1964 constitution)
- It enshrines respect for human rights and equality among men and women. Promoting women's political participation by guaranteeing 25% of the representative of the lower house would be female.

The constitution, as it turned out, "represented considerable victory for the centrist approach and for secular modernism" but it also demonstrated how the process ---

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Afghanistan", *Journal of democracy*, vol15, no 3, January 2004, p5-19.

<sup>201</sup> The Situation in Afghanistan and its implications for international peace and security, Report of the Secretary General (S/2004/230), 19 March 2004, p3.

<sup>202</sup> Article 60 of the Afghan Constitution

<sup>203</sup> Article 82 of the Afghan Constitution

<sup>204</sup> Article 90 of the Afghan Constitution

which included genuine parliamentary aspects of debating, lobbying, bargaining and forming coalitions--- was nonetheless guided through with a strong influence of the United States. As a commentary points out, "as if to underline the point, the American ambassador was actively 'working the floor' during the proceedings."<sup>205</sup>

Some elements for possible contradiction are contained, as seen in the tension between Article 7 that provides the state "shall observe the United Nations Charter, international treaties and conventions that Afghanistan has ratified, and the Universal Declaration of Human Rights" and Article 3 that provides that in Afghanistan no law shall contravene the "beliefs and provisions of the sacred religion of Islam". Combined together with Article 121 which states "the Supreme Court, on request of the Government or the courts can review laws, legislative decrees, and conventions on their compliance with the constitution and their interpretation, in accordance with the law" may open possibilities for highly conservative jurists to neglect Article 3<sup>206</sup>.

Another criticism that was drawn on the Constitutional Loya Jirga was the way in which decisions were made, preceding and during the Jirga. The draft prepared by the Commission originally envisioned provisions for a robust check and balance mechanism with a Prime Minister and a strong legislative authority, to provide accountability of the executive decisions made by the President. There were also provisions for a Constitutional Court to check on the Supreme Court (which at the time was dominated by Muslim clerics)<sup>207</sup>. But this draft was substantially changed to reflect a strong presidential system through processes that did not ensure democratic discussion. Principle of democratic participation and norms, which is the guiding spirit behind the Bonn Agreement, was not reflected in the process as important as deciding on the content of the constitution. This was largely attributed to the fear that the President's office had ---shared by the United States Envoy Khalilzad and SRSG Brahimi--- that open debates on the principles of the constitution will give occasion for Jihadist groups to hijack the debate regarding the relationship between the state and religion<sup>208</sup>. This trend for lack of genuine democratic consultations continued into the Constitutional Loya Jirga itself where the provisions for strong presidential system was forced through

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<sup>205</sup> Analysis and quotation from Astri Suhrke et al, "Conflictual peacebuilding: Afghanistan two years after Bonn" (Oslo, International Peace Research Institute, 2004), p 32.

<sup>206</sup> Tension between article 3 and 7 explained in William Maley, *Rescuing Afghanistan* (London, Hurst & Company, 2006), p45-46.

<sup>207</sup> International Crisis Group, *"Afghanistan: The constitutional Loya Jirga"*, 12 December 2003.

<sup>208</sup> Astri Suhrke et al, "Conflictual peacebuilding: Afghanistan two years after Bonn" (Oslo,



by non-elected members appointed by the President that formed a bloc to lobby and insist on what some saw as a Pashtun agenda. As a result, aggravated tensions based on ethnic line were reported<sup>209</sup> and together with the widely publicized "scene" that depicted the tension between a modern female delegate and the former Mujahideens<sup>210</sup>, the Constitutional Loya Jirga left the impression of a country still heavily divided and governed by a rule other than one of democratic participation and dialogue. Nonetheless, considering the state Afghanistan is in, the Constitutional Loya Jirga's accomplishments were regarded as a success and an acceptable foundation on which a state governed by the rule of law can be created in the long run.

### 7.3 Elections

Original timetable set in the Bonn Agreement envisaged the first democratic elections based on the new constitution to be held in June 2004, within 24 months from the Emergency Loya Jirga's establishment of the Transitional Administration. However, several compromises had to be made to accommodate reality. Due to legal and technical difficulties (such as delay in voter registration) and security considerations (including delay in DDR efforts)<sup>211</sup>, the presidential election was delayed for several months and held in October 2004<sup>212</sup>. The general election was conducted separately from the presidential election, initially delayed to May 2005 and further postponed and finally conducted in September 2005 due to security concern<sup>213</sup>, logistical challenges and bureaucratic change. The scope was also limited to parliamentary election of the lower house and the provincial councils, leaving the planned district council elections to an undefined later date. As fair and competitive election of those who represent the population constitute a major requirement of a democratic state, these steps were the most important steps of the political transition process. It was also the most

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International Peace Research Institute, 2004), p 30-31.

<sup>209</sup> Carlotta Gall "Afghan talks adjourn, deeply divided on ethnic lines", *New York Times*, 2 January 2004

<sup>210</sup> Amy Waldman and Carlotta Gall "A young Afghan dares to mention the unmentionable", *New York Times*, 18 December 2003 reports of the Chair attempting to eject a female delegate who seized the opportunity to question the validity of treating some among the former Mujahideens who committed atrocities as rightful members in the democratic rule-setting process.

<sup>211</sup> The Situation in Afghanistan and its implications for international peace and security, Report of the Secretary General (S/2003/333), 18 March 2003, p5-7.

<sup>212</sup> The Situation in Afghanistan and its implications for international peace and security, Report of the Secretary General (S/2004/925), 26 November 2004, p4.

<sup>213</sup> Carlotta Gall and David Rohde "Afghan President describes militias as the top threat" in *New York Times*, 12 July 2004.

challenging hurdles prescribed in the Bonn Agreement, the successful conclusion of which were to signal the end of the transitional process covered in the Bonn Agreement. In this Chapter, we shall review these two landmark elections in close detail.

### **7.3.1 Presidential election (9 Oct 2004)**

As the Joint Electoral Management Body (JEMB) composing local and international staff<sup>214</sup> began the preparations, with the assistance of the international community --- most notably the Electoral Assistance Unit of UNAMA---, many difficulties related mainly to logistical inadequacies of a country emerging from nearly a quarter of a Century of internal conflict were identified and they had to be tackled one by one. These included lack of census information, identification document of the electorate, setting guidelines and implementing voter registration not only across the country where large areas remain inaccessible by transport, but also in refugee camps and Diaspora communities outside of the Afghan border. As the deadline for the elections approached in spring of 2004, it was clear that timing and scope of the elections envisaged in the Bonn Agreement had to be accommodated to the reality the country faced.

As the decision was made to conduct the Presidential elections first, administering of this election became a first testing ground for conducting a nation-wide election meeting all the requirements of a modern, free and fair election. The process for the presidential election was relatively easier than the general election that conducted in the following year, as the voting system ordained by the constitution allowed the same ballot paper to be used throughout the country. While 18 candidates stood for the post from throughout the country, the main contenders were the incumbent President Hamid Karzai and his chief rival from the Panjshiri-Tajik group, Yonous Qanooni.

Partly due to high-level security provided with international support, days leading to the election as well as the actual polling day went free of any large-scale violence. Over 8.1 million ballots were cast, representing almost 70% of the voters registered. Enjoying all advantages of incumbency and the unquestionable support of the

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<sup>214</sup> Its secretary was Dr. Faruq Wardak (former head of the secretariat for the Constitutional Loya Jirga) and its principal technical advisor was Professor Reginald Austin (former chief electoral officer for the 1993 elections in Cambodia).

international community, Karzai won 55.4% of the vote ---even avoiding the need for a run-off election--- ahead by almost 40% to Qanooni who came in second with 16.3%. It was a clear victory for Karzai and those who supported Karzai's administration that was equated by some to the confidence shown to the Bonn Process. Voter turnout of 69.2%<sup>215</sup> was remarkably high and showed the strong involvement and interest of the Afghan population in the process of the first democratic election in over 30 years. While some irregularities were found and much attention was paid by the media to the problems with the application of indelible ink used to prevent multiple voting, international monitors of the election certified it as being satisfactory in terms of process<sup>216</sup>.

Table 5: Key contenders for the Presidential election

name	ethnicity	background	Place of origin/ influence	Received votes
Hamid Karzai	Pashtun	Transitional Administration	Kandarhar	55.4%
Yunus Qanuni	Tajik	Close aid of Ahmad Shah Massoud	Panjshir/ Northeast	16.3%
Haji Mohammad Mohaqeq	Hazara	Leader of Hazara-Mujahideen group	Central region	11.6%
Abdul Rashid Dostum	Uzbek	Communist→ Northern Alliance→ "warlord"	Mazar-i-sharif	10%

Although it took several weeks to ascertain legitimacy of the process, President Karzai emerged from this election with a strengthened position bestowed with popular mandate and he went on to restructure his cabinet. The new cabinet he formed in December 2004 was a stark contrast to the previous cabinets he headed. First and foremost, the Northern Alliance strongmen Fahim was removed from the powerful position of the Defense Minister ---which many saw as a major obstacle to peacebuilding as Fahim was seen to be pushing his personal agenda more than that of a new Afghan government. Although this cabinet reshuffle also saw Ashraf Ghani's departure, in general it was seen that Karzai supplemented Western-educated

<sup>215</sup> Although some observers believed that the turnout rate was in fact much higher, as there seem to have been many double counting of voters and the number of voter base may have been inflated.

<sup>216</sup> UN expressed its overall endorsement of the process by reporting to the Security Council that "Afghanistan's first Presidential election not perfect, but sets stage for journey towards vigorous democracy" in a briefing by the Assistant Secretary-General Hedi Annabi on 12

technocrats in place of former Mujaheddins. The fact that most of them came from the Pashtun ethnic group was interpreted by some as Karzai's gesture to pursue his ethnic agenda. Nonetheless, Karzai's secure position as the popularly elected President was of vital importance to the forwarding of the transition process and it was hoped that with increased legitimacy, Karzai would be able to begin tackling more effectively with the problem of accommodationist approach to potential spoilers ---an aspect which we will examine in detail in Chapter 2 of Part IV---

Table 6: Comparison of cabinet composition (key posts) 2001, 2002 and 2004<sup>217</sup>

	<b>Dec. 2001</b> As agreed in the Bonn Conference	<b>June 2002</b> After the Emergency Loya Jirga/ as the first Transitional Authority	<b>Dec. 2004</b> After Karzai winning the Presidential election
Chairman/ President	Hamid Karzai	Hamid Karzai	Hamid Karzai
Defense	Muhammad Qassem Fahim	Muhammad Qassem Fahim	Abdul Rahim Wardak
Interior	Yunus Qanuni	Taj Mohammad Khan Wardak	Ali Ahmad Jalali
Justice	Abdul Rahim Karimi	Abbas Karimi	Mohammad Sarwar Danish
Foreign Affairs	Abdullah Abdullah	Abdullah Abdullah	Rangin Dadfar Spanta
Finance	Hedayat Amin Arsala	Ashraf Ghani	Anwar-ul-Haq Ahadi
Reconstruction	Sardar Muhammad Roshan	Hanif Atmar	--- (merged with Finance)
Economy	Hedayat Arsala	Ashraf Ghani	Jalil Shams
Public Health	Sohaila Seddiqi	Sohaila Seddiqi	Mohammad Amin Fatimie
Education	Abdul Salam Azimi	Yunus Qanuni	Hanif Atmar
Higher Education	Sharif Faez	Sharif Faez	Ahzam Dadfar
Culture and Youth Affairs	Raheen Makhdoom (at this stage it was called "information and culture")	Raheen Makhdoom	Abdul Karim Khuram
Women's Affairs	Sima Samar	Rahilla Sarabi	Hosn Bano Ghazanfar
Water and Energy	("To be named")	Ahmad Shaker Kargar	Ismail Khan
Mines	Alim Razim	Juma Mohammad Mohammedi	Ibrahim Adel
Observations/ characteristics	Pashtun chairman; critical political and military positions held by Panjshiri Tajiks and other	Critical political and military positions still held by Panjshiri Tajiks & other former Mujahiddens; Pashtuns	Former Northern Alliance significantly diminished; further increase in Pashtun returnee

October 2004 (S/PV.5055, SC/8216)

<sup>217</sup> Based on various public sources and with advice from Ludmilla Dadrass.

	former Mujahiddens.	returnees posted in key economic & financial ministries.	technocrats; Ismail Khan brought to Kabul; Ghani depart cabinet.
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### 7.3.2 Parliamentary and Provincial Council elections (18 Sept 2005)

For the Parliamentary and Provincial Council elections held on 18 Sept 2005, approximately 5,800 candidates (including 580 female candidates) were registered and 2,707 candidates stood for the 249 seats in the lower house, the Wolesi Jirga. The electoral system adopted was an unusual<sup>218</sup> Single non-transferable vote (SNTV) system where candidates all register as individuals and the notion of political parties does not feature<sup>219</sup>. Each of the 34 provinces form an electoral constituency and the voters received two separate ballot papers to choose a single candidate in both the Wolesi Jirga and the provincial council. The provincial councils have between 9-29 seats, depending on the size of the population of the particular province and a total of 3,025 candidates stood for the 420 seats in the provincial councils.

12.4 million people registered to vote and roughly 6.8 million voted, therefore making the voter turnout to be 49.4%. Kabul's voter turnout was particularly low at 33%. This was a near 20% drop from the turnout for the presidential election the previous year and some attributed this to the growing disillusionment with the government, it was but still higher than in many Western countries. Seven candidates and a number of election workers were killed during the campaign and several others survived assassination attempts. Scattered violence occurred on the day of the election, resulting in death of at least 12 people. 19 polling stations were attacked and a rocket attack was made to the United Nations compound in Kabul but worse that was expected did not happen and the first general elections were completed with the approval of international monitors. Some irregularities were found but not deemed systematic or widespread and at a level that monitors considered not affecting the integrity of the elections.

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<sup>218</sup> SNTV electoral system is used only in Jordan, Vanuatu, and the Pitcairn Islands (according to Mark Sedra & Peter Middlebrook, "Beyond Bonn: Revisioning the international compact for Afghanistan" in *Foreign Policy in Focus*, November 2005)

<sup>219</sup> This reflected a strong and deep-rooted distrust for party systems shared by the President and other key policymakers in the administration.

As the result of this day's election, members were elected for the 249 seats in the *Wolesi Jirga* ( Lower House) out of which 68 were female<sup>220</sup> and for the Provincial Councils which has total of 420 delegates, 29 female candidates won their seats<sup>221</sup>. A detailed study of the composition of the first elected members of the *Wolesi Jirga* published by the Afghanistan Research and Evaluation Unit in Kabul<sup>222</sup> describes a highly fragmented *Wolesi Jirga*, detailing the following distribution of affiliations:

Table 7: Orientation of elect Parliamentarians

Stance towards government		
Pro-government	81	
Pro-opposition	84	
Non-aligned	84	
Ideological orientation		
Conservative/ Fundamentalist	66	
Moderate/ Traditionalist	47	
Liberal/Left	43	
Independent	93	
Ethnicity		
Pashtuns	118	47.4%
Tajiks/Aimaqs	53	21.3%
Hazaras	30	12.0%
Uzbeks	20	8.0%
Others	28	

Of particular concern was that the result of the election sent a mix of individuals to the *Wolesi Jirga* and the provincial councils, including many well-known warlords and jihadists still relying heavily on the power of the gun and several with past human rights abuse allegations, guaranteeing their robust presence in the legislative presence<sup>223</sup>. This happened despite many provisions to prevent this and efforts made by the election monitoring body and therefore attracted criticism and concern especially from observers abroad. However, it could also be said that such composition is representative of Afghanistan as it stands today and the challenge is intensified to face this democratically elected legislature. This had a large impact on the government's ability to guide through reform and enact laws in this critical phase of

<sup>220</sup> Of which 19 were elected without the benefit of the quota for female.

<sup>221</sup> Andrew Wilder, *"A house divided?: Analysing the 2005 Afghan elections"* (Afghanistan Research and Evaluation Unit, 2005), p. 12.

<sup>222</sup> Ibid, p5-14.

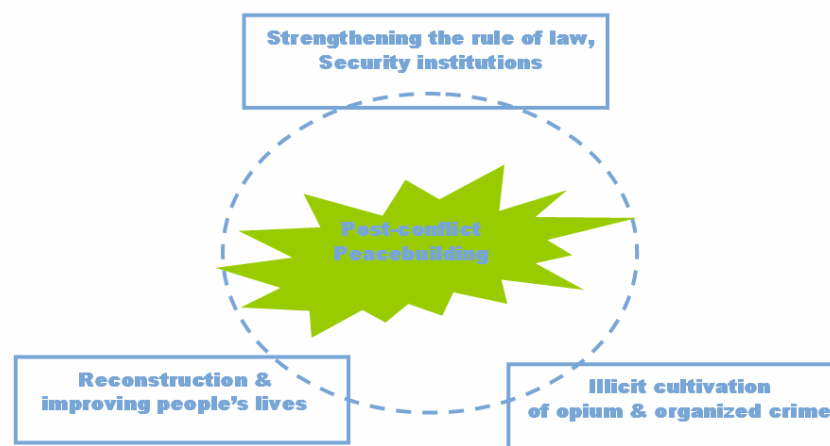
<sup>223</sup> Report of the Afghan Research and Evaluation Unit quotes an analysis saying that the National Assembly "will include 40 commanders still associated with armed groups, 24 members who belong to criminal gangs, 17 drug traffickers, and 19 members who face serious

national framework formulation. But after almost a year that the executive branch of the government operated by passing presidential decrees, it was a necessary step to move to parliamentary check and balance, even if this slowed down the process of reform and brought in its own complication.

## 8. KEY AREAS OF INTERVENTION

As the landmark political events moved the country step by step towards full statehood with increasing level of legitimacy, several factors impacted the process in particular as they were underpinning the success or failure of the transition process. In this Chapter, we shall examine three key areas of intervention that ran through the Bonn Process as a background to the political developments we reviewed in the previous Chapter: (i) strengthening the rule of law (security sector reform & judicial reform); (ii) countering the opium cultivation and production; and (iii) reconstruction and development<sup>224</sup>. Examination of developments in these inter-related and mutually influencing factors will further elaborate the narrative reconstruction of the Bonn Process, and prepare us to proceed to the next Part where the results of Process will be assessed.

Figure 4: Key areas of intervention<sup>225</sup>



allegations of war crimes and human rights violations." (Ibid.)

<sup>224</sup> These three particular areas are chosen ---from many other important areas of interventions--- for analysis for the purpose of this dissertation on the grounds that the result of interventions in these areas ---whether adequate or inadequate--- had great bearing on the relative success and failure of the Bonn Process assessed in Part IV. By referring to them as "key" areas, it is not meant to signify that these were identified as three areas of the highest priority ---whether in terms of conceptualization or in terms of resource allocation--- although they have featured in various statements made by the Afghan government and international community as key priorities.

<sup>225</sup> Figure conceptualized and created by the author.

## 8.1 Strengthening the Rule of Law

### 8.1.1 Security sector reform<sup>226</sup>

Of the various key areas discussed in Bonn and built into the resultant Agreement, matters related to security was arguably the weakest in terms of having clear vision and outlining concrete steps. Other than general reference of determination to the termination of conflict outlined in the Preamble<sup>227</sup>, the Agreement prescribed little on how a country emerging from quarter of a Century of conflict was going to make a transformation from a land governed by arbitrary use of force to a society based on the rule of law and non-violent means of resolving differences. This was largely due to the fact that combat operation with the Taliban was still ongoing at the time of the “peace talks” and the fact that one side of the warring party (the Northern Alliance) was able to come onto the negotiating table without clarifying what steps it will take to disarm as the combat was still continuing. Another factor that contributed to this was that the United States was determined to continue pursuing military operations in the context of the War on Terror with the help of certain elements in Afghanistan after the conclusion of the “peace talks” and the establishment of the interim governance structure. It is important to note that, infusing the ideal of the rule of law in the future state of Afghanistan, the Bonn Agreement gives a timetable related to establishing the new constitution ---which will provide the legal framework--- but it does not command how the spirit of the rule of law will be respected. It does not discuss concrete ways or timing of the demilitarization of armed forces which is a prerequisite to the attainment of a society governed by the rule of law. In stark contrast to the clear vision on governance structure with time-bound steps described for the path to full political legitimacy, the agreement reached in Bonn is almost silent on the steps that would be

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<sup>226</sup> The term “Security Sector Reform (SSR)” in the post-Taliban Afghan context was used to include all major rule of law issues, therefore the sub-grouping under SSR were “Military reform”, “Police reform”, “Judicial reform”, “Counter-narcotics” and “DDR” and these comprised thematic working groups under the government. As pointed out in Albrecht Schnabel & Hans-Georg Ehrhart (eds), *Security sector reform and post conflict peace building* (United Nations University Press, 2006), the concept and scope of activities considered to be SSR depends on the particular country context. In this dissertation, issues relating to security institutions (i.e. military and police), the opium factor, and the judicial institutions are identified separately, while emphasizing the inter-related nature, so as to also see the linkage of these issues with the other important key aspect of rebuilding people’s lives.

<sup>227</sup> Preamble paragraph 2 of the Bonn Agreement reads “Determined to end the tragic conflict in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights in the country,” (for full reference on the Agreement, see footnote 148 on page 77.)



taken for the country to reach a state where armed forces and means of legitimate coercion will be monopolized by the state with appropriate civilian control.

This feature of the Bonn Agreement created a huge challenge in the years that followed when it had to be implemented. For many ordinary citizens of Afghanistan --- especially in the troubled provinces in the South but also elsewhere in many provincial setting outside of Kabul--- the biggest hindrance in their pursuit for stability and prosperity was created by the existence of armed presence that occupied self-appointed commander/police structure that continued to impose the rule of the gun<sup>228</sup>. Some of them were even officially re-appointed under the Transitional Administration, at least in the initial period. As SRSB Brahimi commented in his speech to the National Symposium on Security Sector Reform held in July 2003, uncontrolled existence of gunmen abusing the population ---by establishing illegal checkpoints, taxing farmers and traders, intimidating, robbing and raping--- most often "wielding the formal title of military commander or police or security chief"<sup>229</sup>, and the central government's inability to stop this, was severely limiting the legitimacy of the central government and the citizen's support for it.

After over two decades of internal conflict and total lack of the appreciation for the rule of law, Taliban was far from being the first and only actor that imposed the rule of the gun in Afghanistan. There is ample documentation regarding gross abuses that occurred especially from 1992 onwards when Mujahideens entered internal factional fights and tried to undermine each other<sup>230</sup>. Also it is important to be mindful of the fact that a whole generation of Afghans grew up and survived in conditions where a Kalashnikov on the shoulder was the most common attire, and the ability to bring order through gunpoint was accepted as the only means of avoiding chaos. As many of these commanders who wielded influence in the local context in the pre-Taliban era were reinstalled without a clear commitment to change their style of imposing influence, lives of ordinary Afghans did not improve significantly in terms of security.

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<sup>228</sup> Important insight into Afghan citizen's perception on matters related to security and other key priority topics, including one referred here in the text, can be gained from a report of a survey jointly made by a group of 12 Afghan and international NGO including CARE, Mercy Corps, Oxfam, and Save the Children called Human Rights Research and Advocacy Consortium (HRRAC) "*Take the guns away: Afghan voices on security and elections*" (July 2004, Kabul)

<sup>229</sup> <http://www.unama-afg.org/>

<sup>230</sup> Rashid 2001, Nojumi 2002, Mark Ewans, *Afghanistan: A short history of its people and politics* (Harper Perennial, 2002). Also see brief reference provided in Chapters 1.2 and 1.3 of this dissertation.

Recognizing the paramount importance of progress in the Security Sector Reform where little direction was specified in the Bonn Agreement, once the implementation phase begun, key donors agreed to allocate lead assistance responsibility in the following manner<sup>231</sup>:

Table 8: "Lead nations" distribution for Security Sector Reform

Military	Police	DDR	Counter-narcotics	Justice
US	Germany	Japan	UK	Italy

Reform of the Security Sector in Afghanistan under the Bonn Process took place against above backdrop. Creation of a unified and legitimate national military and a proper police structure by bringing in various armed groups and individuals into these frameworks were very complex tasks, as seen also in other post-conflict peacebuilding process<sup>232</sup>. It is an enormous challenge to set up national structures, persuading various parts of the population while simultaneously providing basic infrastructure of security. But it should be noted that in the case of post-2001 Afghanistan, this difficult process was compounded by contradicting approach taken by the Coalition Forces in recognizing and providing training to certain militia forces in the context of War on Terror, outside of the national military or police frameworks<sup>233</sup>. Many structures were set up with the aim of strengthening security, some as part of the government's official and permanent structure and others based on specific needs and assistance proposals for limited duration<sup>234</sup>. This is well depicted in a figure prepared by the Afghan Research and Evaluation Unit in 2004 depicting the "security architecture" in

<sup>231</sup> Distribution of responsibility was sketched out in a side-meeting among G8 countries on the occasion of the Reconstruction Conference held in Tokyo in January 2002 and subsequently formalized as a multi-sector donor support scheme in donors conference in Geneva held in May 2002. Rubin et al attributes this to US government's unwillingness to become involved in integrated multilateral "nation-building" efforts and an approach to allocate responsibility divided by sectors to other donors. (See Barnett Rubin, Humayun Hamidzada & Abby Stoddard, *Afghanistan 2005 and beyond: Prospect for improved stability* (Clingendael Netherlands Institute of International Relations, 2005, p58.)

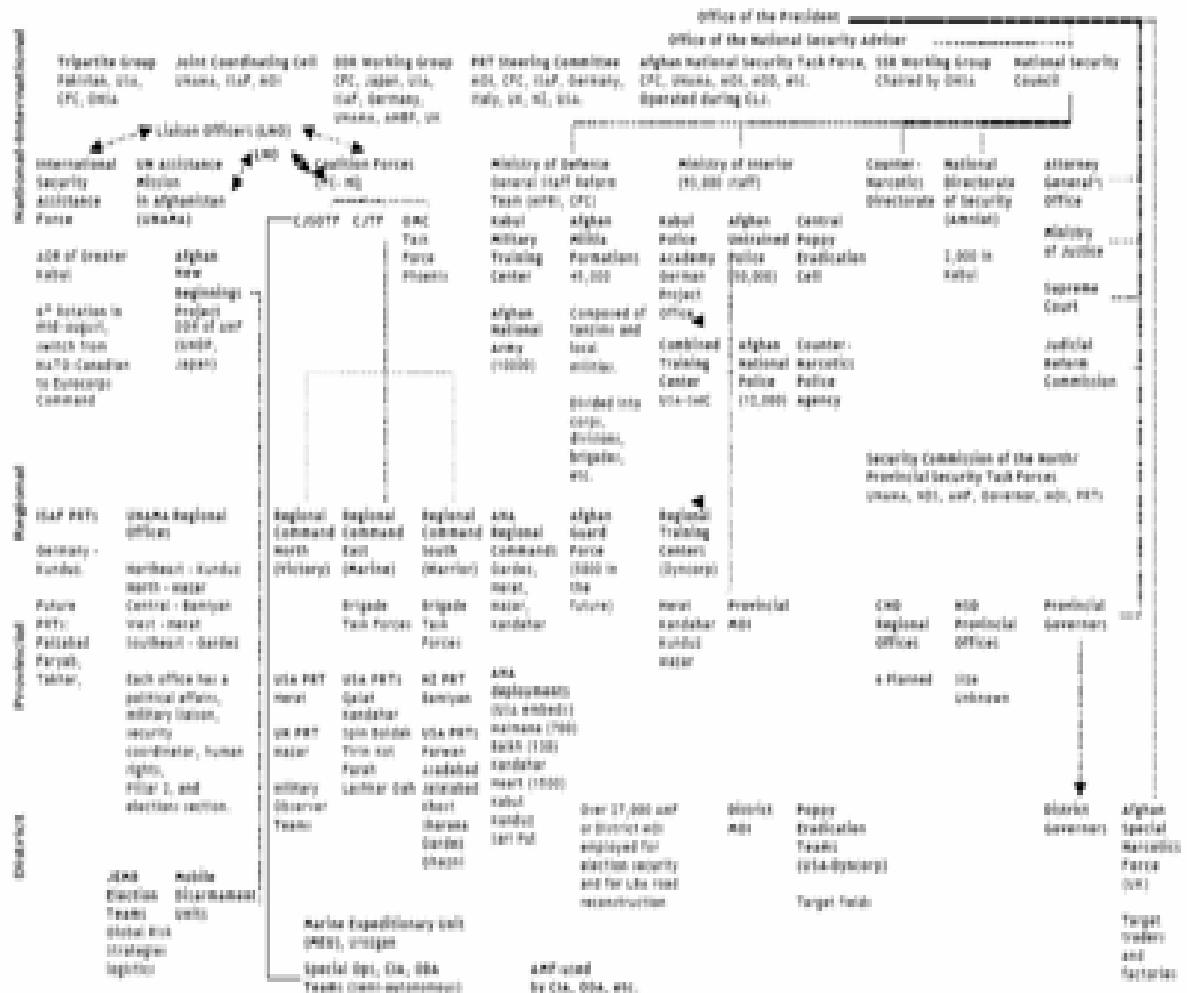
<sup>232</sup> Schnabel & Ehrhart 2006.

<sup>233</sup> Announcement by a US Military spokesman on 7 February 2004 stated that "A new Afghan militia force" was being equipped and trained by the Coalition Forces as "temporary force" to help in operations against Taliban and Al-Qaida. Also see reference in Chapter 7 on dual international military presence.

<sup>234</sup> In particular, recruitment of unauthorized militia and creation/training of ad-hoc armed structure for provision of security to the Coalition Forces posed serious problems for disarmament and establishment of centrally administered rule of law, as pointed out by SRSB Brahimi in his briefing to the Security Council on 19 July 2002.

Afghanistan during (and beyond) the Bonn Process. As we shall see later in Part IV, Chapter 2.2, this provided grounds for some problems of duplication and gaps and necessitated better coordination.

Figure 5: Security architecture of Afghanistan in 2004<sup>235</sup>



Furthermore, in a conference held in Geneva in June 2002, the following vision of the Afghan armed forces was agreed, including by Defence Minister Fahim who was seen to be pausing serious obstacles to commencement of SSR. Although the details of the below plan shifted and changed over the following years, the vision of SSR aiming for an Afghan security sector based on respect for the rule of law and ethnic balance was finally agreed and the stage was set for implementation of reform in various areas.

<sup>235</sup> Bhatia, Lanigan and Wilkinson, "Minimum investment, minimum results; The failure of security policy in Afghanistan" Afghanistan Research and Evaluation Unit (AREU), Kabul, 2004, reproduced in Barnett Rubin, Humayun Hamidzada & Abby Stoddard, *Afghanistan 2005 and beyond: Prospect for improved stability* (Clingendael Netherlands Institute of International

Table 9: Vision for armed forces of Afghanistan (as agreed in 2002)

Afghan National Army (ANA)	<b>60,000</b> army (composed of 7 regional corps) <b>8,000</b> air force	Lead donor: US
Afghan National Police (ANP)	<b>62,000</b> police <b>12,000</b> border guards	Lead donor: Germany

Progress was slow and frustrating in all areas, although to differing degrees. The challenge for the army and police reform, as well as DDR, was enormous if one associated the end result as genuine progress on attaining a culture based on the rule of law. But as this was not realistic, objectives were defined in terms of setting in place structures and giving training as a first step in the right direction. With such qualifier, it can be assessed that these three inter-related areas saw measurable progress in the course of the Bonn Process. Furthermore, Except for assistance to rebuilding of the military, other security SSR areas received relatively low prioritization and suffered chronically from low level of fund injection that reflected donor's preference to spend for humanitarian assistance or reconstruction and development-related areas rather than areas related to the establishment of the rule of law<sup>236</sup>.

The Afghan National Army (ANA) was established through a Presidential Decree in 2002 as a voluntary, multi-ethnic force under civilian control and a unified central command, aspiring to become a 70,000-strong force to be fully operational by 2011. By the end of 2005, projected total troop was 43,000 of which 18,300 were trained for combat operations and deployed through the country. While they continue to suffer many of the challenges of weak institutional capacity typical for a fledging army born out of a rescued failed state, they became operational in fighting insurgency alongside Coalition Force troops or bringing security and order to some provinces together with ISAF<sup>237</sup>.

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Relations, 2005)

<sup>236</sup> For instance, Germany's financial contribution for 2002 and 2003 in rebuilding the Afghan police force (which Germany was the lead nation) was € 33 million followed by another sum of € 48 million earmarked for the following years until 2007. This amount is considerably low compared to the funds provided by Germany to Afghanistan for humanitarian assistance which stood at € 420 million between 2002 and 2005. (Figures quoted from the German Federal Foreign Office document "Afghanistan: Beziehungen zwischen Afghanistan und Deutschland" <http://www.auswaertiges-amt.de/diplo/en/Laenderinformationen/01-Laender/Afghanistan.html>)

<sup>237</sup> This include lack of training for remaining troops, equipment shortage and lack of various

The Afghan National Police was established with a vision to have general police and border police totaling 62,000. As Afghanistan never had a tradition of having a police to serve and protect the citizens, the challenge was formidable to begin with. In addition, many on the national police pay-roll remained more loyal to the local commanders and power structures than to the centralized police structure. The Ministry of Interior quickly became notorious ---and remained throughout and beyond the Bonn Process--- for its inability to control the performance of its staff and became subject of popular criticism<sup>238</sup>. Ali Ahmad Jalali, who became the Minister of Interior in January 2003, was credited to have brought some level of improvement but he resigned in frustration two years later for lack of support in countering spoilers within the system<sup>239</sup>. Nonetheless, it can be said that at least the initial unified national structure was successfully set up during the Bonn Process. The unaccomplished task during this period was to make this structure work as it should ---and this is an enormous challenge--- but the level of severity of the problems that exists in the Afghan police system at the end of the Bonn Process is common to other developing countries even without a recent history of conflict. To that extent, this can be seen as an achievement for the initial phase of the reconstruction of the country.

Conducted under such context, efforts related to disarmament, demobilization and reintegration of former combatants (DDR) under the Bonn Process had to be limited in scope. It should be noted that DDR was arguably much more complex to proceed than establishing new army and police at the national level, as this topic touched on the core of Afghanistan's troubled past and many questions unresolved in the Bonn Agreement. In addition, it was affected by several political factors. First, the DDR programmes suffered initial delay caused by what appeared to many as lack of compliance to the provisions of the Bonn Agreement by Defense Minister Fahim. By filling most senior-level positions from those of the Tajik ethnic group, Defense Ministry under Marshal Fahim was not seen to be fit to be the custodian of an ethnically-balanced unified national force. As donors placed improvement of the situation in the

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institutional structures necessary such as logistics command/support. US government estimates ANA to reach full operational capacity by 2011 (United States Government Accountability Office (US-GAO), *Afghanistan Security*, June 2005)

<sup>238</sup> Mark Sedra, "Security sector reform in Afghanistan" in DCAF-SSR Yearbook, 2004.

<sup>239</sup> Jalali, a Pashtun former army colonel in exile in US was brought in as the Minister of Interior with strong US backing and progressively pushed the police reform. Rashid writes of Jalali: "He persuaded Karzai to sack several corrupt police chiefs and governors and joined up with other Pashtun reformers in the cabinet, such as Hanif Atmar and Ashraf Ghani to put pressure on Karzai to sideline the warlords and drug traffickers. As a result, Jalali made many enemies, who

Defense Ministry as a precondition for the DDR programme's commencement, the process only begun in Autumn 2003<sup>240</sup> by which time warlords had sufficient time to entrench their hold on power in the local context. Furthermore, the DDR programme was adjusted to be very limited in scope setting moderate targets, making critical exceptions to place a large portion of the former combatants not to fall under DDR obligations if they were classified to have joined the "Afghan Militia Forces (AMF)". By autumn of 2005, it was reported that all heavy weapons outside of central government control were collected and a total of 61,991 AMF officers and soldiers were demobilized through the Afghan New Beginnings Programme (ANBP), of which 60,522 entered reintegration process<sup>241</sup>.

The desired effect and end-result of DDR ---i.e. to decrease the existence of weapons and to realize a society where the power of the gun does not prevail--- was hardly evident at the end of the Bonn Process and beyond. In a situation where armed opposition continued to destabilize the country and the commitment to abandon weapons and to move towards a society based on the rule of law was ignored at the highest level in the new government apparatus ---some of which were sitting in cabinet posts with their own armed forces in clear violation of the Bonn Agreement<sup>242</sup>--- it was difficult to make a case for any serious DDR efforts. The fact that the international community ---especially the United States--- was tolerating the position of these "warlords turned public officials" by not taking any clear action to alter this was sending a message to the general population that despite the calls for change they should accept their well-known cynicism to the rhetoric of a society governed by the rule of law when one actually had to live with the rule of the gun. Nonetheless, the achievements in the DDR area were important elements in supporting the claim that minimal room for expression of opinion without intimidation or use of force was

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eventually forces his ousting from office two years later." (Rashid 2008, p205.)

<sup>240</sup> Pilot operation of DDR programme begun officially in area controlled by General Mohammad Daud in Kunduz province. (On ceremony marking the official commencement with President Karzai's attendance, see Carlotta Gall, "Disarming of Afghans called vital to security" in *New York Times*, 26 October 2003.)

<sup>241</sup> Afghanistan's New Beginning Programme (ANBP), Update on 12 September 2005, available at [www.undpanbp.org/weekly](http://www.undpanbp.org/weekly).

<sup>242</sup> Violating not only the Bonn Agreement but a tacit agreement with the US and UN, Head of the Northern Alliance Fahim took control of Kabul and maintained his forces in Kabul. The fact that he acquired the position of the Defense Minister and claimed that these were forces under his Ministry did little to persuade other Afghans or international partners to accept this. In the early phase of the Bonn Process, in particular in the context of holding of the Emergency Loya Jirga, his forces stationed in Kabul created a delicate power balance, only surmounted by the large presence of the US troops.

secured, which were seen as a precondition for the elections. As the ANBP neared its end in 2005, in recognition of the remaining problems caused by armed groups, a new programme called the Disbandment of Illegal Armed Groups (DIAG) was launched by the UN in June 2005 aiming to disband smaller groups of armed men who had not been affected by the earlier DDR efforts. This programme continued years beyond the Bonn Process.

As already stated, the underlying cultural change that should accompany these reforms in the security sector apparatus did not happen even if the benchmarks set as criteria of success were attained. However, moving away from a longstanding culture where decisions were made through the use or threat of force towards a society based on the rule of law was never expected to be a quick fix. With this recognition in mind, the achievements under the Bonn Process in putting an end to arbitrary use of force and reestablishing national security institutions should be acknowledged for the initial, key steps accomplished.

### **8.1.2 Setting up a functioning judiciary**

When reflecting on the values and principles forming the basis of the Bonn Agreement, one encounters a long list of complex and inter-related tasks: cessation of armed conflict and to bring all armed segment of the society under the national security institution framework; resolving conflicts not through force but through political processes; democratic procedures forming the basis of national decision making under which selection of leaders are reflection of public will; creating space for relief and reconstruction that would evolve into sustainable development of the country; meeting the basic needs of the citizens such as health and education and ensuring their basic rights including human rights. All these values and principles are reflected in the agreement precisely because they were not observed in Afghanistan for at least nearly two decades. The participants of the Bonn Conference ---firmly guided by the international community personified by SRSB Brahimi-- judged these principles to be indispensable in ending the current armed conflict, preventing future conflicts and for altering the dysfunctionalized state. It was clear that implementation of the Bonn Agreement and the principles underpinning it require profound changes in the way the society and its people think and operate. But all these principles required a functioning judiciary that was simply not present.

Of all other basic institutional challenges that the government of Afghanistan and its international partners had to attend to under the Bonn Process, the reform of the judiciary made least progress. While far from being perfect, Ministries of Defense and Interior went through profound changes and many of the benchmarks were attained, as we reviewed in the previous segment. The reform of the judiciary and international support to it was never able to gather such momentum, despite some voices highlighting the need to strengthen the institutions for responsible for justice<sup>243</sup>. The main reason for lack of progress or interest in judicial reform can be identified as the controversial Head of the Supreme Court Maulawi Fazel Hadi Shinwari, or at least what he symbolized of Afghan judicial institutions. Shinwari ---a religious conservative with close ties to Abdul Rasoul Sayyaf, with no training as a judge or as a recognized Islamic law scholar--- was appointed to the position of Chief Justice in 2001 (before the adoption of the Bonn Agreement in December) by Rabbani who was the nominal President at that time. Karzai reappointed him in the Interim Authority and Transitional Government and despite public criticism for corruption and nepotism in the Supreme Court continued to defend Shinwari in the position even after the Bonn Period, mainly due to his political alliance with Shinwari which would grant him a stronger position vis-à-vis the religious conservatives<sup>244</sup>. Under Shinwari, the Supreme Court made many rulings contrary to the objectives of the Bonn Agreement and the spirit of the Constitution, being counter-productive from a peacebuilding point of view<sup>245</sup>. Given these conditions, the fact that the independent Supreme Court was one of the three entities established from the outset of the Bonn Process as a part of the Interim Authority, did not produce any positive outcomes and its minimal effectiveness symbolized the state of the judicial system so badly needed for a society governed by the rule of law rather than by the rule of the gun.

Substantively, the Ministry of Justice was absorbed with its first main challenge i.e. to produce draft elements for the Constitution for discussion and decision at the

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<sup>243</sup> Italy, the designated lead nation on judicial reform always deplored how little other donors were supporting this sector, as the resources were insufficient to meet the needs

<sup>244</sup> Shinwari finally was removed from the position of Chief Justice after the newly elected parliament rejected his nomination put forward by the President in May 2006. (Carlotta Gall, "Afghan lawmakers review court nominees" and "Afghan parliament rejects Chief Justice nominee" in *New York Times*, 17 & 28 October 2006 respectively.)

<sup>245</sup> An obvious example was widely publicized when the Supreme Court declared on 14 January 2004 ---only several weeks after the adoption of the new Constitution--- that airing of a performance of a female Afghan pop singer on Kabul television was illegal, announcing that "the Supreme Court is opposed to women singing and dancing as a whole and it has to be stopped as it is contrary to Islamic law". (For detail of this account, see Alexander Their,



Constitutional Loya Jirga, working together with the Constitution Drafting Committee. This task took up most of 2002 and 2003 and once the Constitution was adopted, various decrees and legislations had to be adjusted or issued to translate the spirit and the provisions of the Constitution into legal instruments governing specific topics. While these legislative drafting work received international assistance and made some progress, lack of capacity and inefficiency institution in the justice institutions made their practical application extremely difficult.

As symbolized by Shinwari's case, one of the main problem was that the courts (of all levels) were filled with judges appointed in the old days<sup>246</sup> who received no formal legal training other than on basic Islamic law and this needed to be redressed if the judicial system was to dispense justice based on the principles contained in the new Constitution. This problem was not limited to the judges. The problem of lack of appropriately trained judicial professionals applied more broadly to the system including among prosecutors in the Attorney General's Office, defense lawyers and the Ministry of Justice officials responsible for legislative work and support. Training had to be provided to judges and prosecutors aiming at increasing their capacity to work in line with the new Constitution. Furthermore, the infrastructure required for the justice system to operate was in such shattering condition that the work had to begin at a very basic level of construction or substantive refurbishment of the Ministry of Justice premises, courts and in particular, the correctional facilities. These had to be accompanied by training for court and prison officials to ensure that their practice was meeting the minimum required standards specified in the UN standards and norms pertaining to these issues. As was the case with institutional capacity building efforts in the security sector, the assistance to justice institutions require substantial financial resources and time. But the reactionary orientation of the top judicial officials coupled with the independent nature of the Judiciary made the challenge in this sector even greater.

An additional aspect that complicated the creation of a functioning judiciary is the prevalence of non-formal, traditional justice mechanisms in the country, especially in the rural areas<sup>247</sup>. While law making and the rule of law may be relatively effective in

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"Attacking Democracy from the bench" in *New York Times*, 26 January 2004.)

<sup>246</sup> Under Shinwari's leadership and monopoly of power for appointment of judges (and no turn-around rights exercised by the President), "judges" with no legal training were even increased after 2001.

<sup>247</sup> United Nations Office on Drugs and Crime, Afghanistan: Female prisoners and their social

the urban areas, in the rural context ---which accounts for approximately 70 percent of the total population in Afghanistan--- local customs and tribal law practices still prevail<sup>248</sup>. This creates problems, as some of the tribal and traditional codes are not in accordance with human rights principles<sup>249</sup>. As discussed earlier in Chapter 7.2 with reference to the Constitutional Loya Jirga, the Constitution itself presents some problems. Although some aspects of the Constitution attempted to address the problem of traditionalism inherent in the application of conservative interpretation of Islamic law and tribal laws, it failed to resolve the fundamental problem as it included provisions stating that the courts will apply the Sharia in cases relating to personal matters<sup>250</sup> and that “no law shall contravene the tenets and provisions of the holy religion of Islam”<sup>251</sup> and the Supreme Court is given the ultimate authority to review applicability of various legal provisions.

Despite above and the slow pace of real progress in judicial reform, by the end of the Bonn Process Afghans and their international partners had quite a list of achievements to be proud of, at least in terms of developing the formal legal structure. This included the adoption of the Constitution; passage of over 20 key legislations between 2002-2005 governing many key areas such as taxation, customs, investment, banking, election, public procedures, criminal procedures, counter-narcotics, prisons and detention, media, telecommunication etc<sup>252</sup> as well as fully refurbished and functional courts in several provinces and correctional institutions in 6 pilot provinces<sup>253</sup>. It was to be expected that the underlying change required in strengthening of the professional capacity of the judiciary would take much longer beyond the Bonn Process. Nonetheless, it should be noted that if the commitment for changing Afghanistan into a society governed by the rule of law is to be translated into reality progress in this sector was most essential and very little was attained in this field in the initial years of the post-2001 peacebuilding in Afghanistan mainly due to political consideration of the fragile administration that felt the need to keep conservative allies in the Supreme Court.

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reintegration (March 2007), p.15.

<sup>248</sup> UNDP, Afghanistan Human Development Report 2007: Bridging Modernity and Tradition: Rule of Law and the Search for Justice, Chapters 4 and 5.

<sup>249</sup> J Alexander Their, *Re-establishing the Judicial System in Afghanistan*, 1 September 2004, ([http://cddrl.stanford.edu/publications/reestablishing\\_the\\_judicial\\_system\\_in\\_afghanistan/](http://cddrl.stanford.edu/publications/reestablishing_the_judicial_system_in_afghanistan/))

<sup>250</sup> Article 131 of the Afghan Constitution

<sup>251</sup> Article 3 of the Afghan Constitution

<sup>252</sup> Afghanistan Legal Documents Exchange Center (ALDEC) provides reference to many Afghan legal instruments translated into English ([www.afghanistantranslation.com](http://www.afghanistantranslation.com))

<sup>253</sup> Information on support to the improvement of judicial institutions can be obtained from [www.unodc.org](http://www.unodc.org).

## 8.2 The opium factor

While the challenges described above in dealing with unauthorized armed groups and integrating them into legitimate national security institutions were formidable, they could be referred to as standard sets of very difficult challenges faced in most post-conflict situations. What made the case of the Afghan post-conflict peacebuilding process under the Bonn Agreement uniquely complicated was the fact that the country had a major illicit economy based on the opium poppies<sup>254</sup>. This factor, carrying the weight of Afghanistan's troubled past two decades of conflicts and political manoeuvres by external parties, will be examined in detail as the opium economy impacted on the very nature of Afghanistan's state rebuilding process by generating revenue that helped sustain activities to destabilize the country. This included not only activities widely reported as acts of terrorism but also criminal behaviours conducted by figures (sometimes militias but some also unarmed) enriched by revenues generated from the drugs trade. Comment attributed to Yousuf Pashtun, the Governor of Kandahar illustrates the point: "Eighty percent of the crimes are being committed by local militias, commanders, and the police rather than criminals, so the Taliban are not to blame for everything."<sup>255</sup>

Although Afghans can tell you about their "traditional use" of poppy, it was by no means a practice explaining the place of opium in the Afghan society today<sup>256</sup>. To understand the way the opium economy has gained its central place in Afghanistan, the best place to start the analysis is in the 1980s when it was introduced as a means of generating resources to partially support their operations in a context where no legitimate economy existed. This was done by various groups of the Mujahideen with the aid of its external supporters<sup>257</sup>. 1988/89 increase in cultivation ---which can be

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<sup>254</sup> Illicit access to natural resources (such as gem stones, timber, wildlife etc) contributes in a similar manner to financing of continued armed conflicts. Bringing such resources under control is critical for the viability of the post-conflict phase. Brahimi report notes this problem as follows: "A growing number of reports ... highlighted the fact that would-be spoilers have the greatest incentive to defect from the peace accords when they have an independent source of income that pays soldiers, buys guns, enriches faction leaders... where such income streams from the export of illicit narcotics, gemstones or other high-value commodities cannot be pinched off, peace is unsustainable." (Brahimi Report, para 22)

<sup>255</sup> Ahmed Rashid, "Drugs are good for war", *Far Eastern Economic Review*, 16 October 2003.

<sup>256</sup> UNODC, *The opium economy of Afghanistan: An international perspective* (United Nations, 2003), p81-144.

<sup>257</sup> Such account is given from several Afghans who dealt with the issue during the 1980s and 1990s. While no publicly available source explicitly indicates that external governments supported Mujahideen factions to engage in poppy cultivation (or that the resources they

seen as the beginning of large scale cultivation (producing over 1,000 metric tons per year<sup>258</sup>) that continued and increased for the next decade--- coincided with the beginning of the winding down of the resistance against Soviet occupation and the demise of the Soviet Union which meant decrease in financial support from external sources. At least from the viewpoint of one of its major ---if indirect--- financier i.e. the United States, the Cold War was over and there was no longer a reason for the only remaining world superpower to continue to subsidize the Mujahideens<sup>259</sup>. What was left was a country fiercely fought over by rival factions of the Mujahideen movement, ready to escalate into a full-scale civil war<sup>260</sup>. Afghans rejoiced for the Soviets departure but other than the joy this symbolic "victory" brought, there was little to be hopeful of future. The country was in a state of despair with no viable economy or state structure, war-torn and lacking basic infrastructure such as roads or other transportation networks, electricity or other power source, water irrigation or basic sanitation mechanism, all of which were either non-existent in large parts of the country even before the conflict or destroyed during the preceding decade of conflict<sup>261</sup>. To complement the picture, there was little to indicate the possibility for a change to the better ---without substantial external support at rebuilding the country---, as state institutions and administrative structure completely disintegrated, leaving no legal framework, capacity to ensure security, or providing health and education services.

For an average farming family ---which constitutes a vast majority of the Afghan society<sup>262</sup>--- faced with lack of seed and water supply as well as viable market for the

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contributed were used to enable poppy cultivation and trafficking), various reports indicate that most external supporters were well aware of the fact that this was being done by the Mujahideens to generate resources to continue waging the war against USSR. Some observers including Ahmed Rashid goes further in his analysis to attribute active encouragement and engagement by ISI (Rashid 2001, 120-122 & Rashid 2008, p319). At minimum, we can say that external supporters were tacitly condoning this action with good knowledge of what was happening in Afghanistan.

<sup>258</sup> UNODC 2003, p81.

<sup>259</sup> Although there were voices within the US government objecting withdrawal of US assistance, warning of the consequences for walking away without finding a solution to the Afghan conflict. See for reference, reports by Peter Tomsen who served as the US Ambassador to the Afghan resistance titled "Afghanistan-US interests and US aid" dated 18 December 1992 and "Central Asia, Afghanistan and US policy" dated 27 February 1993 (as quoted in Coll, p219) as well as a cable from Edmund McWilliams in US Embassy in Islamabad to the US Secretary of State dated 5 February 1993 (as quoted in Coll, p263).

<sup>260</sup> Fierce rivalry between various Mujahideen factions, especially between Hekmatyr and Massoud, existed already in the 1980s (Coll; Rashid 2001) but the overarching goal of fighting the Soviets rendered these dynamics more as under-surface power struggle within the loosely coordinated resistance movement.

<sup>261</sup> Maley 2002, p85-283.

<sup>262</sup> Percentage is difficult to obtain during the conflict period but in the official statistics from

produce or functioning monetary economy, where even subsistence farming was difficult<sup>263</sup>, the only "helping hand" offered was from organized criminal groups or their local agents. The opium poppy buyers would come to the villages, provide seeds, lend money that the family required to sustain until next harvest to be paid back in poppy harvest, provide farming equipment required, come and pick up the produce in exchange for cash. No other produce attracted such demand and services. Also, though not applicable to fertile grounds in the South and South East, in some parts of the country the inhospitable conditions of their farming land made poppy the only plant that grew well. From the viewpoint of the suppliers of the global illicit drugs industry --where transnational organized criminal networks are working to increase both supply and demand---, Afghanistan's lawlessness and destitute of its population ensured a great playing field for increasing cultivation and production of opium-based narcotics which commanded high market value especially in Europe.

As a result of a combination of these conditions, opium cultivation intensified in the post-Soviet period, reaching a new level producing over 2,000 metric tons per year steadily since 1991<sup>264</sup>. This continued throughout the 1990s marking gradual increase and as the Taliban control grew, so did the cultivation of opium. The Taliban leadership, aided by the Pakistani ISI, made intensified efforts to grow this industry that was the only source that the regime could gain foreign currency<sup>265</sup>. Production doubled between 1996 and 1999 reaching a record amount 4,600 metric tons in 1999. This made Afghanistan the world's top supply of opium accounting for 80% of the global opium production.

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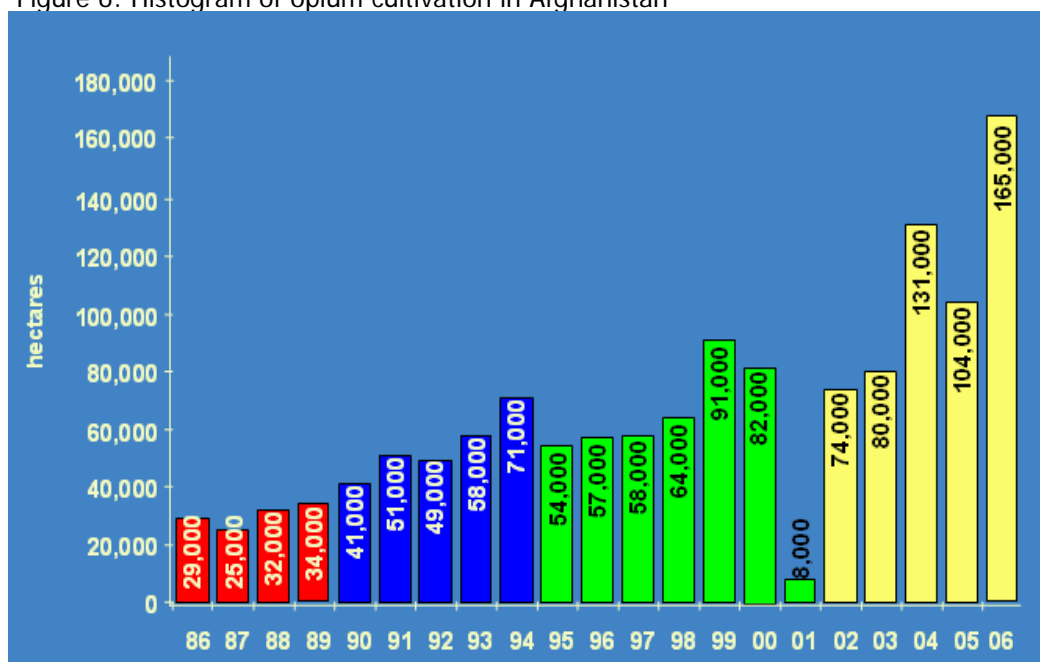
the 1970s indicate that 85% of the population lived in rural areas before the war and agriculture accounted for 68% of all employment in the country. (Source: *Afghanistan Rehabilitation Strategy*, Volume IV, p51 quoted in UNODC 2003)

<sup>263</sup> A report by the World Bank assesses the rural pauperization to be one of the main factors that fostered the opium economy in Afghanistan: "As Afghanistan failed, cultivating opium became a means of survival for rural communities. In a predominantly agricultural economy (agriculture was 53% of the economy) the degradation of agriculture and infrastructure and the disappearance of viable markets led to extreme rural impoverishment. More than half Afghanistan's villages were bombed. Livestock numbers dwindled to a third of pre-war levels. Over a third of land simply went out of production. By 1991, Afghanistan had sunk to the 3<sup>rd</sup> lowest GDP in the world, and Afghans had joined Haitians and the Somalis as more chronically hungry than any other people. Even today many Afghans are still vulnerable to famine, and GDP per capita (even including opium) was no more than \$310 in 2003. With high unemployment and few non-farm jobs, rural livelihoods and markets collapsed, and a shift in agricultural livelihoods strategies took place. Despite widespread cultural and religious aversion, opium production became accepted as a livelihood strategy." (Christopher Ward and William Byrd, *Afghanistan's opium economy* (The World Bank, 2004), p9-10)

<sup>264</sup> UNODC 2003, p81.

<sup>265</sup> Rashid 2001, p120-122.

Figure 6: Histogram of opium cultivation in Afghanistan<sup>266</sup>



A major change occurred in 2001 when the production fell dramatically from the previous year (3,300 metric tons), bringing down the total to 185 metric tons. This sudden and dramatic decrease was the result of a new policy of total ban of opium cultivation (but not trade) issued on 27 July 2000 ahead of the 2001-planting season. The reason behind this change in policy by the Taliban was interpreted differently among various experts. Some believed that it was Taliban's attempt to give into international pressure in this front that they had less stakes as pressures increased surrendering terror suspects harboured in Afghanistan<sup>267</sup>; others attributed it to their growing radicalization and reassertion of Islam prohibition of opium cultivation<sup>268</sup>. Another intriguing speculation is that they reduced production in the face of abundant stockpile from the previous two record damp harvests (4,600 metric tons in 1999 and 3,300 metric tons in 2000<sup>269</sup>) and the dropping price it brought. If this interpretation is true, it would suggest that within Taliban were strategist aware of global trends, as indeed the price of opium jumped ten-fold between 2000 and 2001 and the estimated revenue generated in 2001 was not smaller than in the previous year. Experts monitoring the opium cultivation trend in Afghanistan questioned sustainability as well

<sup>266</sup> Source: UNODC.

<sup>267</sup> Kato interview with Bernard Frahi (UNODC Representative to Afghanistan and Pakistan during 1998-2002), Vienna, January 2009; and also see accounts confirming this view by Cole.

<sup>268</sup> Several Afghan experts made this interpretation in conversations with the author in the post-Taliban period.

<sup>269</sup> The amount was already deliberately reduced in 2000 as the Taliban ordered reduction of cultivation by one-third in 1999.

as true driving factors for the sudden reduction, but it was to be better determined when (and if) the Taliban regime would continue the policy of opium-ban in the following years<sup>270</sup>. However, this assessment became impossible to make, as the Taliban regime itself came to an abrupt end by the end of 2001 and left the question over the motivation behind the dramatic policy change in 2000 subject to debate.

The impact of opium cultivation and its relation to terrorism and organized crime in and around Afghanistan was recognized by the international community, at least to a certain extent, and the topic made its way into the Bonn Agreement<sup>271</sup>. Presidential Decree issued as early as in January 2002 declared opium poppy cultivation as categorically illegal<sup>272</sup>. Nonetheless, the Afghan transitional government as well as the international community was unable to deal effectively with this issue and the problem grew as one of the greatest challenges for the new Afghanistan.

As the histogram above shows, production in 2002 jumped straight back up to the levels of late 1990s at 3,400 metric tons, it was as if 2001 never occurred. With the Taliban went their ban on opium which was seen, at any rate, to be unsustainable as no alternative means of livelihood were offered to the farmers<sup>273</sup>. In destitute caused by drought and ban on opium in the previous year, against the background of confusion and turmoil, many farmers planted what they did before in the vacuum of power and enforcement of any policy<sup>274</sup>. In 2003, the status remained largely unchanged but with an increase of 6% to 3,600 metric tons. Alarm signals were made by the United Nations Office on Drugs and Crime (UNODC), highlighting this increasing cultivation as a problem not only in itself but also as a problem that deeply affects the country's security condition and course of economic development<sup>275</sup>.

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<sup>270</sup> Interview with Bernard Frahi (see footnote 264 above).

<sup>271</sup> Paragraph V. (3) of the Bonn Agreement states: "Interim Authority shall cooperate with the international community in fighting terrorism, illicit drugs and organized crime."

<sup>272</sup> Serge Schmemmann, "Afghanistan issues order taking hardline on opium production" in *New York Times*, 17 January 2002.

<sup>273</sup> UNODC 2002, p93.

<sup>274</sup> Some observers attribute more deliberate intension of Afghan power-holders in the resumption of poppy cultivation in 2002: "Northern Alliance commanders taxed all opium routed for export through Central Asia by traffickers. After the war ended, production exploded in Badakhshan-to the advantage of the Northern Alliance warlords." (Rashid 2008, p209.)

<sup>275</sup> In an open debate held in the Security Council on 17 June 2003 (S/PV.4774) as well as in Afghanistan Opium Poppy Survey 2003 published by UNODC. On the day of the open debate, the Security Council issued a Statement by the President (S/PRST/2003/7) highlighting the urgency to tackle this problem.

Despite the adoption of the National Drug Control Strategy by the transitional government in May 2003 and the introduction of the Counter-narcotics Law in October 2004 as well as intensification of donor support to the central government in addressing this problem, the cultivation of opium poppy increased in 2004 by 64% from the previous year to 131,000 ha producing 4,200 metric tons of opium<sup>276</sup>. President Karzai began to refer to the problem as a top priority and declared a new "jihad against opium" in December 2004<sup>277</sup>, upgrading the Counter Narcotics Directorate (CND) to a Ministry of Counter Narcotics (MCN) in his new cabinet structure following the Presidential elections of 2004. He also created the post of Deputy Minister of Interior charged with counter narcotics enforcement and placed a renowned former Mujahideen commander Mohammad Daud who was believed to be effective in bringing some control to the problem by the central government<sup>278</sup>. But despite all the efforts, in 2005, situation was only slightly better than the previous year at 4,100 metric tons (-2.4%)<sup>279</sup>. Although there was a 21% decrease in terms of area under poppy cultivation ---which went down to 104,000 ha from 131,000 ha in the previous year--- and this was highlighted as the better indicator of the will and commitment of the Afghan farmers<sup>280</sup>. While there was logic to this argument, it was seen more as an effort to mitigate the not so good news overall.

Considering these developments during 2001-2005, on the whole, it is often concluded that counter-narcotics was one area that the Afghan government and its international partners could not effectively deal with under the Bonn post-conflict transitional process. Why was this the case and what lessons are to be drawn from it? In assessing the "failure" of the government in addressing this problem during the Bonn Process<sup>281</sup>

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<sup>276</sup> In term of opium production this was 17% increase to 2003 but the 64% increase in the area under cultivation was seen to be the signal of intent of the population. (UNODC, Afghanistan Opium poppy survey 2004)

<sup>277</sup> Statement by President Karzai at inauguration ceremony referring to post-election priorities.

<sup>278</sup> Some observers questioned the appointment, alleging possible linkages of Daud himself or his family/associates with the illicit drugs industry but there were no clear evidences and it was also understood that the policy was intended to engaging and bringing into the national counter-narcotics effort, one of the local leaders with the ability to yield influence and bring effectiveness to police performance in counter-narcotics enforcement.

<sup>279</sup> As the production rate depends of yield which varies from one year to another influenced by weather conditions etc.

<sup>280</sup> Preface of the UNODC, Afghanistan Opium poppy survey 2005.

<sup>281</sup> The problem was also not contained ---rather deteriorated--- in the several years after the end of the Bonn Process as well. Production continued to increase: 6,100 metric tons (mt) in 2006; 8,200 metric tons in 2007; and 7,700 mt in 2008. (Source: UNODC Afghan Opium Survey of respective years) Regional concentration of production became increasingly acute, as UNODC writes: "Almost 98% of the potential opium production took place in the south and south-west of Afghanistan in 2008, reflecting the distribution of cultivation. The opium production in



while most other areas succeeded<sup>282</sup>, the complexity behind this issue must be taken into account. In order to better assess this premise, it is important to comprehend that the narcotics problem in Afghanistan was inextricably connected to, exacerbated by, as well as contributed to, several other underlying problems of Afghan socio-political transition.

First, slow and weak progress in reconstruction and improvement in ordinary people's lives meant there was a substantial part of the population, especially in rural areas outside of Kabul, who could not see the "peace dividend" and had to or wished to turn to means of sustaining livelihood by being a part of the chain of opium economy. Many were involved in the thriving opium economy through cultivation of poppy, processing it into opium, guarding the production in clandestine laboratories, or trafficking of opium. In the international assistance community in Kabul, some dubbed ---with great cynicism--- the opium economy as "the only reconstruction programme that brought the needed impact" under the Bonn Process. By 2004, in most provincial capitals one would visit in Afghanistan there were conspicuous mansions or community centers that local enforcement officials will indicate as belonging to shady characters linked to the opium economy<sup>283</sup>. This was no surprise when considering the fact that the opium economy was generating resources equivalent to 50-60% of the official GDP<sup>284</sup>. The sheer magnitude of the economy was making it a central factor in the peacebuilding process, as keenly observed by Finance Minister Ashraf Ghani's famous alarm, as early as in 2002, for what he saw as the emergence of a "narco-state"<sup>285</sup>.

Second, the opium industry was able to entrench itself in the local systems and structures in the absence of the rule of law, particularly in the provinces, and this in turn further limited the chance for the central government to control the situation in the provinces. In most provinces, the revenues generated from the local opium

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Hilmand alone (5,397 mt) was higher than Afghanistan's total production in 2005 (4,100 mt)" (UNODC Afghan Opium Survey 2008)

<sup>282</sup> President Karzai himself expressed frustration that this was one area ---only next to insurgency and security threats in certain parts of the country--- that lacked progress he had sought. (Expressed in a meeting with UNODC representatives in August 2005)

<sup>283</sup> While some of these accounts by locals may not have been substantiated, quick and large accumulation of wealth was difficult to explain by the known economic activities available.

<sup>284</sup> For instance, in 2004 an estimated US\$ 2.8 billion was generated in Afghanistan from opium export to neighbouring countries and this was equivalent to roughly 60% of the official GDP of the country in 2003 (US\$ 4.6 billion). In 2005, the figures were US\$ 2.7 billion and 52%. (Source: UNODC Afghan Opium Survey of 2004 and 2005)

<sup>285</sup> Ashraf Ghani, "Where democracy's greatest enemy is a flower", *New York Times*, 11 December 2004.

economy was more than sufficient to influence key players in the provincial government and other powerbase. This meant corrupt and illegal practices could be the basis for reconstruction rather than good governance and fair and transparent efforts at rebuilding the shattered economy. It was a typical vicious circle. To the vast majority of the Afghan population who were aware of these practices by power holders, the ideals stated by the reconstruction programmes sounded dishonest and hallow. It also allowed some influential provinces to have its own source of finance ---at least from the viewpoint of its leaders--- and this meant even less obedience to the policies of the central government in Kabul. In this way, the opium economy also facilitated further fragmentation of the country between Kabul and the provinces.

Third, the revenues generated by the opium economy was also used to finance insurgency and other activities intended to destabilize the government and its efforts in peacebuilding<sup>286</sup>. As stated elsewhere in this dissertation as well, security threats which the central government ---even with the support of the international partners--- failed to clamp down presented the biggest obstacle for genuine peacebuilding. This was made possible largely by revenues generated by the opium industry<sup>287</sup>. And the opium industry was able to flourish precisely because there was instability and limited capacity of the central government in establishing the rule of law. One side of the problem was the cause as well as the consequence of the other and it was difficult to lay an effective hand on either of these two interrelated problem which remained unresolved through out the Bonn Process.

After reviewing the above factors and dynamics related to the Afghan opium economy, one is bound to ask: If the nascent Afghan government is unable to get the country out of the viscous circle of domination by the opium factor, why could the international community not help more, if they were aware of the formidable implication of the opium industry to the entire peacebuilding effort? We shall revert to this question in Chapter 2.1 of Part IV when the question of warlordism is discussed.

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<sup>286</sup> Like all efforts to prove financing of terrorism, it is difficult to find legal evidences of linkages to prove this point. However, this point which is clear from circumstantial evidences and broad range of analysis, is stated as the assessment by the Afghan government, the United Nations as well as by many international partners. See for instance, the Presidential Statement "recognizing the link between illicit drug trafficking and terrorism" (S/PRST/2003/7) following a briefing by the UNODC Executive Director in an open debate on the topic of the Security Council on 17 June 2003. (S/PV.4774, SC/7795)

<sup>287</sup> As well as external support.

### 8.3 Reconstruction and improving lives

Although this dissertation is written with an intended focus on political and security aspects of the post-conflict peacebuilding process in Afghanistan, a brief reference must be made on reconstruction and development efforts made to improve the lives of ordinary Afghans. Despite all the emphasis on political and security aspects of the Process, it was well recognized that without the reconstruction of national economy and planting of seeds for sustainable development, there was no chance for the post-conflict peacebuilding to succeed<sup>288</sup>. In this segment, a brief review will be made on the achievements and challenges in this area during the Bonn period, with a view to assessing its success both in terms of state institution building and improvement in the lives of ordinary Afghans.

In addition to the socio-political damage that the new state had to deal with discussed in the previous segment, Afghanistan had to begin in 2001 to rebuild an economy devastated with tremendous loss generated during 1978-2001 estimated to be as high as US\$ 240 billion in terms of destroyed infrastructure and vanished productivity<sup>289</sup>. The challenge was formidable in every respect; from a dysfunctional financial policy marked with years of hyperinflation, no functioning banking system, no taxation mechanism including customs, resulting in no revenue for the government. Despite all this, rebuilding of state institutions in the economic sector attained great success. From the initial stage of the Bonn Process, the Afghan government's capacity in financial and reconstruction benefited tremendously from two leading figures: the Minister of Finance Ashraf Ghani<sup>290</sup>, and Hanif Atmar, the Minister of Reconstruction and Rural Development (MRRD). With education and previous professional employment in the West, these figures were fluent in English, highly articulate, apt in western-style policy formulation, and well aware of the demands of the international donor community. In particular, under Ghani's leadership, impressive progress were attained such as setting up of the Central Bank, introduction of the new currency ---Afghani---<sup>291</sup>, formulation

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<sup>288</sup> Although many observed that the US administration under President Bush embraced the need for state building only late in the process (in 2003) after initial stage of efforts to distance US from anything that had to do with nation-building. (Rashid, 2008)

<sup>289</sup> Figure based on estimates made by the World Bank in 2002.

<sup>290</sup> For general background on Ghani and perception on Ghani during the initial period, see David Rohde, "An uphill road for Afghanistan's money man" in *New York Times*, 30 June 2002. Rashid provides an in-depth analysis of Ghani and his mark on Afghan transition during 2001-2004 reviewing Ghani's achievements as well as his personal style (Rashid 2008, p178-181).

<sup>291</sup> John f. Burns, "For Afghan Central Bank, it's out with the old money and in with the new" in

of the national development framework in 2003, and preparation of the national budget from 2004 based on government-led re-costing exercise that resulted in a public investment document entitled “Securing Afghanistan’s future”<sup>292</sup>. This document presented to the donors at the Berlin Conference held in April 2004, set economic growth targets in alignment with the Millennium Development Goals and defined public-sector spending priorities for the coming seven years. Donors endorsed the US\$ 27.5 million assistance package and pledged \$8.2 billion for the first three years of the program as requested. Afghanistan’s localized Millennium Development Goals were prepared and presented at the UN Millennium Summit in 2005<sup>293</sup>. Interim Afghan National Development Strategy (I-ANDS) was prepared just as the Bonn Process was coming to its designated end, clearly identifying priorities and plans for implementation. Significant economic growth has taken place in the urban centers, food security has improved and macro-economic trends were positive with an average 7% annual growth. The MRRD-led National Solidarity Programme and other nation-wide reconstruction programmes were assessed to be much more effective in accessing and impacting the provincial areas compared to other Ministry’s efforts in much smaller scale. Schools have reopened across the country providing education opportunity to 4.3 million children. Over 3 million refugees repatriated voluntarily. These are just some of the major achievement made during the Bonn Process. The government appeared to be willing and able to make these assessments and develop coherent plans, at least at the top policy level.

Yet there were many remaining challenges in this field as well. As the end of the Bonn Process neared and donors began to speak of a post-Bonn agenda, the Secretary General’s report of August 2005 stated:

*“Despite (...) achievements, the economic and development challenges facing Afghanistan remain daunting. In July 2005, the International Monetary Fund (IMF) reported that the economy grew at the rate of 7.5 per cent in 2004/05. Although IMF considers this pace to be steady, the Government has estimated that a minimum growth rate of 9 per cent is required to achieve recovery. Government revenues are expected to average less than \$ 400 million per year*

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*New York Times*, 7 October 2002.

<sup>292</sup> A Government/International Agency report prepared for International Conference, March 2004 “Securing Afghanistan’s Future: Accomplishments and the strategic path forward”

<sup>293</sup> UNDP, *The state of human development and the Afghan Millennium Development Goals* (<http://www.undp.org.af/MDGs/index.htm>)

*until 2008 – less than half of the projected expenditure for public-sector salaries and operations. The Government is not expected to be able to cover its operating costs fully before 2013. The uncertain security situation, together with underdeveloped legal and regulatory frameworks, continues to discourage private-sector investment. Every 30 minutes, a woman in Afghanistan dies of pregnancy-related causes. Twenty per cent of children die before the age of five. Life expectancy is 44.5 years, some 20 years lower than in all of the neighbouring countries. Only 28.7 per cent of Afghans over the age of 15 are literate and two million children (1.25 million girls) are still out of school. As a consequence of the limited access to safe drinking water and adequate sanitation (23 and 12 per cent of the population, respectively) preventable diseases remain prevalent.”*

It must be assessed that aside from the macro-level improvements, at the level of improving the lives of ordinary Afghans from their point of view, the achievement seem to have yet to be felt. Vast majority of the population, especially in the rural areas, have not experienced significant “peace dividend”. Reports indicated that many Afghans felt that life has not improved significantly during the first several years of the reconstruction process<sup>294</sup>.

There are also debates among policy makers and practitioners from Afghanistan and its international partners, regarding how the future of Afghan economy should look like in order to generate growth. Some see primary focus on the agricultural sector, while others emphasize the possibility for Afghanistan to play a more strategic role emphasizing trade and customs and making full use of its position in the cross-roads of various trade routes in the region connecting central, south and east Asia<sup>295</sup>. Whatever the outcome visions would be, it is essential for the government to be able to bring security to all parts of the country so that security concerns do not affect negatively other aspects of development. Unfortunately this remains unresolved even years after

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<sup>294</sup> In a survey conducted in 2004 according to public opinion, at the national level, security (37%) and economy (29%) were identified as the “biggest problem facing Afghanistan”. At the local level, the first biggest problem was economy (28%), and the next issues of greater concern were electricity and education each 12%. (Source: The Asia Foundation: *Voter Education Planning Survey: Afghanistan 2004 National Elections: A Report based on a Public Opinion Poll*, July 2004, pp.17ff. <http://asiafoundation.org/resources/pdfs/afghanvoter04.pdf> ) Furthermore, individual opinions indicate that many local people are still concerned about their security and economic problems. They feel that life has not improved as was expected in the beginning of the peace-building process. (Source: BBC News, *Afghans speak out on NATO and security*, February 7, 2008. [http://news.bbc.co.uk/2/hi/south\\_asia/7232018.stm](http://news.bbc.co.uk/2/hi/south_asia/7232018.stm) )

<sup>295</sup> These points were discussed at the third annual Afghan Development Forum held in Kabul,

the end of the Bonn Process.

**PART IV:**  
**ASSESSMENT OF**  
**THE BONN PROCESS**





## 1. THE BALANCE SHEET

As the Bonn Process came to its prescribed end with the holding of the general elections in the autumn of 2005, various views were expressed regarding the achievements and shortcomings of the process, especially in the context of the London Conference held in January 2006 to determine the post-Bonn agenda<sup>296</sup>. The main occupation of the interlocutors at this stage was to determine what the transition process under the Bonn Agreement accomplished and what remained unaccomplished.

The list of what was accomplished present a picture of an impressive path that this war-torn country emerging from 23 years of conflict has achieved in less than 4 years. The list would include:

- Holding of two loya jirgas ---grand assembly--- that channeled views through traditional representation mechanism in the process of the political transition
- Adoption of a new constitution, prepared with some level of popular participation
- Holding of two, internationally-sanctioned nation-wide elections
- Selection of the first democratically elected President
- Setting up of the Parliament which includes 68 female members out of 249 in the Wolesi Jirga (Lower House) and 17 female members out of 102 in the Meshrano Jirga (Upper House)<sup>297</sup>
- Afghan National Army established, aiming at 70,000 by 2011
- National Police structure established with 150.000 registered as police officers across the nation, with specialized units for counter narcotics and border police etc, with many officers received official training<sup>298</sup>
- Over 20 key legislations passed including Police law, Criminal Law, Judicial

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<sup>296</sup> The conference adopted the Afghan Compact ([www.and.s.gov.af/ands/jcmb/site/src/Afghanistan%20Compact/The%20Afghanistan%20Compact.pdf](http://www.and.s.gov.af/ands/jcmb/site/src/Afghanistan%20Compact/The%20Afghanistan%20Compact.pdf))

<sup>297</sup> Source: Islamic Republic of Afghanistan – Office of the President: Composition of the National Assembly. (<http://www.president.gov.af/english/composition.msp>)

<sup>298</sup> Approximately 54.000 received training from the US as patrolmen on short training basis of four to eight weeks. Advanced training provided by German forces for 6.300 police officers which include criminal, counter narcotics and management, of which 3.302 officers received training as Saran (commissioned) and Satanman (non-commissioned) by December, 2005. Source: German Federal Foreign Office & Federal Ministry of Interior: Assistance for rebuilding the police force in Afghanistan ([www.libertysecurity.org/IMG/pdf/Auswartigesamt-rebuilding\\_the\\_police\\_in\\_Afghanistan-1.pdf](http://www.libertysecurity.org/IMG/pdf/Auswartigesamt-rebuilding_the_police_in_Afghanistan-1.pdf))

procedural law, Counter Narcotics Law<sup>299</sup>

- Steady rise in economic growth indicators<sup>300</sup>
- 5.5 Million children are enrolled in school in 2004<sup>301</sup> and many teachers received training<sup>302</sup>
- Improvements in health indicators<sup>303</sup>

Against the above, a list of what was unaccomplished ---or accomplished contrary to the objective of the Bonn Agreement--- include the following:

- Prevalence of warlordism
- Growing opium problem and the uncurtailed illicit economy
- Rampant corruption (both at the central government level in the security institutions and the judiciary as well as at the local level)
- Lack of control by the central government towards the provinces, especially regarding the control of revenues
- Continued security problems and deteriorated security condition in large parts of the country
- Continued culture of impunity for illegal activities, intimidation and disrespect for human rights and lack of rule of law in the lives of ordinary Afghans
- Lack of prospects for viable socio-economic development for many ordinary Afghans throughout the country

The aim of this chapter is to assess the relative success and failure of the Bonn Process.

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<sup>299</sup> Source: *Afghanistan Legal Documents Exchange Centre – Afghan Laws*. <http://www.afghanistantranslation.com/>

<sup>300</sup> For example, annual economic growth was reported to be 7.7% in 2004/2005. (see part 8.3, p. 128 of this Dissertation: an extract from the Secretary General report of August 2005) and GDP per Capita has increased from US\$ 683 in 2002 to US\$ 964 in 2005. (Source: UNDP, Afghanistan Human Development Report 2007, p.19).

<sup>301</sup> Source: UNDP, Afghanistan Human Development Report 2007, p.161.

<sup>302</sup> 2,478 students were enrolled to complete a 2-year pre-service training programme in 2005 to become teacher. In addition, the Ministry of Education has trained 1,646 new teachers through Teacher Training Centres and 23,132 teachers received pedagogical training in 8 provinces. (Source: Afghanistan Ministry of Education (MoE): National Education Strategic Plan for Afghanistan 1385-1389, pp.34ff. [http://www.moe.gov.af/National%20 Education %20 Strategic%20Plan.pdf](http://www.moe.gov.af/National%20Education%20Strategic%20Plan.pdf))

<sup>303</sup> Based on NRVA 2005 data provided in the Human Development Report of 2007, 64 per cent of children under 12 months of age have been immunized against measles, 73 percent were immunized against TB and 76 percent were immunised against polio. However, despite these improvements, health indicators in Afghanistan still critical and conflicting aspects have been reported. For example, the life expectancy at birth has been estimated 43.1 years in 2005 which is lower than 44.5 in 2003. (UNDP: Afghanistan Human Development Report 2007, p.26)

Indeed this was the central theme being discussed as the Bonn Process reached its end in 2005 to early 2006. The underlying question is, put simply, “was the Bonn Process a success?”. Many in Afghanistan and abroad expressed their views, and while most governments expressed very similar views that it was a great success albeit with many remaining challenges to be dealt with as priority in the post-Bonn phase, there were also highly divergent views, especially from within Afghanistan<sup>304</sup>. This is understood to be due to the fact that the answer to this question depends on the criteria that one judges the achievements and shortcomings against. If assessed for conducting landmark steps putting into place increasingly legitimate state structure within prescribed timelines, the progress under the Bonn Process can be called largely a success. These were remarkable steps many other post-conflict societies failed to navigate through so successfully and in such a short time frame. It is for having achieved these broad political objectives that the Bonn Process is hailed as a huge success by its proponents. On the other hand, if success is assessed for the progress made in making Afghanistan a society based on the rule of law where people can enjoy freedom from fear and freedom of choice, it is difficult to affirmatively answer the question without various qualifiers. This dissertation argues that both are factual, depicting different side of the same subject matter, like the people in a dark room touching the elephant describing it as something completely different. But it is necessary, then, to bring the elephant out to light without making categorical assessments without acknowledging the full picture. It is therefore important to assess the divergent criteria and their subsequent assessments.

To arrive at a comprehensive assessment of the success of the Bonn Agreement, it is important to take into consideration its intended design. The Bonn Agreement was designed to have two distinct components. One, the fundamental principles expressed in the preamble segment; and the other, the precise roadmap of the concrete steps to be taken to move from termination of armed conflict to a normal governance structure, increasing the level of legitimacy and reflection of popular will at every benchmark juncture. This second component, contained in the body text of the Agreement, was the widely publicized sine qua non part of the Agreement, clearly defined with fixed timetable for attaining these sequenced steps. The first part relating to underlying

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<sup>304</sup> Department for International Development, *Media, Public Opinion, and Peace Conditionalities in Post-Conflict Afghanistan: A study into local views on donor behaviour* (December 2005) <http://c4o.unitycode.org/me/PeaceConditionalities.final.20060413.pdf>

principles were not given any timeline for accomplishment and actual steps to be taken to reach these objectives were not specified. In other words, it is practical to understand that what could not be agreed beyond generality or envisioned to happen in the immediate transition phase was put into the preamble. Although they were reflected into the Agreement as these principles had to be the basis of the new Afghan state and society, they were not intended as immediate goals that could be implemented within a certain timeframe under which the Bonn Process was operating. If one is mindful of this deliberate architecture of the Agreement, it becomes difficult to point to the failures of the Bonn Process as, in this way, it limited its immediate objectives to what was realistically achievable.

Notwithstanding the above, the expectations of ordinary Afghans, as well as the general public in countries supporting Afghanistan through financial or troop contribution, grew to assume that Afghanistan would be transformed at a more fundamental level into a society based on the rule of law, changing the daily lives of the ordinary Afghans. As the Afghan government, as well as its key supporters, was alerted repeatedly by the UN, as early as in 2002<sup>305</sup>, the difficulty of “managing expectations” was a serious problem<sup>306</sup>. As it will be discussed in more detail in the pages to follow, this discrepancy between what was said and what could realistically be done led to disenchanted assessment of the Bonn Process by many in Afghanistan.

Another angle that needs to be acknowledged is whether Afghanistan managed to change its status as a “failed state”. One interesting reference is provided by the Fund for Peace, a think-tank that is annually rating the states based on indicators of vulnerability in the so-called “Failed States Index”<sup>307</sup>. The states (defined by UN membership) are assessed against the following indicators covering social, economic and political vulnerability:

1. Demographic pressures
2. Massive movement of refugees and internally displaced peoples
3. Legacy of vengeance-seeking group grievance
4. Chronic and sustained human flight

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<sup>305</sup> SRSG Brahimi’s brief to the Security Council on 6 February 2002 (S/PV.4469, SC/7295)

<sup>306</sup> Human Rights Watch, *Afghanistan’s Bonn Agreement One Year Later: A Catalog of Missed Opportunities*, 4 December 2002.

<sup>307</sup> The US-based think tank, Fund for Peace, is conducting the annual rating in collaboration with the magazine Foreign Policy since 2005 ([www.fundforpeace.org](http://www.fundforpeace.org)).

5. Uneven economic development along group lines
6. Sharp and/or severe economic decline
7. Criminalization and/or delegitimation of the state
8. Progressive deterioration of public services
9. Widespread violation of human rights
10. Security apparatus as 'state within a state'
11. Rise of factionalised elites
12. Intervention of other states or external factors

At the end of the Bonn Process in 2005, Afghanistan was rated 11<sup>th</sup> most failed state, and it continues to worsen its standing every year thereafter rated as 10<sup>th</sup> in 2006, 8<sup>th</sup> in 2007 and 7<sup>th</sup> in 2008<sup>308</sup>. While the fact that this index started only in 2005 makes comparison with progress attained from the beginning of the Bonn Process or comparison with other countries assisted in post-conflict years difficult, the fact that situation is described to be worsening during and following the Bonn Process needs to be taken into account on the balance sheet for the process during and beyond Bonn.

To the credit of the international community supporting Afghanistan, learning lessons from bitter experiences of post-conflict peacebuilding in the past where quick-fix elections were used as exit strategy and the international presence left behind a fragile state on its own prematurely, consensus emerged without much need for debate that the international support and engagement with Afghanistan needed to continue with a "post-Bonn agenda" beyond the initial transition process<sup>309</sup>. There was a general recognition that holding of successful elections were not sufficient indicator for a mission completed<sup>310</sup> and the widely reported security incidents of January 2006 ---just as the end of the Bonn Process was being commended--- including the detonation of a vehicle-borne explosive device near a convoy of the Canadian PRT in Kandahar that killed, among others, a prominent Canadian diplomat Glyn Berry, were sobering reminders of this fact<sup>311</sup>. In fact, the violent incidents increased after the elections and

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<sup>308</sup> Ibid.

<sup>309</sup> Such understanding was confirmed in an open debate of the Security Council held on 23 August 2005 (S/PV.5249, SC/8478). It was also reflected in the Secretary-General's statement at the London Conference (SG/SM/10331-AFG/286). Resolution endorsing the Afghan Compact and its annexes (S/RES/1659(2006)) was issued by the Security Council on 15 February 2006.

<sup>310</sup> See for instance, Security Council Presidential Statement issued on the occasion of confirmation of parliamentary and provincial councils election results (S/PRST/2005/56) and the

<sup>311</sup> The Canadian PRT incident occurred on 15 January 2006. Others included suicide bombing in the Spin Boldak district in Kandahar that claimed the lives of 20 Afghans and severely

the inauguration of the parliament as reflected in the brief given by UN in January 2006 stating that 13 out of the total of 19 suicide attacks over the preceding 12 months happened after the election between November 2005 to January 2006<sup>312</sup>. These all contributed to the abovementioned assessment by many governments that while the Bonn Process was successful, there was a great amount of work unaccomplished that needed to be tackled as a matter of priority. The following chapters will assess and analyze the dilemmas in post-conflict peacebuilding encountered during the Bonn Process that closely relate to the "unfinished business".

## **2. DILEMMA IN POST-CONFLICT PEACEBUILDING**

Although the engagement under the Bonn Process is often referred to and commonly understood to be a post-conflict peacebuilding exercise, in fact it is incorrect to refer to the situation in the country as *post-conflict* in the strictest sense. Some degree of combat operations continued throughout the Bonn Process against the same "enemy" that the last tail of the "conflict" was waged against. Even at the end of the Bonn Process after four years since the declared end of conflict, some parts of the country were not effectively under government control ---even with substantial aid of the international military presence--- and destabilizing incidents have increased rather than decreased. Underlying this condition that leads many to question the success and viability of the Bonn Process, are several features of the process that should be analyzed in detail. This dissertation groups these dilemmas in two broad categories and this chapter will provide detailed analysis.

The first strand of dilemmas are characteristic to the process in Afghanistan and it relates to the exclusion of the Taliban from the Bonn Process as well as the stance towards the warlords, both of which were affected by the primacy given to the War on Terror as opposed to the rebuilding of the Afghan state. This strand of dilemmas arise from what is referred to as *conflictual* peacebuilding and will include analysis on the perception of double standards by the Afghan administration and the international community as well as the difficult balance that had to be struck between the two distinct needs for security and justice.

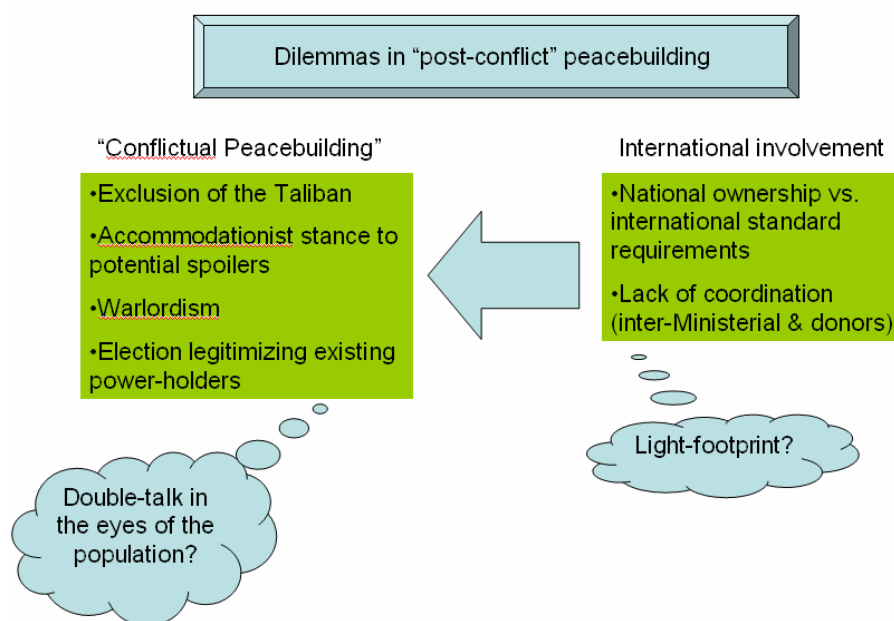
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injured 20, detonation of a roadside explosive device in Kandahar that killed 3 Afghan National Army soldiers and 2 civilians, severely injuring 10 others.

<sup>312</sup> S/PV.5347, SC/8610.

The second strand of dilemmas relate to the involvement of the international community that may be also observed in other post-conflict situations. Examining the guiding principle such as the “light footprint” and “Afghan ownership” assessing the results, this dissertation will consider the impact of the demands placed by international donor agencies to the Afghan state institutions and its impact on the objective of the peacebuilding process. Looking at the issues of low capacity in the local state bureaucracy and lack of donor coordination, the dissertation considers the appropriateness of the policies pursued under the Bonn Process.

Figure 7: Key areas of “Dilemmas in peacebuilding”



## 2.1 Conflictual peacebuilding<sup>313</sup>

### 2.1.1 Exclusion of the Taliban and the supremacy of security considerations

One of the characteristics of the Bonn Agreement, in contrast to other comparable agreements to end conflict and begin peacebuilding, was that it excluded one major party to the conflict ---the Taliban--- as pointed out by William J. Durch:

*“Afghanistan is unusual for its particular configuration of internal conflict and outside intervention in that conflict. In other cases, intervention may have*

<sup>313</sup> The term “conflictual peacebuilding” is adopted from Astri Suhrke et al, “Conflictual peacebuilding: Afghanistan two years after Bonn” (Oslo, International Peace Research Institute, 2004)

*focused on one of the warring parties (e.g. NATO air strikes against Serb forces in Bosnia and, later, Kosovo) but all parties were subsequently part of the peace settlement. In Afghanistan, intervention has driven one of the parties off the field: the Taliban and their al Qaida supporters are not part of the peace process initiated in Bonn, which was about allocating power among parties participating.*<sup>314</sup>

In late 2001 when the post-conflict scenario was beginning to be sculpted out, bringing in Taliban onto the negotiating table was never seriously attempted<sup>315</sup>. As by not cooperating with the US and handing over Osama bin Laden and other extremists suspected of connection with 9.11 and other terrorist acts, the Taliban was considered the enemy US was fighting in the War on Terror. There was a brief attempt made, mainly at Pakistan's request, to distinguish the "good Taliban" from the "bad Taliban" and to take separate action against them. But this attempt to bring in the moderate elements of the former Taliban regime into the peace process never materialized, partly due to lack of signs from among the Taliban to break off from the extremist movement, but also because of the policy of the government and its international supporters defining the Taliban as terrorists<sup>316</sup>.

While it is undisputable that many atrocities were committed under the Taliban regime, they were not the first and only party to be blamed for such action in the recent past of Afghanistan. Their rule, of large part of the Afghan territory, from 1996 to 2001 needs to be seen in the wider context of a prolonged civil war in a failed state where various power-holders committed atrocities and blatant human rights abuses and went unpunished. As reviewed in Part III, the Bonn Process allowed many individuals associated with these past crimes to take part in the new political process as legitimate actors<sup>317</sup>. It could be said that Taliban alone was excluded from this process and

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<sup>314</sup> Presentation by William J. Durch, Co-Director of the Project on the future of peace operations at the Henry L. Stimson Center titled "Peace and stability operations in Afghanistan: requirements and force options" (28 June 2003).

<sup>315</sup> Some attempts by Karzai to discuss with elements of the Taliban to defect the Taliban were reported around the recapturing of Kandahar in early November 2001 following US bombing (e.g. Jane Perlez, "Without US support, Pashtun rebel leader is finding few allies" , *New York Times*, 3 November 2001) but these were more symbolic gestures targeted at individuals to leave Taliban rather than to bring Taliban as a party to conflict on board.

<sup>316</sup> The Afghan government begun being reported to be negotiating with some elements of the Taliban shortly before the Presidential election (e.g. China Daily News, 26 April 2004 "Karzai invites Taliban to join in Afghan poll" ([http://www.chinadaily.com.cn/english/doc/2004-04/26/content\\_326254.htm](http://www.chinadaily.com.cn/english/doc/2004-04/26/content_326254.htm)) but no progress was made during the Bonn Period.

<sup>317</sup> For example, Abdul Rashid Dostum was a powerful militia leader, heading the Junbish-e Milli-ye Islami-ye Afghanistan (National Islamic Movement of Afghanistan), and is widely



although it is difficult to argue in terms of evidence-based causal relationship, it is highly likely that this led those associated with the Taliban to greater alienation and escalation of insurgency. Some counted among the Taliban movement are thought to be not any further from the ideals of the Bonn Process than their counterparts in other previously armed factions now considered to be a part of the legitimate power structure. Even as the Bonn Process moved from its initial shaky ground and proceeded to stages where wider inclusion of the society was essential, evidences suggest that little efforts were made to bring in the Taliban into the peacebuilding process, mainly due to the continuing War on Terror. Brahimi, after leaving the post of SRSG for Afghanistan, is quoted to have called the exclusion of the Taliban from the Bonn Process as "the original sin", as reproduced below:

*"You also need to have a more consistent, substantive, long-term national reconciliation process. For example, all the Taliban should have been in Bonn. I call it the original sin. The absence of the Taliban was a big, big hole in the process. But it was not possible to have, because of September 11, because of the behaviour of the factions."*<sup>318</sup>

The circumstances described above gave rise to two fundamental characteristics of the Bonn Process. The exclusion of the Taliban from the transitional process that fueled insurgency and the continued War on Terrorism that made the peacebuilding process under the Bonn Agreement a conflictual process. Due to these two characteristic features of the process, attaining and maintaining security had to be at the top of the agenda in the implementation phase of the Bonn Process, sometimes at the cost of other important objectives in the peacebuilding process described in the Agreement, such as state institution building, socio-economic development, accountability to past

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perceived to have committed gross violation of human rights and abuse of power in various capacity he served. Human Rights Watch documents Dostum and his commanders for looting homes, abducting and raping, acting against any existing regime. Despite these accusations, he was appointed as Chief of Staff to the head of the Afghan armed forces from the early stages of Bonn Process and was allowed to stand for the presidential election, raising questions of accountability to past conduct, including war crimes, by some observers. (Human Rights Watch, *The Rule of The Gun: Human Rights Abuses and Political Repression in the Run-up to Afghanistan's Presidential Election* (September 2004), p4ff. 21ff.(Dostum) [www.hrw.org/legacy/backgrounder/asia/afghanistan0904/afghanistan0904.pdf](http://www.hrw.org/legacy/backgrounder/asia/afghanistan0904/afghanistan0904.pdf); Revolutionary Association of the Women of Afghanistan (RAWA): *Corruption and Warlordism: A critical review of Corruption situation in Afghanistan* ([www.rawa.org/temp/runews/2008/11/27/corruption-and-warlordism-a-critical-review-of-corruption-situation-in-afghanistan.html](http://www.rawa.org/temp/runews/2008/11/27/corruption-and-warlordism-a-critical-review-of-corruption-situation-in-afghanistan.html))

<sup>318</sup> Quote is Brahimi's reply when asked by what Karzai is advised to do following his election as the President, from Mary Sack, "An interview with Lakhdar Brahimi" in *Journal of International Affairs*, 22 September 2004, Columbia University School of International Public Affairs.

action and promotion of reconciliation between different ethnic groups. This dissertation contends that equating the Taliban, a domestic insurgency, with international terrorists (Al-Qaida) in the context of the global War on Terror distorted the prospect for a more inclusive scenario and this had wide ramifications on the peacebuilding process. This framework was never altered during the Bonn Process and led to unignorable growth of “insurgency” movements to which some non-Taliban population joined due to dissatisfaction with the central government policy or Coalition’s military action. It should be noted that in the first place, Taliban as an Afghan entity is less a “supporter of terrorism” than one among various groups of contending warlords composed of Pashtuns albeit with extremist views. Furthermore, Taliban also embodied ---at least partially--- the Pashtun population’s frustration towards non-Pashtun attempts for political dominance after the withdrawal of the Soviet troops. By excluding the Taliban from the post-conflict transition process and not taking other measures to bring the non-Taliban conservative tribal Pashtuns solidly on board to the process, a sizable segment of the most numerous ethnic group of the country remained outside of the process they had to be a part of if post-conflict peacebuilding was to happen. It can be assessed that this was a situation where external conditions at the inter-state level (i.e. War on Terror) dictated the internal peace process at the intra-state level (i.e. not to include the Taliban in the peace process and therefore having to place security consideration above all other goals) and that in turn negatively affected the peace process to deliver desired result (i.e. security and lasting stable peace), with an impact back to both levels of analysis.

### **2.1.2 Warlordism: power of the gun still proving supreme**

It goes without saying that there is a need for security and minimal order for the post-conflict operation to be able to take place. But as is the case in most post-conflict situations not marked by the presence of robust international peacekeepers, in Afghanistan’s “post-conflict” peacebuilding phase, effective security ---where it was possible--- could only be provided by former combatants and warlords. This presented a critical dilemma as having to rely on parties to former conflict to provide security complicates the efforts of DDR and compromises authority of the central government. In the wider spectrum of the post-conflict society, such condition poses difficulty in relation to the accountability of the overall rule of law and the government’s credibility in monopolizing and legalizing use of force; the basis in which the state generates

authority<sup>319</sup>.

Earlier in Chapter 6 of Part III, references were made to the different priorities that existed throughout the Bonn Process held by the two distinct international military presences. We reviewed in that context that the objective of the US-led Coalition Forces was, above all, to fight the Afghanistan-front of the War on Terror i.e. capture and destroy Al Qaida and Taliban operatives<sup>320</sup>. And the stabilization assistance under ISAF was limited to Kabul for the first two critical years of the Process. This resulted in a huge gap in providing security to create space for reconstruction, and instead gave room for the warlords to entrench their influence in the provinces. Although many requests were made by the Afghan government and the UN to redress this situation, the basic strategy could not be changed without resources and commitment from key international contributors. Provision of security needed for reconstruction was not prioritized as it was seen to be too closely associated with “nation building” that was not favoured by the Bush Administration<sup>321</sup>. Furthermore, the Coalition Forces took the approach of depending on local allies in pursuing the War on Terror and this at times made them take actions contrary to the political objectives outlined in the Bonn Agreement. This had two important effects: First, the policy of the Coalition Forces that ranged over time from benign neglect to active support towards warlords and armed militias, contrary to the demobilization objectives, served to strengthen the dominance of the warlords in certain provinces; second, the spread of warlordism made life based on the rule of law illusory for many ordinary Afghans and this in turn worked to undercut the legitimacy of the central government in Kabul which the international community was desperately trying to support.

Impunity to warlordism also had tremendous effect on the growth of illegal activities and associated criminal and corrupt practices. We have seen in Chapter 8 of Part III

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<sup>319</sup> In a classic description by Max Weber which states “the claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and of continuous operation”, the core function of a state is the monopoly over legitimate use of physical force within a particular territory. (Max Weber, *Economy and society: An outline of interpretive sociology*, (University of California Press, 1978).

<sup>320</sup> Although the emphasis on hunting Osama Bin Laden and key Al Qaida figures (already in 2002, ref Ramsfeld speech in Oct 2002) to insurgents in general and with “Accelerated Success” strategy promoted by Khalilzad since 2003 included elements to support reconstruction, this came too late almost 2 years after the end of the Taliban regime and this allowed sufficient time for local power structure to entrench itself.

<sup>321</sup> Bernett Rubin, Humayun Hamidzada & Abby Stoddard, *Through the fog of peacebuilding: evaluating the reconstruction of Afghanistan*, Center on International Cooperation, New York University, November 2003. Also see Rashid 2008, p171-195.

how the most notable of such illegal activities (i.e. opium poppy production) grew from 185 metric tons in 2001 to 3,600 metric tons in 2005. The resources generated from this illicit industry ---equivalent to around half of the total GDP of Afghanistan (during the Bonn years)--- went unaccounted for by the central government, into the hands of those operating outside of the rule of law. Some were even contributing to insurgency and other destabilizing activities against the central government and the peace process. That this state of affairs happened and continued despite great efforts and resources being poured into counter-narcotics activities<sup>322</sup> disillusioned many inside and outside of Afghanistan. But this factor cannot be isolated from the wider question of warlordism and the *de facto* permission for the rule of the gun to prevail. In hindsight, the appropriateness of the policy where War on Terror was given higher priority than building of a culture and system based on the rule of law, and the implication of this on the longer-term stability of Afghanistan and the subsequent reduction of sources of terror must be questioned. However, it remains a fact that this was the framework that the Bonn Process operated under.

In addition to the problems warlordism created in decreasing legitimacy and control exercised by the central government as well as its impact on fostering illicit economy, another serious effect was related to the question of advancement of justice and human rights under the Bonn Process. As seen in President Karzai's speech at the Emergency Loya Jirga referred to in Chapter 7 of Part III, there seem to have been a belief in the Afghan transitional administration ---and the international partners who closely supported it--- that progress on human rights (and other critical elements of the rule of law) and improving security could not be pursued simultaneously<sup>323</sup>. Whether these two variables are ---and should be treated as--- mutually conflicting objectives was one of the most critical questions that went insufficiently debated throughout the Bonn Process, due to the supremacy given to security considerations.

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<sup>322</sup> For instance, UK Foreign and Commonwealth Office statement issued in March 2005 on the occasion of the launch of the Afghan Counter-narcotics Implementation Plan 2005 (1384) refers to an increase of USD 100 million from in counter-narcotics assistance which is in addition to USD 125 million already pledged for alternative livelihoods assistance that "more than doubled annually from 2002/03 to 2005/06". ("Written ministerial statement by Bill Rammell regarding the implementation of the 1384 (2005) Counter Narcotics Implementation Plan" <http://www.fco.gov.uk/en/newsroom/latest-news/news&id=1540892>)

<sup>323</sup> In addition, President Karzai is quoted to have said in early 2003 to Lyse Doucet of BBC World News that "peace is a necessity and justice is a luxury that Afghanistan cannot afford right now." as quoted by Barnett Rubin "Transitional justice and human rights in Afghanistan" in *International Affairs* 79, 3 (2003), p574.

A respected observer of Afghanistan throughout the decades, Barnett Rubin raises several important points related to the quietness of Bonn Process on the question of transitional justice and human rights. Rubin analyzes the problem of intimidation and fear dominating the implementation of the Bonn Agreement and observes that "This problem of intimidation is merely one manifestation of a more pervasive problem, the one that nearly all Afghans identify now as their primary challenge ---security. Security and human rights are often considered as separate problems: security as a problem for army and police, the 'security forces'; human rights a problem for the judiciary, NGOs, and, where they exist, official human rights commissions. In fact security and human rights are the same problem. The main obstacle, or at least the immediate obstacle, to both in Afghanistan, as in other collapsed or failed states, is what Afghans call *tufangsalari*: rule by gunmen. In most of the country, regardless of the legal and constitutional structures established by the Bonn Agreement, effective power is in the hands of factional commanders who were armed by the coalition in 2001.<sup>324</sup>" Weaving a careful balance between the need for justice and security, Rubin concludes that while removal of individuals associated with *tufangsalari* is important, it is not the answer for the problem and he advocates the need to place greater emphasis on building structures and institutions that can hold up the rule of law and human rights standards.

*"It would be wrong simply to blame these individuals and think that order and security would return to Afghanistan if the so-called 'warlords' and past abusers were removed from power. ... what will bring more peace and more justice to Afghanistan is not the removal of offending individuals, but the creation of a system of institutions to control them and make government effective and law-bound. Ending impunity by punishing offenders is part of that process, but it is neither the sole part, nor necessarily the first part."<sup>325</sup>*

Finally, it should be noted that careful consideration should be given to the use of the notion of "warlords". While it is impossible to find a definitive description of "warlords" as the term is used in many conflict or post-conflict situations globally, it is often used to describe a wide range of individuals which may have different background and role in the peacebuilding process. Specifically in the case of Afghanistan, this term was applied to many (but not all) who had been a part of the Mujahideen movement and those who yielded power without democratic process legitimizing their status. While

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<sup>324</sup> Barnett Rubin "Transitional justice and human rights in Afghanistan" in *International Affairs* 79, 3 (2003), p576.

some of the figures labeled as warlords were regarded by the general public as problematic figures that threatened their well-being, others enjoyed certain degree of legitimacy and exercised accepted leadership. Furthermore, the term was not used to many individuals who exercised arbitrary power based on the power of the gun. It was selectively applied. Nearly forceful removal of certain symbolic figures describing them as “warlords”, while at the same time leaving untouched various actors who were regarded as harmful and disobeying to the principle of the Bonn Agreement by the local population left the impression that question of warlordism was politically charged. This in turn created, Among some Afghans, a sense of unfairness and targeted campaign against certain individuals and ethnic groups; a perception that requires attention if the longer-term peacebuilding process is to gain legitimacy among various segments of the Afghan society<sup>326</sup>.

### **2.1.3 Accommodationist stance towards potential spoilers**

Some maintained that the unwillingness of the Afghan transitional administration and the international community to confront those undermining the essential tenets of the peace process ---i.e. creating a coherent unified state governed by a strong central government in accordance with the Constitution, introducing the rule of law in the life of the Afghans which include promotion of respect for human rights, pluralism and diversity--- contributed to the declining support and confidence to the peace process on the part of the Afghan population, which in turn made progress additionally difficult. Others were of the opinion that pushing too much on principles would lead to a breakdown of the fragile balance on which the main actors chose to resolve differences without resorting to direct force. The latter was the view held more widely among the decision-makers both in the Afghan government and in the international community supporting it and therefore this policy-line prevailed<sup>327</sup>. It is impossible to assess whether this was the right approach and what the longer-term consequence of various decisions will be, but one fact to be acknowledged is that Afghanistan did manage to

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<sup>325</sup> Ibid.

<sup>326</sup> This crucial perspective was raised to the author by a prominent ex-Mujahideen commander who shared his views on condition of anonymity (due to his current official position). This dissertation does not do justice in exploring this perspective further and making poly analysis, mainly due to difficulty inherent in analyzing such current political topic, but it should be acknowledged that it is an important topic to be explored after certain passage of time.

<sup>327</sup> Although not directly making this point, general orientation based on realist perspective with heavy consideration for local conditions and requirement of time is expressed by Brahimi in an interview with Mary Sack. (Sack interview, p5.)

navigate through the thorny first years of post-conflict peacebuilding without having all the parties to the peace process reverting armed conflict ---which, as we see in many other countries, is a real possibility---. This dissertation recognizes that even discounting the fact that a major party to the conflict was excluded from this picture and continued to destabilize parts of the country, this in itself should be considered a major achievement given the history of Afghanistan and the context the Process was set in.

#### **2.1.4 Elections legitimizing existing power holders**

Another important factor observed related to this strand of dilemmas is how keeping the timetable and benchmarks as set out in the Agreement became the overriding priority, even when circumstances made it evident that certain steps only brought nominal value for advancement of a democratic, stable society. A case in point can be seen in the intense debate that took place from late 2003 to mid-2004 over the holding of elections. Due to various factors ---including logistical constraint, security concern and lack of funding for the electoral operation--- it was increasingly difficult to envision a simultaneous holding of the presidential and parliamentary elections in 2004 and the target became shifted to holding of a Presidential election ahead of the general election. This also fitted well with the preference of the Transitional Administration and the US and UN that favoured a strong presidential system. But some questioned the utility of conducting an election when the result expected was in line with the pattern already observed earlier of serving to legitimize existing power holders. There was also fear that by holding popular election (especially the parliamentary election) before the establishment of properly functional state institutions would lead to an undesirable situation where dubious actors will be enthroned into legitimate power through democratic mechanisms<sup>328</sup>.

These elections come at a high cost as attested by the fact that UNAMA was trying to raise US\$ 78.2 million for the Presidential election alone. Whether such sum of funds could have not been better invested into other purposes that would contribute to the goal of bringing the country closer to a secure and democratic society could be

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<sup>328</sup> Indeed this happened with the parliamentary election of 2005 where some with known involvement in drugs trade and past records of atrocities became elected members of the lower house. (See Part III Chapters 7 & 8) But how to avoid this while respecting the popular will and securing effective rule is a difficult question to answer in practice.

questioned<sup>329</sup>. Astri et al wrote in spring of 2004:

*"Given the obvious limitations of legal-formal mechanisms for generating legitimacy, some observers called for a scheduled elections to be postponed while making more use of traditional means of establishing legitimacy through power-sharing and contractual compromises. ... If Western formal-legal instruments are to remain central, emphasis on substance over form will make them more meaningful. In this perspective it would make more sense to postpone elections –estimated to cost almost 80 million dollars- while improving the underlying conditions that affect empowerment. This include not only physical security in the South and Southeast, but also greater efforts to create a rule of law, observe human rights and facilitate new political associations."*

Many would have agreed to above observation and yet these logical recommendations had no way of influencing the actual process. As the need for holding of elections became so central to recent peacebuilding scheme, there was little room to delay the process, if not only for its value as a procedure to legitimize political power but also as a symbolic step forward required for the donor community. If we look at the reasons critically with the benefit of hindsight, it could be said that a large part of what prevented such suggestion to be heard was the political need for the international community to maintain the timelines and hurdles set out in Bonn as much as possible, so as to be able to satisfy expectations created in the donor countries. But these questions needed to be asked against the actual development of Afghanistan under the Bonn Process. It should be noted for future design of post-conflict processes, the need for time-bound commitments should be weighed carefully with substantive value each action will bring in advancing the objective of peacebuilding.

### **2.1.5 Role and orientation of the political elites**

As well documented by several researchers including Sarajuddin Rasuly and Barnett Rubin, Afghanistan had an active political elite class that originated in the years before and sustained ---in various forms--- through the quarter-of-a-Century conflict<sup>330</sup>. Some took refuge in Western countries and eventually established themselves in these

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<sup>329</sup> At least the question was paused by the Norwegian study published in spring 2004, but it did not lead to influencing the international community's approach led by the Americans.

<sup>330</sup> Sarajuddin Rasuly, *Die politischen Eliten Afghanistans* (Peter Lang, 1997); Barnett Rubin, *The Fragmentation of Afghanistan* (Yale University Press, 1995).



countries. Others were either operating from Peshawar on the “external front” of the Mujahideen movement or engaged in the actual fighting inside Afghanistan in its “internal front” during the 1980s. Those in the latter category returned to Afghanistan as the Soviet troops left, but failing to navigate the country into normalcy and continuing fighting in the 1990s, they went back to basing themselves again in Pakistan and other neighbouring countries while the Taliban took control of the country<sup>331</sup>.

When the events following 9.11 led to the breakdown of the Taliban regime, many of these political elites returned to the country with their own vision of Afghanistan reborn. In addition to differences in personal orientations and beliefs, the vastly different experiences they had during the past twenty years created a complicated mix of different opinions among the Afghan political elite class. While the divide in the Afghan administration between the Pashtuns and Panjsheri Tajiks<sup>332</sup> were widely acknowledged, William Maley assesses that this is only one of the several dividing factors:

*“While post-Bonn elite conflict was sometimes painted as reflecting a “Pashtun-Panjsheri” schism, the reality was more complicated, and involved division among three distinct lines, although with significant overlap between them.*

*(i) Pashtun vs. Panjsheris<sup>333</sup>*

*(ii) Proponents of public law vs. Islamic law (as a basis of law and order)*

*(ii) Former Mujahideens vs. Afghan expatriates*

*It was the shifting nature of these political alliances that accounted for Fahim’s increasing marginalization. Dropped as Karzai’s vice-presidential running mate on 26 July 2004, he was replaced as defence minister ... although in a mark of the fluidity of the situation, this cabinet reshuffle also witnessed the replacement of finance minister Ashraf Ghani, a Taliban critic who had enjoyed wide support from the donor community.”*

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<sup>331</sup> Neamatollah Nojumi, *The rise of the Taliban in Afghanistan: Mass mobilization, civil war and the future of the region* (Palgrave, 2002)

<sup>332</sup> The name deriving from Ahmad Shah Massoud’s native Panjsher valley where the Northern Alliance based itself.

<sup>333</sup> Maley cautions against simplistic application of this model pointing out that “Certainly some Pashtuns, mindful of the past Pashtun domination of the national political elite and alarmed by anti-Pashtun pogroms in northern Afghanistan in the wake of the Taliban’s removal, felt resentful of power exercised by some leaders of Panjsheri Tajik background, most importantly Fahim. But Fahim was also regarded with suspicion by some of Massoud’s closest associates, which points to the danger of depicting elite rivalry as a simple Pashtun-Panjsheri struggle.”

Maley makes another important observation on the political style of President Karzai and his close associates which matches with the assessment personally held by many international interlocutors working with the presidency.

*"Karzai was very much a product of the state-free 'Peshawar' politics in which he was schooled in exile in the 1980s - politics based on networking, patronage, and the construction of prudential alliances. Detailed policy-making was not his strength, and this became a problem once the adoption of a strong presidential constitution thrust into his hands the responsibility of policy leadership. (Another weakness of Karzai derived from) his inclination to pacify potential troublemakers ... by offering them positions in the state ... An insidious -although not widely publicized- consequence of all this has been that elite politics has been marked by ferocious rivalries, competition for president's attention and favour, and denigration of opponents as a way of reducing their influence. As a result, very some gifted Afghans have left government positions in Kabul ... Beyond Kabul, the results have been even more destructive ... awarding offices to undeserving figures at provincial and local levels is a recipe for dramatically poor governance and the progressive erosion of the legitimacy of the state."<sup>334</sup>*

Such observation clearly depicts the impact of a country's political elite class structure and personal political style of top political elites (formed in the context of the wider political elite culture) on the course of political transition. Another worrisome tendency concerning political elites of the country is that rather than developing towards greater unity and collaboration required to bring about the ideal state prescribed in the Bonn Agreement, many seem to build their own fiefdoms in the public offices they are asked to head and this creates ---in many cases--- dysfunctional bureaucracies unable to meet the needs of the population where there should be effective and respected national ministries, provincial and local offices to provide needed services to the population. While it is difficult to address these structural issues and especially the issue of political styles of elites holding public offices, their enormous consequence should not go unaccounted for and every occasion should be used to correct and discourage the negative tendencies.

### 2.1.6 “Double-talk” in the eyes of the population

One final factor deserving assessment is the fact that in trying to adhere to tight timelines and ambitious hurdles that opened up deeply divisive issues (such as in formulating a new constitution, redefining the power structure and bringing up fundamental beliefs about the state and law), the transitional administration faced many challenges where it imposed control in a manner conflicting with the democratic, open, pluralistic ideals that the Bonn Agreement sought to bring about. In the course of navigating through the transitional path laid out in the Bonn Agreement, the core of the Afghan administration ---though being reformist/modernist in their own orientation and being supported by the backers promoting these same values, most notably the United States and the United Nations--- took actions at various stages not matching to the stated policy of an inclusive, pluralist polity and this disillusioned many in Afghanistan. As early as in 2002, the way the Emergency Loya Jirga was handled created bitter sentiments to many of its participants and the wider public as the US Ambassador Zalmey Khalilzad “worked the room” to have Hamid Karzai get selected as the President of the Transitional Authority<sup>335</sup>. Further along the path, President Karzai’s strong inclination and lobbying led eventually to the adoption of a Constitution based on a strong presidential model with a centrist approach, while questions were raised whether such a centrist approach was most appropriate for a diverse state that Afghanistan is and will always remain. It resulted in a state political structure ---the chief resultant product of the Bonn Process--- that established a framework for dealing with diversity and conflict by means of winner-takes-it-all strategies rather than inclusive power-sharing mechanisms<sup>336</sup>.

It could be said that this paradox is, to a certain extent, inevitable as the Afghan society, so divided and lacking basic capacity, is too weak as a civil society to be given the full scope of rights expressed in the lofty ideals of the Bonn Agreement such as the right of the Afghans to “freely determine their own political future in accordance with the principles of Islam, democracy, pluralism and social justice”. And as Simon Chesterman contends, peacebuilding operations “combine an unusual mix of idealism and realism... as there is an inherent contradiction between ends and means (when autocratic power) is exercised with the goals of promoting legitimate and sustainable

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<sup>334</sup> Maley, 2006, p34-35.

<sup>335</sup> Maley, 2006, p31-37.

<sup>336</sup> Astri, p 35.

national governance<sup>337</sup> " and this is an inherent challenge to such processes of transition. While paying due acknowledgement to these preconditions, it is nonetheless important for the international community to encourage and support the Afghan government to do their best not to appear as being contrary to the democratic and pluralistic objectives it is meant to defend. It should be concluded that in practice this proved very difficult and accounted for one of the biggest reasons for disillusionment with the process by the Afghan population<sup>338</sup>.

## **2.2 International involvement**

The second strand of dilemmas under the Bonn Process relates to the involvement of the international community in the effort to rebuild Afghanistan. While it is undisputed that the post-conflict peacebuilding phase that begun under the Bonn Process could have only come into being (and be sustained) with substantial international support, it must also be recognized that the external involvement brought with it its own sets of complex dilemmas impacting on the peacebuilding process. Examining the guiding principle such as the "light footprint" and "Afghan ownership" and assessing the results, this segment will consider the impact of demands placed by international donor agencies to the Afghan state institutions, with a view to assessing its impact on the result the peacebuilding process. The critical issues of low capacity in the local state bureaucracy and lack of donor coordination will also be assessed.

### **2.2.1 Need for local ownership vs. requirement for international standards**

During the four years under the Bonn Process between December 2001 and December 2005, the international community disbursed a total of US\$ 8.3 billion in assistance to Afghanistan<sup>339</sup>. While the aggregate amount is much lower than the amount spent for

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<sup>337</sup> Chesterman's points are more relevant to UN operations such as those in East Timor and Kosovo. However, it is also applicable to a limited extent for Afghanistan where there was de facto international command of the post conflict governance.

<sup>338</sup> Based on author's interviews with educated Afghans, Kabul, 2005.

<sup>339</sup> At the Tokyo Conference on International Assistance to Afghanistan which was convened in January 2002, the international donor community agreed to provide Afghanistan with US\$ 4.5 billion for the initial years (cumulative amount of various multi-year pledges). ([http://www.mofa.go.jp/region/middle\\_e/afghanistan/min0201/summary.pdf](http://www.mofa.go.jp/region/middle_e/afghanistan/min0201/summary.pdf)) Furthermore, at the Berlin Conference, which took place on 31 March – 1 April 2004, the international community pledged US\$ 8.3 billion for the next three years. (Source: Afghanistan National Development Strategy (ANDS): An Interim Strategy for Security, Governance, Economic Growth and Poverty Reduction, Vol. 1, 2005, pp. 38f. [http://www.ands.gov.af/admin/ands/ands\\_docs/upload/Folder/IANDS20Volume20One%20%20Final20English.pdf](http://www.ands.gov.af/admin/ands/ands_docs/upload/Folder/IANDS20Volume20One%20%20Final20English.pdf))

other countries in similar post-conflict stage when calculated in per capita terms<sup>340</sup> which was a source of discontent, it still remains that significant amount of resources were poured into one of the world's least developed country<sup>341</sup>. While the predominant message expressed in public was emphasizing the need for more resources, it must also be noted that the main preoccupation for those administering the funds was to find ways to spend the resources within a relatively short period, meeting not only the actual needs that should be addressed but also the standards required to be able to report accountably to the donors. Two years into the Process in November 2003, it was estimated that only US\$ 110 million worth of reconstruction projects had actually completed, out of a total aid disbursement of US\$ 2.9 billion<sup>342</sup>.

At the philosophical level, there was no dispute that the reconstruction and overall peacebuilding process should be locally owned, meaning that decisions should be made by the Afghans themselves and not be prescribed by its international partners. But the very fact that many statements were issued to confirm and reaffirm this point<sup>343</sup> was itself an indicator of how this was not the case in reality. Difficulty to balance demands for high international standards ---in diverse the areas from health and education to the conduct of elections--- against the need for locally sustainable institutions poses serious tension and it is commonly seen in many post-conflict settings. After the quick operations preferred in the early 1990s where the expectation was to "hold war crimes trial today and election tomorrow", at the time of implementation of the Bonn Process, there is a growing recognition for the need to

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<sup>340</sup> During the first two years of the post-conflict phase, Afghanistan received US\$ 57 per capita, in comparison to US\$ 679 in Bosnia, US\$ 526 in Kosovo and US\$ 233 in East Timor. (See Carl Robichaud, "Remember Afghanistan: A glass half full on the Titanic", *World Policy Journal*, Spring 2006)

<sup>341</sup> In 2002, Afghanistan ranked as 173rd out of 178 countries, being the 5th least developed country after Niger, Burkina Faso, Sierra Leone and Guinea-Bissau. During the Bonn Process period, this ranking remained unchanged in 2004 due unavailability of updated data. Subsequently in 2007, Afghanistan ranked 174th out of 178 countries, indicating that from a human development point of view, only slight progress was made during the first five years after the removal of the Taliban regime during the Bonn Process. (Source: Afghanistan Human Development Report (2007), p.19. <http://hdr.undp.org/en/reports/nationalreports/asiathepacific/afghanistan/nhdr2007.pdf>)

<sup>342</sup> Bennett Rubin, Humayun Hamidzada & Abby Stoddard, "Through the fog of peacebuilding: evaluating the reconstruction of Afghanistan", Center on International Cooperation, New York University, November 2003.

<sup>343</sup> For instance, Ashraf Ghani's speech in a meeting of Western donors held in Kabul on 26 February 2002 where he stated: "Government ownership is critical to the establishment of a prosperous, secure Afghanistan. We are fully committed to seeking partnership in this long-term process, but we must demand that it be a partnership of equals." Similar statements were made by Ghani as well as by President Karzai at the International Conference "Securing Afghanistan's Future" held in Berlin, 31 March to 1 April 2004.

reassess of post-conflict institution building<sup>344</sup>. However, the rhetoric of "local ownership" is also more problematic in application in practice than said. Spending the resources in a timely, effective manner and complementing that with good reporting is not easy even in more stable developing countries. For Afghanistan that lack basic infrastructure and human capacity ---at least in terms of meeting administrative requirements of the Western countries such as being able to write proposals and reports, or planning and implementing activities in a publicly accountable manner--- this presented a formidable challenge. A large part of the problem is related to the limited capacity of state bureaucracy in these post-conflict countries.

It must also be acknowledged that there were also dynamics on the international interlocutors-side that compounded the challenge as well. As Simon Chesterman argues, international assistance is "notoriously supply-rather than demand-driven" with the result that it is more responsive to the politics of donors than that of recipients. In addition, a sudden influx of foreign capital and personnel tends to have perverse economic effects. Chesterman even goes on to argue that these factors can "undermine the short-term political stability and medium-term economic viability of the territory in question<sup>345</sup>" which this dissertation assesses to be an overstatement in relation to Afghanistan but it is to be recognized that there are many valid elements in his analysis. The supply-based planning and timetable were creating unrealistic demands from the local viewpoint. But as Francis Fukuyama concludes, it is important to acknowledge and factor in the reality where "the contradiction in donor policy is that outside donors want both to increase the local government's capacity to provide a particular service ... and to actually provide services to the end users. The latter objective almost always wins out because of the incentives facing the donors themselves."<sup>346</sup>

### **2.2.2 Lack of state's bureaucratic capacity and the international assistance undermining legitimacy of the central government**

As stated earlier, throughout the Bonn Process the Afghans and many of their international supporters continuously deplored the lack of resources necessary to bring

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<sup>344</sup> Chesterman, p204-210, see also Paddy Ashdown "What I learnt in Bosnia", *New York Times*, 28 October 2002.

<sup>345</sup> Chesterman, p8.

<sup>346</sup> Francis Fukuyama, *State building, governance and world order in the 21<sup>st</sup> Century*, (Profile

about required change<sup>347</sup>. We have seen however, that when seen from the perspective of those implementing the programmes for change on behalf of the international community, the problem could be perceived as less one of lacking resources but more of limited absorptive capacity. Even as late as in spring of 2005, when the Bonn Process was nearing its end--- the report of the Secretary General stated:

*"While there has been a slight increase in the absorptive capacity of the operating and development budgets, the Government still lacks the capacity to meet donor requirements for the project documents and feasibility studies that are necessary for the release of donor funds. Further assistance is required to redress this lack of capacity."*<sup>348</sup>

Some parts of the government ---Finance Minister Ashraf Ghani being the most vocal advocate, as he was committed to the national execution programme approach and has in fact brought about significant accomplishments through the national programmes as we have seen in Chapter 8 of Part III--- criticized that donor community was not directing resources to the government and other national entities struggling enhance legitimacy and credibility through concrete action, instead channeling most of the resources through bilateral or multilateral agencies for execution. For instance, the Tokyo Conference for Reconstruction, held 21-22 January 2002, that concluded it would require US\$ 12.2 billion over five years to rebuild Afghanistan, agreed on setting up a centralized trust fund ("Afghanistan Interim Authority Trust Fund" later renamed "Afghan Reconstruction Trust Fund" in July 2002) jointly managed by the Afghan government, the Asian Development Bank, the World Bank, the UN Development Programme and the Islamic Development Bank. But of the US\$ 4.5 billion pledged at the Tokyo Conference (of which US\$ 1.8 billion was earmarked for 2002)<sup>349</sup> nothing went into the Trust Fund and most of the amount pledged in Tokyo eventually went into humanitarian relief rather than for reconstruction outside of the Trust Fund mechanism. This led some observers to call

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Books, 2004)

<sup>347</sup> UN Secretariat voiced such point on many briefings to the Security Council including on 19 September 2002 (S/PV.4611, SC/7506), 6 April 2004 (S/PV.4941, SC/8053) and 23 August 2005 (S/PV.5249, SC/8478). For instance, see Statement by President Karzai to the UN General Assembly, 13 September 2002.

<sup>348</sup> S/2005/183, para 47.

<sup>349</sup> Pledge figures based on summary document from the Tokyo Conference ([http://www.mofa.go.jp/region/middle\\_e/afghanistan/min0201/summary.pdf](http://www.mofa.go.jp/region/middle_e/afghanistan/min0201/summary.pdf))

the Trust Fund "an orphan of the aid effort"<sup>350</sup>. In a book published in 2008 ambitiously titled *"Fixing failed states"*, Ghani and co-author Lockhart argue in detail how international assistance not coordinated through the government can undermine the legitimacy of the central government<sup>351</sup>, in an unintended and ironic manner considering that the international community is trying to support the government.

While these criticisms towards donor orientation are fully legitimate from the local and theoretical point of view, the reasons that generated such donor orientation are also well understood. The lack of capacity on the part of the Afghan state bureaucracy was so acute that although all adhered to the official motto of engaging in longer-term institutional capacity building, there was a genuine need to get the initial urgent work done ---and done very quickly to move to further stages within a limited timeframe--- that could not be expected working through the local counterparts, considering the conditions that Afghan state bureaucracy was in. To begin with, the assumption that state bureaucracy existed from the beginning of the Bonn process is misleading. Many ministries were somewhat of an artificial construction, composed of some former state civil servants (many employed under largely dysfunctional governments of the past two decades) and many that were added on the pay-roll without proper screening for qualification. Proper screening and training of employees were not possible in many ministries and at this stage many were not even paid salary and therefore engaged in other gainful activities. A Civil Service Commission envisioned in the Bonn Agreement was set up only in June 2003 as the "Independent Administrative Reform and Civil Service Commission" and its institutional weight was minimal throughout the Bonn Process, as attested by the fact that it was staffed with only one-third of its projected staffing in 2005<sup>352</sup>. Also in terms of infrastructure, most government buildings were shattered and lacked basic equipment ranging from desks to computers to writing equipments. Some ministries disputed for month over land and premise allocation.

At a more fundamental level, government and its entities at various level of the state were not seen as competency-based institutions that are there to perform certain function for the citizens. From the outset of the Bonn Process, senior government

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<sup>350</sup> Rashid 2008, p178.

<sup>351</sup> Ashraf Ghani & Clair Lockart, *Fixing failed states: A framework for rebuilding a fractured world* (Oxford University Press, 2008), p10-12 as well as in many examples related to Afghanistan in various parts of the book.

<sup>352</sup> *"Afghanistan: state building, sustaining growth and reducing poverty"*, Report by the World Bank, 2005, p52.



positions (even at the cabinet level) were treated as a reward for political loyalty, rather than based on merit and competence<sup>353</sup>. By extension, many ministries lacked effective leadership or professional expertise and institutional duplication was commonplace as need for positions created government entities rather than the need for functions to be performed by these entities. Such state of affairs witnessed during the early phase of the Bonn Process improved somewhat towards the end of the Bonn Process<sup>354</sup> but the difficulty of building government capacity persisted. By 2005, the common analysis was that support and capacity building were provided to the top layer of the government but not to layers of bureaucracy implementing government policy vis-à-vis the citizens, especially in the provinces. Some observe that this also fueled serious divide between Kabul and the provinces. To begin with, center-region relation was strenuous due to serious deficit in legitimacy of the central government in the views of the power-holders in the provinces. The fact that the central government even lacked fiscal control, power over appointments and actual monitoring of service delivery further weakened the legitimacy and relevance of the central government in the eyes of the population in the Provinces.

### **2.2.3 Lack of donor coordination**

Of the many complicated issues raised in this stand of dilemma, failing to address the issue of problem on the donor-side to coordinate their assistance will render this analysis severely incomplete. As briefly described above in 2.2.1 with reference to the complex combination of lack of capacity in the Afghan government and the need for accountability in international standards, "donors" are not a unified bloc and lack of coordination among them created additional difficulties in effectively managing peacebuilding efforts. While most donors agree on the grand ideals expressed in the Bonn Agreement, the underlying assumptions of how to reach these objectives and how to prioritize among various urgent needs greatly differ from one donor to another. In addition to these differences which are fundamentally reflection of the particular donor's own systems and political orientation, there are several factors that further complicates the efforts to make donor behaviour coherent as a whole.

Most bilateral donors ---needing to justify the use of, and request for further, public funds from domestic taxpayers--- are under pressure to show their government's

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<sup>353</sup> William Maley, *Rescuing Afghanistan* (Hurst & Co, 2006), p51-54.

particular contribution, in a manner that can be perceived as being different and more meaningful than assistance given by other donors. Many multilateral “donors” are also implementers of technical assistance projects ---many, especially the UN, having to live with increased mandates with greater share of dependence on voluntary contributions-- are under pressure to win resources to be channeled through their own vehicles instead of other agencies’. Most donors ---both bilateral and multilateral--- are desperate to be associated with projects with high visibility, especially those conducted in relatively secure geographical areas. Few donors are willing to contribute to less visible and immediate-impact oriented (“sexy” as it would be referred to by many in the aid community) assistance especially in areas with high security incidents. These include, for instance, infrastructure development in locations with high instability or pay recurrent costs such as energy bills to continue to operate equipment provided by other donors, which are often in critical need of assistance. Donors have common characteristics in this regard and these factors easily lead to duplications and gaps in assistance. While the efforts made at the numerous donor coordination meetings were genuine and not mere rhetoric as all players did see the negative consequence of lack of donor coordination, these underlying conditions made it very difficult to attain actual coordination. In addition, as described in Chapter 8.4 of Part III, unlike in many other post-conflict countries, in the case of Afghanistan some parts of the government soon developed national programmes that offered alternative modalities for execution of assistance activities. These national programmes were admirable and achieved many meaningful results in terms of coordinated response to actual problems of reconstruction, this also further crowded the scene.

An important voice of reason in this context came from Ashraf Ghani who moved from being an advisor to the UN SRSG onto the government-side in the wake of the Bonn talks, initially heading the government’s Afghan Assistance Coordination Authority (ACCA) and then becoming the Finance Minister. Ghani advocated relentlessly for a centralized coordination of international assistance funds through the Afghan government, as described in the previous chapters. While his remarks were respected and support was expressed for the principle of Afghan ownership, Ghani’s plans for a government coordination of international assistance was fundamentally ignored by the donor community<sup>355</sup>. This was partly due to various constraints and interests that the donors had themselves as described above. But what exacerbated the situation was

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<sup>354</sup> The World Bank, 2005.

the reality of the wider Afghan government capacity, as frustrating as it may be for figures such as Ghani. Contrary to Ghani's vision, many in the Afghan Ministries and provincial/local offices lacked the technical capacity or foresight to coordinate assistance and instead requested and/or welcomed similar assistance proposals by several donors that would eventually lead to duplication and confusion. This was most likely the case due to the fact that the officials thought "one or the other deal may not materialize and that it is better to have too many offers than none"<sup>356</sup>, perhaps a reflection of the mentality that many Afghans developed over years of uncertainty.

The result was that despite the huge amount of donor funding poured into the country, little reconstruction took place from the viewpoint of ordinary Afghans, especially in the critical initial year after Bonn. It was unfortunate that this coincided with the relatively short window of opportunity after the change in regime at the end of 2001 when the entire Afghan population was ready to embrace fundamental changes in their behavior<sup>357</sup>. Making decisive and visible progress in reconstruction and promotion of the rule of law through coordinated and targeted assistance during this period could have made a huge impact in convincing the Afghan population that a new era has begun and this could have also positively influenced the wider development of transition in the years that followed. These opportunities were missed due to lack of realistic scenario to coordinate assistance interventions.

As for how such reality may be improved in future situations, the topic of the importance of accountability being questioned in the donors' respective constituency will be explored in detail in Part V Chapter 3.

#### **2.2.4 Did the "light footprint" approach work?**

The philosophy guiding the international community's engagement in Afghan reconstruction and peacebuilding efforts was characterized by the concept of "light footprint" articulated in the Secretary General's report of March 2002<sup>358</sup>.

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<sup>355</sup> Rashid 2008, p174-179.

<sup>356</sup> Kato interview and discussion with educated Afghans serving in the government or UN, Kabul 2004.

<sup>357</sup> Ibid.

*“UNAMA should undertake close coordination and consultation with the Afghan Interim Authority and other Afghan actors to ensure that Afghan priorities lead the mission’s assistance effort. ... UNAMA should aim to bolster Afghan capacity (both official and non-governmental), relying on as limited an international presence and on as many Afghan staff as possible, thereby leaving a light expatriate ‘footprint’.”*

In sharp contrast to the operations in Kosovo or East Timor where UN administered the transitional process with massive presence, UN’s engagement in Afghanistan under the Bonn Process was intentionally kept at minimal level with the view to supporting the Afghan-led process. In addition to Kosovo and East Timor, UN’s Assistance Mission to Afghanistan in the post-Taliban era was also different from other operations UN conducted in the post-Cold War era such as Cambodia, Eastern Slavonia, Bosnia and Herzegovina in that it had no operational responsibility for administering any part of Afghanistan<sup>359</sup>. This approach was based largely on the personal conviction of the SRSG Brahimi who placed utmost importance on local ownership of the process<sup>360</sup>. As we have seen in Chapter 5 of Part I, his belief that the mandates of UN missions should reflect the realities of available resources was already evident in the *Brahimi Report* of 2000. Some observers attributes this to Brahimi’s realism in choosing an appropriate approach for the UN in a country where the active political elites were unlikely to favour being dictated by the international community and the lack of willingness from the international community to guarantee resources required for a more intrusive operation was evident<sup>361</sup>.

While the UN’s integrated mission, UNAMA, kept to its words and deployed relatively modest number of staff and carefully assisted the will of the Afghan government, this in itself did not lead to “light footprints” by the expatriate community as other bilateral donors filled the space. In addition, as the process moved forward, many remarked that despite Brahimi’s best efforts, UN presence itself was also not as light as it was intended to be and that “the arcane regulations which govern the operation of the UN system have on occasion obstructed local capacity building efforts<sup>362</sup>”. By the end of

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<sup>358</sup> S/2002/278, 18 March 2002, para 98.

<sup>359</sup> Richard Caplan, *International governance of war-torn territories: rule and reconstruction* (Oxford University Press, 2005), p14.

<sup>360</sup> Brahimi commented that in the UN-administered transition process as in Kosovo and East Timor he saw resemblance to neo-colonialism. It was on these grounds that he declined to be appointed the SRSG to East Timor. (Sack interview, p4-6)

<sup>361</sup> William Maley, 2006, p109-112.

<sup>362</sup> Nicholas Stockton, *Strategic coordination in Afghanistan* (Afghanistan Research and

2002, every major Ministry had number of international advisors sitting near the Minister's office guiding or performing the work of the Ministry. In the case of some Ministries, there were numerous international advisers placed by different donor governments, sometimes providing contradictory advice. There were some Ministries with more international consultants than Afghans performing tasks at the policy level. Finance Minister Ashraf Ghani who argued ---as we have seen in the previous chapter-- - for channeling of resources to Afghan government institutions, acknowledging the need to meet international standard in performance, took the approach of "capacity enhancement" through contracting foreign consultants and company to perform tasks for his Ministry. Some donors were arguing among each other over policy orientation that would impact the course of Afghanistan's legal framework or institutional arrangements. By the end of the Bonn Process, it is fair to conclude that foreign influence was evident everywhere in Kabul and the notion of "light footprint" seemed dusty and largely counter-factual.

On the other hand, some observers argued that the UN's policy of being the supporter to Afghan decisions were inadequate ---at least in some areas--- at a time when the central government was weak and susceptible to pressure from armed groups. Chris Johnson and Jolyon Leslie assesses that the concept of "light footprint" became used over time as an excuse for the UN and other international players for not facing their responsibility in guiding the Afghan authorities through difficult questions of transition<sup>363</sup>. Based on extensive ground research and observations, Anders Tang Friborg concludes as follows:

*"... even a sovereign government might prefer to refer difficult political decisions to a neutral international institution when faced with an unstable security environment and strong pressure from numerous illegitimate political and military stakeholders. These could include decisions regarding appointments of key military personnel, judges at the Supreme Court, electoral disputes or disarmament. A weak, incoming government also need impartial information about the military and political situation on the ground. With its neutral status and unanimous respect for Mr. Brahimi, UNAMA was from the outset in a unique position to assist the Afghan government. Results have been achieved, but the limited size of the political pillar of UNAMA has hampered its ability to make use*

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Coordination Unit, August 2002) quoted in Maley 2006.

<sup>363</sup> Chris Johnson and Jolyon Leslie, *Afghanistan: the mirage of peace* (Zed Books, 2004), p200. Johnson and Leslie point to the shortcomings of international response in the areas of human

*of its entire potential. It can also be discussed if UNAMA at times has been too reluctant to influence the political process ... UNAMA ought to have done more in a number of key areas such as protection of human rights, judicial reforms, preparation for the national elections, disarmament and dissemination of neutral information about political realities in the field.*<sup>364</sup>

It may be said that involvement of international actors and their "heavy footprints" are, to a certain extent, common and inevitable feature of most countries going through a post-conflict peacebuilding phase. Injection of foreign public funds ---*sine qua non* for most post-conflict transition--- places certain requirement in execution and reporting, which a war-torn country is unlikely to be able to meet on its own. In addition, many donors prefer to give a human face to their assistance and aim to find individuals that can function as a pipe between them and the assisted<sup>365</sup>. Most government agencies welcome such offers of expertise, as the existing technical capacity is extremely low, as we have seen in detail in the previous Chapter. Just how much assistance is beneficial to the host country in the long run is a difficult question to assess, however, as such set up could also have negative impact to the host country, if capacity building programmes are not effectively conducted and dependency to foreign expertise develop.

Ultimately, various interests and needs of actors on all sides must be balanced and met, as without such consideration and only appealing on idealistic/philanthropic grounds, the assistance will not be forthcoming as donor governments need to be accountable to their own tax payers. However, this realist consideration needs to be balanced with the need to be made to match the local population's fundamental preferences and capacity, otherwise the arrangement will not be sustainable, as well as being morally unacceptable in the 21<sup>st</sup> Century inter-state norms. The responsibility of the United Nations staff negotiating on behalf of it to ensure as large a match between these sometimes opposing direction of needs as possible ---necessarily with a slight tilt towards the realist view of the world--- is considerable. It should be concluded that from this perspective, those who negotiated and supported the Bonn Process on behalf of the United Nations were more than successful. But for the result to be matching the needs of the reality, it had to be coupled with success in persuading donor

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rights and transitional justice.

<sup>364</sup> Anders Tang Friborg, "*Afghanistan: Lessons learned from a post-war situation*", Danish Institute for International Studies (DIIS) Working paper no 2004/5, p9.

<sup>365</sup> Kato interview with several donor country representatives, Kabul, July 2004.

governments to act in accordance with good conscience and foresight i.e. fostering the spirit of "do unto others as you would have do unto you" and avoid what may be perceived as double talk as much as possible. This latter condition was not fulfilled in the Afghan experience.





**PART V:**  
**LESSONS LEARNT**  
**FOR FUTURE**  
**UNITED NATIONS**  
**PEACE OPERATIONS**



## 1. STRENGTHS AND WEAKNESSES OF UN PEACE OPERATIONS

As we have seen in Part II, the Post-Cold War world witnessed numerous intra-state conflicts that were fundamentally different in nature to conflicts among states envisioned in the UN Charter<sup>366</sup>. The international community is exploring various models and means to deal with these conflicts and some of them had the UN in the center of the international effort. The authorization of enforcement action by a multinational force in the Persian Gulf in 1991 demonstrated a united Security Council, signaling a substantive departure from its ineffectiveness plagued with superpower vetoes through much of the first four decades. This period witnessed and unprecedented rise in expectation for UN's ability to prevent and solve conflicts. But especially after the widely publicized "failures of the UN" to deal with conflicts in Somalia, Rwanda and Bosnia, different models also became actively explored. In the case of Bosnia and Kosovo, it was the military interventions of the NATO forces that ended the conflict in question, and other regional actors such as EC and OSCE play a central role in the implementation of the post-conflict peace process. In Africa, regional organizations such as the African Union, ECOWAS, SADC play a major role in dealing with conflicts, often in collaboration with the UN but sometimes acting independently<sup>367</sup>.

In the post-9.11 Afghanistan, military intervention by US and UK destroyed the Taliban regime and created space for building peace and while the UN played a key role in supporting the design and implementation of the Bonn Agreement, its efforts in the country was marked with an orientation for "light footprints" as we have seen in Parts III and VI. In relation to Iraq, US is engaged directly since its invasion and removal of the Saddam Hussein regime in 2003, although UN has a presence it is clearly taking a support role while the US runs the process<sup>368</sup>. Mindful of these various forms of international intervention in conflicts in support of peace, in this chapter we shall examine in closer detail the particular strength and weakness of UN peace operations.

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<sup>366</sup> UN Charter Article 2.4 stipulates the principle of prohibition of use of force but it is described in the context of inter-state relations, not within a state: "All Members shall refrain *in their international relations* from the threat or use of force against the territorial integrity or political independence of *any state...*" (Emphasis in italics added by Kato.)

<sup>367</sup> For instance, African Union Mission to Somalia (AMISOM) was created and operated by the African Union's Peace and Security Council, asking for approval by the Security Council in a post-facto manner. ([www.operationspaix.net/-AMISOM-](http://www.operationspaix.net/-AMISOM-))

<sup>368</sup> Tom Lasseter, "UN's Brahimi: Bremer the 'Dictator of Iraq' in shaping Iraqi government", *Common Dreams News Center*, 3 June 2004 ([www.commondreams.org/cgi-bin/print.cgi?file+/](http://www.commondreams.org/cgi-bin/print.cgi?file+/))

## **1.1 Weakness: enforcing peace through military means**

As an extensive empirical research on the topic made by Doyle and Sambanis<sup>369</sup> concludes, UN is generally not good at “making war” but can be good at “building peace”. By “making war” we are referring to peace enforcement action through military means. Such forceful action was part of the underlying expectation in the model of collective security guaranteed by the UN envisioned at the time of birth of the UN and its Charter and therefore hope was high for such role to be played by the UN in the early 1990s, after the end of a long impasse under the Cold War bipolar structure. But as we have seen in the cases of operations eventually categorized as failure of the UN in Somalia, Rwanda or Bosnia, UN operations with peace enforcement mandate have no real record of success to date. One may argue that it is not the mandate of peace enforcement per se that led these specific operations to fail but other combined factors such as lack of adequate resources or problems in command structure of the particular operation, but the fact remains that these underlying problems will remain for the foreseeable future.

As we have seen in Part II, the system of collective security envisioned in the Charter is not operational, as the resources required were never made available. Current military operations conducted in the name of the UN is done in the framework of “peacekeeping” which is in itself a artificial creation, best efforts at responding to conflict situations within realistic constraints. Therefore, one has to accept the fact and begin theorizing from the premise that there is no centralized UN force, even if it is contrary to the design of the Charter and the institutional set up of the UN under the collective security model. This means that even with the best efforts at coordination, military intervention that are made in the name of the UN is still very much a mix-bag of national contingents with highly different standards and norms, and the performance of the “UN troops/peacekeepers” are dependant on the quality, orientation of the individual troop contributing states.

Under such circumstance of skewed structure half way between theories and reality, it is not possible to correctly judge the success or failure of UN peace enforcement operations. Any casual observer can conclude that most developments of the past two decades point to the unlikelihood of the UN force being realized. On the contrary, as we

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headlines04/06/03-01.htm)

have seen, the trend is to encourage UN's collaboration and partnership with other regional organizations or bilateral supporters where peace enforcement operation is required. This amply illustrates the curious way in which International Relations as a discipline develops independent of doctrines and theoretical models, rather being moved by the reality which is coloured by innovation in thinking, matching it with available options.

As a reflection of above recognition, the emphasis given to military solutions ("peace enforcement") in the *Agenda for Peace* ---along the lines envisioned in the Charter--- has given way in the *Brahimi Report* to the notion that UN's engagement with settling and preventing conflicts will be centered not around military means but around its engagement in political processes, supporting forging of consensus and reconstruction work which creates the foundation for peaceful society. This shift has placed greater emphasis on "peacebuilding" in the recent years and the case of Afghanistan aptly mirror this development.

## **1.2 Strength: Legitimacy and the power of ideals**

Turning to the strength of peace operations conducted by the UN ---especially seen in terms of comparative advantage to other actors in the international scene that are engaged in operations to protect or build peace--- two central features are to be identified: they relate to the question of legitimacy and what this dissertation will refer to as "the power of ideals".

There is little dispute that despite many criticisms, the UN as the world's only universal international body where nations small and large meet to translate the lofty ideals of the UN charter into reality, still possesses unparalleled ability to provide legitimacy to internationally sanctioned action. This is highly relevant at two distinct levels of analysis. First is at the level of community of nation states, when the "international community" and its composing entities decide on making certain interventions, the legitimacy provided to the action by UN by defining it as a requirement agreed by the community of nations give a powerful reasoning to mobilize and justify use of public funds towards the domestic constituencies. This is true in times of peace for activities in support of development, for instance, but even more acutely the case at times of

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<sup>369</sup> Doyle and Sambanis, p69-143.

dealing with conflicts, which inevitably raises discussion in most domestic contexts whether the intervention is justified in light of international law, norms and standards which most countries claim to abide by. In some cases ---such as the action against Iraq led by the US and the UK in 2003--- the division among the five Permanent Members of the Security Council may lead individual Member States to give up on "going the UN route" and to nonetheless take action without the blessing of the United Nations. This approach is pursued at times by powerful states ---and especially in the case of the US, the isolationist tendencies surface every now and then depending on the issue--- but when they do, they anticipate certain amount of criticism from other states and from within their country that would question the legitimacy of the action. This is inevitable as in the course of human history many, if not most, wars have been fought for a "just cause" in the opinion of the leaders of states engaged and many acts of aggression ---such as invasions of foreign territories, declaration of war, subjugation to colonialism--- have been made with justifications only acceptable to the invading state. In many actual circumstances in relations between states, it is difficult to distinguish acts of necessary and justifiable intervention in another state from acts of aggression. It was for this reason that mechanisms such as the League of Nations and later the United Nations were created so that, at least in theory, necessary interventions can be properly sanctioned by the wider international community. Even if this theoretically elegant solution is not always applicable in practice due to the reality of divergent positions and interests among states, it does not diminish the underlying structure of generating legitimacy at the international level.

Furthermore, the question of legitimacy is not relevant only at the level of international community but it is also an important factor at the level of local population's perception. Population of countries or territories in need of international support to end conflict and rebuild peace are often suspicious of external intervention as in many cases, they have experienced foreign-power intervention in the context of the conflict that either exacerbated the conflict or made the continuation of the conflict possible through support in resources to a particular party in the conflict. Given such circumstance, it often helps to mitigate the suspicion and resistance by the local population for external intervention, if the United Nations as a neutral actor with moral authority ---at least in people's expectations--- takes the lead in navigating through the political process of transition. Without such form of legitimization, many of the acts conducted ---both the downright military engagement and the peacebuilding efforts--- resemble conditions of foreign invasion and subsequent occupation or colonialism which creates a strong

sense of resentment on the part of the local population and this could lead to further destabilization, as seen in the case of Iraq since 2003. Finally, at the domestic level, UN's legitimacy and neutrality ---when combined with the right personalities representing it--- may play a critical role in bringing and keeping various parties on board with the peace process, since history of conflict often gives limited legitimacy and trust for a particular party/individual in position of legitimate power<sup>370</sup>.

The second feature which this dissertation considers as a unique strength of UN peace operations relate to something less tangible but equally important to the concept of legitimacy in ensuring successful outcomes in operations for peace. It stems from the power of ideals that the UN symbolizes and the hope and expectation it raises in people in many parts of the world. While some of the public debate concerning the UN in highly developed industrialized countries ---most notably in the US where a powerful strand of anti-UN position is discernable among its political elites, and some very vocal ones highlighting the inefficiency and incapacity of the UN has contributed to making a very negative images of the world body--- gives an impression that UN's moral authority is severely damaged, there is a very different picture one encounters in conversation with local population in countries in, or just emerging from, violent conflicts. For many in this group ---which are numerous in size---, intervention of UN gives hope that there will be a just and tangible transition to security and a possibility for realizing a safer lifestyle that they crave. Many express high expectations that "now that the UN is here, we are safe as the whole world is watching us and those making atrocious acts will not be left as they are. UN will protect us and help us" which is often almost heartbreaking to those representing the UN vis-à-vis these ordinary people, knowing the reality of limitation of the UN. It is evident that these ordinary people in conflict/post-conflict countries have no knowledge of how "UN" works, its limitations due to its intergovernmental nature or the discrepancy between its ideals at the normative level and the resources and possible options at the practical level, and as they were often trapped in conflicts and extreme hardship, they have never heard of Srebrenica or the Rwandan genocide. The United Nations still has the power to signify the power of ideals and to bring hope to people just emerging from conflicts and this is a unique strength of the United Nations peace operations that should be carefully nurtured.

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<sup>370</sup> See reflection by Brahimi on this point in Mary Sack, "An interview with Lakhdar Brahimi" in *Journal of International Affairs*, 22 September 2004, Columbia University School of International Public Affairs.

If the power of ideals are used properly and matched by concrete actions that make tangible improvement in living conditions of the population without delay, it can play a crucial role in bringing about cultural change from a mindset and operating rules prevailing in times of conflict to a mindset and operating rules necessary for time of peace<sup>371</sup>. Such change is essential in fostering further foundations for lasting peace --- i.e. to promote action based on respect for the rule of law and human rights--- that are at the core of peacebuilding objectives.

A philosophical question underlying every peace operation is whether international peacebuilding operations should and can be asked to alter the underlying social fabric of the country that created the conflict in the first place. While questions of sovereignty, ownership and other normative considerations are raised by some observers<sup>372</sup>, this dissertation perceives that the answer to this question would have to be a "yes" if the goal of peace operations is to produce conditions for lasting and self-sustaining peace. Then, UN's potential in this area of its unique strength is of great significance and deserves being factored in more strategically in future operations, not just at the idealistic level.

## **2. FACTORS CONSTRAINING THE UN'S ABILITY TO DEAL WITH CONFLICTS**

### **2.1 Unrealistic mandates and unmatched resources**

It should be noted at the outset that one factor seriously affecting UN's capacity to perform effectively in conflict situations is its lack of resources in comparison to the mandates given. Notwithstanding the existence of divergent views on the UN's ability to act as the key chaperon in conflict resolution, UN has emerged as the body to take primary responsibility for conflict resolution in the post-Cold War era and the Security Council mandated UN to take on increasing responsibility over the past two decades. However, even as mandates for UN peace operations increased, the means and resources given to the UN to translate these mandates into action did not increase in a

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<sup>371</sup> On the other hand, if this expectation is not met by the international community as a whole during the critical initial period where hope is prevailing (therefore the timing is a critical factor), it can lead to dangerous disappointment on the part of the local population and hampers the necessary change in mindset and operating rules, as seen in our case study of Afghanistan. Brahimi Report also refers to this point tacitly in para 86-91 "Defining what 'rapid and effective deployment entails'".



corresponding manner. Most importantly, the lack of willingness on the part of effective troop contributing countries to the military component of these UN operations and the fact that UN has to rely on ad hoc voluntary contribution to fund these operations poses serious difficulty for the UN to carry out its mandate in an effective manner<sup>373</sup>. The inability of the UN to develop an independent military capacity has become an accepted state of affairs and has no alteration plans in sight. This situation accounts for the sometimes-odd selection of UN's operations where some conflict deserving intervention may not be met with appropriate action<sup>374</sup>.

Empirical analysis by many specialists in peace operations<sup>375</sup> point to several common conclusions: United Nations peace operations work best when there is a high level of consistency between the needs of the particular conflictual circumstance and the mandate given by the Security Council. The mandate should not be overly ambitious or inconsistent with the prevailing reality on the ground. It should be defined in clear terms based on realistic assessment of resources that will be made available immediately by donors and troop contributing states for the particular operation. The mandate should also not be too rigid and should leave room for flexible approach in implementation on the ground within the confines of the general principles, as once the operation is launched, the time it takes for possible redefinition by the Council of the mandated arrangement is not as fast as the speed at which the circumstances may change on the ground.

Through examining several UN operations that are considered to be failures, such as Somalia, Rwanda or Bosnia, one is bound to notice that most of these missions were created with unrealistic mandates with resources far from sufficient to conduct mandated activities. For instance, Doyle and Sambanis assess that the UN operation in Rwanda was marked with "an inadequate mandate (one that did not reflect the responsibilities envisaged in the treaty, which was better focused on the true challenges) and crucially meager international capacity that resulted in weak implementation"<sup>376</sup>.

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<sup>372</sup> Chesterman, p126-153.

<sup>373</sup> "Commitment gap" is discussed in Brahimi Report, para56-64.

<sup>374</sup> As Simon Chesterman points out, UN activism is generally limited to circumstances coinciding with the national interest of a state or a group of states that were prepared to lead. Therefore, some operations are unable to produce desired results due to lack of contribution from the Member State, exposing a serious weaknesses of UN-led operations.

<sup>375</sup> Doyle and Sambanis 2006, Dobbins et al 2005.

<sup>376</sup> Doyle and Sambanis, p281.

On the other hand, the case of Afghanistan we have examined in detail in this dissertation offers a different picture. The agreement that bound the parties ending conflict as well as the Security Council mandated activities of international military assistance force and UN's civilian assistance mission were all designed with a marked sense of realism, matching (i) the international landscape where various actors (most notably the US who initiated the removal of the Taliban regime) were designing their own engagement, (ii) the national context in Afghanistan where the local political elites had strong opinions and all united in the historically grounded distaste for foreign imposition, and (iii) the relatively small scale of resources that were likely to be made available for the UN operation in the country, considering the enormity of the challenge. As a result, the UN operation in the country is generally considered to be a success, especially when assessed against the mandates given by the Security Council. However, assessment of operational success measured against the given mandate does not necessarily guarantee success in the overall aim of building self-sustaining and lasting peace in the country. In the case of Afghanistan, it could be said that despite the operational success of the UN in the country, several mandates were realistic but not sufficient to address the needs of the country, as illustrated in the mandate of the international security assistance force (ISAF)'s coverage being limited to Kabul and the surrounding area for the critical first two years. We have seen in detail the impact of this on tense and worsening security conditions in many provinces, spread of warlordism and illicit activities including opium economy that made mockery of the legitimate reconstruction efforts, which all added to weakening the credibility of the central government and increased tension in the country. It could be said that the UN managed to get a realistic mandate and since more was not possible, it at least clarified its responsibility in a manner not seen in earlier operations. This is tactically an important and appropriate move by the UN as failing to take such realistic approach made UN subject of criticism when the real factors constraining its abilities lied elsewhere, however nonetheless it is also important to remember the ultimate objective of the UN in bringing peace to the country and its efforts should be measured against these goals as well.

All of the above observations underscore the very heavy responsibility of Security Council Members, especially its permanent members ---the so-called "P5"---, and those in the UN secretariat advising the Council members and assisting in charting the

course<sup>377</sup>, in making sure that appropriate mandates are formulated and once they are given, the mandated activities be matched with resources without delay.

## **2.2 Lack of coherence in Member States' policy**

In addition to the problems arising with misguided mandates and lack of necessary resources, another factor severely constraining the ability of the United Nations to conduct effective peace operations relates to the behavior of Member States, particularly of powerful donor states. In some cases, despite taking an active part in formulating the international engagement centered around the UN and publicly supporting UN's peace operations in a particular conflict, when it comes to the stage of actual implementation on the ground, many bilateral donor agencies engage in activities that compete or conflict with UN's activities. The fact that this is often the case with states that actively worked to have UN's activities authorized ---or even those that contributes financially to UN activities on ear-marked basis--- points to the high likelihood that this state of affairs is a result less of intentional acts to challenge UN's work but more a reflection of lack of coherence in the internal policymaking of the donor country in concern. It is most likely arising from institutional independence and rivalry among various departments of the government, or political pressure of sorts, but the top management of the country should be made aware of and carefully acknowledge the negative consequences of lack of coherence in their action on the overall result and the often inefficient ---sometimes downright wasteful--- use of public funds that occurs as a result of these dynamics.

To illustrate the nature and scope of the problem, it may be worth citing a practical example: Following the conclusion of the peace agreement and endorsement/authorization of UN activities by the Security Council, a particular donor country contributes<sup>378</sup> US\$ 1 million to a UN-administered projectized activity to enhance

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<sup>377</sup> Brahimi Report also alludes on the UN Secretariat's responsibility to advise and identify requirements based on needs rather than based on what seems realistic to be met by the member States. (Brahimi Report, para 59)

<sup>378</sup> To be more specific, at this stage it is most likely only be a "pledge" and the actual collection of funds may take months and many UN agencies cannot start committing or disbursing funds for project activities unless at least some threshold amount is collected in the bank account. This means that the operation need to be funded temporarily through other existing resources and that new commitments such as hiring of project staff or placement of procurement orders will be delayed. This and many other bureaucratic delays that slow down UN's capacity to operate indicated, at minimum, shared responsibility between the donor country and the UN agency when delay occurs as a result.

capacity of a particular government institution ---let us say as a way of example, the Ministry of Interior--- designed to be executed over two years time period. While UN is in its initial state of project implementation where great amount of needs assessment, planning and organizing take place with little visible outcomes, the same donor decides to launch a bilateral assistance project that covers the same Ministry's capacity building with a slightly wider mandate at the scale of US\$ 15 million to be spent in one year duration<sup>379</sup>. This may have been a result of injection of fresh funding due to renewed interest in the topic at the political level or in response to change in public opinion generated by the media. Causes vary but the common effect is that consumed by the urgency and political considerations to absorb and allocate new funding, the highest level of consistency with ongoing and already committed activities are not sought. In the case of some donors, these projects are largely subcontracted to contractors from the donor country and they will be under pressure to finish their project in a limited timeframe. These contractors have very little incentive to coordinate at substantive level with entities such as the UN that are often engaged in relatively longer term capacity building with due considerations for local ownership and sustainability. As a result, the contractor implementing bilateral assistance may provide certain types of training or equipment (e.g. radio equipment for patrolling police officers) at a much larger scale and this would necessitate the UN to scrap or substantially change its plans that took months to develop and process. Add to this picture several additional donors that provide bilateral assistance to the same Ministry with similar objectives. Also, the same donor government may likely have different arms of the governments operating with murky division of labour, each with separate sources of funding and political priority. Compounded by the combination of lack of donor coordination and recipient government's tendency to "ask everyone for everything" without prioritization or coordination (both discussed in Part IV), these lack of coherence and consistency in donor activities creates atrocious lack of efficiency in the overall assistance by the international community.

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<sup>379</sup> Those in charge of these decisions in the donor capital may argue that their change in plan was driven by a frustration with the slow pace UN implements its activities. From their vintage point of view, under political pressure to deliver visible results quickly, they "had to explore different tracks as well". (Based on Kato interview with donor embassy officials in Kabul and Islamabad, July 2004) But when these "disappointments with UN and subsequent change in plan" come in the timeframe of several months from the initial contribution agreement, it is hard to justify their claim in its entirety, as they should have known the realistic constraints on UN operations which make UN action slower than those of some Member States' bilateral assistance programme. At the least, it is lack of foresight on the part of the donor country and

While it is understandable that domestic policy-makers' expectations and requirements in the donor country may favour multiple-track approach combining activities that deliver quick results ---which many donors see as necessary for public opinion--- and longer term intervention as well as to try out different avenues of assistance, in the reality on the ground, such actions by donors taken without detailed calculations and follow up of ensuring highest level of consistency in the overall effort, lead to great confusion and inefficiency for the overall efforts and this factor must be acknowledged.

### **2.3 Institutional silos plaguing the system**

Having highlighted the constraints deriving from the Member States, on the other side of the spectrum that needs to be assessed is the failure of the UN bureaucracy to live up to the challenges by responding as an integrated coherent entity. Despite being normatively united in the mission of creating a better world for the citizens of the world, various parts of the United Nations system have many different priorities that they consider to be more important than others and institutional competition hinders the most efficient implementation of a peacebuilding operation. While lack of coordination and institutional rivalries that negatively affects the peacebuilding process abundantly exist in the wider framework of the donor community ---and indeed among the recipients as well---, this sub-chapter will focus on the dynamics within the UN system organizations where institutional silos are the norm rather than the exception.

It is worth recalling what the "UN system" has come to mean. The United Nations family of organizations, formally referred to as the "United Nations system", is made up of the United Nations Secretariat, the United Nations programmes and funds and the specialized agencies. As summarized in the table below, the secretariat and, to a large extent the programmes and funds, are governed by the same policymaking bodies of the General Assembly, the Economic and Social Councils and the Security Council, all of which are three principle organs of the United Nations operating in the same UN headquarters in New York.

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it is most ironic that this leads to further "slowness" in UN's delivery.

Table 10: Composition and characteristics of the UN system organizations<sup>380</sup>

	UN Secretariat	Programmes and Funds	Specialized agencies	Other affiliated organizations
Reporting to	GA; a principle organ of the UN	Subsidiary bodies of GA	ECOSOC (&/or GA)	Various
Governing bodies	GA	GA	Own governing bodies	Own governing bodies
Budget	UN Regular Budget and voluntary contribution	Own budget	Own budget	Own budget
Example	DPA, DPKO, OCHA, DESA, regional commissions, int'l tribunals	UNDP, UNICEF, UNCTAD, UNEP, UNFPA, UNIFEM, WFP,	ILO, FAO, WHO, UNIDO, ICAO, UNESCO, IMO, IFAD, the World Bank group, IMF	IAEA, OPCW, WTO, CTBTO

Although there are many cases where different policymaking organs based in New York produce mandates to the UN that are not entirely coherent, decisions made in these three principle organs are relatively unified as they are often attended by the same delegations of Member States based in, or coordinated by, their Permanent Missions in New York. This ensures some level of coherence in mandates and policy guidance from Member States that shape the resultant decisions taken by these organs. The same cannot be said for decisions taken by the governing bodies of the specialized agencies which are officially defined as “autonomous organizations working with the United Nations and each other through the coordinating mechanism of the Economic and Social Council”. As even the official PR publication produced by the UN Secretariat states: “The specialized agencies, linked to the United Nations through special agreements, report to the Economic and Social Council and/or the General Assembly. They have their own governing bodies and budgets, and set their own standards and guidelines.”<sup>381</sup> In theory, this is not a problem if the internal policy formulation and execution procedure in the Member States are well controlled and coordinated. In reality, this is not always so straightforward as different institutional (and sometimes even individual) agendas and/or rivalries among various parts of the Member States government dealing with various technical aspects of the UN system’s work tend to give mandates that are not consistent or realistic when conceived as a whole.

<sup>380</sup> Table created by the author.

Institutional turf battles among international agencies often correspond to the competition among the national ministries responsible for the particular technical area. In many donor countries, the resources generated for certain activity area of the UN systems often depends heavily on the position and influence of the Ministry/Department that are in charge and although Ministry of Foreign Affairs or its equivalent struggles to keep the bigger UN picture in mind, overall coordination among various contributions and mandates tend to be in deficit.

There are also differences at a more structural level as well. While the United Nations itself has universal membership and in its principle organ decision-making bodies all decisions are taken on the principle of one state one vote formula, some of the specialized agencies have much more restricted membership and the voting may be weighed<sup>382</sup>. This creates different context in which mandates are given to UN system organizations. The most obvious case in terms of governance structure can be found in the Bretton Woods institutes, the World Bank Group<sup>383</sup> and the International Monetary Fund ---perhaps much better known in terms of organizational category as International Financial Institutions (IFIs)--- that have fundamentally different identity as reflected in their membership and decision making mechanism. In the case of the World Bank, for instance, the level of autonomy is so high and the scale of channeled resources are so great that it is only in a nominal sense that the specialized agency reports to the UN through ECOSOC. In reality, in the case of the World Bank and several other cases, the specialized agency's action taken in line with the mandates and resources given by the respective governing body of the World Bank shape, to a great extent, the content of UN system's intervention in the particular area.

When the delegates from a particular functional ministry of a Member State join with their international counterparts in a UN systems governing body and give mandate to a UN systems organization with functional focus ---whether it be trade, cultural heritage,

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<sup>381</sup> United Nations, *Basic facts about the United Nations* (2000)

<sup>382</sup> Michael Barnett & Martha Finnemore, *Rules For The World: International Organizations In Global Politics* (Cornell University Press, 2004), p223.

<sup>383</sup> The World Bank is a group of five institutions: International Bank for Reconstruction and Development (IBRD), International Development Association (IDA), International Finance Corporation (IFC), Multilateral Investment Guarantee Agency (MIGA), International Centre for Settlement of Investment Disputes (ICSID). The common goal of all institutions is to reduce poverty around the world by strengthening the economies of poor nations. Their aim is to improve people's living standards by promoting economic growth and development. The Bank's governing body is the Board of Governors, in which all member states are represented. General operations are delegated to a smaller group, the Board of Executive Directors, with the

environmental protection, health, education, arms control, gender issues, transnational organized crime, labour issues, post system or any other of the multitude of topics mandated to the entities in the UN system--- that pave the way for uncoordinated action for the UN system as a whole, where does the responsibility for improvement lie? The blames for the resultant lack of coordination in the action taken by the UN system is often placed exclusively on the UN as a question of internal competition. While it is very important to assess further the responsibility of the UN staff to make much greater efforts at coordination, the responsibility and the leverage that the Member States have in changing this reality should also not go unacknowledged.

All of the above notwithstanding, it is still relevant to emphasis the central role that the UN staff needs to play in improving coordination and achieving the greatest level of coherence and impact. Articulating the wider problem of the current international system, including the critical role played by the Member States, is by no means to diminish the serious need for better coordination efforts within the UN system organizations, especially among the core UN secretariat departments and sister agencies, which is so deplorably lacking at present. And the resulting inefficiency is most obviously unacceptable in peacebuilding operations where due to the integrated nature of the required interventions many UN system organizations (together with a host of other actors, both bilateral and multilateral) interact with one another in a relatively small space. As we have seen in the case study of Afghanistan, various mechanisms ---such as the United Nations Country Team (UNCT), the United Nations Development Assistance Framework (UNDF), and consolidated appeals at the field level and the Central Executive Board (CEB), the Executive Committee on Peace and Security (ECPS), the Executive Committee on Economic and Social Affairs (ECESA), the United Nations Development Group (UNDG), Executive Committee on Humanitarian Affairs (ECHA) and the Policy Committee (PC) at the headquarters level--- are available to coordinate efforts among the UN entities. But they are only as good as the people working in the constituting entities. Coordination is less about the division of labour (as the current discussion tends to circle around) than finding ways to work in an integrated manner, based on unique expertise and resources various entities can bring on board. So far, this breakthrough in thinking and practice has not been made. It is believed that this state of affairs led Secretary General Ban Ki-moon to address to his senior most staff in the CEB retreat in the summer of 2008:

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President of the Bank serving as Chairman of the Board.



*"... We must acknowledge how resistant we are to change. It cripples us in our most important job—to function as a team ... we are still too process-oriented. We get too bogged down in internal or bureaucratic technicalities. We waste incredible amounts of time on largely meaningless matters. ...Our job is to change the UN—and, through it, the world. This is the big picture. I am frustrated by our failure, so often, to see it.*

*... Department heads squabble among themselves over posts and budgets and bureaucratic prerogatives, as though as they somehow owned them. But our departments, agencies and programmes are not personal fiefdoms. ... we must change our UN culture. We must move faster. Simplify. Deregulate. De-centralize. Break down barriers and create more mobility within the organization, so that we can draw more fully on the talents of our staff.*

*... Do not mistake me. I value independence. Initiative too. But we must remember that independence is not absolute. We are part of one organization, one UN. Independence does not free us from the need for consultation and collaboration and teamwork. There are no exceptions, even in offices intended to be the most independent. Those of us who act otherwise need a personal reality check. Ego may be getting in our way. ... Let us build networks within the UN to break down bureaucracy.*

*... Our work is urgent. Let us infuse it with a sense of speed and urgency – the passion of accomplishment. Let us not confuse our inner world—the physical halls of this UN—with the real world. Let us always put real-world results ahead of bureaucratic UN process.*

*... When you are trying to do something that is tough, when you are trying to change the status quo, people will resist. Your subordinates will come to you and whisper in your ear. "Boss," they will say. "Your leadership will be undermined. We will lose power within the organization. Resources will be taken away by So and So." Don't listen to them. They are thinking of their own position or benefit, not the larger interest of the UN, or what we are trying to accomplish as a team.*

*... One UN is not a slogan. It is a management imperative. It is the first principle of effectiveness..<sup>384</sup> "*

With an unusual candidness, the Secretary General articulates the inefficiency caused by the institutional silos plaguing the system that ends in disappointing the hope of people that awaits effective intervention by the United Nations. It could be assessed that the fact that such message is being sent from the highest level of the organization

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<sup>384</sup> Secretary general's message to staff shared with all staff through iSeek (Secretariat-wide intranet): "Our job is to change the UN —and, through it, the world" (29 August 2008).

to all staff is a positive sign in itself. It could also be said, however that it illustrates the depth and seriousness of the problem that faces the road for United Nations to transform itself to a coherent organization that can deliver better as one. For the real changes to occur, the most important thing that needs to take place is a change in UN staff's mindset and behavior. Every effort should be made by the management of the UN, consistently supported by the Member States, to bring about such change in its staff, and in some cases where change in mindset and behavior do not occur, they should be given the scope to separate and change the staff who perpetuate the fragmented approach. These are interesting topics of great importance but like the question of the overall UN reform, the topic of improving UN's internal management goes beyond the scope of this dissertation, and therefore detailed discussion will be saved for another occasion. Through this sub-chapter, by carefully assessing the two sides of the problem ---the Member States on the one hand and the UN institutions and its staff on the other--- which usually never make it beyond a polemical discussion of "finding who to blame", this dissertation attempted to analyze the problem of UN's institutional coordination in a comprehensive manner so as to identify possible means for change. The point being made was that while it is correct to argue that a large share of responsibility for lack of coordination and coherence in UN action rest with staff of the UN agencies, it is also important to assess and work on the systematic conditions underlying the UN system that create and perpetuate such lack of cohesion.

### **3. MAXIMIZING UN'S ABILITY TO ASSIST IN POST-CONFLICT PEACEBUILDING**

#### **3.1 Five key considerations**

In order to maximize UN's ability to deal effectively with preventing and ending conflicts and building peace, this dissertation concludes from assessments made in this and previous Parts that factors including the following are of paramount importance:

1. Clear and realistic mandate with matching resources given to the UN
2. Commitment of key Member States to enable UN to play its designated role
3. Leaving room for maneuver and adjustment to match local development
4. Need to focus and prioritize on certain objectives (& coordinate with others)
5. Selecting good SRSGs

While the first two factors were already described at length in this Part and the need

for the third and fourth factors were evident in dealing with the dilemmas in post-conflict peacebuilding that we discussed in Part IV, the human factor of UN's engagement has not been assessed equivalently. Therefore in this final Chapter, we shall review the importance of the role of the SRSG in a post-conflict peacebuilding process, and then one other factor meriting discussion in relation to maximizing UN's overall capacity i.e. United Nation's role in fostering better public understanding of about itself as well as conflicts and post-conflict circumstances it is working with.

While warning against constructing templates or models for post-conflict reconstruction, Simon Chesterman states that it is nevertheless possible to draw some generalizations and concludes that one of the most important lessons to be drawn from the recent UN operations is that personalities of local and international staff in charge can change the course of an operation<sup>385</sup>. The impact of this human factor to peacemaking and post-conflict peacebuilding process is very seldom analyzed ---most likely because of the difficulty to attribute outcomes to individuals and their particular contribution to a multi-faceted process such as those involved in peacebuilding--- but it is often recognized intrinsically by those involved in the process.

One feature evident in the Afghan experience of post-conflict peacebuilding process under the Bonn Agreement was the critical and central role that the representative of the United Nations, the SRSG, played especially in the formulation and the initial implementation stage. It is without doubt that Brahimi's perspectives and recommendations shaped the process profoundly. His contribution was substantiated on the following qualities he possessed: (i) wealth of knowledge about the Afghan conflict ---both its internal and external dimensions--- stemming from his hands-on experience of serving as the SRSG from July 1997- end of 1999<sup>386</sup>, (ii) strong conviction and clear vision of what UN's role in post-conflict situations should be, as refined in the preparation of and expressed in the Brahimi Report. It could be assessed that these personal qualities helped Brahimi to function very effectively in ensuring factors 1, 3 and 4 listed above, namely, he succeeded in designing a peace process based on realistic needs and potentials<sup>387</sup> and obtained mandate for the UN mission from the Security Council matching to it; he designed into the mandated structure

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<sup>385</sup> Chesterman, 2004, p6.

<sup>386</sup> Even though during that period Brahimi's peacemaking efforts led to little result due to lack of genuine cooperation from some parties that were being mediated, as analyzed in Chapter 1 of Part III.

sufficient flexibility to adjust operations according to developments on the ground and left room for political maneuver by not making the agreement too rigid or specific; he prioritized on the virtue of national ownership and local capacity building centered around the support to a strong central government under President Karzai ---which also led to prioritizing on security and stability which was a major weakness for the Karzai administration--- even realizing the costs that may have on some other areas of Bonn Agreement's objectives, it could also be said that he prioritized on looking at now and the future, as opposed to looking into the past, these were his attempts at prioritization, recognizing that everything can not be attained all at once and that UN efforts need to focus. By having offered himself to be available to function as the SRSG, Brahimi also enabled the international community to deal effectively with factor 5. The only remaining factor that was ultimately beyond his control was factor 2 relating to Member States behavior. One could say that scoring favourably in 4 out of 5 success factors is rather exceptional given the complexity of ensuring a good match. The combination of these factors enabled the UN to function effectively in the case of Afghanistan under the Bonn Agreement and it could be assessed that it owed significantly to Brahimi's personal contribution.

### **3.2 Engaging the public and the need for UN to give accurate picture**

At a more fundamental level, United Nations officials and its supporters should begin to speak more candidly, to truly engage with the public ---especially targeting the more affluent and educated segments of the population who may be able to influence public opinion--- about difficult issues and complicated reality United Nations is faced with. This final argument put forward by this dissertation is a purely prescriptive observation.

The world of diplomacy is distinctly traditionalist and conservative, placing great value on discreetness, as illustrated in the fact that being "diplomatic" in common parlance is often equated to not being honest or direct. It is undeniable that this is the context in which the United Nations' political decisions are made. Furthermore, the working culture that tacitly governs the United Nations today is one shaped at a time when "states" were the only relevant category of actors that the United Nations had to deal with in conducting its work. Factoring these two conditions, it is only natural that the United Nations rarely makes direct statement addressed to the public on current affairs

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<sup>387</sup> Echoing the importance attached to the need for realism in Brahimi Report, para 26.

that goes beyond rhetoric and idealism. However, as we have seen in Part II, the past two decades of United Nations' history has seen great shift in thinking and in action regarding basic concepts and norms governing international relations and these may necessitate change in the way the United Nations engages with the public.

For instance, we may examine the concept of sovereignty. While state actors continue to be the only composing members of the United Nations and the principles such as state sovereignty or non-intervention in domestic affairs of a state are still major guiding principles of the international community, these are becoming more of a relative concept and the voice to question unconditional applicability of these principles have grown and created a norm that these rights of a state should only be recognized for state entities that are legitimate<sup>388</sup>. Debates such as those around the concept of "responsibility to protect" and "humanitarian intervention"<sup>389</sup> developed over the past two decades, matching to the reality in which there are many "failed states" among the community of nations that compose the United Nations. In face of such sweeping changes in the landscape of political analysis, even the very concept of security has diversified from the traditional notion of "national security" to include the notion of "human security"<sup>390</sup> where the level of analysis is brought to the level of individual

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<sup>388</sup> What constitutes a minimally required legitimacy of a state is also a subject of fierce debate but here it is meant to say that if those holding (or claiming) the position of a state government are perpetrating crime, abusing the rights of its citizens (or particular segments of it), principles of state sovereignty or non-interference in domestic affairs of a sovereign nation should not be used to allow atrocities to go on unhindered by the international community. There are also many difficult cases, where various parties to conflict claim its legitimacy as the government when in reality they are unable to exert control in a large part of its territory. This was the case with the seat of the Afghan government in the United Nations during the long years of conflict; from 1992, the Mujaheddin coalition government under President Rabbani sent its representative to the UN (taking over from the Communist regime holding the seat during the 1980s) and this remained until 2001 but for the last several years, the Embassy was de facto speaking for one party to the conflict i.e. the Northern Alliance while the Taliban, claiming governing status and controlling 90% of the national territory, established a parallel, unofficial representation to the United Nations.

<sup>389</sup> While this dissertation will not review these two concepts in detail as it does not relate to its main these, the concepts of "responsibility to protect" and "humanitarian intervention" present important perspectives to the work and analysis of the United Nations peace operations. For background on these concepts, see Nicholas J. Wheeler, *Saving strangers: Humanitarian intervention in international society* (Oxford University Press, 2000), Simon Chesterman, *Just war or just peace?: Humanitarian intervention and international law* (Oxford University Press, 2001), and *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (International Development Research Centre, 2001)

<sup>390</sup> The term "human security" (in the sense of its current use) was first articulated in a report by the United Nations Development Programme (UNDP) in 2004. Some of the proponents of human security concept would argue that it replaces the concept of national security but given the reality of the current world where states do continue to function as the main entities defining security needs, it seems more logical to place the concept of human security as a diversification of the security concept not replacing the concept of national security. For general

citizens of the world.

In addition to the change in the concept of statehood at the international level, another major change that transformed some of the fundamental conditions of the world is related to the forces of globalization<sup>391</sup>. With the incredible rate of technological advancements witnessed in the second-half of the 20<sup>th</sup> Century, the world is smaller and the people living on this planet is tightly connected to each other than ever before recognized. Many of today's biggest problems ---including environmental degradation and all its related natural catastrophes, terrorism and many other forms of serious crime, epidemics and other health concerns, illegal migration and trafficking of human beings, chaos in the world-wide financial market--- are transnational in nature and require responses that no government can make on its own. In such a world, a universal international coordinating mechanism such as the United Nations can ---and is expected to--- play a very critical role<sup>392</sup> but its sense of accountability needs to look beyond the Member States to which United Nations as a body is governed by and reporting to. While it is most highly likely that the United Nations will remain an intergovernmental body for the foreseeable future and the primary actors will continue to be state entities, the certainty of this prospect should not preclude the United Nations to engage wider with the general public within Member States to count on their conscientious interest and power to influence the national governments that represent them at the United Nations. Such direct engagement by the United Nations policy makers ---especially those engaged in areas such as peace and security--- have not been strategically attempted by the organization to date<sup>393</sup>.

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reference on the concept of human security see Sandra Jean Maclean, David R. Black & Timothy M. Shaw (Eds), *A Decade of Human Security: Global Governance And New Multilateralisms* (Ashgate Publishing, 2006) and for its linkage with conflicts and the peacebuilding process see Hideaki Shinoda and Ho-Won Jeong (eds), *Conflict and human security: a search for new approaches of peacebuilding* (Hiroshima University Institute for Peace Science, 2004).

<sup>391</sup> John Baylis, Steve Smith, Patricia Owens (eds.), *The Globalization of World Politics*, 4<sup>th</sup> Edition (Oxford University Press, 2008); Kemal Dervis & Ceren Ozer, *A Better Globalization: Legitimacy, Governance, and Reform* (Center for Global Development, 2005); Paul Kennedy, *Preparing for the Twenty-first Century* (Vintage Books, 1993).

<sup>392</sup> A point tirelessly made by various delegations to the United Nations General Assembly plenary sessions each year. Classic academic work suggesting these points are Stephan Krasner, *International Regimes* (Cornell University Press, 1982), Robert O. Keohane, "The demand for international regimes" in *International Organizations*, Vol. 36, No. 2 (Spring 1982), p325-355.

<sup>393</sup> Various efforts to raise awareness of the public regarding the general work of the United Nations is being carried out by the Department of Public Information (DPI) and many UN system entities have specialists dealing with information and communication. However, their role is different from the type of engagement with public suggested here which would include

The central argument being presented in this sub-chapter is that those speaking on behalf of the United Nations should speak frankly and openly about the practical implications of decisions taken by the Member States directing on the work of the United Nations, presenting real choices and counting on informed public opinion to foster practice by governments that would enable the United Nations to deal effectively with conflicts and peacebuilding. Such proposition may at first instance be derided as being unrealistic or naïve, especially by those engaged with UN diplomacy. But it must be emphasized that it is an argument being made based on very realistic considerations. For a failure to create greater and more accurate understanding in public regarding the factors that constrain UN from taking certain effective action in preventing conflicts and serving people in need may bring "criticism towards the United Nations" beyond a limit where UN's authority and capacity become increasingly diminished. If it reaches that level where disillusionment becomes the accepted norm, then UN will be caught in a vicious circle of not being able to perform due to lack of trust (resulting in mandate and resources) and not being able to gain trust due to lack of performance, at that stage UN's inability will become a self-fulfilling prophecy. Assessing from the climate surrounding the United Nations at the beginning of this new Millennium, it seems fair to assess that we are still not in this stage of desperation but it must be assessed that we are at a critical point where the changes need to begin as the disillusionment is growing excessively strong<sup>394</sup>.

Codes of diplomacy and respect for the representatives of the Member States will always govern UN's operating norm and tactfulness is required in any sensitive maneuvering but they should not function in a way where accountability is untraceable and intractable because no one dare speak the real picture. This is close to depriving the public ---"the people" as articulated in the Charter for whom UN serves--- from information and perspectives that should aid in shaping their view of the world, the UN and their governments. In the process, credit and responsibility for successes and

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frank and factual reference to ongoing activities. This may touch on difficulties or differences among Member States or within the Secretariat. Types of activities conducted by the United Nations at present are very different in nature as they focus on neutral information which may appear at times as being nothing more than a "public statement" not shedding greater light to the problem or possible solutions and dangers for the informed public.

<sup>394</sup> Events that severely diminished UN's legitimacy include widely-publicized "failure of the UN" in ill-conceived and severely under-resourced peace-enforcement operations in Somalia, Rwanda and Bosnia (latter two including shocking and unacceptable outcomes such as the Rwandan genocide and the massacre of Srebrenica), the Iraq Oil-for-Food scandal which included the role of the son of Kofi Annan while he was still in office, and lastly the Security Council's inability to agree on the position on Iraq in 2003 and the subsequent non-sanctioned

failures of the “UN” should be attributed to where they belong, whether within UN or in Member State governments. Too often, “the failure of UN” or the “inefficiency of the UN” is discussed in the media and national legislatures as if UN as an entity exists in a form equivalent to a centralized national government, where the government is responsible for and capacitated to setting its priorities, deciding on its interventions and given the power to determine resource allocation. This is simply not the case for the UN which is an intergovernmental body with mixed governance structure with no priority-setting or resource allocation power of its own. All decisions are taken by the Member States in the Principle Organs. All the mandates deciding on and designing the modality of UN peace operations are taken by the Security Council. The Secretariat is subject to the decisions of the General Assembly ---with current membership of 192 states--- on critical resource matters, including human resource management. There is no equivalent of taxation to generate independent revenue and therefore the Secretariat is entirely dependant on assessed regular budget contributions and voluntary contribution from key donor states. The increasing share of the latter on the overall operating costs of the UN means that there is a tight-rope balancing act between the orientation of the donor countries (not to say they are united) and the vast majority of the beneficiary countries in determining priorities that are matching to the recipient’s overall plan and high in feasibility to attract donor funding “without becoming too donor-driven”. It is such a complex and disorganized enterprise and even among those engaged with the United Nations ---both on the Secretariat side and the Member State side--- very few seem to have an overall picture of the United Nations as an enterprise, as many are simply too occupied with one aspect of the organization’s work, looking at the burning tree that is blocking one’s view to see the forest behind it. It is worth asking how many people outside of those engaged with the United Nations are aware of all these underlying conditions and know how they collectively impact on the performance of “the United Nations”. It would be imperative to explore this question in future research and this type of consideration must be factored into the way the United Nations engages with the public.

Despite being in such a state, it is assessed that the United Nations as an entity is more than just a sum of its composing parts and it can ---and it does--- play a significant role in ending and preventing conflicts and building peace, as this dissertation has demonstrated in the case of Afghanistan. This sub-chapter attempted

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military action by the US and UK (two Council members) bypassing the Council.



to argue that its full potential would be realized by additionally taking a more strategic approach in engaging the public, turning more attention to sub-state level owners of the United Nations.



## **PART VI: CONCLUSIONS**



This dissertation set out with the aim to contribute to a better comprehension of how the international community can best engage with countries emerging from conflict, supporting the effort of peacebuilding to avoid the recurrence of violent conflicts that would pose a threat to international peace and security and undermine human security of the citizens of the countries or sub-national entities. Through a review of the changing nature of UN's engagement with conflicts in the post-Cold War era, observing how the practice of peace operations led development of conceptual framework for analysis, the context in which the case study presents itself in the international context was determined.

The Afghan post-conflict peacebuilding process management was selected as a case study to analyze in depth due to the fact that it is one of the major arenas where the international community engaged in ending a conflict and building peace in the new Millennium that saw a fundamental paradigm shift in the aftermath of 9.11. In contrast to the United Nations operations launched in the end of the 1990s in Kosovo and East Timor, UN-led peacebuilding mission in Afghanistan took a determined "light footprint" approach. The peacebuilding support mission was coupled with a multilateral international security assistance force (ISAF) mandated by the Security Council to aid the Afghan government in maintaining security. However, ISAF's role was severely limited during the first half of the Bonn Process as it was only deployed in Kabul and the surrounding area. Throughout the Bonn Process, in the eyes of many Afghans, the international military presence was more strongly equated to the Coalition Forces led by the US deployed in the context of the War on Terror, not for supporting in broader terms the Afghan government in realizing security to create space for peacebuilding. This dual military engagement by the international community complicated the implementation of the Bonn Agreement.

One of the key variables underlying the whole process was the exclusion of a major party to the conflict in the country ---the Taliban--- from the Bonn Process, as their significance at the international level, equated to international terrorists and defined as the enemy of US and the coalition in the War on Terror, was taken to be more relevant than their significance at the country level. Taliban as an Afghan entity is less a "supporter of terrorism" than one among various groups of contending warlords composed of Pashtuns albeit with extremist views. Taliban also embodies partially the Pashtun population's frustration towards non-Pashtun attempts for political dominance after the withdrawal of the Soviet troops. By excluding the Taliban from the post-

conflict transition process and not taking other measures to bring the non-Taliban conservative tribal Pashtuns solidly on board to the process, a sizable segment of the most numerous ethnic group of the country remained outside of the process they had to be a part of if post-conflict peacebuilding was to happen. It is most significant that in the formulation of the Bonn Agreement and its implementation phase, this key party to the conflict had no place in the process of political transition. As this framework remained unaltered during the entire Bonn Process against the background of continued War on Terror, this condition contributed to fostering growth of insurgency against the central government and the Coalition Forces and severely strained the process of state building and the overall political transition. Non-Taliban, traditional Pashtun leaders were either in exile and had weak local power base or were not sufficiently engaged in the process. Having Hamid Karzai as the President and several returnee Pashtuns serve as “technocrat Ministers” in the government was an elegant formula from an international perspective but it made the non-Pashtun ethnic groups feel marginalized while at the same time failing to genuinely bring in the Pashtun population into the transition process.

Another critically important factor was the approach taken by the Afghan transition government and the international community to de-link regional power-holders from their powerbase. While on the one hand tolerating arbitrary use of force and breaking of the rule of law by some commanders and government officials (believed to be cooperative to the Coalition Forces in the War on Terror), labelling some other regional power holders with Mujahideen background as “warlords” and removing them from their locality was an inconsistent policy. Furthermore, by removing the sub-national level actors with the ability to maintain minimal order before the central government’s institutions could take over their function made security situation deteriorate in many parts of the country and this made life more dangerous and/or unfair for many Afghans living outside of Kabul.

Due to these three factors (i.e. continuation of hostile foreign military engagement in the context of the War on Terror throughout the Bonn Process; exclusion of the Taliban from the political transition process and weak linkage to other Pashtun majority groups; and removal of regional commanders who could provide some form of law and order from their power base equating them to “warlords”), attaining and maintaining security had to be the supreme consideration of decision-makers behind the Bonn Process and its implementation. This had come sometimes at the cost of other

important objectives in the peacebuilding process described in the Agreement, such as state institution building, socio-economic development, accountability to past action and promotion of reconciliation between different ethnic groups. This dissertation constructed and proved the hypothesis that this was a situation where external conditions at the inter-state level (i.e. War on Terror) dictated the internal peace process at the intra-state level (i.e. not to include the Taliban in the peace process and therefore having to place security consideration above all other goals) and that in turn negatively affected the peace process to deliver desired result (i.e. security and lasting stable peace), with an impact back to both levels of analysis.

Consequences of this overdimensional focus on security stemming from these key variables included prevalence of "warlordism" where the rule of law was continuously overruled by the rule of gun from the viewpoint of the Afghan population. Accommodationist tendencies of the Afghan transitional administration and its international backers hindered the emergence of a new culture based on respect for law and humanity. These and several other complex dilemmas in post-conflict peacebuilding process were identified in the dissertation.

Some maintained that the unwillingness of the Afghan transitional administration and the international community to confront those undermining the essential tenets of the peace process ---i.e. creating a coherent unified state governed by a strong central government in accordance with the Constitution, introducing the rule of law in the life of the Afghans which include promotion of respect for human rights, pluralism and diversity--- contributed to the declining support and confidence to the peace process on the part of the Afghan population, which in turn made progress additionally difficult. Others were of the opinion that pushing too much on principles would lead to a breakdown of the fragile balance on which the main actors chose to resolve differences without resorting to direct force. The latter was the view held more widely among the decision-makers both in the Afghan government and in the international community supporting it and therefore this policy-line prevailed. It is impossible to assess at this stage whether this was the right approach and what the longer-term consequence of various decisions based on this approach will be, but one fact to be acknowledged is that Afghanistan did manage to navigate through the thorny first years of post-conflict peacebuilding without having all the parties to the peace process reverting to armed conflict. It was assessed that even discounting the fact that a major party to the original conflict was excluded from this picture and continued to destabilize parts of the

country, this in itself should be considered a major achievement given the history of Afghanistan and the context the Process was set in.

The dissertation took note that others argue that the international community, led by the United Nations, should have taken more intrusive measures to alter the power structure of the country and resolving underlying causes of conflictual relationship among the country's various actors at the stage of designing the Bonn Agreement and in the initial stages of its implementation on the ground. It is important to question whether the position and behaviour of the international mediators were not too close to accepting the status quo, not aiming sufficiently to address the underlying causes of continued fighting and dissatisfaction among the Afghan population. However, given the prevailing reality and orientation in the country and in the international community, this dissertation acknowledged that there were no alternatives in a realistic sense for the United Nations guiding the process.

Analyzed against the background of evolution of its engagement in conflicts, UN's operation in the Afghan post-conflict peacebuilding under the Bonn Process was assessed as a success, albeit a qualified one. In actually bringing an end to a series of conflict that spanned for quarter of a Century and in supporting the country gain increasingly legitimate political governance structure, the Bonn Process should be rated highly. Although, even in these spheres, there were factors beyond UN's control at the international level that weakened the level of success, such as the continuation of the combative engagement by foreign military presence that made brining in "insurgents" to the peace process highly difficult. A critical element that limited the success was related to changing the lives of ordinary Afghans by bringing about a society where individuals can feel that they live in a country/community based on the rule of law. On this front, peacebuilding efforts made under the Bonn Process can have less of a claim. Supremacy of security concerns led to double standards in the way key international actors and the central government dealt with warlords and potential spoilers and this also increased the conflictual nature of the process. However, the overall balance sheet needs to be made against what was realistically feasible. Considering the dynamics at the international-level, position of the key international partners of Afghanistan and the conditions prevailing in a country dormant from long years of lawlessness in addition to the originally high level of fragmentation, the dissertation concluded that the peacebuilding efforts under the Bonn Process achieved remarkable results and there are many lessons to be learnt for future endeavours in post-conflict peacebuilding



under circumstances where the process is highly conflictual.

In an attempt to place the Afghan case study in the context of the evolution of UN peace operations, review and assessment of key developments in practice and conceptual frameworks surrounding UN's engagement in conflicts were provided before the examination of the Afghan experience. Having reviewed and assessed the Afghan case study through identifying its characteristics, accomplishments and remaining tasks, as well as the underlying causes for lack of progress in certain areas and complex dilemmas facing the operation in Afghanistan, the dissertation's final segment once again moved to macro-level analysis of UN peace operations.

In order to determine the appropriate role for UN in matters relating to peace and security, identification of the unique strengths and weaknesses of the UN peace operations was attempted. UN is mal-equipped to deal with peace enforcement operations, mainly due to the absence of appropriate tools at its disposal. Even if such capacity was envisioned in the Charter at the time of UN's inception, the reality of the world and the Member States' preference as expressed in deeds and resource allocation indicates that this condition is unlikely to change in the foreseeable future. In fact, the trend in the recent years has been to pursue partnership with regional organizations and bilateral or multilateral military force not under UN's command when peace enforcement task is required. UN itself is moving towards such notion of concentrating on its core strength related to political and social aspects of the peace process, as articulated in various recent reports including the *Millennium Report* (2000), *Brahimi Report* (2000), High-level Panel's report on *Threats, Challenge and Change* (2004), and SG's report *In Larger Freedom* (2005) as discussed in detail in the dissertation.

This is the background in which this dissertation identified as UN's key strength in peace operations its ability to generate legitimacy and the power of ideals UN symbolizes. The latter can make significant contribution to the process in bringing about the necessary change in mentality and operational norm, signaling to the people undergoing transition a sharp departure from conflict-prone societal relationship. In addition to the clear weakness of UN in enforcing peace through military means, several factors constraining UN's ability to perform effectively in peace operations --- even when they do not involve peace enforcement mandates--- were analyzed in a threefold manner. First is related to the inappropriate/unrealistic mandates given by

the Member States to the UN through the Security Council and a severe lack of resources made available to implement the mandated operation. The second factor hindering effective UN operations in post-conflict peacebuilding setting is the lack of coherence and consistency in the Member States' policy, especially in the implementation phase where a government may be pursuing multiple-track approach in assistance without strategic coordination or prioritization. This typically results in bilateral assistance projects duplicating or conflicting with UN's assistance projects --- sometimes funded by the same donor through another government department---. While many coordination meetings take place among various donors to avoid such situations, in a rush "to demonstrate that country/agency X is making a difference", these situations ---extremely wasteful, confusing and disappointing in the eyes of those waiting to see a difference brought by international engagement--- will most likely be improved only through stronger monitoring in the donor country/agency from the perspective of public funds use accountability. The third key factor that hinders effective operations by UN in post-conflict peacebuilding is related to the way UN system organizations function in reality. While institutional silos and turf battles plague the UN system organizations which requires serious change in the minds of the people working for the world body ---in some cases, almost as profound a change in mentality and behaviour pattern as those required in population moving from conflict to post-conflict rule-based society are required---, it is also important to recognize that like most other things related to the UN, the Member States have a key role in charting and enabling such change to occur as the silos often relate to the fundamental structure of the world enterprise. They are often reflection and extension of the institutional divide and lack of coherence observable in Member States, as different pockets and funding mechanisms, governance structures and priorities among various agencies are complicit in the problematic state of affairs surrounding the world body which consistently falls short of meeting the expectation of those in need around the world.

Based on above observations, five key considerations were identified as factors conducive to maximizing UN's ability to deal effectively with preventing and ending conflicts and building peace: (i) Clear and realistic mandate with matching resources given to the UN, (ii) Commitment of key Member States to enable the UN to play its designated role, (iii) Leaving room for maneuver and adjustment to match local development, (iv) Need to focus and prioritize on certain objectives (& coordinate with others), and (v) Selecting good SRSGs. The success of the Afghan experience as an UN

operation is attributable to the fact that four out of five (all except the second) were met to a great degree and it owed heavily on the contribution of SRSG Brahimi in the design and initial implementation phase, which underlines the importance of the fifth factor.

The dissertation argued that at a more fundamental level, United Nations officials and its supporters should begin to speak more candidly, to truly engage the public --- especially targeting the more affluent and educated segments of the population who may be able to influence public opinion--- about difficult issues and complicated reality the United Nations is faced with. The world of diplomacy is decidedly traditionalist and the UN work culture was set when the state entities were the only relevant actor from the viewpoint of the UN. But the changing understanding of statehood is being debated (including the challenges posed to basic concepts of state sovereignty and non-intervention in internal affairs by concepts such as “humanitarian intervention” and “the responsibility to protect”) and the forces of globalization are requiring transnational action and highlighting the relevance of non-state actors. These great shifts in thinking and in action regarding basic concepts and norms governing international relations necessitate change in the way the United Nations acts with its Member States and engages with the public.

A failure to create greater and more accurate understanding in public regarding the factors that constrain UN from taking certain effective action in preventing conflicts and serving people in need may bring “criticism towards the United Nations” beyond a limit where UN’s authority and capacity become increasingly diminished. If it reaches that level where disillusionment becomes the accepted norm, then UN will be caught in a vicious circle of not being able to perform due to lack of trust (resulting in mandate and resources) and not being able to gain trust due to lack of performance.

Codes of diplomacy and respect for the representatives of the Member States will always govern UN’s operating norm and tactfulness is required in any sensitive maneuvering but they should not function in a way where accountability is untraceable and intractable because no one dare speak the real picture. This is close to depriving the public ---“the people” as articulated in the Charter for whom UN serves--- from information and perspectives that should aid in shaping their view of the world, the UN and their governments. Too often, “the failure of UN” or the “inefficiency of the UN” is discussed in the media and national legislatures as if UN as an entity exists in a form

equivalent to a centralized national government. In reality, UN is a highly complex and disorganized enterprise and very few seem to have an overall picture of the United Nations as an enterprise. It is worth asking how many people outside of those engaged with the United Nations are aware of all these underlying conditions and know how they collectively impact on the performance of "the United Nations". The dissertation suggested it would be imperative to explore this question in future research and this type of consideration must be factored into the way the United Nations engages with the public.

Finally, it was assessed that the United Nations as an entity is more than just a sum of its composing parts and it can ---and it does--- play a significant role in the area of ending and preventing conflicts and building peace, as this dissertation has demonstrated in the case of Afghanistan. It was argued that its full potential of the United Nations peace operations would be realized by additionally taking a more strategic approach in engaging the public, turning more attention to sub-state level owners of the United Nations.

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## **Expression of appreciation**

Although this is only a small step in the continuous pursuit for academic investigation on policy development related to Afghanistan's post-conflict peacebuilding process, it has nonetheless been quite a challenge for the author, especially as it was a private project conducted on the side of fulltime professional engagement as well as being a mother of a toddler at home. The fact that I was nonetheless able to manage through the process with enthusiasm and delight was only made possible due to generous support of others whom I would like to thank wholeheartedly.

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### **List of Acronyms**

AMF (Afghan Militia Forces)  
ANA (Afghan National Army)  
ANBP (Afghan New Beginnings Programme)  
ANP (Afghan National Police)  
AU (African Union)  
CEB (Central Executive Board)  
DDR (Disarmament, Demobilization and Reintegration of former combatants)  
DIAG (Disbandment of Illegal Armed Groups)  
DPA (Department for Political Affairs)  
DPKO (department for Peacekeeping Operations)  
ECESA (Executive Committee on Economic and Social Affairs)  
ECHA (Executive Committee on Humanitarian Affairs)  
ECPS (Executive Committee on Peace and Security)  
ECOMOG (Economic Community of West African States Monitoring Group)  
ECOSOC (Economic and Social Council)  
EU (European Union)  
GA (General Assembly)  
IFI (International Financial Institutions)  
JCMB (Joint Coordination and Management Body?)  
JEMB (Joint Electoral Management Body)  
NA (Northern Alliance)  
NATO (North Atlantic Treaty Organization)  
OSCE (Organization for Security and Cooperation in Europe?)  
PC (Policy Committee)  
PDPA (People's Democratic Party of Afghanistan)  
UNAMA (United Nations Assistance Mission in Afghanistan)  
UN (United Nations)  
UNCT (United Nations Country Team)  
UNDAF (United Nations Development Assistance Framework)  
UNDG (United Nations Development Group)  
UNDP (United Nations Development Programme)  
UNODC (United Nations Office on Drugs and Crime)  
SADC (South African Development Community)  
SC (Security Council)  
SG (Secretary-General)  
SRSG (Special Representative of the Secretary-General)  
SSR (Security Sector Reform)

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AGREEMENT ON PROVISIONAL ARRANGEMENTS IN AFGHANISTAN PENDING  
THE RE-ESTABLISHMENT OF PERMANENT GOVERNMENT INSTITUTIONS<sup>395</sup>  
("Bonn Agreement")

The participants in the UN Talks on Afghanistan,  
In the presence of the Special Representative of the Secretary-General for Afghanistan,  
Determined to end the tragic conflict in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights in the country,  
Reaffirming the independence, national sovereignty and territorial integrity of Afghanistan,  
Acknowledging the right of the people of Afghanistan to freely determine their own political future in accordance with the principles of Islam, democracy, pluralism and social justice,  
Expressing their appreciation to the Afghan Mujahideen who, over the years, have defended the independence, territorial integrity and national unity of the country and have played a major role in the struggle against terrorism and oppression, and whose sacrifice has now made them both heroes of jihad and champions of peace, stability and reconstruction of their beloved homeland, Afghanistan,  
Aware that the unstable situation in Afghanistan requires the implementation of emergency interim arrangements and expressing their deep appreciation to His Excellency Professor Burhanuddin Rabbani for his readiness to transfer power to an interim authority which is to be established pursuant to this agreement,  
Recognizing the need to ensure broad representation in these interim arrangements of all segments of the Afghan population, including groups that have not been adequately represented at the UN Talks on Afghanistan,  
Noting that these interim arrangements are intended as a first step toward the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government, and are not intended to remain in place beyond the specified period of time,  
Recognizing that some time may be required for a new Afghan security force to be fully constituted and functional and that therefore other security provisions detailed in Annex I to this agreement must meanwhile be put in place,  
Considering that the United Nations, as the internationally recognized impartial institution, has a particularly important role to play, detailed in Annex II to this agreement, in the period prior to the establishment of permanent institutions in Afghanistan,  
Have agreed as follows:

THE INTERIM AUTHORITY

I. General provisions

- 1) An Interim Authority shall be established upon the official transfer of power on 22 December 2001.
- 2) The Interim Authority shall consist of an Interim Administration presided over by a Chairman, a Special Independent Commission for the Convening of the Emergency Loya Jirga, and a Supreme Court of Afghanistan, as well as such other courts as may be established by the Interim Administration. The composition, functions and governing procedures for the Interim Administration and the Special Independent Commission are set forth in this agreement.
- 3) Upon the official transfer of power, the Interim Authority shall be the repository of Afghan sovereignty, with immediate effect. As such, it shall, throughout the interim period, represent Afghanistan in its external relations and shall occupy the seat of Afghanistan at the United Nations and in its specialized agencies, as well as in other international institutions and conferences.
- 4) An Emergency Loya Jirga shall be convened within six months of the establishment of the Interim Authority. The Emergency Loya Jirga will be opened by His Majesty Mohammed Zaher, the former King of Afghanistan. The Emergency Loya Jirga shall decide on a Transitional Authority, including a broad-based transitional administration, to lead Afghanistan until such

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<sup>395</sup> Full text based on official translation quoted from the Afghan government website ([www.afghangovernment.com/AfghanAgreementBonn.htm](http://www.afghangovernment.com/AfghanAgreementBonn.htm)), also submitted to the United Nations as attachment to a letter from the Secretary-General to the President of the Security Council dated 5 December 2001 (S/2001/1154).

time as a fully representative government can be elected through free and fair elections to be held no later than two years from the date of the convening of the Emergency Loya Jirga.

5) The Interim Authority shall cease to exist once the Transitional Authority has been established by the Emergency Loya Jirga.

6) A Constitutional Loya Jirga shall be convened within eighteen months of the establishment of the Transitional Authority, in order to adopt a new constitution for Afghanistan. In order to assist the Constitutional Loya Jirga prepare the proposed Constitution, the Transitional Administration shall, within two months of its commencement and with the assistance of the United Nations, establish a Constitutional Commission.

## II. Legal framework and judicial system

1) The following legal framework shall be applicable on an interim basis until the adoption of the new Constitution referred to above:

i) The Constitution of 1964, a/ to the extent that its provisions are not inconsistent with those contained in this agreement, and b/ with the exception of those provisions relating to the monarchy and to the executive and legislative bodies provided in the Constitution; and

ii) existing laws and regulations, to the extent that they are not inconsistent with this agreement or with international legal obligations to which Afghanistan is a party, or with those applicable provisions contained in the Constitution of 1964, provided that the Interim Authority shall have the power to repeal or amend those laws and regulations.

2) The judicial power of Afghanistan shall be independent and shall be vested in a Supreme Court of Afghanistan, and such other courts as may be established by the Interim Administration. The Interim Administration shall establish, with the assistance of the United Nations, a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions.

## III. Interim Administration

### A. Composition

1) The Interim Administration shall be composed of a Chairman, five Vice Chairmen and 24 other members. Each member, except the Chairman, may head a department of the Interim Administration.

2) The participants in the UN Talks on Afghanistan have invited His Majesty Mohammed Zaher, the former King of Afghanistan, to chair the Interim Administration. His Majesty has indicated that he would prefer that a suitable candidate acceptable to the participants be selected as the Chair of the Interim Administration.

3) The Chairman, the Vice Chairmen and other members of the Interim Administration have been selected by the participants in the UN Talks on Afghanistan, as listed in Annex IV to this agreement. The selection has been made on the basis of professional competence and personal integrity from lists submitted by the participants in the UN Talks, with due regard to the ethnic, geographic and religious composition of Afghanistan and to the importance of the participation of women.

4) No person serving as a member of the Interim Administration may simultaneously hold membership of the Special Independent Commission for the Convening of the Emergency Loya Jirga.

### B. Procedures

1) The Chairman of the Interim Administration, or in his/her absence one of the Vice Chairmen, shall call and chair meetings and propose the agenda for these meetings.

2) The Interim Administration shall endeavour to reach its decisions by consensus. In order for any decision to be taken, at least 22 members must be in attendance. If a vote becomes necessary, decisions shall be taken by a majority of the members present and voting, unless otherwise stipulated in this agreement. The Chairman shall cast the deciding vote in the event that the members are divided equally.

### C. Functions

1) The Interim Administration shall be entrusted with the day-to-day conduct of the affairs of state, and shall have the right to issue decrees for the peace, order and good government of



Afghanistan.

2) The Chairman of the Interim Administration or, in his/her absence, one of the Vice Chairmen, shall represent the Interim Administration as appropriate.

3) Those members responsible for the administration of individual departments shall also be responsible for implementing the policies of the Interim Administration within their areas of responsibility.

4) Upon the official transfer of power, the Interim Administration shall have full jurisdiction over the printing and delivery of the national currency and special drawing rights from international financial institutions. The Interim Administration shall establish, with the assistance of the United Nations, a Central Bank of Afghanistan that will regulate the money supply of the country through transparent and accountable procedures.

5) The Interim Administration shall establish, with the assistance of the United Nations, an independent Civil Service Commission to provide the Interim Authority and the future Transitional Authority with shortlists of candidates for key posts in the administrative departments, as well as those of governors and uluswals, in order to ensure their competence and integrity.

6) The Interim Administration shall, with the assistance of the United Nations, establish an independent Human Rights Commission, whose responsibilities will include human rights monitoring, investigation of violations of human rights, and development of domestic human rights institutions. The Interim Administration may, with the assistance of the United Nations, also establish any other commissions to review matters not covered in this agreement.

7) The members of the Interim Administration shall abide by a Code of Conduct elaborated in accordance with international standards.

8) Failure by a member of the Interim Administration to abide by the provisions of the Code of Conduct shall lead to his/her suspension from that body. The decision to suspend a member shall be taken by a two-thirds majority of the membership of the Interim Administration on the proposal of its Chairman or any of its Vice Chairmen.

9) The functions and powers of members of the Interim Administration will be further elaborated, as appropriate, with the assistance of the United Nations.

#### IV. The Special Independent Commission for the Convening of the Emergency Loya Jirga

1) The Special Independent Commission for the Convening of the Emergency Loya Jirga shall be established within one month of the establishment of the Interim Authority. The Special Independent Commission will consist of twenty-one members, a number of whom should have expertise in constitutional or customary law. The members will be selected from lists of candidates submitted by participants in the UN Talks on Afghanistan as well as Afghan professional and civil society groups. The United Nations will assist with the establishment and functioning of the commission and of a substantial secretariat.

2) The Special Independent Commission will have the final authority for determining the procedures for and the number of people who will participate in the Emergency Loya Jirga. The Special Independent Commission will draft rules and procedures specifying (i) criteria for allocation of seats to the settled and nomadic population residing in the country; (ii) criteria for allocation of seats to the Afghan refugees living in Iran, Pakistan, and elsewhere, and Afghans from the diaspora; (iii) criteria for inclusion of civil society organizations and prominent individuals, including Islamic scholars, intellectuals, and traders, both within the country and in the diaspora. The Special Independent Commission will ensure that due attention is paid to the representation in the Emergency Loya Jirga of a significant number of women as well as all other segments of the Afghan population.

3) The Special Independent Commission will publish and disseminate the rules and procedures for the convening of the Emergency Loya Jirga at least ten weeks before the Emergency Loya Jirga convenes, together with the date for its commencement and its suggested location and duration.

4) The Special Independent Commission will adopt and implement procedures for monitoring the process of nomination of individuals to the Emergency Loya Jirga to ensure that the process of indirect election or selection is transparent and fair. To pre-empt conflict over nominations, the Special Independent Commission will specify mechanisms for filing of grievances and rules for arbitration of disputes.

5) The Emergency Loya Jirga will elect a Head of the State for the Transitional Administration

and will approve proposals for the structure and key personnel of the Transitional Administration.

#### V. Final provisions

1) Upon the official transfer of power, all mujahidin, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority, and be reorganized according to the requirements of the new Afghan security and armed forces.

2) The Interim Authority and the Emergency Loya Jirga shall act in accordance with basic principles and provisions contained in international instruments on human rights and international humanitarian law to which Afghanistan is a party.

3) The Interim Authority shall cooperate with the international community in the fight against terrorism, drugs and organized crime. It shall commit itself to respect international law and maintain peaceful and friendly relations with neighbouring countries and the rest of the international community.

4) The Interim Authority and the Special Independent Commission for the Convening of the Emergency Loya Jirga will ensure the participation of women as well as the equitable representation of all ethnic and religious communities in the Interim Administration and the Emergency Loya Jirga.

5) All actions taken by the Interim Authority shall be consistent with Security Council resolution 1378 (14 November 2001) and other relevant Security Council resolutions relating to Afghanistan.

6) Rules of procedure for the organs established under the Interim Authority will be elaborated as appropriate with the assistance of the United Nations.

This agreement, of which the annexes constitute an integral part, done in Bonn on this 5th day of December 2001 in the English language, shall be the authentic text, in a single copy which shall remain deposited in the archives of the United Nations. Official texts shall be provided in Dari and Pashto, and such other languages as the Special Representative of the Secretary-General may designate. The Special Representative of the Secretary-General shall send certified copies in English, Dari and Pashto to each of the participants.

For the participants in the UN Talks on Afghanistan:

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Mr. S. Hussain Anwari

Mr. Hedayat Amin Arsala

Mr. Sayed Hamed Gailani

Mr. Rahmatullah Musa Ghazi

Eng. Abdul Hakim

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Mr. Abbas Karimi

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Witnessed for the United Nations by:

Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan

## **Abstract (Deutsch)**

Die vorliegende Dissertation zielt auf ein besseres Verständnis ab, wie sich die internationale Gemeinschaft am besten in Nachkriegsländern engagiert, um sie bei ihren Maßnahmen im Rahmen des nationalen Wiederaufbaus zu unterstützen.

Der erste Teil untersucht die sich wandelnde Charakteristik der UN-Operationen im Rahmen des Wiederaufbaus. Dabei wird auch Bezug genommen auf verschiedene Definitionen und Ereignisse, die für die Literatur maßgeblich waren, die sich insbesondere auf Konflikte der Ära nach dem Kalten Krieg konzentriert. Im zweiten Abschnitt wird der durch die „Bonner Vereinbarung“ geregelte Plan zum Wiederaufbau Afghanistans besprochen, indem sein Ursprung, Inhalt, Ablauf analysiert wird sowie die Faktoren, die die Umsetzung des Plans beeinflussten. Anschließend wird der Bonn-Prozess bewertet sowohl hinsichtlich seiner Erfolge als auch seiner Mängel und zwei Hauptprobleme im Prozess des Wiederaufbaus identifiziert.

Das erste Hauptproblem bezieht sich auf den Ausschluss der Taliban und die Haltung gegenüber den Warlords, was auf die Bevorzugung des Krieges gegen den Terror gegenüber den nationalen Wiederaufbau Afghanistans zurückzuführen ist. Dieses Problem resultiert aus dem konfliktgeladenen Friedensprozess, einschließlich der Wahrnehmung eines Doppelstandards und dem schwierigen Ausgleich zwischen den unterschiedlichen Bedürfnissen von Sicherheit einerseits und Gerechtigkeit andererseits. Das zweite Hauptproblem bezieht sich auf die Beteiligung der internationalen Gemeinschaft. Der Druck auf die afghanischen staatlichen Organisationen und auf die Ziele des Friedensprozesses durch die Wünsche der internationalen Geberorganisationen werden bewertet, indem die Grundsätze wie „light footprint“ und „afghanische Eigenverantwortung“ geprüft werden.

Basierend auf den Ergebnissen der Afghanistan-Fallstudie werden schließlich die Stärken und Schwächen der UN Friedensmissionen bestimmt durch die Identifikation von Faktoren, die die Fähigkeit der UN beschränken, in Konfliktsituationen effektiver zu handeln. Des weiteren werden Wege erforscht, um die Leistungsfähigkeit der UNO bezüglich effektiven Handelns im Rahmen von Friedensmissionen zu maximieren.

## Abstract (English)

This dissertation aims to contribute to a better comprehension of how the international community can best engage with countries emerging from conflict, supporting the effort of post-conflict peacebuilding.

The first segment examines the changing nature of UN operations in post-conflict settings, drawing on various definitions and events that shaped the literature on UN's engagement with conflicts with particular focus on the post-Cold War era. The second segment will review the Afghan post-conflict transition process governed by the Bonn Agreement by analyzing its origin, content, progress and factors that affected its implementation. Subsequently, assessment of the Bonn Process will be made both in terms of its achievements and shortcomings, as well as by identifying two broad stands of dilemmas in post-conflict peacebuilding process.

The first strand of dilemmas relates to the exclusion of the Taliban as well as the stance towards warlords, both of which were affected by the primacy given to the War on Terror as opposed to rebuilding of the Afghan state. This strand of dilemmas arise from what is referred to as *conflictual* peacebuilding, including analysis on the perception of double standards as well as the difficult balance that had to be struck between the two distinct needs for security and justice. The second strand of dilemmas relates to the involvement of the international community. Examining the guiding principle such as the "light footprint" and "Afghan ownership" assessing the results, the impact of the demands placed by international donor agencies to the Afghan state institutions and on the objective of the peacebuilding process will be assessed.

Based on the findings of the Afghan case study, the final segment will determine the strengths and weaknesses of UN peace operations, identifying factors constraining UN's ability to deal more effectively with conflict situations and explore ways to maximize UN's capacity to deal effectively with post-conflict peacebuilding.

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## Education

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