

DCAF REGIONAL
PROGRAMMES

**AFGHANISTAN'S
SECURITY SECTOR
GOVERNANCE
CHALLENGES**

DCAF Afghanistan
Working Group



The Geneva Centre for
the Democratic Control
of Armed Forces

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CHALLENGES**

Geneva Centre for the Democratic Control
of Armed Forces
(DCAF)
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The Geneva Centre for the Democratic Control of Armed Forces is one of the world's leading institutions in the areas of security sector reform (SSR) and security sector governance (SSG).

DCAF provides in-country advisory support and practical assistance programmes, develops and promotes appropriate democratic norms at the international and national levels, advocates good practices and makes policy recommendations to ensure effective democratic governance of the security sector.

DCAF's partners include governments, parliaments, civil society, international organisations and the range of security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

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Geneva

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INTRODUCTION

In recent years, the need for improved public security has become a critical issue in Afghanistan. For Afghan citizens, the provision of public security is but one of many governance issues facing society including access to public services, justice, transparency, accountability and freedom from fear. Democratic institutions, the media and civil society have all ensured that the governance of the security sector, not only at national but international levels, has remained a high profile issue. Moreover, NATO partner-nations have made institution building a central—and legitimating—pillar of assistance rendered through the International Security Assistance Force.

In a governance context, it is presupposed that the security sector is transparent, accountable, that democratic institutions have appropriate instruments with which to analyse and amend security policy and practice, and citizens are able to voice their security needs to security providers. The challenge in Afghanistan remains one of how to create long term solutions to clearly identified security governance problems. In this regard, understanding the capacity development needs of Afghan institutions will remain crucial in the long term.

Since 2007, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) has worked with the National Assembly of Afghanistan, civil society organisations and the Ministry of Defence on security sector oversight needs and good practices. This limited engagement has, nevertheless, been fruitful, and this book contains a series of articles commissioned while DCAF implemented a small-scale project in Afghanistan between 2007 and 2009.¹

The intention of the survey was to preliminarily map the security governance needs of Afghanistan and the valuable contributions still reflect the salient aspects of the challenges facing national and international actors in Afghanistan. Regrettably, three chapters of this ultimately survey could not be published due to the sensitivity surrounding their subject matter, leading, in turn, to a major delay in circulation of this publication. DCAF thanks the remaining authors for their patience and hopes the papers contribute to the wider—and ongoing—

¹ For more information please see <www.dcaf.ch/dcaf/Projects/About?lng=en&id=123752>.

discussion on rendering meaningful security governance assistance to Afghan institutions and society.

DDr. Philipp Fluri
Deputy Director
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Chapter 1

Reconstructing the Defence Sector

Dr. Antonio Giustozzi

Introduction

The Bonn Agreement of December 2001 failed to tackle a number of aspects of security sector reform (SSR). It was limited to stating only that all anti-Taliban armed groups were to come under the control of the Interim Authority. Essentially, that SSR even became an issue was largely due to international pressure. In fact, the first official statement of the need to establish a “security sector [...] constituted in accordance with and guided by international humanitarian and human rights law” appeared in a report of the United Nations (UN) Secretary-General dated 18 March 2002.¹ With regard specifically to the creation of a new, “truly multi-ethnic and apolitical” national army, the report identified the following pre-conditions:

1. Political agreement on its primary purposes
2. Political agreement on its overall size and command structure
3. Non-factional control
4. A parallel disarmament, demobilisation and reintegration (DDR) programme, prioritising reintegration over demobilisation and disarmament.

The United States was identified as the lead donor country in helping to establish such an army. Initially, a Combined Security Transition Command-Afghanistan (CSTC-A, initially named Office of Military Cooperation-Afghanistan or OMC-A, renamed Office of Security Cooperation-Afghanistan or OSC-A in 2005) was set up by the US Army to plan and implement the reform of the Afghanistan National Security Forces. The Cooperation between international and local parties in SSR was to be managed through the Joint Coordination Body—established in January 2002—which supervised the gathering of armed groups under the control of the Afghan Ministry of Defence (MoD).² However, at the same time, a debate was raging between the MoD and the International Security Assistance Force (ISAF)

¹ UN Secretary-General, Report on “The situation in Afghanistan and its implications for international peace and security,” *A/56/875-S/2002/278*, 18 March 2002.

² The Body included representatives from the UN, the Interim Authority and the International Security Assistance Force (ISAF) and met daily to coordinate activities and operations.

over the size of the army-to-be, over its profile (volunteer or conscript force) and over the “mechanisms for democratic control,” as detailed below.³ This protracted tug-of-war among partners characterised the period up to 2004 and still did not entirely dissipate thereafter. A succession of confrontations and compromises eventually resulted in substantial reform of the MoD which, however, tended to ignore issues of factionalisation and interpret the internal imbalance in ethnic terms. In the meantime, control over the newly established Afghan National Army (ANA) was seized by the US Armed Forces. At the time of writing, the MoD had not yet succeeded in reclaiming control over the ANA which, as of the end of 2008, still lacked real autonomy and was largely dependent on the support of foreign contingents and of embedded training teams (ETTs or OMLTs – Operational Mentor and Liaison Team).

It can be argued that the excessively protective attitude of the US in particular did not allow the ANA to grow and reach maturity. Several of the problems it faced can be traced back to this ‘protectiveness’: lack of discipline, tactical proficiency but operational and tactic incompetence, lack of initiative and lack of commitment at the MoD level. The latter, in turn, resulted in initial recruitment problems and high desertion rates, particularly during the first couple of years.

Following a slow start and several delays, the ANA now has 79,000 members and the current plan is to deploy a force of 122,000 by the end of 2014, with all the battalions being commissioned by then.⁴ The cost has so far largely been borne by the US, whose rising commitment has made the army the most expensive sector of international support in Afghanistan. US expenditure on the ANA rapidly rose and reached over USD 2 billion in 2005, when the intensification of the training programme was decided. In 2006, it fell back to USD 736 million but rose again to USD 4.8 billion in 2007. USD 1.7 billion have been requested for 2008.⁵

Troubled Transition at the MoD

The Joint Coordination Body was established on the assumption that the Interim Authority would be broadly representative – if not of all factions then at least those of the anti-Taliban Northern Alliance. Particularly at the ministerial level though, this was far from the case. The MoD, as well as the Ministry of Interior and the Department of National Security, was under the control of a single faction—*Shura-i Nezar*—which, on occupying Kabul in November 2001, proceeded to fill the institutions under its control with allies.⁶ Complaints

³ Foreign and Commonwealth Office, “Foreign Affairs – Appendices to the Minutes of Evidence,” Appendix 7, 2002.

⁴ Obaid Younossi, Peter Dahl Thruelsen, Jonathan Vaccaro, Jerry M. Sollinger, and Brian Grady, *The Long March: Building an Afghan National Army* (RAND, 2009), 7.

⁵ Although the budget section refers to the Afghan National Army, some of this expenditure goes to the MoD and to the Air Corps. See: Office of the Secretary of Defense, *Fiscal Year (FY) 2008: Security Forces Fund*, October 2007 Amendment (Washington, 2007).

⁶ The ‘Coordination Council’ was formed in the mid-1980s in north-eastern Afghanistan as a regional group within *Jami’at-i Islami* and gradually developed into a separate faction.

about this seizure of the state apparatus were quickly raised and in March 2002 the UN was already raising the issue.⁷ Nonetheless, favouritism towards supporters and allies of *Shura-i Nezar* continued to characterise the appointments policy of the MoD throughout 2002, with precious few members of other groups figuring in senior MoD appointments. When they did, they were left powerless and without influence, like General Dostum, Deputy Minister and leader of *Junbesh-i Milli*.⁸ In most cases, *Shura-i Nezar's* appointments were not even justified by the professionalism of the officers, since many had no previous officer or even informal training to speak of.⁹ Since supporters of *Shura-i Nezar* were largely Tajiks from Parwan and Kapisa provinces, the situation also provoked accusations of ethnic discrimination, which could well have proven explosive.

The international community generally interpreted the seizure of the MoD as an ethnic issue—whether intentionally or through lack of understanding—and disregarded the political and factional dynamics. US and international pressure turned the issue of ethnic balance into one of the key aspects of MoD reform. To this end, the creation of a recruitment board was imposed upon the MoD in 2003 and given authority over new appointments for the top 120-130 positions. It was hoped that this would both accelerate the recruitment process and make it more impartial.¹⁰ The board operated on the basis of an ethnic quota system, where Pashtuns were attributed a 40% share, Tajiks 30 percent, Hazaras 15 percent and Uzbeks 10 percent, with the remaining 5 percent going to the smaller ethnic groups. The quota was based on the Central Intelligence Agency's (CIA) estimate of Afghanistan's ethnic breakdown, with a variation tolerance of plus or minus 5 percentage points.¹¹ Already during 2002, Defence Minister Fahim was requested to make new appointments within his ministry in order to diversify its ethnic makeup.¹² Although it took him several months to comply, Fahim eventually began to give way: a first wave of 15 appointments took place in early 2003 but was widely judged as a disappointment because of its limited impact. Following further international pressure, in September 2003 Fahim made another 21 senior appointments within the MoD. In December, 104 more appointments to lower positions were made and 330 followed in April-May 2004, with 965 more to be ap-

⁷ UN Secretary-General, Report on "The situation in Afghanistan."

⁸ The 'National Movement' was established in 1992 as a regional group in northern Afghanistan and became one of the main factions in the civil wars of the 1990s. Later it allied with *Jami'at* against the Taliban.

⁹ For more details see: Antonio Giustozzi, "Military Reform in Afghanistan," in *Confronting Afghanistan's Security Dilemma*, ed. Mark Sedra, Brief 28 (Bonn: BICC, 2003), 28–29.

¹⁰ Rahim Wardak (Deputy Minister of Defence), 29 December 2003: Interview with the Voice of the Islamic Republic of Iran; Interviews with US and British officers in charge of training the ANA, December 2003.

¹¹ Personal communications with Richard Berthon, MoD UK, Kabul, May 2005 and with Gen. Zahir Azimi, Kabul, March 2005.

¹² *Eurasianet*, 3 January 2003; *Associated Press*, 26 January 2003.

pointed in 2005.¹³ During 2005, appointments of lower level positions were taking place at a rate of 100 per month, the final aim being to appoint 3,000 staff to all other positions of some responsibility before the end of the year.

Despite international supervision of the appointment process, Fahim and his circle were able to recruit political allies—if not members of the core *Shura-i Nezar* group—capitalising upon the political naïveté of international officials supervising the Board of Appointments, which was never formally mandated to oversee a political balance in the appointments.¹⁴ During the first wave of appointments in early 2003, for example, 11 non-Tajik department heads and 4 other non-Tajik officials were recruited to replace Tajiks, who were transferred to 'other jobs.' However, the new personnel still belonged to political factions closely allied to *Shura-i Nezar*, Fahim's own group. In some cases, the appointments were less than meritocratic: the new Chief of the General Staff, Gen. Bismillah Mohammadi Khan, had no formal military training, unlike his predecessor Gen. Mohammad Asif Delaware. Moreover, he was known for having long opposed the reform of the MoD.¹⁵

Fahim and the MoD retained completely free hands to engage in patronage politics as far as the lower ranks were concerned. Forced by budget constraints to streamline, the MoD proceeded to sack as many as 100,000 individuals from its ranks. Within the central staff of the MoD, 7,000 out of 10,000 were sacked.¹⁶ Those who could not prove they had participated in the jihad against the Soviet Army and were considered surplus to future requirements were simply sacked en masse, with no entitlement to the benefits of the DDR programme. The dismissals began in 2003 and by early 2005, 50,000 had already lost their jobs. The scheme, whilst necessary in order to eliminate redundant and highly inefficient structures and to prepare the ground for reform, was plagued by corruption and favouritism.¹⁷

Typically, the international sponsors of MoD reform resorted to technical assistance measures, such as training and mentoring of the largely unskilled officer cadre, too often ignoring political challenges. In 2005, a US-funded team of seven consultants, belonging to a private security company named MPRI, was tasked with 'mentoring' MoD officers and helping to coordinate their activities with both Operation Enduring Freedom and ISAF.¹⁸ The number of MPRI consultants working at the MoD increased exponentially from 2005 to 2007: by September 2006 there were 55 consultants mentoring, advising and teaching senior staff and by the summer of 2007 this number had grown to 310.¹⁹

¹³ UN Secretary-General, Report on "The situation in Afghanistan and its implications for international peace and security," A/59/744-S/2005/183, 18 March 2005.

¹⁴ Personal communication with Coalition official, Kabul, 22 February 2005.

¹⁵ Personal communication with military attaché, Kabul, May 2003.

¹⁶ Personal communication with Coalition official, Kabul, 22 February 2005.

¹⁷ Personal communication with Gen. Zahir Azimi, 10 March 2005; *AFP*, 20 October 2003; *IRIN*, 23 November 2003; personal communications with MoD officers, December 2003 and January 2004.

¹⁸ Sean M. Maloney, "Afghanistan Four Years On: An Assessment," *Parameters* (Autumn 2005), 26.

¹⁹ Anthony Cordesman, *Winning in Afghanistan: The Challenges and the Response* (Washington: The Center for Strategic and International Studies, 2007).

By early 2004, the factional profile of the MoD was somewhat more diversified. The new Deputy Minister, General Rahim Wardak, was a Pashtun who was close to both the monarchists and to (then Interim) President Hamid Karzai, whilst Deputy Minister Major General Hamayoon Fauzi was an Uzbek close to General Dostum's *Junbish-i Melli*. More significant changes took place after the presidential elections of October 2004, particularly after the appointment of Karzai's cabinet, of which Marshal Fahim, the former Minister of Defence, was no longer part. Fahim had long been an impediment to the reform process, even if his opposition to it had been weakening under relentless international pressure. He had tried to strike a balance between the US and other international players on the one hand and the anti-Taliban/Northern Alliance lobby on the other, alienating both in the end. Deputy Minister Wardak, more amenable to the United States—the MoD's principal donor—was appointed Minister of Defence in Fahim's place in December 2004. He had already played a key role when Deputy Minister in developing the recruitment base of the ANA.

The establishment of civilian oversight of the security sector began in June 2002 with the formation of the National Security Council (NSC) and the Office of the National Security Adviser (ONSA). The former was to be modelled on the American NSC and was tasked with, among other things, overseeing the implementation of security policy. However, the authority of the new body was not universally accepted during the first two years of its existence, which remains a residual problem.²⁰ In the ethnic turf wars that divided the Afghan establishment in the post-Taliban era, the ONSA was widely seen as a counterbalance to Tajik control over the security agencies. Its effective influence, however, was limited to drafting plans and assessments.²¹ Other steps towards strengthening political control over the security agencies were taken in 2004, with the approval of a new Constitution that identified the President of the Republic as Commander-in-Chief of the Armed Forces. The election of a parliament—whose two houses have the right to question ministers on matters of security—represented a further step. A civilian First Deputy Minister of Defence, Yusuf Nuristani, was appointed, whilst the new Minister Wardak himself renounced his military rank, leading other deputy ministers to follow suit.²² Another important development was the incorporation of human rights into the training of the ANA. ANA soldiers were trained to act as 'propagandists' of the new government and representatives of a government that claimed to be non-factional, a role the ANA units seem to have initially been keen on.²³

In practice, however, the policy of appointments within the MoD remained opaque. Until well into 2004, Shura-i Nezar's factional control of the MoD remained unbroken. After 2004,

²⁰ For more details about the NSC, see: Mark Sedra, *Security Sector Transformation in Afghanistan*, Working Paper No. 143 (Geneva: DCAF, August 2004), 18–9.

²¹ For a more detailed discussion of the ONSA, see: Michael Bhatia, *et al.*, *Minimal Investments, Minimal Results: The Failure of Security Policy in Afghanistan*, Briefing Paper (Kabul: AREU, 2004), 9.

²² Interview with MoD UK official in Kabul, February 2005.

²³ The flip flop army blog, notes of a US officer, see note 45.

it continued to be exercised through unofficial networks and alliances. The important position of Chief-of-Staff was left in the hands of Bismillah Khan, like Fahim a core member of *Shura-i Nezar*. The frustrated international partners reacted by singling out individuals deemed to be more reform-minded—or at least more cooperative—such as Wardak, proceeding to draft plans and strategies with them whilst not engaging with those deemed to be obstructionists, regardless of their influence.²⁴

The Army as a Bone of Contention

As an embryonic, interim Afghan army emerged from the implementation of the Bonn Agreement, it became the object of intense debate. The Afghan Military Forces (AMF), so-called to distinguish the institution from the planned ANA to be built from scratch, were to fill the gap while the ANA gradually formed and then be disbanded through a DDR process by 2004. The AMF were somewhat more balanced in composition than the MoD.

Although it could still be described as under factional control, the AMF at least included some representation of the different factions of the anti-Taliban alliance; whilst many local military leaders and strongmen had been excluded from the AMF for a variety of reasons, all the main factions had significant representation. With over 40 divisions and a large number of independent brigades, regiments and battalions in existence at the end of 2002, there was indeed much room for patronage in the AMF. The initial attribution of military units in early 2002 already showed a factional bias, the large majority of military units being commanded by those close to the Minister of Defence, Marshal Fahim.²⁵ One of the consequences of this patronage network was that the AMF was far from resembling an effective military force. Particularly in the south, southeast and east, the AMF was an ineffective patchwork of militias led by tribal and local strongmen.²⁶ Moreover, from 2002, the AMF went into further decline, as cash-strapped commanders demobilised most of their forces and corruption eroded the ability of many units to retain militiamen in their ranks. Although a number of units enlisted significant numbers of former regular army officers, these officers tended to play a marginal role and rarely occupied senior posts. As the DDR process began in 2003, the AMF was already a hollow institution.²⁷ Commanders relied upon their unofficial militias to exercise influence, divesting the AMF of its personnel, aware that it was soon to disappear anyway.

By 2005 the AMF had finally disbanded, while the ANA kept growing slowly as a completely separate branch of the MoD. The final profile of the new “Afghan National Army” (ANA) has remained a matter of debate since the ANA’s establishment in 2002. The US

²⁴ Bhatia, *et al.*, *Minimal Investments, Minimal Results*, 13; Mark Sedra, “Security Sector Reform in Afghanistan: The Slide Towards Expediency,” *International Peacekeeping* (March 2006), 106.

²⁵ Antonio Giustozzi, “Bureaucratic Façade and Political Realities of Disarmament and Demobilisation in Afghanistan” (forthcoming).

²⁶ Personal communications with UN officials, April 2003–September 2004.

²⁷ Personal observation, Kunduz, November 2003.

and ISAF, endorsed by UN envoy Lakhtar Brahimi,²⁸ envisaged the creation of a relatively small volunteer army of no more than 50-70,000 men, whilst the Afghan MoD suggested a conscript army of as many as 250,000.²⁹ Defence Minister General Fahim put forward a proposal in January 2002 at the International Conference on Reconstruction Assistance in Tokyo, in which a significant share of the international aid pledged to Afghanistan would be dedicated to the task of creating such a large conscript army. One of the rationales most often cited by Afghans for the creation of a large army was the Pakistani threat, although the desire to retain levers of patronage is also likely to have played a role. The Americans, by contrast, were keen to appease Islamabad by establishing a smaller force, slowing its development and by denying it anti-tank and anti-aircraft training.³⁰ At the same time, both the Americans and sections of the Kabul government wanted at least to be able to rapidly deploy a force capable of maintaining internal order.

In early April 2002 at a meeting in Geneva, detailed plans were drawn up about what the future Afghan army should look like. In fact, occupation forces had already started planning the creation of a new army in December 2001, without even waiting for the interim government to be established, let alone any discussion about the future army.³¹ The idea shared by the international partners of the new Afghan government was that a 'national' army, defined as 'multi-ethnic, disciplined, subordinate to civilian authority, adequately armed and equipped, and sustainable', would be the best chance to bring peace to Afghanistan.³² The official decree that established the new national army was issued on 20 May 2002, outlining a voluntary service with a term of four years and a civil command structure.³³ It did not mention the size of the army.³⁴

It was only in December 2002 when he signed a new decree on the establishment of the ANA that Karzai fixed the size of the armed forces at 70,000.³⁵ Under Fahim, the MoD voiced unrelenting criticism of the internationally-sponsored ANA model, arguing that it was

²⁸ Lakhtar Brahimi, Press Conference, Kabul, 14 May 2002; Dobbins, *et al.*, Press Conference, Geneva, 3 April 2002.

²⁹ UN Secretary-General, Report on "The Situation in Afghanistan" (2002); Glen Kessler, "Bush's Afghan policy is disputed," *International Herald Tribune*, 22 May 2002.

³⁰ Sean M. Maloney, *Enduring the Freedom: A Rogue Historian in Afghanistan* (Washington: Potomac Books, 2005), 145; Interview with Major John Harrell, Kabul, May 2003.

³¹ Bureau of Resource Management, "FY 2005 Performance and Accountability Report, Strategic Goal 2: Counterterrorism – Performance Results for Performance Goal 3, VII. Performance Results" (Washington: US Department of State, November 2005).

³² Arthur E. Dewey, "The Ingredients of Success in Afghanistan," *Perceptions* 8:4 (December 2003/January 2004): 103–112.

³³ It was later reduced to three years (Jowzjan TV, Sheberghan, 14 Oct 2003).

³⁴ *Bakhtar News Agency*, 20 May 2002.

³⁵ Of these, 43,000 were meant to belong to the ANA, 3,000 to the MoD, 3,000 to the Air Force and 21,000 to logistics, communication and other support units.

too expensive for its size.³⁶ After initially trying to prevent recruitment in its ranks,³⁷ Fahim and his circle then tried hard to fill the ANA with sympathisers and allies.³⁸ The disagreement, however, continued even after Fahim's departure from the MoD. As Defence Minister Wardak continued to argue for a larger army. Despite these objections, the Americans, concerned about the fiscal sustainability of the ANA, actually considered reducing the size of the army they would train to 50,000 from the originally planned 64,000.³⁹ By the end of 2006, however, faced with a growing insurgency, even the Americans considered an expansion in the projected size of the army and an agreement for a 10% increase in size was reported.⁴⁰ Defence Ministry spokesman General Zahir Azimi was still arguing in late 2007 that the deteriorating security situation meant that the original agreement on a 70,000 strong ANA was outdated.⁴¹ Although his position was isolated within the cabinet, he had widespread support within the MoD.⁴² Most recently, the Afghan government and the international community have argued that the future size of the ANA should be 122,000.⁴³

The size and character of the volunteer force were not the only controversial issues concerning the establishment of the ANA. By early 2003, ISAF and the international coalition were determined to completely insulate the ANA from the as yet unreformed MoD. US forces would not only lead the ANA operationally but also continue to provide logistics, communication resources and most importantly field leadership in the form of embedded trainers. Even when the basic training of the ANA was handed over to Afghans in May 2004, the embedded trainers were to stay on.⁴⁴ Each Afghan official, down to platoon level, was mentored by ISAF/US officers and Non-Commissioned Officers (NCOs). In the long run, this was going to arouse complaints even among the most pro-western reformers in the MoD. In July 2006, for example, Defence Minister Wardak publicly complained about US-led counter-terrorism raids in Kabul with the participation of ANA troops, which had been organised without informing the Ministry.⁴⁵

Efforts to introduce foreign practices into the ANA led to further friction. The US sought to establish a structure that emphasised the role of NCOs, in line with US and British mili-

³⁶ David Buchbinder, "Afghans ask: 'Whose army is it?'," *The Christian Science Monitor*, 18 October 2002.

³⁷ Antonio Giustozzi, "Auxiliary Force or National Army? Afghanistan's 'ANA' and the counter-insurgency effort, 2002-2006," *Small Wars and Insurgencies* 18:1 (March 2007): 45-67.

³⁸ Interview with former army general, Kabul, April 2003, and UN official, Kabul, May 2003.

³⁹ Ahmed Rashid, "Afghanistan and its future," *Eurasia Insight*, 26 June 2006; Cyrus Hodes and Mark Sedra, *The Search for Security in Post-Taliban Afghanistan*, Adelphi Paper 391 (London: IISS, 2007), 55.

⁴⁰ Diplomatic source, Kabul, February 2007.

⁴¹ "Afghanistan trains troops to fight Taliban," *Taipei Times*, 26 September 2007.

⁴² Personal communication with a member of the cabinet, Kabul, May 2005.

⁴³ Younossi, *et al.*, *The Long March: Building an Afghan National Army*.

⁴⁴ Ben Fenwick, "Training Day," *Today's Officer* (Winter 2004).

⁴⁵ Carlotta Gall, "U.S.-Afghan Foray Reveals Friction on Anti-rebel Raids," *The New York Times*, 2 July 2006.

tary models, and entrusted the British with their training. This not only ran counter to the tradition of the Soviet-style Officer-led Afghan army, thus facing resistance by Afghan officers, but was also at odds with the practice of the French army, which had led training of Afghan officers in 2002-03 as part of the US-led effort to build the ANA.⁴⁶ Similarly, measures that were taken to integrate human rights education into ANA training,⁴⁷ with the involvement of the International Committee of the Red Cross (ICRC), seem to have had little impact.⁴⁸ The same was true of efforts to introduce western disciplinary practices to replace corporal punishment of troops: withholding pay was attempted but was resented because it harmed the families of the soldiers and was thus replaced by the assignment of extra duties,⁴⁹ but ANA officers continued to prefer corporal punishment.⁵⁰

The composition of the ANA was also a matter of contention. Despite American control of recruitment into the army, senior appointments remained the responsibility of the MoD. Particularly during Fahim's time, the Ministry was filled with his cronies and allies, mostly Tajiks like himself but also a fair number of Pashtuns affiliated with factions close to Fahim. By 2003-04, there were clear signs that this factionalisation might be spreading to the ANA too: for example, the commanders of the first three brigades to be formed within the Central Corps of the ANA were all linked to Islamist groups such as *Jami'at-i Islami*, *Hizb-i Islami* and *Ittehad-i Islami*.⁵¹ Together with Fahim's early efforts to skew recruitment into the ANA, this resulted in complaints about his management in 2002. Oblivious to the political dimension of the issue, ISAF and the Americans tried to address the problem as one of ethnic imbalance. Amongst the top ranks of the MoD, the problem was addressed with the introduction of a vetting system for appointments.⁵² The solution within the rank-and-file of the ANA was identified as the establishment of recruitment centres in every Afghan province and the attribution of quotas to each of them. Nonetheless, allegations of ethnic dis-

⁴⁶ Kevin Dougherty, "A security force from scratch," *Stars and Stripes Mideast Edition*, 7 May 2007; Charles Dileonardo, "Training the Afghan National Army," *Infantry Magazine*, March-April 2005; Jim Garamone, "Afghan Sergeant Major Shows Way Ahead for Fledgling Army," *American Forces Press Service*, 11 August 2006; Samuel Chan, *Sentinels of Afghan Democracy: The Afghan National Army* (Singapore: S. Rajaratnam School of International Studies, June 2007).

⁴⁷ Giustozzi, "Auxiliary force or national army?"

⁴⁸ Halima Kazem, "New Afghan Army Asserts Itself," *The Christian Science Monitor*, 23 August 2004; International Committee of the Red Cross/International Federation of Red Cross and Red Crescent Societies, "Afghanistan: Training the Trainers," Kabul, 17 July 2003.

⁴⁹ Katherine McIntire Peters, "A Few Good Men," *Government Executive*, 1 May 2005.

⁵⁰ See: Giustozzi, "Auxiliary Force or National Army?"; Declan Walsh, "The US has spent \$2bn creating an anti-Taliban force, but the shock of barracks life is creating its own issues," *The Guardian*, 5 May 2007.

⁵¹ Personal communication with military attaché in Kabul, June 2004.

⁵² Interview of Deputy Minister Wardak with the *Voice of the Islamic Republic of Iran*, 29 December 2003; interview with US and British officers in charge of training the ANA, December 2003; personal communications with Richard Berthon, MoD UK, Kabul February 2005, and with Gen. Zahir Azimi, Kabul, March 2005.

Table 1: Ethnic Composition of the ANA.

	Jan-03	Jan-04	Mar-04	Summer 2004	Feb-05	Estimated share of population, 2005
Pashtuns	37	42	48	44	49	47
Tajiks	40	27	41	31	21	25
Hazaras		9	6	6	6	15
Uzbeks		9	4	3	3	8
Others		13	2	16	22	5

Extrapolation based on sources: MoD, Coalition, United States Government Accountability Office. Statistics in some cases included many Dari speakers under 'others' as ethnicities separate from Tajiks.⁵³

Note: figures are rounded up and totals might add to more than 100.

crimination continued to surface and episodes of ethnic tension were repeatedly reported. Tajiks were still over-represented in the ANA, particularly among the officer cadre as of 2005.⁵⁴ The modest re-balancing of the ethnic composition of the ANA that occurred was of limited operational importance due to the practice of not deploying Pashtuns to the battlefields of the south, presumably fearing empathy between troops and locals. As a result, the units operating there were overwhelmingly composed of Tajiks and other non-Pashtuns.⁵⁵

An issue that divided the international community was the high cost of the ANA.⁵⁶ Its yearly cost was initially projected to be a manageable USD 235 million once fully running, inclusive of all expenditures. The actual budget in 2002 was a modest USD 79 million, covered by the US. However, by 2003 it had risen to USD 348 million, then to USD 719 million in 2004 and to USD 851 million in 2005, with much of the money going towards a massive building effort.⁵⁷ Between 2006-08, the budget grew substantially as a result of a massive

⁵³ Since 2005, the US and Afghan governments have guarded from publishing any details of the ethnic composition of the ANA, but there is evidence that a genuine ethnic balance has not yet been achieved. See: Antonio Giustozzi, "Afghanistan's National Army: The Ambiguous Prospects of Afghanization," *Terrorism Monitor* 6:9 (Jamestown Foundation, May 2008).

⁵⁴ Giustozzi, "Auxiliary Force or National Army?"; Jason Straziuso, "Afghan troops draw praise for bravery, but trainers caution there are struggles," *Associated Press*, 23 October 2006.

⁵⁵ *Radio Free Europe/Radio Liberty*, "Afghanistan: National Army Short of Everything but Spirit," 21 September 2007.

⁵⁶ See, for example: World Bank, *Afghanistan: Managing Public Finances for Development*, Volume V (Washington: World Bank, 2005).

⁵⁷ James A. Dobbins, US Special Envoy to Afghanistan, in: UN News Centre, "Transcript of comments made by Lakhdar Brahimi, SRSG for Afghanistan during a press briefing in Geneva," 3 April 2002; United States Government Accountability Office, *Afghanistan Security*, Report to the Committee on International Relations, House of Representatives (Washington: GAO, June 2005).

re-equipment programme (see Introduction). For many years to come, the MoD will likely only need to maintain existing barracks, with weapon systems donated by foreign countries, chiefly the US. Even so, the price tag of the ANA may well remain far beyond Afghanistan's capabilities. With an armed force of 70,000, future personnel and operational costs alone will be in the range of USD 300-350 million per year, of which around USD 130 million represents salary costs borne by the Afghan government from 2006.⁵⁸ If one considers that in 2004/2005 state revenue stood at just USD 260 million, acute funding problems can be foreseen once external support is withdrawn or substantially reduced.

Successes and Failures in Shaping the ANA

The ANA seems to have been more successful than expected in combining the different components of its officer corps, which includes a mix of former officers of the old pro-Soviet army, former *jihadi* commanders (despite a low level of education) and a group that rose from the ranks during internationally-sponsored training. In early 2003, each of these three groups was estimated to account for about a third of the force.⁵⁹ This success was critical to the viability of the ANA, as graduates from the Military Academy—graduating at a rate of 100-300 per year—were only gradually going to fill the ranks.⁶⁰ Finding suitable candidates proved difficult: only 130 of the first batch of 700 aspiring officers at the Military Academy passed the selection and 33 more dropped out during the training.⁶¹ A puzzling aspect of the early staffing of the ANA was the casual allocation of trainee officers to different jobs, without previous assessment of their potential. This changed in 2007, however, as officers began to be tested before being assigned.⁶²

The ANA was also successfully (although only occasionally) used to help strengthen Kabul's writ across the country, for example in Kahmard, Maimana and Herat, where turmoil was caused by local armed groups.⁶³ To date, the presence of Taliban sympathisers in the army has been marginal. Certainly no significant number of desertions to the Taliban have occurred to date, although there have been isolated incidents in which ANA soldiers lethally attacked foreigners or fellow soldiers. Although a vetting system was in place to identify recruits with criminal records or those that were politically suspect, both American and Afghan officers acknowledge that the Taliban have infiltrated the army but their capabilities seem limited to information gathering.⁶⁴ In December 2006, a General was arrested for having sold information to Pakistani intelligence, whilst in September of that year some

The 2005 figure excludes an additional USD 1.2 billion of supplemental funding, towards the purchase of equipment.

⁵⁸ 3,000 staff were assigned to the Air Corps on top of 54,000 to the Army and 3,000 to the MoD.

⁵⁹ Giustozzi, "Auxiliary Force or National Army?"

⁶⁰ US military source, April 2006.

⁶¹ Chuck Crumbo, "Afghan trainees have come long way," *The State*, 10 June 2007.

⁶² *Ibid.*

⁶³ Giustozzi, "Auxiliary Force or National Army?"

⁶⁴ David Zucchino, "Afghan army could help unify a nation," *Los Angeles Times*, 13 November 2006.

officers were arrested smuggling weapons and ammunition to the Taliban.⁶⁵ Their motivation seems to have been financial rather than ideological.⁶⁶

The training of the army had a troubled start but eventually succeeded in creating—at least tactically—relatively proficient units, even though, when confronted with superior numbers of Taliban, the prevailing tendency was to run and several units were reported to be ‘combat-shy.’⁶⁷ The creation of fully trained and disciplined units was expected to take six months but the formation of the army proceeded more slowly than originally planned. It did not help that training was imparted by a multitude of different contingents, often with very different approaches (American, French, British, Mongolians, Bulgarians and Romanians). Although the effort was coordinated, each contingent based its training effort on its own military tradition without much concern for compatibility with the overall effort.⁶⁸ The inflow of recruits was insufficient and their quality and commitment low, resulting in high training attrition rates. Recruitment, training and the facilities offered to recruits were improved during 2003, resulting in an increase in the commissioning rate of new battalions. National Army Volunteer Centres were established, manned by ANA staff and subordinated not to the MoD but to US military authorities. These centres were much more proactive in seeking recruits and offered better conditions to the recruits.⁶⁹ The greater inflow also allowed a more careful selection of recruits, which in turn led to lower attrition rates during training, even though they remained high in absolute terms at over 20% in early 2007.⁷⁰ However, the inability to attract sufficient numbers of literate recruits remained a major problem and was highlighted when communications, logistics and specialist armour and artillery units—all of which would absorb a particularly high percentage of educated troops—began being established. Even though only a limited number of specialist roles (11) were initially formed for infantry units, insufficient training and the deficiencies of commanding officers resulted in some specialised units such as sappers being unable to perform and thus used as infantry.⁷¹

Despite the numerous measures taken to improve recruitment and training, they proved insufficient to narrow the ratio of personnel to effectively deployable troops (see graph). One of the causes was that, in its early days, the ANA also experienced very high desertion rates of around 20-25 percent from 2002-05. Desertions were mostly concentrated among private soldiers and were proportionally much lower among NCOs and almost non-existent among officers. Among the prominent reasons for deserting were: low wages; re-

⁶⁵ “Afghan general arrested for ‘spying’ for Pakistan,” *AFP*, 19 December 2006.

⁶⁶ *Xinhua*, “Afghan officers arrested for smuggling weapons to Taliban,” 21 September 2006.

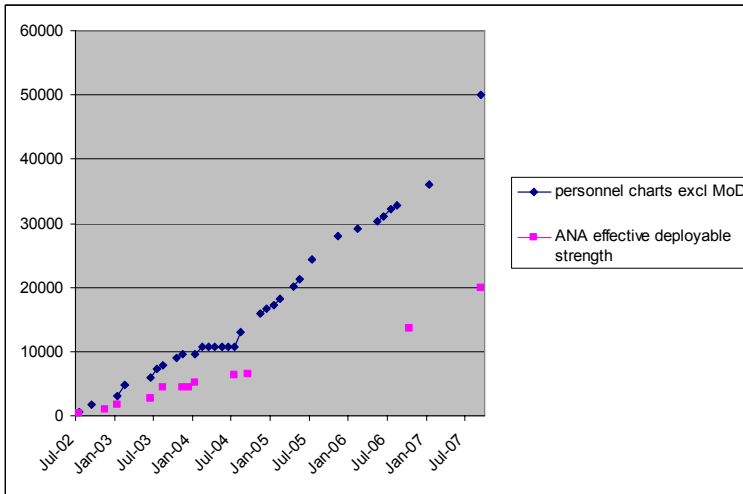
⁶⁷ Thomas Harding, “Afghan army ‘is weak under fire,’” *Daily Telegraph*, 16 August 2006; Sean D. Naylor, “The battle of Mari Ghar,” *Army Times*, 26 June 2006.

⁶⁸ Maloney, *Enduring the Freedom*, 143.

⁶⁹ Giustozzi, “Auxiliary Force or National Army?”

⁷⁰ “Afghan army said improving, but years away from operating unaided,” *Associated Press*, 18 February 2007.

⁷¹ Crumbo, “Afghan trainees have come long way”; Chan, *Sentinels of Afghan Democracy*, 19. For more on this see: Giustozzi, “Auxiliary Force or National Army?”



Sources: ISAF, press reports, Coalition

Figure 1: Personnel Charts and Effective Deployable Strength of ANA.

luctance to serve far from home; the difficulty or impossibility of sending pay back home to support other members of the family; and reluctance to accept military regulations. Measures were taken to address these problems. Soldiers living far from their barracks were allowed more travel time and soldiers' pay was increased from USD50 in 2002 to USD70 in 2003, USD100 in 2006 and to USD110 in 2008.⁷² Moreover, soldiers began to receive USD2 for each day spent on field operations. Although this was a significant improvement, US sources estimated on the basis of a survey of ANA troops that the salary needed to retain soldiers in the ranks was around USD150 a month. However, the prospect of further pay increases compounded the sustainability debate.⁷³ Although the desertion rate initially went down, suggesting that the pay rise was having an impact, it fluctuated widely afterwards; in 2006, a drop in the desertion rate to around 14 percent was recorded but in 2007, preliminary figures pointed to a new hike to about 20 percent.⁷⁴

As in 2005 ANA troops started reaching the end of their three-year contracts and enlistment rates were initially disappointing, at around 35%.⁷⁵ By the end of 2006, it became necessary to allocate two-thirds of the new trainees to the existing, depleted battal-

⁷² Younossi, *et al.*, *The Long March: Building an Afghan National Army*.

⁷³ Giustozzi, "Auxiliary Force or National Army?."

⁷⁴ Personal communication with Coalition official, Kabul 22 February 2005; Walsh, "The US has spent \$ 2 bn creating an anti-Taliban force."

⁷⁵ "US sees three more years in building Afghan army," *Reuters*, 13 July 2006.

ions rather than to new formations.⁷⁶ As the insurgency expanded, intimidation of recruits and of their families by the Taliban was threatening to further negatively affect recruitment and retention rates, at least in some areas of the country.⁷⁷ Again, a series of measures were taken to address the problem, such as higher pay for veterans (\$35 top-up for private soldiers), USD1,000 re-enlistment premiums and the possibility to choose in which garrison to serve. As a result, retention rates gradually climbed back during 2007 to reach over 50 percent towards the end of that year.⁷⁸

Analysis to date of the limitations of the ANA has tended to have a financial bias, particularly among American observers. A typical view by 2007 was that the ANA “was highly underinvested in the first years after 2001.”⁷⁹ The conclusion that a massive programme of investment would resolve the shortcomings of the ANA is therefore unsurprising. Such a programme was initiated in 2007 with deliveries of equipment, the assignment of more embedded training teams (from 20 to 100), the delivery of more facilities and intensified training. There is evidence, however, that many of the problems faced by the ANA had roots that were not financial.

One weakness in the development of the ANA derived from the reluctance of its international sponsors to allow it to develop autonomous capabilities. In January 2003, US military authorities decided to embed US trainers in each ANA unit, down to the battalion level, officially in order to speed up the next phase of the training process. The troop-to-trainer ratio hovered at around 30-40 troops per trainer.⁸⁰ The deployment of embedded trainers allowed the ANA battalions to take up an operational role, with the first few companies being assigned patrolling, policing and mopping-up tasks outside Kabul in February 2003. The first relatively large-scale operation in which the ANA took part (alongside Coalition units) was in July 2003, although battalion-size operations started only in 2004, almost two years after the training had started.⁸¹ Since the beginning of 2003, no ANA unit has ever been deployed without embedded advisers, meaning that occasional displays of initiative by ANA officers were seen as a major event.⁸² The principal risk of the embedded trainer policy was evidently that of officers coming to rely excessively on their mentors, despite the latter's effort to ‘wean’ their trainees off dependency. Even if, technically speaking,

⁷⁶ Paul Koring, “Afghan army far from ready to operate alone,” *Scrippsnews*, 21 November 2006; Lee Greenberg, “Canadians pin exit-strategy hopes on training Afghan troops,” *Ottawa Citizen*, 6 November 2006.

⁷⁷ Claudio Franco, “Islamic militant insurgency in Afghanistan experiencing ‘Iraqization,’” *EurasiaNet Weekly Update*, 11 August 2005; Interview with former ANA soldier, London, June 2007; Aryn Baker, “Can the Afghans Defend Themselves?,” *Time Magazine*, 3 January 2007.

⁷⁸ Interview with military attaché, Kabul, October 2007; Chan, *Sentinels of Afghan Democracy*, 14–15.

⁷⁹ C.J. Chivers, “Afghan army and police: A long way to go,” *International Herald Tribune*, 2 May 2007.

⁸⁰ Giustozzi, “Auxiliary Force or National Army?”

⁸¹ Maloney, *Enduring the Freedom*, 59.

⁸² Giustozzi, “Auxiliary Force or National Army?”

US advisers did not issue direct orders, often by their own admission trainers would be 'leading' ANA units.⁸³

Initially, it was intended that embedded trainers would remain in each unit for a period of two years but this was then altered to retain mentors in those units that were not yet judged operational. As the first ANA soldiers were reaching the end of their three-year contract by spring 2005, none of their units was yet able to operate autonomously and not a single ANA battalion had graduated from the embedded trainers programme.⁸⁴ All of the 10,224 operations of the ANA in 2005/6 and 2006/7 were undertaken jointly with foreign troops. As of late 2006, just five ANA battalions were considered to be able to operate independently and they too lacked capabilities in communications, air support and medical assistance.⁸⁵ The first ANA operations carried out without the direct support of foreign forces—though still with the presence of embedded trainers—began from late spring/summer 2007 in Helmand and then in October 2007 in Kandahar. Such operations were relatively straightforward deployments or clean-and-sweep operations.⁸⁶ The target announced in 2006 to have ANA units able to wage independent counter-insurgent operations by 2008 has yet to be achieved.⁸⁷ Some sources estimated that it could take 10 years to fulfil that objective, rather than one.⁸⁸ Even autonomous deployments were still subject to the 'dual key' system, which implied negotiations between the government and the Coalition before any deployment or mission.⁸⁹

Most reports suggested that ANA soldiers fought bravely in small units, although there are also examples of officers avoiding contact with the enemy.⁹⁰ Canadian troops reported that the more combative ANA officers demonstrated a tendency to immediately seek con-

⁸³ See the blog: "General Discussion Tactical Leadership," 11 January 2006: <www.mccll.usmc.mil/cfbb/index.cfm?page=userinfo&viewuserid=7071> (accessed 11 August 2006); David Zucchino, "It's Starting to Look a Lot Like an Army," *Los Angeles Times*, 22 August 2006.

⁸⁴ United States Government Accountability Office, *Afghanistan Security*, 17.

⁸⁵ "Afghan army said improving, but years away from operating unaided," *Associated Press*; Jim Krane, "Afghan Army to Strike Taliban in Winter," *Associated Press*, 19 November 2006.

⁸⁶ Matthew Fisher, "Canadian-trained Afghan army unit strikes out on its own," *CanWest News Service*, 11 October 2007; Walsh, "The US has spent \$2bn creating an anti-Taliban force."

⁸⁷ Cordesman, *Winning in Afghanistan*; Jaap de Hoop Scheffer, NATO Secretary-General, quoted in Michael Evans, "Afghan security handover is on track for 2008, says NATO," *The Times*, 29 November 2006.

⁸⁸ Seth Jones, quoted in *Associated Press*, "Afghan army said improving"; Omar El Akkad and Alan Freeman, "War-torn country will require long-term help to recruit and train a military capable of handling its own security," *Globe and Mail*, 26 October 2007.

⁸⁹ See: *C4I News*, 17 February 2005; Gall, "U.S.-Afghan Foray Reveals Friction on Anti-rebel Raids."

⁹⁰ The flip flop army, blog notes by a US officer, see note 45; Kelly McCargo, "Afghan National Army Lieutenant Displays Leadership," *American Forces Information Services*, 26 May 2004; "Afghan National Army is a promising ally – when it tries to be," *Stars and Stripes Mideast Edition*, 24 July 2006; Naylor, "The battle of Mari Ghar."

tact with the enemy without prior planning, forcing their mentors to restrain them.⁹¹ It would appear that the embedded training programme contributed to make the ANA a relatively capable force on the tactical level but with little or no operational and strategic capacity. From late 2007, the focus of embedded training began to address this weakness in operating at the battalion and brigade levels.⁹²

Another non-financial limitation of the ANA was the slow pace at which it reached battlefield readiness. The first combat deployments date to the summer of 2003, yet serious combat involvement started only in 2005.⁹³ Combat losses, a benchmark of effective use in combat operations, only started becoming significant by 2005-06.⁹⁴ A disproportionate number of units were still withheld from the main battlefields at the end of 2006, even as the number of forward bases tripled to 60.⁹⁵ The initial neglect of logistics and communications made it impossible for ANA units to operate independently meaning that, as a rule, each ANA battalion would be attached to a US or NATO unit. As of late 2007, the ANA was just beginning to acquire independent transport facilities, with logistical capabilities barely beginning to emerge and often being handled less than successfully.⁹⁶

Aspects of the management of the ANA suggest that the evident reluctance to increase its autonomy was not merely a decision borne of technical considerations but was also politically motivated; the Afghan MoD and ANA did not even have control over its own media coverage, as US vetoes could override authorisations by senior officers and the MoD itself.⁹⁷ Only basic training was quickly handed over to Afghans with limited supervision by foreigners (though probably in part to override language problems). Similarly, the creation of a more capable air component was only beginning to take shape in the summer of 2007, when the Americans announced the delivery of 186 helicopters and fixed wing aircraft to equip the fledgling air force.⁹⁸ Until 2006, the few helicopters available to the Afghans were barely used. The political reasons for stunting the autonomy of the ANA can only be a matter of speculation, but they are likely to be linked to the desire of restraining a potential

⁹¹ Bill Roggio, "Observations from Southeastern Afghanistan," *Counterterrorism blog*, 18 June 2006.

⁹² "More international trainers needed for Afghan army: US military," *AFP*, 19 October 2007.

⁹³ 1,000 ANA soldiers took part in "Operation Warrior Sweep" in south-eastern Afghanistan.

⁹⁴ Giustozzi, "Auxiliary Force or National Army?"; Antonio Giustozzi, *Koran, Kalashnikov and Laptop: The Rise of the Neo-Taliban Insurgency in Afghanistan* (London: C.Hurst & Co. and New York: Columbia University Press, 2007), 181-89.

⁹⁵ See: Paul Koring, "Army woefully unready, Afghans say," *Globe and Mail*, 16 November 2006; "U.S.-Backed Afghan Army Plans Winter Offensive Against Taliban," *Radio Free Europe/Radio Liberty* 10:214, 20 November 2006.

⁹⁶ Giustozzi, "Auxiliary Force or National Army?"; Kathleen T. Rhem, "U.S. Soldiers Work with Afghan Army to Fortify," *American Forces Press Service*, 24 November 2006; Andrew Maykuth, "Afghanistan: The Forgotten War," *Philadelphia Enquirer*, 21 September 2006; Dileonardo, "Training the Afghan National Army."

⁹⁷ Zucchini, "Afghan army could help unify a nation."

⁹⁸ Sayed Salahuddin, "US to donate 186 aircraft to Afghanistan by 2012," *Reuters*, 12 July 2007.

confrontation with Pakistan as well as to a lack of trust in the capability of Afghan allies to maintain and manage the structure created with international assistance.

Possibly the greatest weakness of the ANA to date has been its lax discipline, with reports of such problems as: drug abuse; weak procedures and schedules; neglect of accountability paperwork; the selling of fuel and equipment; 'personalised' uniforms; weak 'muzzle discipline'; neglect of routine tasks, logistics, weapon maintenance and planning; an inability to maintain effective communications among units; looting of houses and farms; the abandonment of posts; and a lack of punctuality. Cases were reported of units ceasing their pursuit of the enemy in order to pray, or of units abandoning an operation because it lasted longer than planned.⁹⁹ Although the ANA attained a significantly better reputation than the police, allegations of abuses and corruption gradually began to surface, particularly as ANA units came under pressure in the south and southeast.¹⁰⁰ The routine tolerance of unauthorised leave had a particularly negative impact; the effectively deployable strength of the average battalion has rarely exceeded 400-450 men out of 650 in 2007.¹⁰¹ During 2005-06, the AWOL rate peaked at 38 percent, then gradually falling to 25 percent in mid-2007.¹⁰² American officers put the problem down to weak unit leadership and tried to address it by replacing commanding officers who proved unable to maintain discipline.¹⁰³

Conclusion

On the basis of what has been discussed above, it seems inescapable to conclude that the protective American attitude towards the ANA did not help it to grow as a force capable of autonomous operations. The fear of the political impact of an ANA failure on the battlefield probably accounts for this persistent tendency to shelve the new army but it created a vicious cycle that can only be resolved with a political decision. The tendency to rely on technology and equipment to instil confidence in the ANA is unlikely to resolve the problem of developing a force capable of operating away from the highways and up in the mountains. Significantly, the issue of fiscal sustainability had been altogether shelved by 2007, with the delivery of huge quantities of equipment and the implicit future maintenance costs. Although certain shortcomings might well have been unavoidable, the fact that in its sev-

⁹⁹ Zucchino, "Afghan army could help unify a nation"; Renata D'Aliesio, "Afghan troops key to 'race for the people' against Taliban," *Calgary Herald*, 23 October 2006; "The US has spent \$2bn creating an anti-Taliban force"; Baker, "Can the Afghans Defend Themselves?"; Scott Baldauf, "Small US units lure Taliban into losing battles," *The Christian Science Monitor*, 31 October 2005; Maykuth, "Afghanistan: The Forgotten War"; Dileonardo, "Training the Afghan National Army." See also: Giustozzi, "Auxiliary Force or National Army?"

¹⁰⁰ Giustozzi, "Auxiliary Force or National Army?"; Giustozzi, *Koran, Kalashnikov and Laptop*, 181-89; Declan Walsh, "Beaten, robbed and exiled: Life on the frontline of someone else's war," *The Guardian*, 20 June 2006.

¹⁰¹ Interview with US trainer, Kabul, November 2003; *Navy Times*, 19 June 2006.

¹⁰² Chan, *Sentinels of Afghan Democracy*, 15; Crumbo, "Afghan trainees have come long way."

¹⁰³ Jim Krane, "General: Desertions plague Afghan army," *Associated Press*, 29 May 2006.

enth year of existence the ANA is still incapable of effectively autonomous operations is impossible to justify on a technical basis.

The lack of local ownership is a recurrent complaint of the Afghan government with regard to the ANA; often, decisions were taken without even consulting Afghan authorities. This lack of ownership is even more important because of its potential implications on the future of political stability in Afghanistan. What will happen to the ANA once its control will be effectively taken over by the MoD? In the absence of solid political institutions, the political turf wars which seemed to have disappeared with the demise of the AMF might well resurface as different factions within the government and the MoD could start competing over influence and power.

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Chapter 2

Reinventing the Police: Output versus Impact

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Introduction

After the demise of the Taliban, the Afghan national police was a battered, chaotic and dysfunctional remnant of what, in the 1970s and 1980s, had been a proud and promising national institution. By the end of 2001 it was dominated by corrupt and factional interests, devoid of infrastructure and equipment and, apart from some pre-civil war officers and non-commissioned officers (NCOs), staffed with often illiterate and incompetent police incapable of maintaining order, enforcing the law or delivering policing services to the population.

Seven years on, after enormous international effort and expenditure, the situation has changed considerably. Most if not all of the roughly 82,000 police have undergone some training and are equipped with vehicles, weapons and uniforms. There are new or refurbished police buildings in most provinces, a rebuilt national academy, eight regional training centres as well as other training facilities and programmes, a vigorous recruitment programme and specialist departments for, among other things, border control, counter narcotics, counter terrorism and civil order police. In 2008, a survey of the Afghan people indicated that 82 percent of the population had confidence in the police, a percentage that remained more or less constant at 82 percent two years later.¹

Such percentages of public confidence are frequently used in developed countries to demonstrate the success of the police but there is almost universal agreement among observers that the results of Afghan police reform so far have been disappointing if not a failure.² The contradiction is puzzling since no performance measures or strategic objectives

¹ Ruth Rennie, Sudhindra Sharma, and Pawan Sen, *Afghanistan in 2008: A Survey of the Afghan People* (The Asia Foundation, 2008), 29; available at <<http://asiafoundation.org/resources/pdfs/Afghanistanin2008.pdf>>.

² Andrew Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police*, Issues Paper Series (Kabul: Afghanistan Research and Evaluation Unit, 2007); Tonita Murray, "Police-Building in Afghanistan: A Case Study of Civil Security Reform," *International Peacekeeping* 14:1

for Afghan police reform have ever been set. Nor has any comprehensive official evaluation ever been undertaken to measure progress, re-examine approaches or identify what remains to be done, although a number of informative and useful studies of different aspects of Afghan policing and police reform have been conducted.³ The question therefore remains of whether the money and effort invested in police reform has been well spent and why, by some accounts, reform has been disappointing. This paper is not sufficient to provide definitive answers but analysing some key developments of the last seven years may contribute to an understanding of the equivocal reviews of police reform and lay the groundwork for further examination and development of ways to improve performance.

Background

The broken state of the police in 2001 was a reflection of the state of the nation. All the tangible and intangible infrastructure of the country lay largely in ruins. Only Kabul was secure, owing to the presence of the International Security Assistance Force (ISAF). Under the auspices of NATO, this force was extended into the provinces with individual NATO countries, as well as the United States and countries such as New Zealand, forming reconstruction teams in the province for which they assumed responsibility (PRTs). Today there are PRTs in twenty-six of the thirty-four provinces maintaining security so that development can take place.⁴ A number of these PRTs include civilian police, in addition to civilian police working at the national level.

Because of its historical connections to Afghan policing, Germany first accepted leadership for rebuilding the police. The United States expanded its involvement in police reform in 2005 after ad hoc reform efforts by a number of countries had resulted in little significant progress. To begin, it injected USD 2.7 billion to accelerate and enhance development and by June 2008 that sum had climbed to USD 6.2 billion.⁵ The donation of funds and effort led to the United States attaining *de facto* leadership of police reform. More significantly, responsibility for all US support of Afghan security sector reform shifted from the US Secretary of State to the US Department of Defence, so most policing reform in Afghanistan became the responsibility of the US military under its Combined Strategic Transition Command-Afghanistan (CSTC-A), although policy and oversight of US civilian police advisors remained a State Department responsibility.

(January 2007); C. Christine Fair & Seth G. Jones, *Securing Afghanistan: Getting on Track* (Washington: United States Institute for Peace, 2009).

³ International Crisis Group, *Reforming Afghanistan's Police*, Asia Report No. 138 (Brussels: ICG, 2007).

⁴ International Security Assistance Force (ISAF), "Facts and Figures: International Security Assistance Force and Afghan National Army Strength & Laydown," <www.nato.int/isaf/docu/epub/pdf/placemat.pdf>.

⁵ United States General Accountability Office, *Afghanistan Security: U.S. Efforts to Develop Capable Afghan Police Forces Face Challenges and Need a Coordinated, Detailed Plan to Help Ensure Accountability*, Statement of Charles Michael Johnson, Jr., 18 June 2008, p. 5.

To adjust to this reality, counterbalance the weight of the US and improve cooperation and coordination, the EU organized Germany, other European countries and other international police missions such as that of Canada into a European police mission (EUPOL) in June 2007. At the same time, the International Police Coordination Board (IPCB) containing both European and American representatives was created. Until recently, the IPCB never found a clear direction and while EUPOL brought a range of civilian police and non-police expertise together, it was slow to establish an effective presence. As a result, American approaches and decisions have tended to prevail.

Significant Events in the Last Seven Years

Of the many changes made in the last seven years, some have been more significant than others, not necessarily because of size, cost or radical approach but because they could have a lasting effect on the character of the Afghan police, demonstrate the challenges of reform, or influence its progress for good or ill. It is these changes that observers use to judge the progress of police reform.

Pay and Rank Reform

Pay and rank reform was introduced to remedy a top-heavy rank structure, incompetence and pervasive corruption. The rationale for streamlining was that officers are leaders so fewer are required, non-commissioned officers supervise or deliver specialist police services so more are needed, and the patrol level is responsible for non-specialist police activities and should thus form the bulk of the police. A new organizational structure (*tashkil*) and pay system were developed reflecting this principle.

Starting with generals and descending through the rank structure tier by tier, officers were screened on merit for positions in the new *tashkil*. While the process worked smoothly, the selections for positions were subverted by some substitutions by the President's Office and influential commanders in the Ministry of the Interior (MOI). Some of the substitutions may have been made to achieve ethnic and other internal balances but it was claimed that most were made in return for financial consideration.⁶

Another inadvertent consequence of the pay and rank restructuring was that all female officers were screened out, except for one female general, due to systemic bias. The measures of merit were partially based on police knowledge and experience, which the police women lacked because they were denied equal access to police training and employment. Although gender equality is both an international and national priority in Afghanistan,

⁶ Personal communication from a number of disappointed police who claimed they had passed the screening process but had been squeezed out of preferred positions by superiors. The loss of face occasioned by failing the screening led some police to claim they had passed when they had not, but the number, intelligence and experience level of those claiming they had not received the position their efforts deserved gives credence to their complaints and supports the view that corruption eventually subverted what started as a merit-based process.

no steps were taken then or have been since to find equitable solutions to avoid the discrimination the police women experienced.⁷

Equally significant, pruning the senior ranks led to a lowering of the overall literacy level of the Afghanistan National Police (ANP). Officer rank requires twelve years of education, non-commissioned rank nine years and the majority of the patrol level is illiterate. While some unsuccessful officers accepted demotion to the non-commissioned level, many left the police. Moreover, given the rapid expansion of the middle band of non-commissioned officers, it was necessary to promote some patrol level police which, combined with unofficial recruitments and promotions, increased the number of illiterate non-commissioned officers. For example, a 2008 MOI survey revealed that 459, or 25.5 percent, of uniformed non-commissioned officers in the Kabul region were illiterate.⁸

Pay and rank restructuring was largely successful and one of few systemic reforms undertaken in the last seven years. It was a bold initiative that laid the foundation for other organizational reforms. It ultimately fell short of its aims, however, because there was a failure to appreciate the value and need for local knowledge and preparation. Consequently, there was little consideration of the roles and importance of ethnicity, rank, status, and education in the MOI, limited understanding of the strong cultural and political underpinnings of patronage and corruption that militate against rational solutions and refusal to deal with complications such as gender equality.

Curbing Corruption

Corruption in the Ministry of Interior reflects that of other government departments but has wider scope and is more blatant. Poorly paid patrol level police set up unofficial check points to extort money from drivers, senior commanders use police facilities and vehicles for the storage and transportation of drugs or buy appointments to positions with revenue generating opportunities, traffic police openly canvass for money, police are accomplices in robberies and kidnappings and bribes are exacted at every step of the lengthy processes for obtaining administrative services. The most intractable problem is the existence of 'ghost' police who are allocated pay and food but who can never be found, either because they do not exist or because of disorganized or non-existent records.

The rampant corruption throughout government has led to the creation of the High Office of Oversight and Anti-Corruption in the Office of the President and, within the MOI, the Office of the Inspector General that is responsible for internal investigations. More recently, anti-corruption investigative units have been established and are already reported to be fully employed, mainly with the cases of lower-level corruption. Currently, mechanisms to

⁷ The author was the police gender advisor to the Ministry of Interior at the time and brought the probability of this outcome to the attention of the international police responsible for the pay and rank restructuring but nothing was done to prevent the situation occurring.

⁸ Tonita Murray, *A Needs Assessment for Literacy, Social Benefits and a Police Academy Alumni Association in the Afghan National Police: Final Report* (Kabul: Deutsche Gesellschaft für Technische Zusammenarbeit, 2008) (unpublished).

prevent corruption are being introduced. A merit-based appointment system is being introduced and 300 inspectors have been dispatched to the 365 districts of Afghanistan to verify financial, human resource and equipment allocations. While some of these mechanisms have been created in an *ad hoc* manner, recently EUPOL undertook to develop a comprehensive anti-corruption programme for the MOI that promises to systemize anti-corruption.

While introduction of accountability mechanisms and pay improvements can help to reduce corruption, they are only partial solutions. The police, together with the larger Afghan society, have lived hand to mouth during thirty years of turmoil and have used their wits to survive. Their national government is barely functioning and incapable of serving its people. Thus people continue to rely on patronage, family connections and other corrupt practices to acquire some advantage in a disorganized state. Nearly everyone acquiesces, so the extorted extort and the extorters are extorted in their turn. Police too are both victims as well as offenders. For them, poor health and safety conditions, death and injury are daily realities yet they receive almost no social benefits. Apart from pay, which is still not a living wage for most police, there are no special incentives and only penalties to induce them to avoid corruption. Nevertheless, they are expected to be better than others. Until more positive incentives and systemic preventive measures are introduced, police will probably continue to risk penalty to gain advantage from their positions.

Training and Focused District Development

More international funding and effort have been expended on training than any other reform activity. The national police academy has been rebuilt and eight regional training centres, counter narcotics, civil order police and border police training facilities have been established.⁹ Other training facilities are still being built in other parts of Afghanistan.¹⁰ From 2003 to early 2009, 163,592 students were trained mainly in basic but also intermediate and advanced level courses. Other training has been delivered by police attached to PRTs and mentors attached to key police commanders.

In 2007, CSTC-A introduced the concept of focused district development (FDD), based on a programme used for the Afghan National Army. The entire police personnel of a district are trained as a unit for eight weeks in a regional training facility while their positions are back-filled by the civil order police. On completion of the programme, they are issued with new equipment and assigned a police mentoring team (PMT) to provide follow-up training in their districts. While international police were initially concerned about the military character of the programme, they have since agreed to participate in it. More recently, the Minister of the Interior requested NATO and the European Union to increase the supply

⁹ Many police have received more than one training course, thus accounting for the large number of students trained.

¹⁰ For example, Canada is creating a facility in Kandahar for training mid-level Pashto speaking police, Germany is building a new training facility in the north and Turkey has built a police training centre in Wardak province.

of police to accelerate the numbers trained through FDD in time for establishing security for the presidential elections.

While the FDD curriculum includes some general police training, the content is focused more on training for counter insurgency and counter terrorism and on survival techniques. The military nature of the training is reinforced by the PMTs. Owing to chronic shortages of civilian police, PMTs frequently contain military personnel. News media accounts attest to the character of the mentoring:

One of the combat instructors at the Kandahar RTC ... [an] army sergeant... teaches some of the infantry skills they need to fight against heavily-armed insurgents and thinks that hands-on training works the best.¹¹

Four American soldiers, members of a police mentor team... are stacked in a tight group against the wall of the empty structure. One of them is preparing to throw a hand grenade inside A civilian police adviser... is lecturing the assembled Afghans, as the American breach team goes through its drill. "The only time you use a grenade when clearing a house is when you know that [the Taliban] is in there with a weapon ready to shoot" The platoon sergeant for the [PMT] kicks in the door and hurls in the grenade. It explodes, and as the smoke billows out... "When you go in, you yell 'police' and for everyone to get down... Once you're sure that no one is standing, you check everywhere somebody can be hiding."¹²

There are a number of problems associated with FDD. While it is important for learning survival techniques, developing professionalism and obtaining international advice and support, it is a costly programme that absorbs most of the scarce policing expertise. Nor is it sufficient in itself for training civilian police, yet it has become the predominant training programme for all uniformed general duty police. It may therefore be diverting attention, funds and expertise from developing or providing other training that prepares police more thoroughly for general policing duties.

That military trainers are engaged in training and mentoring under FDD inevitably contributes to the militarization of the police. Indeed the FDD is being conducted according to military principles that are inimical to and could even stifle the development of good civilian policing practices.¹³ Police are generally trained as individuals, to think and make judgements before initiating action; the military trains soldiers as a unit to act as a unit to achieve objectives. The two orientations are opposed to each other because the military and police roles are different. While the FDD is an expedient way for training a large number of police in a short period of time, it lacks nuance, does not prepare police to act individually and is

¹¹ David M. Votroubek, "Improving Afghan police, one district at a time," *CSTC-A News*, 26 March 2008.

¹² Drew Brown, "US Mentor Team Trains Afghan Police," *Stars and Stripes*, 2 September 2008.

¹³ United States, *Plan for Sustaining the Afghanistan National Security Forces*, June 2008, p. 22.

not guided by 'softer' objectives such as changing the police culture or developing police to achieve human security or other social goals.¹⁴

Afghan National Auxiliary Police (ANAP)

In 2006, rising insurgency and lack of police in high risk provinces led to the creation of the Afghanistan National Auxiliary Police (ANAP). It was a short-lived but contentious programme since it was regarded by the international community as a reconstitution of recently dismantled militias attached to local warlords. Largely illiterate men were hastily recruited in the provinces and trained for two weeks before becoming 'community police' in their localities. Their contract was for one year with the tasks to patrol, guard important sites and carry out any other duties district police commanders gave them. Those who performed well were given the opportunity to be absorbed into the regular police after a year. While the ANAP was an MOI programme, there was no formal command structure since each ANAP group came under the authority of the local police commander. The programme ended after two years when the MOI *tashkil* was increased to 82,000 members, making it possible to absorb suitable ANAP personnel into the ANP.

While the ANAP no longer exists, it remains a significant influence on thinking about police reform. With the exception of the US, international organizations and donor countries intent on building national institutions with centralized control grow nervous when local initiatives emerge that can fall under the control of local strongmen. Most Afghans, on the other hand, tend to view traditional local arrangements as more legitimate than national ones and local leaders as more credible.¹⁵ Thus, when the Ministry of Interior and international advisors discuss options for local security needs, there is a divide in what they think is possible. In the absence of other options, however, the idea of raising local forces when need dictates does not disappear, and has indeed been proposed yet again by the Minister of the Interior (see below).

Creation of Specialized Police Branches

In addition to the existing uniformed general police and criminal investigation department, four new specialized police components have been created. These are the border, civil order, counter narcotics and counter terrorism police.

Afghanistan Border Police (ABP)

Responsibility for border security was transferred in 2002 from the Ministry of Defence to the Ministry of Interior.¹⁶ Germany and Norway began the process of creating and training

¹⁴ It is expected to take four years to train the police in all 365 districts of Afghanistan.

¹⁵ Louis Dupree, *Afghanistan* (Princeton: Princeton University Press, 1980), 248–51; Rasanayagam, Angelo, *Afghanistan: A Modern History* (London: I.B. Tauris, 2003), 26, 38–58; United Nations Department of Public Information, "Align International Efforts with Local Traditions, Secretary General Says," 3 July 2007.

¹⁶ Germany, Federal Foreign Office and Federal Ministry of the Interior, *Assistance for Rebuilding the Police Force in Afghanistan* (Düsseldorf: Druckerei Dehl, 2005), p. 18.

border police, which was eventually taken over by the US. Given its role in narcotics interdiction at borders, UNODC also supported the endeavour by building border posts along the Iran-Afghanistan border, training and providing equipment.¹⁷

The ABP has remained a militarized force with thirty-three battalions divided into 135 companies operating in five border regions. Its militarized character is perhaps more appropriate than for other police since it comes in contact less with the civilian population and follows a trend evident even in Europe of militarizing police working in border areas.¹⁸ The ABP is responsible for border security, staffing border control posts, providing perimeter, building, aircraft and passenger security at the Kabul and Herat international airports, patrolling within a 55 km zone along the 5,500 km Afghan border, immigration control and investigation of immigration violations. The latest approved strength of the border police is 17,970 but, despite recruitment efforts, to date there are only approximately 12,000 members.¹⁹

As insurgency has increased across the southern and eastern borders of Afghanistan, there has been renewed urgency to improve border police training and to raise effectiveness. Initially, border police received only two weeks training after eight weeks of basic training.²⁰ But in late 2008, it was decided to emulate the FDD model and create an eight-week focused border development (FBD) course and to train the border police one battalion at a time. The programme has started on the east-central border where newly trained border police battalions are teamed up with US military battalions for follow-up training.²¹ The US is also building border posts along the Afghanistan-Pakistan border, and eventually the programme will be extended to the southern borders. In 2009, 4,200 border police are expected to pass through the FBD programme at a cost of USD 70 million.²²

Afghanistan National Civil Order Police (ANCOP)

The creation of the Afghanistan National Civil Order Police (ANCOP) began shortly after Kabul descended into near anarchy in May 2006 when police inability to manage riots resulted in a significant number of civilian deaths and injuries. The ANCOP was formed under the Ministry of the Interior to maintain civil order in urban areas, patrol in rural areas throughout Afghanistan, deal with civil disorder, looting, domestic drug smuggling, hostage situations, insurrection and other situations requiring police crisis management and quick, mobile response. Full operational strength of 5,365 members was expected by December

¹⁷ UNODC Afghanistan, *Afghanistan: Counter Narcotics Law Enforcement*, Update #6, 2007, 1–12.

¹⁸ Derek Lutterbeck, "Blurring the Dividing Line: The Convergence of Internal and External Security in Western Europe," *European Security* 14:2 (June 2005): 231–53.

¹⁹ C.J. Radin, "Afghan Police Update: February 2009," *The Long War Journal*, 26 February 2009.

²⁰ US General Accountability Office, *Afghanistan Security: Efforts to Establish Army and Police Have Made Progress, but Future Plans Need to Be Better Defined*, June 2005, p. 25.

²¹ Michael Gisick, "Afghan border patrol facing more training courses," *Stars and Stripes*, Mideast Edition, 26 January 2009.

²² *Ibid.*

2008.²³ In April 2008, the ANCOP training centre was opened. Training consists of a sixteen-week initial training course in weapons handling, crowd and riot control, police tactical operations in urban terrain, tribal relations and ethics. There is a two-month advanced tactics familiarization course, which includes specialized weapons and tactics training.²⁴

Because of the degree of competency it has achieved, ANCOP is considered a success story but there have been no major disturbances equal to the Kabul riots since 2006 to test its effectiveness. It has been used as temporary back-fill in those districts where police personnel are undergoing FDD training and, by all accounts, it has worked well. There is anecdotal evidence that district populations find ANCOP better than the police who have left to undergo training.

Counter Narcotics Police of Afghanistan (CNPA)

That the narcotics trade is funding insurgency and undermining rebuilding efforts means that the CNPA contributes not only to suppressing poppy production and narcotics traffic but to countering insurgency and increasing the stability of Afghanistan.²⁵ According to the United Nations, in 2007 Afghanistan was responsible for 82 percent of the world's production of opium.²⁶ When made, seizures tend to be extremely large. Between January and June 2008, the Criminal Justice Task Force seized 944 kg of heroin and 61,500 kg of opium, 265,326 kg of hashish and 18,944 kg of precursor chemicals. In June 2008 in Kandahar alone, the CNPA seized marijuana with a western street value of USD 600 million.²⁷

The CNPA enforces the 2005 Counter-Narcotics Law through its intelligence, investigation and interdiction units. In 2008, it contained 3,777 members dispersed throughout the country but, in addition, there is a national interdiction unit, an eradication unit and an aviation battalion, as well as special investigations and technical investigation units, both of which work on "high-value targets." The UK and the US are the major contributors to the CNPA. In particular, the US Drug Enforcement Agency (DEA) operates foreign-deployed advisory and support teams (FAST) on four-month rotations to train Afghan counter narcotics forces and participate in drug raids and eradication efforts.²⁸

Total international spending on capacity building and operating the CNPA is difficult to ascertain but reports suggest that in 2007-2008 the United Kingdom spent £41.9 million, of which £8.4 million went to the CNPA, £32.5 million to the special narcotics force and £1

²³ Afghanistan Ministry of the Interior, *Taskil, 2007 and 2008*, Internal unclassified document (Kabul, 2007 and 2008).

²⁴ "ANCOP boosts nation with specialized police," *CSTC-A News*, September 2007.

²⁵ Thomas A. Schweich, *Testimony Before the House Committee on Foreign Affairs Middle East and South Asia Subcommittee*.

²⁶ United States Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *Update on Counternarcotics in Afghanistan*, 28 August 2008.

²⁷ *Ibid.*

²⁸ John A. Glaze, *Opium and Afghanistan: Reassessing U.S. Counternarcotics Strategy*, A Carlisle Paper in Security Strategy (Carlisle, PA: Strategic Studies Institute, October 2007).

million to the counter narcotics criminal justice task force.²⁹ In roughly the same time period, the US spent \$171.1 million on air mobility, police training, equipment and facilities, border police training and equipment, intelligence programmes, DEA and programme support.³⁰

Counter-Terrorism Department

There are 406 members of the counter terrorism department responsible for investigation of insurgency incidents, such as the planting of improvised explosive devices (IEDs) along roads, gathering intelligence and other counter-insurgency police operations. Its structure includes a small headquarters unit, which provides central direction over the units dispersed throughout the country. There is also a quick reaction force of fifty members, analysis, investigations, and special operations units, and national and international terrorism units.

The creation of the specialized forces, especially ANCOP and the Border Police, has given a veneer of professionalism to the national police. They are visibly better trained and more alert than many of their counterparts in the uniformed police. In the case of ANCOP, an order function essential to civilian policing was developed where it did not exist before. As for the border, counter narcotics and counter terrorism police, it could be argued that these have been established not so much to reform the police as to satisfy the policy and law enforcement goals of the donor nations engaged in police reform. The control of poppy cultivation and insurgency and the securing of borders contribute as much if not more to international policies for the suppression of terrorism or drug trafficking as to peace building in Afghanistan. And, it could be argued, there may be an opportunity cost for ordinary Afghans that the pursuit of safe borders or counter insurgency measures has been at the expense of human security and communities free from crime and disorder.

Seven Years on

During 2008 and early 2009 there was a discernible increase in determination to improve the pace and quality of police reform. Some of this was pushed by the Joint Coordination and Monitoring Board (JCMB) of the Afghanistan National Development Strategy (ANDS), which operates under the Afghanistan Compact agreed by Afghanistan and donor countries. Security reform is one of the three pillars of the ANDS. The JCMB directed the police to develop a vision for policing in Afghanistan and an implementation plan. The plan is being developed based on a vision that may lack inspiration but nevertheless represents a consensus:

The Afghan National Police will uphold the Constitution of Afghanistan and enforce the prevailing laws of the country to protect the rights of all people of Afghanistan. The Po-

²⁹ United Kingdom, *Daily Hansard*, Written Questions, 196721, Column 167W.

³⁰ United States, *National Drug Control Strategy, FY 2008 Budget Summary*, Emergency Supplemental & Additional Spending with Emergency Designations.

lice perform their duties in a professional, non-discriminatory, accountable and trustworthy manner.³¹

The European Union also doubled the EUPOL contingent and, as more senior and experienced civilian police arrived, the voice for emphasizing civilian policing in Afghanistan became stronger. At the same time, the US military came closer to understanding policing needs, and the two separate European and American police reform blocs began to cooperate more actively. This was reflected in the revitalization of the IPCB, which before had difficulty discovering its mission. The IPBC Board has been expanded to include representation from more donor countries contributing to police reform and a senior police group has been created. The result is that EUPOL and the IPCB are beginning to take leadership for leading civilian police reform.

Perhaps the most important change of all at the end of 2008 was the appointment of a new, vigorous and capable Minister of the Interior with credibility in the international community and ideas for the reform of the ANP. While security for the 2009 presidential elections and the question of his own position should the president change have perhaps foreshortened his strategic vision for the time being, his early projected innovations will nevertheless have long-term consequences. He has won the acquiescence of the US to yet another increase in the police *tashkil*, acquired more policing expertise from Europe, is implementing the merit-based appointment system and other anti-corruption mechanisms discussed above, removed some senior officers found to be corrupt or incompetent and envisaged a new organization for the police.

His plans for the new organization are predicated on the notion that the Ministry of the Interior has two roles: security and policing or, expressed differently, state security and human security. For each he proposes a separate structure and approach but unified under Ministry direction. One structure will have the functions of a gendarmerie and the other civilian policing functions. He has already created major crime units in the provinces that link together criminal investigation departments, counter narcotics and counter terrorism units through the use of intelligence. This is his concept of intelligence-led policing. Now he proposes to devote the uniformed police solely to general and community policing duties by introducing an Afghanistan public protection force (APPF) to assume security duties in districts. This is probably where the bulk of the new increase in *tashkil* numbers would go.

To ensure openness and accountability, the selection of candidates for the protective force would be made by district councils and there would be a formal line of command from the district through provincial and regional headquarters to a senior position under the Deputy Minister of Security in the Ministry of Interior. The APPF would, in effect, become a second separate component of the MOI, with the police as the other. To demonstrate the efficacy of the idea, a pilot project was started in the province of Wardak and will be evaluated before extending it elsewhere.

³¹ International Police Coordination Board, *Background: Afghan National Police (ANP) – Vision*, March 2008.

For some among donor nations this hints at the former ANAP and reports that the US military will use local militias to establish security as it did in Iraq does not allay fears.³² There are differing views, however, on the idea of using local militias. First it is being floated by a minister trusted by the international community who argues that creating the public protection force will prevent diversion of police to counter insurgency functions and, with additional reform measures, will strengthen civilian policing. Secondly both the security and the crime situations have deteriorated significantly and the 2009 and 2010 elections are a pressure for considering any option likely to ensure their security. But the factor most likely to sway the decision is the intention of the Obama administration to concentrate American energies on establishing security in Afghanistan and Pakistan by strengthening military and police effectiveness.

While details of how policing will benefit have been thin so far, it can be assumed with some degree of certainty that the continuing difficulty in obtaining sufficient international police and qualified police recruits to meet security requirements will compel the MOI to resort to a remedy such as local forces to support the efforts to establish security. Given the circumstances, it is also likely that the immediacy of security requirements will continue to sideline the reform of civilian policing. Whether the APPF becomes an effective and accountable public security force, or merely a devil's bargain struck to achieve short term aims that results in supplying internationally funded recruits and weapons for local factions, will be dependent on clearly defining roles and responsibilities, setting out terms of reference and designing strong command and control structures.

Police Reform: Evolutionary or Incomplete?

From the foregoing discussion, it is evident that police reform has had its ups and downs, which may partially account for the mixed assessments of its performance. One explanation for the slow pace of reform is that it is an evolutionary process, that some reforms must be established before others can be introduced and that a certain amount of trial and error is to be expected.

Another argument is that continuing instability and insurgency have derailed police reform and snatched away opportunities for creating a successful civilian police. As visible and accessible representatives of government, the police have been targets for suicide bombers, IED explosions and armed attacks by insurgent forces. As a result, they have been inevitably drawn into the fray and have had little choice but to engage in counter-insurgency activities. But the degree to which they have been drawn in suggests rather that they have been co-opted at the expense of the needs of the civilian population for law and order. There is evidence of this in the number of police killed by insurgents and the largely unchecked growth of crime.³³ In effect, giving the military responsibility for police has given

³² Dexter Filkins, "US and Afghans Plan to Recruit Local Militias," *New York Times*, 23 December 2008.

³³ International Crisis Group, "Policing in Afghanistan: Still Searching for a Strategy," *Update Briefing*, Asia Briefing No. 85 (Kabul/Brussels: ICG, 18 December 2008), p. 1.

it access to a pool of personnel for supporting military objectives. This not only suggests expediency in using police as a secondary military force but raises the question of whether the police or rule of law needs of the population are properly valued. It also questions the appropriateness of employing military to direct police reform, which is more properly a peace-building and development strategy. It is this dilemma that perhaps underlies the criticism of the military in US government reports that it has failed to set long-term strategic goals for police reform.³⁴

Perhaps the most prevalent view is that competing approaches, lack of strategic vision, coordination, financial resources and civilian police expertise, as well as rapid turnover of police on the ground, have reduced the effectiveness of reform efforts. While there have been tensions, these have softened recently. Nevertheless, there may still be differences in understanding the concept of capacity building. For some it means building a better police force to meet needs in the future they are not now satisfying; for others it means providing the physical capacity—vehicles, equipment and so on—the police currently lack to meet the policing demands of the present. For the Afghan police, it undoubtedly means both. It is perhaps the tension inherent in the dual requirement to support police now while reforming them for the future that goes unrecognized and thus leads to different conceptions of the capacity building role.

While all three explanations have some credence as reasons for the equivocal success of reform, a factor that has been largely ignored as a threat to success is the failure to tackle serious systemic problems. As a result, there is still an element of improvisation and disjointedness about the police reform enterprise. Efforts have been concentrated on quick returns and less on long-term results.³⁵ Consequently, difficult systemic issues have not been tackled or, as in the case of corruption, are not yet being tackled systematically enough. Some key systemic problems that have not been addressed include low literacy rates, outmoded and inappropriate basic training curricula, role blurring that impedes effective governance and accountability of the police, and the lack of systematised operational policies and procedures.

Literacy

An estimated 71 percent of all police is illiterate, 16 percent is semi-literate, and only 13 percent has twelve years of education.³⁶ Despite the knowledge diffusing effects of television and radio, lack of literacy also implies innumeracy and limited knowledge of government, social organization, the larger world, scientific discovery linked to forensic sciences and information technology. The greater part of the Afghan police is therefore denied access to a body of knowledge from which police draw in performing their functions, and especially for making judgements and operational decisions. Despite training, most Afghan

³⁴ Schweich, *Testimony Before the House Committee on Foreign Affairs*, 3–4.

³⁵ ICG, "Policing in Afghanistan," p. 4.

³⁶ Tonita Murray, *A Needs Assessment for Literacy, Social Benefits and a Police Academy Alumni Association in the Afghan National Police*, 7–8.

police therefore lack the educational base to become professional police, although it is important not to devalue their ability and untrained intelligence, essential to good policing, to understand and make sound judgements based on their knowledge of people and their behaviour.

While many illiterate police have noticeably good memories, they are unable to take notes or read official documents such as the motor vehicle registrations they request at check points. Lack of literacy also affects their training. While courses for patrol-level police are designed for the non-literate, it means that they are confined to learning only the most basic of police functions. Courses for mid-level police may require up to twelve years of education, so if a significant number are illiterate or only semi-literate, their ability to learn is impaired. Also, given that much Afghan education is based on rote learning, reasoning skills for independent thinking and problem-solving are not well developed even among police at the officer level. This, together with limited English language and computer literacy, is an obstacle to the development of leadership and management competencies, and investigative, intelligence analysis or emergency response skills. They are thus ill equipped to aspire to the new police role of 'knowledge worker' or to participate actively in global policing activities.

With a low literacy level in the general population, the MOI has a small pool from which to draw literate recruits and has to compete with other occupational groups and organizations to acquire good candidates.³⁷ Nor is the situation likely to improve in the short term since only half of the estimated 12 million school-age children currently have access to education. Yet without a higher literacy level in the police it will be difficult to raise training standards, improve records management or communication, introduce advanced investigative and intelligence techniques or use technology extensively.

Despite recognition of the problem, there has been no systematic attention given to it. The MOI has undertaken a programme as part of a government-wide effort to raise literacy among government employees but the programme lacks funds and competent leadership. Individual international police contingents in the provinces have also started literacy programmes but they tend to be modest efforts and their sustainability is questionable. The most systematic and professional literacy programme is about to be undertaken by Germany, but it is confined to the four northern provinces where Germany has responsibility for security and local police reform. The magnitude of the numbers, the difficulty of combining literacy courses with operational duties and the time it will take for such a large programme to show appreciable results seems to have proved too daunting to have been taken on; yet it remains essential to the reform effort.

Bold and imaginative measures are needed immediately. Apart from providing adequate support for the current government literacy programme and extension of the German literacy programme to other provinces, paid pre-employment literacy training for prospec-

³⁷ Literacy is estimated at 43.1 percent for men and 12.6 percent for women. United States, Central Intelligence Agency, *World Fact Book*: <<https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>> (accessed 6 March 2009).

tive police recruits, and both pre-employment and in-service educational enhancement offered to promising candidates would improve organizational literacy. There are no panaceas but a vigorously pursued literacy programme would increase the likelihood of success for police reform.

The Police Training Curriculum

While training of patrol level police fills a gap, much of the training developed for reform purposes may not be sustainable because of cost and the fact that it has been laid over rather than integrated into the national police training curriculum. In particular, the basic and in-service police training curriculum taught to middle and officer-level recruits at the National Police Academy has to some extent been sidelined recently because of the concentration on the FDD programme. The Academy is held in national esteem because it produces police leaders. Nevertheless its curriculum is founded on drills and non-interactive classroom lectures, emphasizing hierarchy, deference and ceremony at the expense of competency-based learning. The Academy therefore continues to graduate perhaps 600 officers and 1,500 middle-rank police a year, all of them trained in the same way as a generation ago.

There has also been a failure to revise or develop a body of uniform operational standards in the ANP on which training should be based to ensure consistent performance and compliance with human rights and legal requirements. Nor is there recognition that while training is an essential part of police development, in itself it cannot change a corrupt police culture or create an effective police organization. Investing in training to the exclusion of other organizational reform strategies such as raising entry standards, improving literacy, introducing development programmes for high potential candidates or succession planning for the next generation of police leaders is equivalent to putting all the eggs in one basket. Consequently, the same kind of police leaders and non-commissioned officers are being produced that current international efforts are trying to reform.

Complete reform of the Academy curriculum implies another systemic overhaul that requires professional expertise not usually resident in the operational police population. Nor would it be regarded as an attractive, short-term and newsworthy 'deliverable' for most donor countries. Thirdly, it would probably cause some resistance from incumbent training staff whose attitudes, approaches and knowledge would be challenged to change. Therefore, the likelihood of a much-needed curriculum reform for higher and middle-level police in the immediate future is not very high, yet the stultifying effects of up to three years of training on future police leaders will continue to undermine present and future reform efforts.

Role Conflict and Confusion

The Minister of the Interior functions both as the head of the national police and as the chief commander of police operations. Moreover, all his deputy ministers and most of his ministry staff are police or former military, holding police rank and responsibilities. This means that the MOI functions more as a police headquarters than a ministry since opera-

tional concerns dominate and the research, policy, planning, monitoring or reporting functions more common for a ministry are overshadowed or underdeveloped. Short-term operational decision making therefore diverts attention from the need for longer-term ministerial policy making.

Blurring of roles and responsibilities is also evident at the sub-national level, where there is tension between the roles of provincial governor and provincial police commander.³⁸ Article 4 of the Police Law states that:

The police shall perform their duties under the leadership of the Minister of Interior in the capital, and under the guidance of the governors and districts chiefs in the provinces and districts respectively.

The border police and highways security police shall perform their duties under the leadership of the Minister of Interior both in the capital and the provinces.³⁹

The powers of provincial governors or provincial security commanders have also been hotly debated in the international community and in the lower house of the National Assembly, which favours governors directing the police. That the Minister of the Interior functions more as a police chief than a minister does not seem to have attracted similar attention or concern, yet there is an inherent contradiction in a minister both making and executing policy since it implies self-governance and accountability to oneself and an absence of checks and balances on the police.

This is the crux of the role confusion in the police both at the national and the sub-national levels. In a democracy, police are operationally autonomous and free from political interference but governed and accountable to an external authority. The Minister of the Interior and provincial governors are the logical offices for exerting the governing authority but they are not able to do this clearly and transparently if they are also engaged in police operational decision making.

In the Ministry of Interior there is no distinction between responsibility for direction and responsibility for execution and no clear mechanisms for demonstrating accountability. Moreover, operational decision making frequently overshadows policy because it is difficult to maintain a balance between the two. The absence of a policy unit in the Minister's Office is indicative of this reality and, although a strategic planning and policy unit has been recently introduced into the ministry, it is staffed with police officers rather than policy analysts. Consequently, the police are not directed by policies that set clear objectives and priorities for achievement and they are not held accountable for results.

³⁸ ICG, "Policing in Afghanistan."

³⁹ Islamic Republic of Afghanistan, *Police Law* (Kabul, 22 September 2005), Article 4. The quotation is from a draft English translation of the *Police Law*.

Operational Policies and Procedures: Incorporating Organizational Requirements and Systematizing Police Response

A normal process for incorporating an organizational requirement or change into police practice is to develop an operational policy and procedures for meeting the policy. Most police organizations have policies and procedures for police functions ranging from the use of force or making an arrest to searching for a missing person or interaction with a community consultative group. Operational policies and procedures are written and formalized, and are intended to structure police performance and conduct to ensure consistency of practice, as well as to be a means of holding the police accountable. They are the standards of police practice, a body of doctrine that incorporates organizational values and decides the character of the police they regulate. They incorporate human rights principles and anti-corruption procedures and constitute measures for deciding ethical and disciplinary matters. Police training is based on this body of organizational rules. New ones are added and existing ones revised when needed. For example, a change in a law or a judicial decision usually generates change in police operational policy and its procedures to meet new legal requirements. They are thus a permanent, dynamic and indispensable starting point for all good police practice.

The ANP has policies and procedures but they are not extensive and many predate the new democratic constitution, thus they require renewal and expansion. In addition, seven years of reform have changed some practices that have not been standardized as new policies and procedures. Similarly, many of the provisions of the Police Law have not been distilled into organizational policies and procedures. While a new organizational policy for merit-based appointment has been developed, other anti-corruption practices have not been expressed in organizational policy and procedure so there is no standard for ensuring that anti-corruption innovations are followed.

The development of comprehensive policies and procedures, their maintenance and their promulgation is a specialist function that is often undertaken by trained non-police. The skill set is not readily available in Afghanistan. While the international and national police understand the importance of policies and procedures they are not necessarily the best people for developing them. The ability to institute sound policies and procedures into Afghan policing is therefore limited as long as the expertise remains unavailable.

Conclusion

The contradictory assessments of police reform reflect the contradictions inherent in police reform itself. Despite a great deal having been accomplished and some forward momentum, there is nevertheless a continuous theme: success marred by unforeseen consequences and actions achieving other than expressed intentions. The prevailing impression is that while there have been successes, more could have been achieved for the effort and financial investment if reform had proceeded differently.

First, a general failure to address large, systemic problems has compromised the overall thrust of reform efforts. For example, training would have showed better results if a

systematic literacy programme had been introduced early. While the complexity and long-term nature of systemic solutions were no doubt daunting to contemplate and some early reforms had undoubtedly to be found, if work had begun on systemic problems in even a modest way seven years ago, they would have been showing results today. Moreover, now that most of the simpler problems have been addressed, and only the difficult systemic problems that take time and effort to change remain, it is possible police reform will slow and there will be less progress. Criticism of police reform may then intensify.

A second reason for regarding reform as disappointing is the concentration there has been on making changes to the organization itself with little reference to the social context in which the reform was taking place or the reasons for undertaking police reform in the first place. This is evident in the police vision. It is more an organizational mission statement than an expression of the desired outcomes of police reform. Concentrating on ensuring that a certain number of police are trained, equipped, paid and deployed has become an end in itself rather than a means for police to achieve a just social end for the people of Afghanistan.

The reform has thus unduly focused on outputs and paid insufficient attention to achieving outcomes. This could be responsible for unclear direction, weak impetus, little impact and the impression that police reform has failed to date. Trained and equipped special units such as counter narcotics or border police have had successes but not much impact; ANCOP has filled a useful role in backfilling district police on FDD training but this could have prevented it from developing a coherent order maintenance role that could have had a national stabilizing effect, while FDD and other types of training have not yet resulted in police having an effect on narcotics production and trafficking, insurgency, the crime rate or on human security in communities. Concentrating police on counter insurgency and security concerns while neglecting civilian police reform has slowed overall police reform, missing opportunities to demonstrate the value of the police and the strength of the government in establishing law and order. So, while discrete initiatives have been successful, they have remained disconnected outputs lacking the integration necessary to create synergy and impact. Their full value therefore has not been realized.

Ultimately, police reform has lacked strategic vision and imagination, and has been pursued with little knowledge and understanding of the society it is supposed to benefit. Civil society has rarely been consulted on its needs and views for the future of policing. Western policing solutions have been introduced without examination of their applicability to Afghanistan and indigenous mechanisms such as local *shuras* that could be brought into a community policing system, or the local ability to mobilize support for the police in countering insurgency, has been feared when introduced and repeatedly rejected. It is true, there has not been a body of reliable knowledge on which to make decisions and plan but that is because there is still an absence of reliable data for decision making. Data collection and analysis is another essential system the importance of which has been recognized but the absence of which it is easier to lament than address.

A vision of policing from a civil society perspective might contemplate stable communities throughout Afghanistan, reduced crime and fear of crime, borders secure from insurgency, narcotics production and trafficking brought under control, a reduction in individual and societal violence, free flowing traffic, human rights respected, women treated with respect and allowed at least their Islamic rights, exploitation of children addressed with vigour; offenders rights respected, criminal cases investigated expeditiously, police abuses, intimidation, and corruption contained, police focused on community service rather than state duty, and a consistent quality of police service but delivered in different ways in different regions of the country. Working backwards from such a vision would identify the initiatives and activities that should be undertaken and the appropriate resources needed. A vision expressing the desired police impact on society would help show how present results could be connected into a coherent, strategic whole, identify what still remains to be done and would set a goal of social good for police reform.

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Chapter 3

“The Good, the Bad and the Ugly”: The Privatized Security Sector in Afghanistan¹

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“This is wild country,” Bush said. “This is wilder than the Wild West.”²

Restoring security in post-conflict contexts is a crucial precondition for reconstruction and development assistance as well as peaceful political processes. Security sector reform (SSR) is therefore considered an integral part of peace- and state-building, some viewing it “as the lynchpin upon which the success of the entire state-building process depends.”³ It is here, however, where the Afghan government—and its international supporters—are collectively failing. Security is constantly deteriorating with Afghanistan’s security forces, the Afghan National Army and especially the Afghan National Police, which suffer from a legitimacy deficit.⁴ For international actors and the private sector (but less for the general population),⁵ the security vacuum has been readily filled by an ever-growing ‘army’ of pri-

¹ Homage to Sergio Leone for creating one of the best Western movies of all time. I would also like to thank Steve Mayall, Howard Adelman and James Cockayne for providing useful comments on this chapter.

² David Jackson, “Bush extends stay of troops in Afghanistan,” *USA Today*, 15 February 2007.

³ Mark Sedra, “Consolidating an Elusive Peace: Afghanistan’s Security Sector Reform Process,” in *Reform and Reconstruction of the Security Sector*, ed. Heiner Hänggi and Alan Bryden (Münster: LIT Verlag, 2004), p. 1.

⁴ Andrew Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police* (Kabul: AREU, 2007); International Crisis Group, *Reforming Afghanistan’s Police*, Asia Report No. 138 (Brussels: ICG, 30 August 2007); International Crisis Group, *Policing in Afghanistan: Still Searching for a Strategy*, Asia Briefing No. 85 (Brussels: ICG, 18 December 2008).

⁵ Susanne Schmeidl, “Case Study Afghanistan – Who Guards the Guardians,” in *Private Security Companies and Local Populations: An Exploratory Study of Afghanistan and Angola* (Berne: Swisspeace, 2007); Susanne Schmeidl, “Case Study Afghanistan,” in *Private Security Companies*

vate security contractors that first appeared on the Afghan scene with the US-led invasion that toppled the Taliban in late 2001. The presence of private security providers, however, indicates the lack of capacity of the state to provide security on its territory.⁶

Despite the increasing presence of private military/security companies (PMCs) in post-conflict environments, however, Richards and Smith (2007) argue that the private security sector tends to be overlooked when developing and implementing SSR programmes, also illustrated by an absence of privatised security in SSR literature on Afghanistan.⁷ Even a recent book on peace operations,⁸ including the chapter on Afghanistan, failed to raise the role of private security actors. This chapter tries to fill this gap. Its title—making reference to an epic Western movie—was intentionally chosen, as the private security sector is often associated with a ‘cowboy’ culture.⁹ Former US President George W. Bush also referred to Afghanistan once as “wild country ... wilder than the Wild West.”¹⁰ This chapter, drawing on earlier research on privatised security and the civilian population,¹¹ tries to explore this analogy further, presenting an overview of the opaque sector of commercial security providers in Afghanistan and regulation attempts.

Profiling PMCs in Afghanistan – Deconstructing “The Good, the Bad and the Ugly”

A mix of an unregulated market and a clear need by the private sector, militaries, humanitarian actors, donors and embassies made the commercial security sector mushroom in Afghanistan at a fast pace. As with many business ventures, privatized security in Afghanistan is a mixed bag and not all that is on offer is good. Given the wide array of service providers and the mix of services used, a clear definition is hard to develop. Yet definitions seem to matter, especially to the private security sector itself battling an ever-worsening

and Local Populations: An Exploratory Study of Afghanistan and Angola, ed. Ulrike Joras and Adrian Schuster, Working Paper 1/2008 (Berne: Swisspeace, 2008).

⁶ Caroline Holmqvist, “The Private Security Industry, States and the Lack of an International Response,” prepared for the *Seminar on Transnational and Non-state Armed Groups*, Cambridge, 9-11 March 2007, p.4.

⁷ Mark Sedra, *Security Sector Transformation in Afghanistan*, Working Paper No.143 (Geneva: DCAF, 2004); Sedra, “Consolidating an Elusive Peace.”

⁸ See: William J. Durch, *Twenty-First Century Peace Operations* (Washington DC: United States Institute of Peace, 2006).

⁹ Robert P. Weiss, “Introduction – From Cowboy Detectives to Soldiers of Fortune: Private Security Contracting and its Contradictions on the New Frontiers of Capitalist Expansion,” *Social Justice*, 34:(3-4) (2007), 1–19.

¹⁰ Jackson, “Bush extends stay of troops in Afghanistan.”

¹¹ See, by way of comparison: Schmeidl, “Case Study Afghanistan – Who Guards the Guardians” and Schmeidl, “Case Study Afghanistan”; Stephen Brooking and Susanne Schmeidl, “When Nobody Guards the Guards: The Quest to Regulate Private Security Companies in Afghanistan,” *Security and Peace*, 4 (2008).

image and mercenary label.¹² When starting to research private security providers in Afghanistan, the combined term “private military/security contractors” was met with immediate resistance.¹³ There is a dislike by most private security firms to define their work in ‘military’ terms with the argument that they only use force in defence of their clients, rather than launching offensive attacks as the army does. This distinction is often called ‘active’ vs. ‘passive’ operations,¹⁴ or ‘offensive’ vs. ‘defensive’ activities.¹⁵ While it may make sense for PMCs to distinguish their activities along those lines,¹⁶ “no serious analysis can turn on company self-identification.”¹⁷

The entire ‘offensive-defensive’ (or ‘active-passive’) distinction can be considered “irrelevant at best and misleading at worst” since “what is perceived as ‘defensive’ under one set of circumstances may well turn out to have ‘offensive’ repercussions in another.” As Holmqvist rightly notes, “short-term situational demands as well as immediate or medium-term business opportunities lead companies to appropriate new tasks with relative speed and ease.”¹⁸ Schmitt, enlisting international humanitarian law, examined a series of thresholds, such as whether a group was fighting on behalf of or furthered “the objectives of” a party to a conflict; and concluded that:

A civilian government employee or private contractor defending military personnel or military objectives from enemy attack directly participates in hostilities. His or her actions are indistinguishable from the quintessential duties of combat personnel.¹⁹

Two recent incidents illustrates the blurring between ‘offensive’ and ‘defensive’ capacities in volatile countries such as Afghanistan:

- In August 2008, Afghan employees of two private security companies (Compass and US Protection and Investigation Services-USPI) may have inadvertently killed

¹² Erik Prince, the CEO of one of the biggest private security firms in Afghanistan, for example, highlights that “The Oxford dictionary defines a mercenary as a professional soldier working for a foreign government, ... We have Americans working for America, protecting Americans” (cited in Bruce Falconer and Daniel Schulman, “Blackwater’s World of Warcraft,” *Mother Jones Magazine*, 20 March 2008, p. 1).

¹³ Informal interaction with Country Representative of International PMC, Kabul, Afghanistan, 24 March 2007.

¹⁴ Singer 2003, p. 89.

¹⁵ Caroline Holmqvist, *Private Security Companies: The Case for Regulation*, SIPRI Policy Paper No.9, January 2005; Holmqvist, “The Private Security Industry, States and the Lack of an International Response.”

¹⁶ Holmqvist, “The Private Security Industry, States and the Lack of an International Response.”

¹⁷ Human Rights First, *Private Security Contractors at War: Ending the Culture of Impunity* (New York/Washington DC: Human Rights First, 2008), p. 1.

¹⁸ Holmqvist, *Private Security Companies: The Case for Regulation*, p.5; Holmqvist, “The Private Security Industry, States and the Lack of an International Response,” p. 8.

¹⁹ Michael Schmitt, “Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees,” *Chicago Journal of International Law* 2:5 (2004), p. 538.

a Canadian soldier.²⁰ The contractors thought insurgents were attacking them when they travelled on the Kandahar-Herat highway and returned fire, not noticing that they had stumbled upon a fire fight between insurgents and Canadian soldiers.

- In October 2008, "U.S. forces in Afghanistan said ... they had launched an air strike that killed a number of private Afghan security guards only after coming under fire from that position."²¹

Singer's typology,²² based on the range of services and level of force offered by a PMC, is frequently cited as having partially solved the definitional dilemma.²³ Categorising services according to "the closeness to the actual fighting" (the 'tip of the spear' analogy), he proposes three, not necessarily exclusive, categories: military provider firms (direct front line service), military consultant firms (advisory and training services) and military support firms (non-lethal aid and assistance, mainly logistic). Yet PMCs have diversified their services over time from logistic support to increasingly performing "security and military functions in situations of armed conflict."²⁴

However, a conceptual framework linked to 'the relative physical proximity to the front line' is not without problems—if not outright misleading—"since the provision of training or technical advice can have an extremely significant impact on hostilities."²⁵ Schmitt, for example, illustrates that under international humanitarian law "[c]ivilians providing strategic analysis would not be directly participating in hostilities, whereas those involved in the creation, analysis, and dissemination of tactical intelligence to the 'shooter' generally would."²⁶

Rather than settling a labelling debate that may be linked more to interests than reality, I follow others²⁷ in resorting to the intentionally vague and generic term of private military/

²⁰ Murray Brewster, "Security contractors questioned following death," *The Canadian Press*, 11 August 2008.

²¹ *Reuters*, "U.S. troops say Afghan security guards attacked them," Reuters Online News Service, 27 October 2008.

²² Singer 2003, p. 91.

²³ The first Swisspeace report worked with this definition (see, by way of comparison, Joras and Schuster, eds., *Private Security Companies and Local Populations: An Exploratory Study of Afghanistan and Angola*, Working Paper 1 (Bern: Swisspeace, April 2008)).

²⁴ Emanuela-Chiara Gillard, "Business Goes to War: Private Military/Security Companies and International Humanitarian Law," *International Review of the Red Cross* 88:863 (2006), p. 526; Fred Schreier and Marina Caparini, *Privatising Security: Law, Practice and Governance of Private Military and Security Companies*, Occasional Paper No. 6 (Geneva: DCAF, 2005).

²⁵ Gillard, "Business Goes to War," p. 529; Holmqvist, *Private Security Companies: The Case for Regulation*.

²⁶ Schmitt, "Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees," p. 534.

²⁷ Gillard, "Business Goes to War," p. 530; James Cockayne, et al., *Beyond Market Forces: A Feasibility Study for a Standards Implementation and Enforcement Framework for the Global Se-*

security companies (PMC) in order to refer to companies that provide some form of military or security service in situations of armed conflict. Gillard argues that “[t]his approach reflects the fact that for the purposes of international humanitarian law, it is not the label given to a particular party that determines its responsibilities, but rather the nature of the activities actually performed.”²⁸

Activities of PMCs in Afghanistan

A functional definition put forth by Human Rights First defines PMCs as companies with “a core mission to protect people (other than themselves) or things.”²⁹ Holmqvist is astonished about “[t]he magnitude and importance of the tasks handed over to the private sector,” especially when it comes to including SSR efforts such as the training of the Afghan National Police (ANP) by the US firm DynCorp.³⁰ While this happens increasingly, a lack of transparency (especially donor transparency) makes it difficult to assess the exact extent of this practice.³¹ The poor state of the ANP and the Afghan state,³² ranked the seventh least stable country in the world³³ may suggest that the outsourcing of SSR functions to PMCs “risks providing a disincentive to building up functioning state institutions.”³⁴ While DynCorp has tried to defend the poor performance of the ANP with the poor quality of recruited candidates, their training methods have received negative criticism.³⁵

Services provided by PMCs in Afghanistan range from traditional guarding to more novel high-tech intelligence and risk management services; from benign tasks such as lo-

curity Industry, Public Consultation Draft (New York: International Peace Academy, 8 September 2008).

²⁸ Gillard, “Business Goes to War,” p.527. Hereby I also correct my earlier statement (Schmeidl, “Case Study Afghanistan – Who Guards the Guardians,” p.10) that “there are no known accounts of PSCs staff operating in Afghanistan to engage in active combat duties.”

²⁹ Human Rights First, *Private Security Contractors at War*, p. 1.

³⁰ Holmqvist, “The Private Security Industry, States and the Lack of an International Response,” p. 12.

³¹ Francesco Mancini, *In Good Company? The Role of Business in Security Sector Reform* (London: Demos, 2005).

³² See, by way of comparison: Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police*; International Crisis Group, *Reforming Afghanistan’s Police*; International Crisis Group, *Policing in Afghanistan: Still Searching for a Strategy*.

³³ Fund for Peace website, “Failed States Index Scores 2008.” Available at: <www.fundforpeace.org/web/index.php?option=com_content&task=view&id=292&Itemid=452>.

³⁴ Holmqvist, “The Private Security Industry, States and the Lack of an International Response,” p. 12.

³⁵ Renae Merle, “Coming under Fire: DynCorp Defends Its Work in Training Foreign Police Forces,” *Washington Post*, 19 March 2007.

gistics to the more controversial ones such as the interrogation of suspects or prisoners.³⁶ These services can be roughly summed up as follows:³⁷

- Static, e.g., offices, residences, embassies, shopping malls, banks, military compounds, facilities, checkpoints, international and UN organisations and mobile (closed) protection services (e.g., VIPs, civilian and military convoys). Some of this occurs in active battle zones
- *Consulting/Advice*, e.g., assisting Ministries of Interior and Defence in their policies and internal reforms; election support for the UN
- *Training and instructions*, e.g., Afghan National Police and Afghan National Army, but also non-governmental sector in first aid, security management etc.
- *Logistic support*, including for military support operations but also for the UN, such as scouting out locations of polling stations, and maintenance, including of weapon systems
- *Intelligence and Risk Management Services*, both military and private/non-governmental, including electronic security and surveillance sector
- *De-mining and poppy eradication*.

There are activities, however, that are not provided by PMCs, even if companies and lobby groups may allude to it. For example, Doug Brooks, the president and founder of the International Peace Operation Association (IPOA), credited PMCs with peacekeeping functions in Afghanistan³⁸ yet the UN Peacekeeping website shows the country does not even have such a mission.³⁹ Another major PMC tried to portray itself as providing humanitarian aid, while there is little evidence of this in Afghanistan.⁴⁰

Ownership and Staffing

Despite some grey areas, and companies having switched categories in order to either avoid high registration fees for international PMCs or the bad image of local ones, two

³⁶ Gillard, "Business Goes to War." This was alleged of Blackwater, who were contacted but neither confirmed nor denied their engagement in this area (see, by way of comparison: Schmeidl, "Case Study Afghanistan – Who Guards the Guardians").

³⁷ See, by way of comparison: Schmeidl, "Case Study Afghanistan – Who Guards the Guardians" and Schmeidl, "Case Study Afghanistan."

³⁸ "When you throw in the private sector companies that are working for either the NGOs or the militaries, or even for other actors such as the Afghanistan government, then you have a remarkable peacekeeping goulash" (Doug Brooks, "Observations on NATO and Afghanistan," *Journal of International Peace Operations* 3:1 (2007), p. 4).

³⁹ See the UN Peacekeeping website at: <www.un.org/Depts/dpko/dpko/currentops.shtml#mideast>.

⁴⁰ Blackwater Advertisement on p.3 of the *Journal of International Peace Operations* 3:1 (July-August 2007): <http://peaceops.com/web/images/pdf/journal_2007_0708.pdf> (accessed on 25 October 2008).

PMC categories can be identified, each with two sub-categories⁴¹ (even though for registration purposes only the main categories matter):

- Registration under Afghan license:
 - Pure Afghan ownership and management (albeit they may hire foreign staff) – examples: Asia Security Group (ASG), Watan Risk Management
 - Co-ownership and management with foreign PMC – example: Canadian Afghan Protective Services (CAPS)
- Registration under foreign license:
 - Exclusive foreign ownership and management – example: ArmorGroup, DynCorp, Blackwater
 - Foreign ownership with Afghan partners involved in management or as shareholder (the latter often ‘hidden’) – example: US Protection and Investigation (USPI).

This excludes individual international contractors and an estimated 2,000 to 3,000 former Afghan militia fighters that are directly employed by the US military,⁴² as they fall more into the category of mercenary than PMC; albeit in the case of the Afghan militia fighters, even this definition is difficult.⁴³

A comparison between companies that were identified in the 2007 study⁴⁴ and those that applied for a license under a new regulation passed in 2008 (discussed later on in detail) shows the blurring of boundaries. In the 2007 study, I identified about 90 PMCs by name, albeit some estimates far exceeded this figure.⁴⁵ Even though only 69 companies applied for a license under the new PMC regulation (see Table 1), half of them (46 percent) were not captured in the 2007 study. These 69 can be broken down into two groups:

⁴¹ Schmeidl, “Case Study Afghanistan,” p. 11.

⁴² Operation Enduring Freedom; Antonio Giustozzi, “The Privatization of War and Security in Afghanistan: Future or Dead End?,” *The Economics of Peace and Security Journal* 2:1 (2007), p. 19.

⁴³ According to Article 47(2) of Additional Protocol I to the 1949 Geneva Conventions, “[a] mercenary is any person who: (a) Is specially recruited locally or abroad in order to fight in an armed conflict; (b) Does, in fact, take a direct part in the hostilities; (c) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party; (d) Is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict; (e) Is not a member of the armed forces of a Party to the conflict; and (f) Has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.” Available at: <<http://www2.ohchr.org/english/law/protocol1.htm>> (accessed on 26 October 2006).

⁴⁴ Schmeidl, “Case Study Afghanistan – Who Guards the Guardians”; Schmeidl, “Case Study Afghanistan.”

⁴⁵ Schmeidl, “Case Study Afghanistan,” p. 11.

Table 1: PMCs Licensed under the 2008 Regulation (as of 4 February 2009).

Country of Origin	Name of Company
Afghan (18)	ARGS, Asia Security Group (ASG), Burhan Security Service, Commercial Security Group (Guards Service) CSG, Good Knight Security Services, IDG Security, ISS (also known as SSI); International Specialized Services, Kabul Balkh Security Services, Khorasan Security, NCL Holdings LLC, PAGE Associates, Pride Security Services, Shield, Siddiqi Security, SOC – Afg, Tundra SCA, WATAN Risk Management, White Eagle
UK (10)	Aegis Defence Services Ltd., ArmorGroup Services, Blue Hackle, Control Risks (CR), Edinburgh International, Global Risk Group, Hart Security, Olive Group, Saladin Security Afghanistan, TOR
US (8)	Blackwater USA, DynCorp International, EODT Technologies Inc./GSC, Four Horsemen/ARC, REED Inc., RONCO, Strategic Security Solution International Afghanistan (SSSI), US Protection and Investigation (USPI)
Other (3)	Australia: Compass Canada: GardaWorld (as Kroll) Dubai: UNITY-OSG

- The 39 companies (53 percent international, 46 percent Afghan owned) that applied within the initial grace period (prior to October 2008) and received a temporary license were granted a license in a 4 February 2009 cabinet decision:
 - The majority (77 percent) existed in 2007, with the exception of nine companies (seven from Afghanistan, one from the US and one from Dubai). One of the new Afghan companies is the Asia Security Group (ASG), run by a distant cousin of President Karzai that managed to obtain a temporary license in late 2008 “despite a government-ordered moratorium on the issuing of new licences.”⁴⁶ Another—NCL Holdings LLC—was founded by Hamed Wardak, the son of the current Defence Minister.⁴⁷

⁴⁶ Jon Boone, “Companies bemoan crackdown on industry,” *The Financial Times*, 2 November 2007.

⁴⁷ NCL website, “Executive Management – Hamed Rahim Wardak.” Available at: <www.nclholdings.com/index.php?option=com_content&view=article&id=4&Itemid=4> (accessed 13 March 2009).

- Two firms that were listed in 2007 as international (UK) had become Afghan-owned. One that was initially reported as Afghan obtained a license as a UK firm.
- The 30 companies (all Afghan-owned) applied much later (thus many lacked temporary licenses) because they were recently created or out of an initial fear of being turned down by a politically based board.⁴⁸ All these companies were denied a license as the Cabinet decided to keep a cap on the number of PMCs operating in Afghanistan:
 - Of these 30 companies, the majority (23) did not appear on any of the official lists during the 2007 study.
 - Two of these firms were listed as international (one Canadian, one Turkish), and three as co-ventures (two American-Afghan, one as Afghan-Lebanese) in the 2007 study.

A further comparison of the companies that were identified during the 2007 study and those that have come forth to apply for a license in 2008 reveals that, of the 90 companies reported in 2007, only about 41 percent came forth to apply for a license, with the majority receiving it. This still leaves 59 percent unaccounted for (a majority with some international involvement), some possibly having ceased to exist, while others may still be operating without a license.

In 2007, of the 90 identified firms,⁴⁹ about 37 percent were domestic firms with another 7% reporting some form of Afghan involvement. In 2009, of all companies that had applied for a license, 68 percent were Afghan-owned yet only 46 percent of those that received a license were Afghan-owned. Thus, despite a criticism that Afghan firms are pushing international ones out of the Afghan market, the majority among the licensed PMCs (54 percent) are still international (21 out of 39, 10 from the UK, 8 from the US, 1 from Australia, 1 from Canada and 1 from Dubai). The overall international share in the 'legal' market has only declined by 2 percent since 2007. The UK has now replaced the US in leading among international companies and together they dominate the market with only three other international companies receiving a license.

The Afghan involvement in PMCs, however, is not limited to ownership and management since often the majority of all PMC employees are Afghan nationals. The companies with the biggest Afghan contingent, at least in 2007, were the UK firm Saladin Security and the US firm US Investigation and Protection (USPI). Indeed, the 39 licensed companies reported a total of 23,628 staff, with 82 percent Afghan guards.⁵⁰ As there are still non-licensed companies working in Afghanistan, the 2007 maximum estimate of 28,000 PMC

⁴⁸ Interview, Western Official, 23 June 2008.

⁴⁹ Schmeidl, "Case Study Afghanistan," 68–69.

⁵⁰ Information provided by Western Diplomat, 22 December 2008. In Iraq, the figure for international contractors is estimated to be 4-5 times as high (Luke Baker, "As Afghanistan hots up, private security moves in," *Reuters India*, 28 January 2009).

staff may not have been too far off.⁵¹ The 2009 figure of registered PMC staff is slightly above the maximum limit of 500 guards per PMC stipulated under the 2008 regulation (Art. 10) – which would amount to a maximum of 19,500. This reflects an Afghan Cabinet decision to allow PMCs to keep their current number of employees at the point of registration, as long as they would agree to a hiring freeze.⁵² Thus, even though the privatised security sector is growing in Afghanistan, it does not yet outnumber public security (ANA = 70,000 and ANP = 79,910)⁵³ or international forces (ISAF = 52,700⁵⁴ and Coalition Forces = 31,000 troops).⁵⁵

Non-Afghan staff is usually composed of those considered 'international' by PMCs (referring generally to individuals from the origin country of the organization or countries of similar origin) and 'third-country nationals' (e.g., Gurkhas from Nepal or India, or Fijians). The latter often perform similar services as Afghan guards while international staff conducts more 'sensitive' tasks such as close protection of important VIPs (most ambassadors use these services; the US ambassador, for instance, is guarded by Blackwater). These different categories also lead to pay differentials for similar services rendered and risks taken. Top-notch international employees can earn as much as USD 20,000 monthly and the middle-range up to USD 10,000.⁵⁶ "The pay is so good relative to military salaries that the US Special Forces are experiencing a 'brain drain,' as well-trained troops depart for more lucrative positions with civilian contractors."⁵⁷ The drop to third-country staff is significant, as they may only make a fraction of this (up to USD 1,500) while the local guard (team leaders and interpreters excluded) make around USD 200 a month. Local guards hired via a militia commander (which is prohibited in the 2008 regulation), may receive about one-third less, as the commander takes his share from the top.⁵⁸ This may still be slightly higher than the USD 70 an ordinary policeman receives, explaining why some may want to moonlight as private security guards. There are concerns that the low pay of private security may entice criminal behaviour (such as extortion, kidnapping or theft), especially as guards tend to be armed.⁵⁹

⁵¹ Schmeidl, "Case Study Afghanistan," p. 12.

⁵² Information provided by Western Diplomat, 09 March 2009.

⁵³ Stanekzai, "Case Study," p. 4.

⁵⁴ Ibid.

⁵⁵ VOA News, "Afghanistan's Security Challenge," 30 September 2008.

⁵⁶ Schmeidl, "Case Study Afghanistan," 15–16. This is comparable to Iraq: "Senior PSC personnel regularly earn in the \$20,000 a month range, sometimes more. Blue-collar workers pull in approximately \$80,000 to \$100,000 annually" (Schmitt, "Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees," p. 515).

⁵⁷ Ibid. See, by way of comparison: Deborah Avant, "Think Again: Mercenaries," *Foreign Policy* 143 (July-August 2004).

⁵⁸ Schmeidl, "Case Study Afghanistan," p. 16.

⁵⁹ Ibid., 29–30. With current living costs in Kabul, such a salary may barely feed a family of five.

PMCs and Professionalism?

Qualifications and professionalism of PMC hires are often criticised, especially since Iraq brought the sector into the spotlight. Hanif Atmar, the Minister of Interior, raised concerns about illegal activities of PMC staff during the inauguration of the DIAG unit at the MoI in November 2008 (see Box 1 for allegations made by Afghan civil society). Inadequate recruitment and vetting procedures are often blamed,⁶⁰ as are poor training and monitoring.⁶¹ Some of this might be unintended, due to the temporary nature of contracting and problems with background checks in a sector lacking transparency. Some is linked to what Singer calls 'averse selection' that includes those who were forced to leave the public service or are considered effective regardless of their background.⁶² Blackwater, for example, has reportedly admitted that 30 percent of its staff do not have proper military training.⁶³ A western senior police advisor alleged that DynCorp hired rural traffic police with little relevant experience to train the Afghan National Police.⁶⁴ Furthermore, Singer notes that "many former members of the most notorious and ruthless units of the Soviet and apartheid-era South Africa regimes have found employment in the industry,"⁶⁵ while Blackwater admitted to hiring "thirty Chilean soldiers in February 2003, reportedly with ties to the Pinochet regime."⁶⁶ This makes for a mix of *the good, the bad and the ugly*. As Avant argues, "[a]lthough many of these individuals are quite honorable, the industry's structure allows ample opportunity for some who bear disturbing similarities to the 1960s-style soldiers of fortune to enter the corporate mix."⁶⁷

While subsequent training and adequate monitoring could make up for what is lacking in the experience of hired guards, there is also critique on this front.⁶⁸ Even though PMCs seem to be frequently hired to train others (such as the Afghan National Police), their own training leaves a lot to be desired.⁶⁹ The new regulation is addressing this through standard setting and quarterly training requirements. Monitoring is made especially difficult when PMCs provide services in remote and volatile areas.⁷⁰

⁶⁰ See, by way of comparison: James Cockayne, *Commercial Security in Humanitarian and Post-Conflict Settings: An Exploratory Study* (New York: International Peace Academy, 2006); Avant, "Think Again: Mercenaries."

⁶¹ See, by way of comparison: Schmeidl, "Case Study Afghanistan."

⁶² Singer 2007, pp. 221-222.

⁶³ Schmitt, "Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees," p. 515.

⁶⁴ Interview, Kabul, Afghanistan, 26 March 2007; Merle, "Coming under Fire."

⁶⁵ Singer, 2003, p. 222.

⁶⁶ Schmitt, "Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees," p. 515.

⁶⁷ Avant, "Think Again: Mercenaries," p. 20.

⁶⁸ See, by way of comparison: Schmeidl, "Case Study Afghanistan."

⁶⁹ Merle, "Coming under Fire."

⁷⁰ See, by way of comparison: Schmeidl, "Case Study Afghanistan."

The main concern regarding local staff is their ties to militias – as recruitment is done through ‘word of mouth’ of friends or relatives of existing staff or managers; especially those that may have tried to bypass the unsuccessful Disarmament, Demobilisation, and Reintegration (DDR) and Disbandment of Illegal Armed Groups (DIAG) processes in an attempt to keep ‘reserve armies’ in case of renewed war.⁷¹ Estimates as high as 80 percent of local PMC guards with militia background were reported in 2007.⁷² The agency Afghanistan Independent Human Rights Commission (AIHRC) in charge of this task, noted that they were neither consulted about their involvement prior to the drafting of the regulation, nor do they have the capacity to vet all individual PMC staff as required.⁷³

Box 1: (Lacking) Professionalism of PMC Staff in Afghanistan – “the Bad and the Ugly”⁷⁴

Lacking professionalism – ‘the Bad’

- Inadequate job qualifications
- Illiteracy or low educational background
- Poor training
- Lack moral codes (or the following of a code of conduct)
- Non-committed and ineffective

Bad behaviour – described as ‘cowboy-like’ – ‘the Ugly’

- Rude behaviour, rude language
- Disrespecting Afghans; giving preferential treatment to internationals
- Harassment at roadblocks to get to schools or clinics
- Harassing and speaking inappropriately to women
- Drug usage
- Not respecting the laws of the country
- Teaching young Afghans negative cultural values (e.g., such as disrespecting elders)
- All too ready to use force, including discharge their firearms.

⁷¹ Schmeidl, “Case Study Afghanistan,” p.32. See, by way of comparison: Cockayne, *Commercial Security in Humanitarian and Post-Conflict Settings*; Anne Richards and Henry Smith, “Addressing the Role of Private Security Companies within Security Sector Reform Programmes,” *Journal of Security Sector Management* 5:1 (2007).

⁷² *Ibid.*, p. 13.

⁷³ Interview, Commissioner, Afghanistan Independent Human Rights Commission, Kabul, 16 December 2008.

⁷⁴ Adapted from Schmeidl, “Case Study Afghanistan,” p. 33.

PMCs and (Small) Arms

The 39 licensed companies registered 16,927 weapons with the Afghan government, indicating that only about two-thirds of all PMC staff are armed.⁷⁵ This result is much lower than estimates made in 2007, where a survey by the Kabul chief of police of 35 security companies counted 4,968 different weapons owned by 1,431 PSC staff alone, a ratio of 3.5 weapons per individual.⁷⁶ The amount of arms owned by PMCs that had their license rejected or never applied for one is unknown. As the *Law on Weapons, Ammunitions and Explosives* prohibits the import of weapons,⁷⁷ most local PMC employees bring their own weapons to the job. The latter relieves the PMC from the dilemma of purchasing weapons on the black market, which some allegedly still do, unless the arms are provided to them courtesy of the occasionally sub-contracted militia commander.⁷⁸ This makes the Kalashnikov (AK 47), remnant of the Afghan wars, the most common weapon of PMC employees and national security forces alike. Despite an acknowledgement of the deteriorating security situation in Afghanistan, there was criticism concerning the heavier arms spotted in PMCs in 2007, such as machine guns or even rocket propelled grenades.⁷⁹ This is no longer allowed under the new regulation.

Regulating PMCs in Afghanistan – An Uphill Battle

The United Nations Working Group on the use of mercenaries warned that “[a] growing number of private security and military companies are operating domestically and internationally without effective oversight or accountability” and that “war-torn States also frequently lack the capacity to control and regulate the private companies.”⁸⁰ Afghanistan is a fitting example, as regulation on PMCs only came into force seven years after their entrance on the Afghan scene – in the form of the 2008 *Procedure for Regulating Activities of Security Companies*. While this procedure serves “to fill the legal vacuum in the regulatory environment around PMC in Afghanistan” (Art. 1), it is not a law and will remain valid only until a law is passed.⁸¹ Stated differently, it is enacted based on Paragraph 4, Article 6 of the *Law on Weapons, Ammunitions and Explosives*. It consists of six chapters, 40 articles and, in theory, 8 annexes (some with two parts), albeit two appear to be missing (3, 5). Even though some may consider the absence of law as a *carte blanche* to operate in Af-

⁷⁵ See the website of the United Nations Development Programme (UNDP) in Afghanistan on the “Disbandment of Illegal Armed Groups (DIAG).” Available at: <www.diag.gov.af>.

⁷⁶ Schmeidl, “Case Study Afghanistan,” p. 15.

⁷⁷ Brooking and Schmeidl, “When Nobody Guards the Guards.”

⁷⁸ Schmeidl, “Case Study Afghanistan.”

⁷⁹ *Ibid.*, p. 14.

⁸⁰ UN News Centre, “Private security companies lack oversight and regulation – UN working group,” 10 March 2008.

⁸¹ Islamic Republic of Afghanistan Ministry of Interior, “Procedure for Regulating Activities of Private Security Companies in Afghanistan,” February 2008.

ghanistan (and may still do), legal reality stipulates the opposite – no law means illegal status, which is underscored by existing legislation:

- The Afghan Criminal Law / Penal Code (Art.213) stipulates the death penalty for the establishment (and maintenance) of illegally armed groups.⁸²
- The 2004 Afghan Constitution (Art.5) provides that the state alone is in charge of ensuring security and holding a monopoly over the legitimate use of force.
- The 2005 police law (Art.27) reiterates that “[n]either the public nor the private institutions can launch an action that would interfere with the duties stipulated in this law unless officially authorised by the police.”⁸³
- The 2005 *Law on Fire Weapons, Ammunitions and Explosive Materials* (also called the Gun Law) makes the possession or use of weapons and/or ammunition by individuals or groups outside the framework of the law and the state illegal.⁸⁴

One of the reasons for increasingly elaborate rules is to prevent unscrupulous operators from making inordinate gains at the expense of others.⁸⁵ Regulations, however, also protect PMCs from being arbitrarily harassed and extorted by local authorities. In late 2007, a crackdown on PMCs occurred in Kabul, with some arguing that it mainly targeted smaller companies lacking support, possibly driven by power holders trying to eliminate competition.⁸⁶ Similar crackdowns occurred in late 2008 as well.

Competing interests from diverse actors, including those gaining financially from an unregulated situation, marred the lengthy process leading to PMC regulation (see timeline in Box 2). For example, various individuals within the Ministry of Interior previously issued an array of PMC certificates, most of questionable legality.⁸⁷ Furthermore, despite a dominance of foreign PMCs working in Afghanistan, especially for foreign clients such as embassies, contractors and also humanitarian agencies, donors involved in SSR did not made

⁸² Information provided by UN official in an email in July 2007. “Although there is no legal definition, it is agreed that an Illegal Armed Group is:

1. consisting of at least 5 persons,
2. organized under a leader to whom its followers pledge full allegiance, be it out of fear or devotion,
3. operating in full impunity outside the Afghan government framework and authority, and
4. preventing the government to extend its authority in parts of Afghanistan.”

See: UNDP, *DIAG Fact Sheet*.

⁸³ Islamic Republic of Afghanistan Ministry of Justice, *Police Law, Official Gazette* No. 862 (Kabul, 22 September 2005).

⁸⁴ The law was approved by Presidential Decree 20 on 24 June 2005. See: UNDP, *DIAG Fact Sheet*.

⁸⁵ Bernhard Schwab, “A Note on Ethics and Strategy: Do Good Ethics Always Make for Good Business?,” *Strategic Management Journal* 17:6 (1996), p. 499.

⁸⁶ Boone, “Companies bemoan crackdown on industry.”

⁸⁷ Jon Boone, “Blackwater scandal revives efforts for reform,” *The Financial Times*, 2 November 2007; Brooking and Schmeidl, “When Nobody Guards the Guards.”

PMC regulation a priority of their assistance.⁸⁸ Some international military actors, for example, may even have to change their cooperation with obscure companies operating without a license and links to local strongmen, such as a company called ‘Sherzai’ hired by the Canadian Military in Kandahar.⁸⁹ The ‘army’ of advisors of the US PMC DynCorp working inside the Ministry of Interior (Mol) also failed to advise its client on the urgency of PMC legislation.

Box 2: Timeline of Process to Regulate PMCs in Afghanistan.

Fall 2001	PMCs begin to operate in Afghanistan.
2003/2004	General Zahir Aqbar, Director of the Uniformed Police at the Mol, begins to register PMCs and issues weapons licenses. Effort is not officially sanctioned.
Late 2004	Official government efforts toward the drafting of a PMC regulation begin, first calls from the Agency Coordinating Body for Afghan Relief (ACBAR) for such regulation.
March 2005	Mol issues a ministerial directive ordering the Criminal Investigation Unit (CIU) to officially register PMCs (acknowledging that earlier licenses did exist). ‘Alternative’ registration efforts are never fully stopped.
July 2006	New Minister of Interior reiterated the order and tasks a <i>Commission</i> composed of the Ministries of Interior, Defence and Justice to continue working on the PMC law. International Advisors, amongst others, include UNAMA, ISAF and embassies. Several draft versions (at least five were circulated in 2006 and 2007).
5 Feb 2007	Presidential decree No.4549 tasks a new commission to fast-track PMC regulation.
7 Feb 2007	Council of Ministers resolution (No.37) empowers the Mol to survey PMCs operating in Afghanistan and register them; a more public debate about PMCs emerges. These ‘temporary efforts’ are implemented by the Police Chief.
March 2007	<i>Monitoring and Evaluation Commission of Private Security Companies</i> , with representatives from Mol, Ministry of Defence, the President’s Office, the National Security Council (NSC) and the National Directorate of Security (NDS) takes up work and replaces the 2006 Commission. International Advisors include: UNAMA, EU, ISAF, the Combined Security Transition Command – Afghanistan (CSTC-A, US Army), the German Police Program Office (GPPO), and from the embassies of the US, Canada and Japan; US is particularly active. About 35 PMCs receive ‘temporary’ licenses.

⁸⁸ Richards and Smith, “Addressing the Role of Private Security Companies within Security Sector Reform Programmes,” stress the importance of this.

⁸⁹ Mike Blanchfield, “The civilian presence in modern warfare,” *The Ottawa Citizen*, 19 November 2007.

July 2007	The Joint Secretariat of the Disbandment of Illegal Armed Groups (DIAG) enters the process and takes a lead on developing a regulation (not law).
August 2007	The Joint DIAG Secretariat produces a <i>Draft Government Policy on Private Security Companies</i> providing suggestions on why such a regulatory framework is needed and how it should function.
Nov 2007	A dedicated facility within the Ministry of Interior for the DIAG implementation was inaugurated, tasked to deal with PMCs.
Nov 2007	The <i>taqnin</i> (legislative) department of the Ministry of Justice approves the draft law (with some modifications). The Afghan Cabinet briefly decides to ban PMCs altogether. They are convinced by international actors that this may lead to a collapse among important international assistance providers and closure of foreign embassies. This fast-tracks the development of a regulation over the much-battled law.
Jan 2008	Council of Ministers approves draft law; it is still pending approval from the parliament.
Feb 2008	<i>Procedures for Regulating Activities of the Private Security Companies in Afghanistan</i> , consisting of 40 articles, is enacted.
March 2008	High Coordination Board (HCB) overseeing the licensing process and implementation of the regulation began work. The HCB is chaired by the Mol but consists also of one member each from the Ministries of Defence, Foreign Affairs, Finance, Commerce and Industries, as well as the National Directorate of Security (NDS), the National Security Council (NSC), and the Heads of Mol Departments: Criminal Investigation, Counter-Terrorism, Intelligence (Article 8). The Head of the Afghanistan Investment Support Agency (AISA) is also a member, despite representing the private sector. The Mol Legal Adviser, the Disarmament Commission and the United Nations provide additional oversight.
April 2008	PMCs are informed that they need to lodge an application to register by May 2008; 36 companies applied; 16 others applied a couple months later, bringing the total to 52. Initially, applications should have been decided within two months but this is changed to four months.
4 Feb 2009	Thirty-nine PMCs received licenses, while another 30 were turned down. The Cabinet decided to cap PMCs at this number and not to allow others to apply for a license, a step that is heavily protested by Parliament, amongst others.

A battle ensued between those favouring vague regulation or none at all (benefiting from an unregulated environment), those for extensive regulation trying to control PMCs to the maximum, and those that preferred “essential legislation that could also be adequately enforced.”⁹⁰ As such, the current *Procedure for Regulating Activities of Security Compa-*

⁹⁰ Schmeidl, “Case Study Afghanistan,” p. 18.

nies should be seen as a compromise between those forces and an attempt to establish checks and balances while getting some regulation in place.

For example, a *High Coordination Board* (HCB), including several other ministries and government departments was superimposed over the Mol in charge of the entire process (Art.3) in order to oversee the licensing process, how the regulation is implemented (with authority to clarify ‘vague’ areas), and receive and review complaints (Art.9). The diversity of the HCB was an attempt to spread the risk of corruption and manipulation by the Mol that still “employs the largest number of government officials with links to militias.”⁹¹ This, however, has only partially succeeded as sometimes ‘more cooks’ do not necessarily mean a better result, and vested interests still complicate the process as the following examples illustrate:⁹²

- Some senior Mol officials have sought to place ‘their’ staff on the HCB in the hope that some money still could be made during the licensing process
- Some HCB members with links to local banks and insurance companies tried to raise the required insurance of PMCs, further insisting ‘their’ company had to be used, or ‘their’ bank for bank guarantees (the procedure is vague, by requesting a guarantee either by the Da Afghanistan Bank or other valid banks whose guarantees are accepted by the Board)
- Discussions over interpretations of ‘vague’ areas have created a tug-of-war between the HCB and their advisors, as well as some international embassies
- One PMC (NCL Holdings LLC) that was allowed to register and received a licence states on their website that Hamed Wardak (the son of the Defence Minister) is President and CEO,⁹³ despite violating Art.20 of the regulation that prohibits the involvement of second-degree relatives of high-ranking government officials with PMCs. According to the HCB, Mr. Wardak stepped down from his post one week prior to NCL being licensed⁹⁴ – a change that is not yet reflected on their official website
- The Cabinet decision to only license 39 companies, reject another 30 and propose to cap PMCs at this figure has lead to protest within the Afghan government and parliament, as several companies are allegedly linked to government officials.⁹⁵

External actors also tried to have their interests heard. Several reputable PMCs, for example, actively supported the law-making process and also began feeble self-regulatory

⁹¹ ICG, *Reforming Afghanistan’s Police*, 5–6; Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police*.

⁹² Brooking and Schmeidl, “When Nobody Guards the Guards,” 210–12.

⁹³ NCL website, “Executive Management – Hamed Rahim Wardak.”

⁹⁴ Information provided by Western Official, 12 March 2009.

⁹⁵ Ibid.

attempts.⁹⁶ The US Embassy tried to get all US PMCs exempt from registering, while Dyn-Corp argued their 'advisory' status to the MoI should exempt them from having to pay the licensing fee, yet they were more than willing to recruit an international advisor for the HCB (the latter would have created the bizarre situation of a PMC employee advising on the licensing of other PMCs).⁹⁷ This, however, would not have been the first such surreal moment in Afghanistan as Blackwater guards have arrested management of another US PMC—USPI—for defrauding the American government. Both companies incidentally have received licenses despite:

- USPI owners getting arrested on 2 October 2008 on “a seven-count indictment... for conspiracy, major fraud, and wire fraud arising from a scheme to defraud the United States in connection with the war and reconstruction efforts in Afghanistan”⁹⁸
- The US Company Blackwater being denied a PMC license in Iraq⁹⁹ and being accused of tax evasion in the US¹⁰⁰ by arguing that its personnel were independent contractors, hence “failing to withhold and pay millions of dollars in Social Security, Medicare, unemployment and related taxes.”¹⁰¹

Addressing Concerns of the Local Population in the 2008 Procedure

The 2008 regulation addressed several of the concerns raised by the local population in the 2007 study,¹⁰² which is emphasized by the goal stated in its introduction: “to ensure transparency, accountability and quality services by private security companies in accordance with the laws of Afghanistan.” Furthermore, the study addresses the purposes of easing “people’s fears and doubt” that illegal armed groups may transform into and re-emerge in PMCs and that criminal activities shall be prosecuted. Table 2 provides an overview of how the new regulation has addressed concerns that were raised during the 2007 study.

⁹⁶ See, by way of comparison: Schmeidl, “Case Study Afghanistan – Who Guards the Guardians;” Schmeidl, “Case Study Afghanistan;” and Brooking and Schmeidl, “When Nobody Guards the Guards” for a more detailed description.

⁹⁷ Interview, Western Official, 23 June 2008.

⁹⁸ USAID, “Charges Brought in Fraud Relating to U.S. Government Reconstruction Efforts in Afghanistan,” Press Release.

⁹⁹ CNN, “Iraq denies Blackwater an operating license,” 29 January 2009.

¹⁰⁰ See also: Letter from the U.S. Congress Committee on Oversight and Government Reform to Erik Prince, CEO of Blackwater, 22 October 2007: <<http://oversight.house.gov/documents/20071022094624.pdf>> (accessed 26 October 2006); Letter from the Internal Revenue Service to Blackwater Security Consulting LLC, 30 March 2007: <www.newsobserver.com/content/media/2007/10/23/IRS%20decision.pdf> (accessed 26 October 2006).

¹⁰¹ Kevin Drawbaugh, “Lawmaker accuses Blackwater of tax evasion,” *Reuters*, 22 October 2007.

¹⁰² Schmeidl, “Case Study Afghanistan – Who Guards the Guardians;” Schmeidl, “Case Study Afghanistan.”

Problem Areas of the Procedure

Despite the fact that procedure is a milestone in regulating PMCs in Afghanistan, there are several problem areas that should be monitored. First, significant power is vested in the High Coordination Board (Art. 9) that can grant (2), reject (6), and annul (10) licenses for companies but also (3) for carriage of weapons (3), munitions, armoured vehicles and other related equipments. Furthermore, it can determine and monitor (4/7) the number and type of weapons and (5/7) staff size, including necessary decreases (albeit Art. 10 caps these at 500 employees unless the Council of Ministers agrees to increase them). It is also

Table 2: How the 2008 Procedure for Regulating Activities of Security Companies Addressed Concerns of the Local Population.

Concern	Addressed in the procedure
Proper Identification / Uniforms	<ul style="list-style-type: none"> • Art.21(9) prohibits using ANA and ANP uniforms or those similar to them (reiterated under violations in 31(10)) • Art.22 stipulates “A security company must have the uniform, logo on the uniform of their security staff, and logo on their vehicles approved by the HCB” (reiterated under violations in 31(6/7)) • Annex 1(3) states that armed PMC staff “must obtain and at all times carry their identity card and their weapons license”
Small arms proliferation, how arms are obtained	<ul style="list-style-type: none"> • Art. 21 prohibits (reiterated under Art. 31 as violations): <ul style="list-style-type: none"> ○ (7) “buying, selling and distributing weapons, ammunitions and explosives” ○ (8) “keeping, carrying, transferring and making use of heavy and medium weapons and heavily armoured vehicles” ○ (11) “keeping or using non-registered light weapons and non-registered ammunition” • Art.23(2) states that “required weapons, ammunitions and equipments of the security companies shall be supplied in accordance with the included provision of paragraph 2 of article 4th of the Law on Firearms, Weapons, Ammunition and Explosives” • Art. 31(3) prohibits “obtaining weapons of the security company from an unauthorized person” • Art. 32(3) and 35 stipulate that weapons need to be transferred to the Mol if a PMC closes down, or taken out of the country (only in case of international companies) • Art. 36(3) requires registration of existing weapons owned by PMCs • Application Document No.8 does not permit “weapons with a calibre higher than 7.62mm with the exception of pistols and shotguns”; only those working for ISAF or NATO may get special permission for larger calibre weapons

<p style="text-align: center;"><i>Bad and criminal behaviour Culture of impunity</i></p>	<ul style="list-style-type: none"> • Articles 14, 15, 18: <ul style="list-style-type: none"> ◦ Clean criminal record has to be provided for all staff (to be proven by home country for international staff); no staff should be convicted of a misdemeanour or felony or suspected or accused of such (Art.31(8) makes companies responsible for not recruiting such individuals) ◦ Afghan and international staff should not be suspected or accused of human rights violations (confirmed by the Afghanistan Independent Human Rights Commission) ◦ PMCs need to commit to observing IPOA standards • Art.19(1); 21(12); 31(4/5/9) “The staff of the security company can not carry weapons, ammunitions and other equipments out of the areas mentioned in the operational license and can not move with unlicensed armoured vehicles.” 21(5) also prohibits the use of film and tinted glass vehicles without a license • Art.21 prohibits (5) providing services outside those stated in the license and (13) performing other activities contrary to the law • Art.26 requires quarterly reporting to the HCB • Art.27 makes companies “responsible for compensation of losses resulting from unlawful acts of its staff” (comes out of bank guarantees) • Art.28 makes police and national security departments responsible for monitoring PMC activities • Application Document No.7 requires PMC directors to vouch that guards carrying arms were properly trained in their use and maintenance • Annex 1 (1, 2, 4, 5) discusses in detail allowable ‘Use of Force,’ including lethal force with reference to the Police Law (Art.20) and General Penal Code (Art.59) • Annex 1(6) prohibits the (iv) erection of check-posts, stopping of vehicles and searching of passengers on highways; (v) blocking access to public buildings (schools, clinics and mosques); (vi) avoiding passing through crowded places to prevent harassment and risk of civilian casualties • The Procedures of the HCB for the regulation of PSC in Afghanistan includes an entire chapter (3) on the training of personnel (16 hours of security training quarterly); with the HCB also setting the curricula such as including IPOA/BAPSC and international human rights standards and culturally sensitive behaviour for foreign staff)
<p style="text-align: center;"><i>Links to local strongmen, rolling over of militia into PMCs</i></p>	<ul style="list-style-type: none"> • Art. 21(4) prohibits “recruiting people collectively from one tribe or party” • Application Document No.6 (List of Personnel) to be submitted also requires to list “membership in political party during Jihad/resistance” • Application Document No.7 requires PMC directors to vouch that guards were “hired as individuals and not in groups”

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Link to government officials</p>	<ul style="list-style-type: none"> • Art.20 – Based on the decision of the Council of Ministers issued on 7th January 2008, the president, vice-presidents, directors, members of the lower house, chief justice and members of the Supreme Court, judges, ministers, attorney general and his deputies, prosecutors, directors of commissions and independent governmental administrations, directors and high ranks of political parties, officials of Ministry of Defence and Ministry of Interior and Directorate of National Security and their relatives up to the second degree cannot be the owner or partner of a security company • Art.21(10) prohibits “recruiting the serving officers, sergeants, soldiers and other active officials of the Ministry of Defence and Ministry of Interior and other state departments”
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Lacking professionalism and training</p>	<ul style="list-style-type: none"> • Art. 13, 14, 15, 18: <ul style="list-style-type: none"> ◦ International company must provide license in home country and one other country (latter encourages new starters such as USPI); documents need to be certified by embassy of that country ◦ Operations managers should have military training certificate ◦ Afghan and international staff must have a graduation certificate from a military training school or military short-term training from a security company (training can be done internally as specified in Annex 1(3)) ◦ Application Document No.7 requires PMC directors to vouch that their staff have passed training and have no criminal record¹⁰³
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Locating PMCs outside civilian neighbourhoods</p>	<ul style="list-style-type: none"> • Annex 1(6-vii) stipulates that “full efforts should be made to avoid establishing PMC offices in dense residential areas.”

in charge of monitoring the operations and structure of each company and (7) investigating violations (8). Art.12 further allows the HCB to limit scope and type of operational license issued. Lastly, it can (Art.9, 11) propose more limitations regarding operational licenses and may be asked to regulate other issues as recommended by the Council of Ministers (Art.12). Most of this, especially the last stipulations, opens the door to corruption and, also, to arbitrary changes of the Procedure by the Afghan government. Other empowering provisions are that the HCB can decide to issue licenses to companies that used to provide different services and have moved into the private security sector (Art.38), and may provide exceptional licenses to new international companies if a client is left stranded by the

¹⁰³ Incidentally, the text states “Have been imprisoned or committed crime” – the ‘no’ was likely omitted here.

original security provider (Art.37). This happened already during the application process in 2008 when the European Commission (EC) changed their security provider and hired a company that had not previously worked in Afghanistan.¹⁰⁴

Second, there are some lacking, unclear or vague areas in the procedure, which can invite corruption or lead to an unequal and arbitrary application of the Procedure:

- *Art. 2* limits applications to “companies that have been active in the country prior to the enactment of this procedure,” even though some new ones also lodged applications, which may explain the Cabinet’s decision to only license the first 39 companies that had applied and were holding a temporary license.
- *Art. 4(1)* defines a security company as providing “security of natural and real persons” and (4) security services as “[a]ctivities performed ... for the purpose of establishing security of real and natural persons, logistics, transportation, goods and equipments, training security employees, and alarm services” thus excluding some of the more contentious activities that may have been going on (e.g., interrogations), but also drug eradication.
- *Art. 6(6)* allows the addition of further ‘illicit activities’ (mostly what should not be guarded) at the discretion of the Council of Ministers and (2) allows off-limits facilities (e.g., government) to be guarded by PMCs in emergency cases without defining what an emergency entails.
- *Art. 7* obliges a Security Company “to observe the provisions of the valid laws of the country and its procedures,” an obligation that is fleshed out especially for weapons ownership, where it refers to the Gun law. It does not, however, appropriately tackle the legal importation of weapons for PSC staff, actually prohibiting it (Article 21-7); albeit it refers to an adherence with Par.2, Art.4 of the Law of Firearms, Weapons, Ammunition, and Explosives for the supply of weapons (Art.23-2). The exact way the HCB can guide it in itself is vague. This has been an issue raised repeatedly by PMCs. The Procedure, however, seems to allow weapons to be brought in by guards, which have to be registered retrospectively (Art.36-3).
- *Art. 10* limits PMC staff to 500, while *Art.9(5)* allows the HCB to determine staff size, including decreases. This clearly influenced the Cabinet Decision to allow PMCs with larger staff numbers to obtain a license as long as they would enact a hiring freeze. Those smaller than 500, however, were told that they could not exceed this cap. This has been met by much criticism by the companies and some outsiders.
- *Art.13(6)* allows only one appeal of a rejected application with the Ministers’ Council, whose decision is final.

¹⁰⁴ Telephone discussion, EC official, Kabul, 3 December 2008.

- *Art. 18(1-4; 2-2)* requires that local and international staff should not be ‘suspected or accused of human rights violations, as confirmed by the Afghanistan Independent Human Rights Commission (AIHRC). While the 39 companies that have received licenses were sent to the AIHRC, the vetting can be considered superficial as it only included the executive PMC staff, not all as was stipulated in the regulation.¹⁰⁵ The limited information provided for executive staff often allowed only superficial vetting.¹⁰⁶ Furthermore, a vetting process of individuals, rather than companies, does not allow the AIHRC commission to raise concerns about suspected silent partners in PMCs,¹⁰⁷ such as the alleged links of local strongman General Din Mohammad Jorat to the US company USPI.¹⁰⁸
- *Art. 20* limiting involvement of government officials in PMCs will likely lead to some internal reshuffling for owners and partners, including the creation of shadow managements, as the example of the company headed by Hamed Wardak (see earlier discussion) illustrates.
- *Art. 35* stipulating that weapons need to be transferred to the Mol if a PMC closes down (international ones are allowed to also take them out of the country) might be used as an indirect way of flushing out weapons that were not captured during DDR and DIAG processes. This could also lead to the rejection or annulment of applications from ‘rival’ companies.¹⁰⁹

It is unfortunate that the entire issue of roadblocks, location of PMCs in residential areas and movement in crowded places only made it into an Annex (1-6, vii) of the procedure, leaving it up to the discretion of the HCB rather than outright prohibiting it. The HCB tried and failed in June 2008 to force all PMCs to eliminate premises in Shar E Naw, Wazir A Khan, Shur Pur, Macrorayan, Shash Darak, and any location ‘close’ to a government ministry/building or ministers’ residence.¹¹⁰ PMCs raised objections over the proposal, citing long-term leases and client protection as obstacles to changing location.

Third, while application requirements for individual firms are enormous, the task of the HCB in reviewing all these documents on an annual basis, including quarterly activity reports, is formidable. PMCs have to submit all application materials fourfold in Dari and

¹⁰⁵ Interview, Commissioner, Afghanistan Independent Human Rights Commission, Kabul, 16 December 2008. The AIHRC Transitional Justice database still lacks final fact checking on human rights violations of individuals. Thus, even if some PMC officials are indicated in AIHRC records, evidence is not yet considered conclusive; E-mail communication, Afghanistan Independent Human Rights Commission, 1 January 2009.

¹⁰⁶ E-mail communication, Afghanistan Independent Human Rights Commission, 1 January 2009.

¹⁰⁷ Interview, Commissioner, Afghanistan Independent Human Rights Commission, Kabul, 16 December 2008.

¹⁰⁸ Fariba Nawa, *Afghanistan, Inc.*, A CorpWatch Investigative Report 16, 2006; Fariba Nawa, “The Gunmen of Kabul,” *CorpWatch*, 21 December 2007.

¹⁰⁹ Brooking and Schmeidl, “When Nobody Guards the Guards.”

¹¹⁰ *Ibid.*, footnote 17.

Table 3: License Fees for PMCs¹¹¹

Fees/Guarantees for Licenses	International		Local	
	Afghani	USD	Afghani	USD
Annual License	AFA 6,000,000	\$120,000	AFA 3,000,000	\$60,000
Bank Guarantee	AFA 15,000,000	\$300,000	AFA 10,000,000	\$200,000
Weapon's License (1)	AFA 12,500	\$250	AFA 7,500	\$150
Armoured Car License (1)	AFA 30,000	\$600	AFA 20,000	\$400

1 US Dollar = 50 Afghanistan Afghani

Pashtu and foreign companies fourfold in English, Dari and Pashtu. This means eight copies of all documents for local companies and twelve for international ones. The requirement to have out-of-country licenses certified by relevant embassies could prove especially difficult (Art. 13, 2/3), e.g., in the case of Iraq, which does not have an embassy in Afghanistan. All this may have contributed to why the first licenses (and rejections) were only issued in February 2009, despite the Procedure stipulating that acceptances should be submitted to the Ministers' Council within one month (Art. 13, 4) and rejections should be communicated within two months of the submission date (Art. 13, 5). The first set of applications had been pending since April 2008 and the second set since November 2009.

Finally, being a PMC in Afghanistan under the new Procedure is not cheap (see Table 3). While this was done to limit the uncontrolled mushrooming of PMCs in the country, where essentially everybody was able to run a company, it seems to favour big companies or those with rich sponsors, which in Afghanistan may mean links to illegal businesses or corruption. It may also favour international companies, as they are more likely to have had business elsewhere, while local companies tend to be self-starters. An international company with 500 armed guards (limit under the current procedure, Art. 10), and twenty armoured cars, for example, would need over half a million USD to register, and a local company would need USD 300,000; this is an annual requirement as the licenses are only valid for one year. As the HCB also requires bank guarantees, it could invite bribery for obtaining such guarantees.

License fees, however, can also be considered as strengthening the fiscal capacity of the Afghan government (in the case of the 39 companies, possibly as much as USD 12-16 million annually), which is why it is disheartening that the US embassy seems to have tried to have US companies excluded from having to pay registration fees.¹¹² Most companies

¹¹¹ The Procedure shows some inconsistency with noting the bank guarantee for local companies (Art. 15) but not international ones (Art. 14); albeit Appendix 4 (with ample references throughout the text) lists it for both. Furthermore, the Document requirements (Document 11, p.24) later on speak of a certified Bank Guarantee that should be no less than AFA 1,500,000, which is only USD 30,000.

¹¹² Information provided by Western Diplomat, 12 March 2009.

would likely pass these costs onto their clients as it is unlikely that they would reduce their profit. This could divert further funds from the Afghan reconstruction and development budget.¹¹³

Regulations vs. Enforcement Capacities

In the end, each regulation is only as good as its enforcement. This may be problematic as enforcement is left to one of the most corrupt ministries in the Afghan government with many links to militias,¹¹⁴ which in the past has arbitrarily harassed and extorted PMCs.¹¹⁵ Corruption may still occur as law enforcement officers in charge of monitoring the regulation may ‘choose’ to look the other way when encountering unlicensed weapons or vehicles as long as an incentive is provided to them.

Furthermore, transgressions of the Procedure can only result in cancellation of a license and the halt of a company’s activity (Art.32), while other offences need to be punished in accordance with other existing, and binding, laws (Art.31, 5). Yet the legal system in Afghanistan is not in much better shape than the enforcement body—the Afghan National Police—making it problematic that violations will be consistently dealt with. The case of Jack Idema, who set up a private prison in Kabul for which he was convicted in 2004 (and pardoned three years later), may serve as an exception.¹¹⁶

Conclusion – Responsibilities and Revisiting “the Good, the Bad and the Ugly”

This chapter has discussed PMCs in Afghanistan and the attempt to regulate them. It showed that the diverse sector of privatised security includes some ‘good’ companies trying to support regulation and standard-setting and abide by laws. There are also some newcomers, largely among the Afghan firms, still learning the ropes yet willing to improve and willing to be licensed and regulated (considering the high number of Afghan applications). These companies might be ‘bad’ but possibly less so because of a lack of ethics than because of capacity building needs or unintended consequences of actions.¹¹⁷ Yet, unfortunately, there are also the ‘ugly’, the companies that are “more interested in doing well [financially]”¹¹⁸ by using all means necessary, such as defrauding their clients, hiring militias to be able to expand into highly insecure areas, using connections with Afghan government officials to get around rules and obtain high-bidding contracts, cut corners and use fire-power uncontrolled and at will. These are the ‘rogue’ companies thriving in an un-

¹¹³ Brooking and Schmeidl, “When Nobody Guards the Guards.”

¹¹⁴ Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police*; ICG, *Reforming Afghanistan’s Police*, 2007; ICG, *Policing in Afghanistan*.

¹¹⁵ Schmeidl, “Case Study Afghanistan;” Brooking and Schmeidl, “When Nobody Guards the Guards.”

¹¹⁶ Schmeidl, “Case Study Afghanistan – Who Guards the Guardians,” footnote 90.

¹¹⁷ Singer 2003.

¹¹⁸ Singer 2003, 217.

Box 3: Examples of the Bad and the Ugly

Saladin (UK-Afghan)

- A local security guard employed by Saladin shot two DHL employees before shooting himself, in possible revenge by drug dealers for disposing of nearly 3 kg of heroin found in a package.¹¹⁹

United States Protection and Investigation LLC (USPI)

- An American USPI supervisor shot and killed his Afghan interpreter after an argument. Instead of turning the supervisor over to Afghan officials for an investigation, USPI heli-coptered him out of the province to Kabul, and flew him back to the United States; he so far has not been charged or tried.¹²⁰

Blackwater

- Had no investment license or registration until they came on board with the recent process.
- "A Presidential Airways plane crashes into a mountain in Afghanistan, killing three Blackwater operators and three US military personnel. A subsequent investigation reveals that the pilots were joy riding in an uncharted area."¹²¹

DynCorp

- Despite advising the Ministry of Interior, they had no investment license or registration until they came on board with the recent process (something they tried to get exemption from as well).
- A DynCorp guard protecting President Karzai slapped the Afghan Minister of Transportation in the face when he visited the president.¹²²

regulated environment, reflecting poorly on the entire profession and creating difficult operating environments. To simply lump all Afghan companies, however, into the 'bad' and 'ugly' category is neither fair nor justified (see Box 3).

The main reason why some companies choose to be either 'good,' 'bad,' or plain 'ugly' is because, until laws are passed and enforced, *they can*. An unregulated environment tends to leave behaviour up to the professional ethics of individual companies and guards and thus may attract best business and not best practice models, such as underbidding other firms by all means necessary.¹²³ Messick argues that "[h]uman motivation is a tumult

¹¹⁹ Jon Boone, "Drugs theory in Afghan DHL killings," *The Financial Times*, 26 October 2008.

¹²⁰ Nawa, *Afghanistan, Inc.*, p. 15.

¹²¹ Bruce Falconer, "Making a Killing: A Blackwater Timeline," MojoBlog, *Mother Jones Magazine*; *Associated Press*, "House Hearing Skips over Blackwater Shooting Incident under FBI Probe," 2 October 2007.

¹²² Boone, "Blackwater scandal revives efforts for reform."

¹²³ Singer 2003, who calls this "doing well not good."

of goals and desires that are often mutually incompatible”¹²⁴ and “unethical actions may occur not because ethics do not matter, but because other factors matter more [e.g., financial gain], or because mistakes are made.”¹²⁵ Thus, the ‘bad’ may make mistakes and the ‘ugly’ may value financial gain more than providing state-of-the art private security services.

Schwab found that “business behaviour of questionable ethical standards is common..., good ethics are not universally viewed as good for business and that deviations from good ethics are common enough to lend credibility to the view that, at least in certain circumstances, they may in fact be in conflict.”¹²⁶ Singer concurs that “the public good and the private firm’s good are not always identical,”¹²⁷ that “there may be some situations where transgressing human rights may be in their [PMCs] corporate interest,”¹²⁸ and “more worrisome... direct market incentives may encourage firms to go ‘rogue.’”¹²⁹

There are two other important considerations that need to be understood about professional ethics.¹³⁰ First, they mainly apply to the client and the organization one works for. The client in Afghanistan is usually the one footing the bill (donor countries), even if, for example, police training is provided for the Afghan government. Thus accountability of PMCs is externally oriented, not toward the country they practise in and certainly not to the Afghan public. We therefore should not be surprised that there is often little spill-over effect of PMCs to the overall security situation, sometimes actually making it worse.¹³¹ Macini further asserts that “[c]ontractors find themselves playing a ‘janusian’ game, answering to two clients – the donor and the recipient. It is often difficult for them to navigate through these different or conflicting interests, and there is a danger that they become the agents of unwanted change, delivering the wishes of donors without the consent of recipient governments.”¹³²

Second, invisibility encourages unethical behaviour, as only visible behaviour is more likely to be ostracised and punished. Thus, coming out of the shadows has done a great deal toward trying to regulate PMCs and hold them accountable. Until the highly publicised, hence visible, robbing of several Kabul banks brought the matter of PMCs to the attention of President Karzai, regulatory efforts were deadlocked.¹³³ Similarly, “the extremely visible

¹²⁴ David M. Messick, “Why Ethics is Not the Only Thing that Matters,” *Business Ethics Quarterly* 6:2 (1996), p.223.

¹²⁵ *Ibid.*, p. 226.

¹²⁶ Schwab, “A Note on Ethics and Strategy,” p.499.

¹²⁷ Singer 2003, p. 217.

¹²⁸ Singer 2003, p. 218.

¹²⁹ Singer 2003, p. 219.

¹³⁰ Andrew Abbott, “Professional Ethics,” *The American Journal of Sociology* 88:5 (1983).

¹³¹ Schmeidl, “Case Study Afghanistan – Who Guards the Guardians;” Schmeidl, “Case Study Afghanistan;” Cockayne, *Commercial Security in Humanitarian and Post-Conflict Settings*.

¹³² Mancini, *In Good Company? The Role of Business in Security Sector Reform*, p. 19.

¹³³ Schmeidl, “Case Study Afghanistan – Who Guards the Guardians;” Schmeidl, “Case Study Afghanistan.”

presence of PMCs/PSCs in Iraq since 2003... has drawn public attention to them,"¹³⁴ with local and international media more vigilant in monitoring their behaviour. The shooting of 17 civilians by Blackwater contractors in Iraq on 16 September 2007 especially "created a political firestorm in Iraq, the United States, and around the world,"¹³⁵ including Afghanistan.¹³⁶ As in the past, the usage of PMCs was opportune just because of their invisibility; the impact of their presence in the limelight on their contracts and behaviour will be interesting to observe.

A third consideration might be added, which is the importance of market forces on individual company behaviour,¹³⁷ especially competitive rather than protective behaviour.¹³⁸ Cockayne et al., however, assert that 'smart incentives' need to be added to influence conduct beyond market forces.¹³⁹ It follows that "if the value of ethical behavior resides in the fact that it signals to others that we are trustworthy and, hence, a good partner to do business with, ethics become driven by public relations."¹⁴⁰ For this reason, some of the bigger PMCs have begun to support a drive for international standards (such as the Montreux Document on Private Military and Security Companies¹⁴¹) and regulation.¹⁴² In addition, the emergence of industry efforts, such as the British Association of Private Security Companies (BAPSC), the International Peace Operations Association (IPOA), or the Private Security Companies Association of Afghanistan (PSCAA), with its counterpart in Iraq, are much within this vein of using visibility for future contract acquisition (or self protection) rather than efficient self-regulation.¹⁴³

Last but not least, if all else fails, we need to call on "*the fundamental responsibility of states to ensure effective implementation and enforcement of human rights and IHL standards*";¹⁴⁴ which includes keeping PMC behaviour in check. This necessitates, however, that states supporting post-conflict state-building, do not design SSR programmes without a comprehensive mapping and understanding of all actors involved, especially PMCs.¹⁴⁵

¹³⁴ Gillard, "Business Goes to War," p. 526; Avant, "Think Again: Mercenaries."

¹³⁵ Human Rights First, *Private Security Contractors at War*, p. 1.

¹³⁶ Boone, "Blackwater scandal revives efforts for reform."

¹³⁷ See Singer 2003.

¹³⁸ See: Avant, "Think Again: Mercenaries."

¹³⁹ See: Cockayne, et al., *Beyond Market Forces*, p. 5.

¹⁴⁰ Schwab, "A Note on Ethics and Strategy," p. 500.

¹⁴¹ Swiss Federal Department of Foreign Affairs, "Media Release: Montreux Document on Private Military and Security Companies (PMCs)," 17 September 2008.

¹⁴² *UN News Centre*, "UN says private UK security groups would support international regulation," 5 June 2008.

¹⁴³ See, by way of comparison: Cockayne, et al., *Beyond Market Forces*; Schmeidl, "Case Study Afghanistan – Who Guards the Guardians;" Schmeidl, "Case Study Afghanistan."

¹⁴⁴ Cockayne, et al., *Beyond Market Forces*, p. 5 (original emphasis).

¹⁴⁵ Richards and Smith, "Addressing the Role of Private Security Companies within Security Sector Reform Programmes."

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Chapter 4

Cost and Fiscal Sustainability of Afghanistan's Security Sector

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Background and Motivation

The Importance of the Security Sector

Security has widely been considered the number one issue for Afghanistan's state building and development agenda since 2001.² The country faces a variety of challenging security threats and risks, ranging from a serious Taliban insurgency in the south of the country to the activities and impunity of various armed groups under warlords and commanders, inability of the population to obtain justice through formal government institutions, and prevalence of ordinary crime. Security has been deteriorating in many dimensions since 2005, posing an increasing threat to past accomplishments and future progress in reconstruction.

Why is security so important for Afghanistan? An adequate degree of security is in any country the foundation for economic activity: in particular security of property rights and transactions. Moreover, the direct impact of security on welfare and well-being (most fundamentally, safety) is of the greatest importance. Security is intimately intertwined with good governance, and popular perceptions of whether and how the government is functioning and handling its most basic responsibilities. Security is also a quintessential public

¹ World Bank staff members. The views, findings, interpretations and conclusions expressed in this chapter are those of the authors and should not be attributed in any manner to the World Bank Group, its affiliated institutions, its Executive Board of Directors, or the governments they represent. Although data from the Government of Afghanistan and other agencies has been used for the analysis in this chapter, the tables and figures presenting past data, current budget aggregates, and future projections have been prepared entirely by the authors, who are responsible for the presentation and for any errors. Fiscal years refer to the Afghan solar year, which starts and ends at the spring equinox (March 20 or 21); 2006/07 is SY1385.

² See, among many others, World Bank (2005a and 2005b). For a detailed discussion of security sector reform in Afghanistan, see Hodes and Sedra (2007).

service, whose delivery is especially important for the poor, who have fewer options for private provision of security services than do the better-off. Overall, security is critical for development in any country (see Byrd and Guimbert, 2007, for a more detailed discussion), and especially for Afghanistan.

Afghanistan's security sector was devastated by more than two decades of protracted conflict, and despite significant progress in some aspects of security sector reform since 2001, faces many problems. The main issues faced by the security sector are discussed in detail in other chapters of this volume, but include most notably issues related to its strategic objectives (national security strategy), structure and roles, size and equipment, leadership (including civilian oversight) and capacity, and incentives and accountability. On the international side, there are issues related to often heavily donor-driven approaches, multiple and possibly inconsistent objectives, short-termism, and still somewhat fragmented donor interventions and activities.

Turning to the fiscal dimension which this chapter focuses on, key issues include (i) the overall cost and fiscal affordability of the security sector (including trade-offs with other priority expenditures) and the prioritization across its main components; (ii) the fiscal path of total security sector expenditures and whether they are fiscally sustainable; (iii) the financing of security sector expenditures; (iv) the process of how security sector expenditure decisions are made; (v) whether and how these decisions fit within an overall budget framework (Medium Term Fiscal Framework, annual budget); and (vi) execution and management of security sector expenditures, including accountability. Although touching on some of the other aspects, especially public financial management (PFM), the chapter concentrates on cost and fiscal sustainability issues.

The organization of this chapter is as follows: The rest of this section provides a brief summary overview of Afghanistan's security sector from a quantitative perspective. The next section presents the fiscal sustainability analysis, which is focused on the Afghan National Army (ANA) and Afghan National Police (ANP), which together account for the bulk of total security sector spending. The final section concludes the chapter by drawing out some key implications and putting forward recommendations.

Overview of Afghanistan's Security Sector

From a quantitative perspective, Afghanistan's security sector is not overly large by international standards, but its cost is relatively high in relation to resources and imposes associated financial strains. The targeted sizes of the main security forces (ANA and ANP) have been increased, to 86,000 ANA (including support troops) and 82,000 ANP.³ Salary levels have also been raised several times, with the ANA leading the way. In addition to the army and police, the other main components of the security sector include the National Di-

³ In July 2008 a proposal was put forward to further raise the targeted size of the ANA to 122,000. This proposal had not been approved as of the time of writing, and the further fiscal implications of such a large increase in the size of the ANA have not been incorporated in the analysis and projections in this chapter.

rectorate of Security (intelligence service), Ministry of Justice, court system, and civilian oversight bodies. Although numerically smaller and accounting for a relatively small share of the overall security budget, these institutions also play a crucial role in providing security.

In terms of performance, there are signs that the ANA is playing an effective role, although it is still not able to function independently in significant engagements without support from NATO forces. On the other hand, the performance of the police leaves much to be desired, as does that of the judiciary.

Total expenditure on the ANA and ANP in 2006/07 is estimated at around US\$1.1 billion (Table 1). There are three angles from which to assess these expenditures: (i) Core Budget versus External Budget;⁴ (ii) ANA vs. ANP; and (iii) Operating Expenditure and Investment. The external budget accounts for 68 percent; ANA accounts for 81 percent and operating expenditures (including wage and salaries) account for 58 percent. In 2006/07, the share in GDP was 15 percent and that in domestic revenues (including grants) was 186 percent.

Of course, the security sector involves more than just the army and police, although these two sub-sectors account for most of expenditures. In the 2008/09 core national budget, total security expenditures are targeted to be US\$591 million, including US\$577 million for core operating expenditures and US\$13.5 million for core development expenditures (Table 2). These consist of spending by the Ministry of Interior, Ministry of Defense, Ministry of Foreign Affairs, President's protective service, and Directorate of National Security. Ministry of Interior and Ministry of Defense are responsible for ANP and ANA and their shares in total core budget security expenditures are 42 percent and 41 percent, respectively (Figure 1).

Table 1: ANA and ANP Expenditure Structure
(Preliminary actual in 2006/07)

Core State Budget	External Budget
US\$0.3 billion (32%)	US\$0.7 billion (68%)
ANA	ANP
US\$0.9 billion (81%)	US\$0.2 billion (19%)
Operating Exp.	Investment
US\$0.6 billion (58%)	US\$0.4 billion (42%)

Source: World Bank staff estimates, based on MoF and other data.

⁴ The core state budget is executed through Afghanistan's treasury system and is under the control of the Ministry of Finance (MoF), while the external budget is directly executed by donors, primarily the USA through its Combined Security Transition Command – Afghanistan (CSTC-A).

Table 2: 2008/09 Budget: Core and External Budgets.

US\$ Million	Core Budget			External Budget		
	Operating	Development	Total	Share	Share	
Ministry of Interior	246	3	249	42%	1,159	37%
Ministry of Defense	243	0	243	41%	1,944	62%
Ministry of Foreign Affairs	39	1	40	7%	24	1%
President Protective Service	10	10	20	3%	0	0%
General Directorate of National Security	39	0	39	7%	0	0%
Total	577	14	590	100%	3,126	100%

Source: Ministry of Finance, other agencies, World Bank staff estimates.

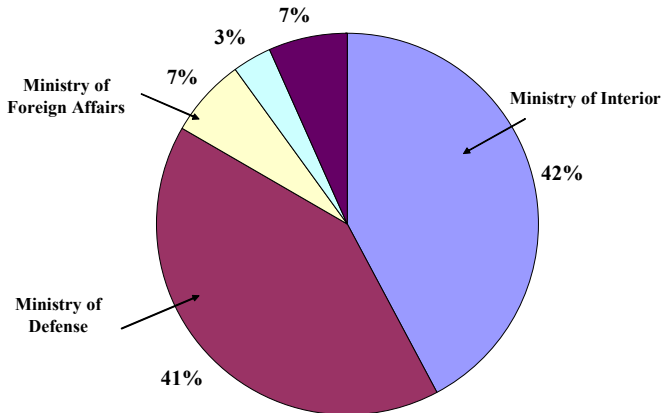


Figure 1: Composition of Security Sector Expenditures in SY1387 Core Budget (including both operating and development expenditures).

However, the above figures do not capture external budget expenditures on the security sector, which are many times the size of core budget spending on security. Most external budget expenditures also are on ANA and ANP. Compared to the core budget of US\$591million for 2008/09, the external budget for the security sector is at around US\$3,126 million of which US\$1,944 million (62 percent) goes to the ANA, US\$1,159 million (37 percent) to ANP, while the remaining US\$24million (1 percent) goes to the Ministry of Foreign Affairs. Directorate of National Security and President's Protective Services do not get any external funds, according to available information.

Key Principles for PFM in the Security Sector

It is increasingly widely accepted (including by the OECD and other international organizations) that PFM principles and good practices are as applicable to the security sector as to other sectors.⁵ Application of sound principles of PFM to the security sector is in the interest of the security sector itself and also is very important for the PFM system as a whole, in

⁵ See Ball and Holmes (2002) as well as other more recent sources; World Bank (2005b) and Byrd and Guimbert (2007) develop this argument further in the context of Afghanistan.

terms of achieving desirable PFM outcomes with respect to budgetary aggregates and fiscal discipline, strategic allocation of resources across sectors and programs, and efficient utilization of budgetary resources. Appropriate modifications in PFM practices can be made to take into account confidentiality considerations as needed, but not in a blanket manner or in a way that undermines fundamental principles of accountability to elected civil authorities.

Some key implications of applying PFM principles to the security sector (discussed in World Bank, 2005b, Chapter 3 and summarized on p. vi) include:

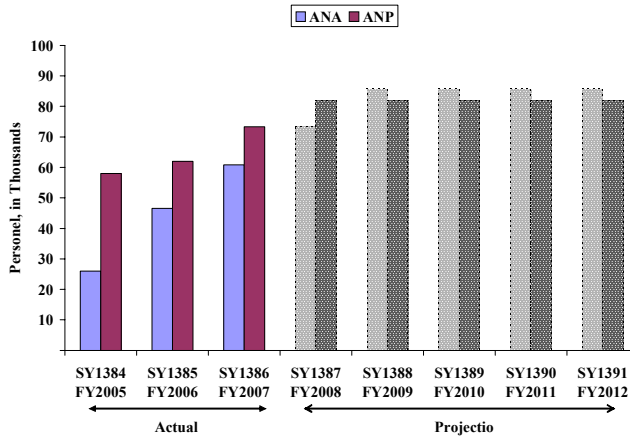
- First, the security budget and the budgets of its main components (defense, interior, justice, etc.) should be prepared against clear strategies.
- Second, security sector policies and expenditures must be affordable, both in the short run and in future years. This requires full incorporation of the security sector in the annual budget formulation process, subject to aggregate fiscal constraints and sector ceilings like any other sector, and it also means that the security sector must be fully incorporated in medium-term fiscal projections and planning.
- Third, once an overall resource envelope is agreed, resources should be allocated in line with strategic priorities, both within the security sector and across all sectors (including security).
- Fourth, resources appropriated for the security sector need to be used efficiently and effectively, which implies full application of PFM instruments and processes in the budget execution sphere. Of particular importance are the control framework, good information flows, procurement, and monitoring and evaluation.

Fiscal Sustainability Analysis

The overall fiscal context in Afghanistan is highly unusual from the perspective of analyzing fiscal sustainability issues. In particular, foreign aid currently is extraordinarily high and the bulk of it is in the form of grants, and foreign debt (after the HIPC debt relief process is completed, expected in 2009) is expected to be contained at low levels by international standards. Under these circumstances, a reasonable indicator of fiscal sustainability to use is the proportion of the operating expenditures that can be covered by domestic revenue, the objective (and defined as reaching fiscal sustainability) being to reach a point where the bulk of operating expenditures can be paid for out of domestic revenues.⁶

This same approach is applied in analyzing the fiscal sustainability of Afghanistan's security sector, i.e. past and projected security sector expenditures are compared with past and projected total domestic revenues. While any fiscal sustainability assessment of the security sector separate from the expenditure budget as a whole can only be partial at best, nevertheless this approach can shed light on the key issues. This is particularly true

⁶ See World Bank (2006, Chapter 3) for further discussion on this definition of fiscal sustainability and its application in analysis of fiscal trends in Afghanistan.



Source: World Bank staff estimates, based on available information and materials.

Figure 2: ANA and ANP Size.

given how high security expenditures are in relation to Afghanistan's core budget fiscal aggregates.

Cost Drivers

Within the security sector—as mentioned earlier—the ANA and ANP, which together comprise more than 80 percent of total expenditures, are the main drivers of present and future costs. For these forces in turn, the main drivers of costs are force sizes, investments and equipment (influenced by force sizes as well as by decisions on the types and amounts of equipment), and salary levels. All of these drivers have short-run as well as longer-term fiscal impacts, as investments in barracks and other structures as well as equipment purchases have major implications for downstream 'sustainment costs' (operation and maintenance, and replacement costs).

Trends over the Past Five Years

After low spending in the early period reflecting start-up delays and initially low priority assigned to some dimensions, security sector expenditures have burgeoned in recent years, as can be seen from Table 3 later in this chapter. It should also be noted that in the early years, ANA spending far outpaced expenditures on the police, largely reflecting the concentration of US aid on the ANA, and lack of similar large external investments in the police. This picture changed in 2007/08 when police spending sharply increased, mainly due to US assistance.

Manning of the ANA started from a low base and reached around 30,000 in 2005/06, although the level was below the projected size of 45,000. The delay was due in part to departures of soldiers, but also to a slowdown in training due to logistical bottlenecks in ensuring that troops are properly trained. ANA manning reached around 61,000 in 2007/08.

Table 3: Past and Projected Expenditures on the Security Sector (US\$ billion).

	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13
	Act	Act	Act	Budget ¹		Pro.	Pro.	Pro.	Pro.
ANA total	0.8	1.7	0.9	5.1	2.2	1.6	1.7	1.8	1.8
External budget	0.7	1.6	0.7	4.9	1.9	1.3	1.3	1.4	1.5
Ministry of Defence	0.1	0.1	0.1	0.2	0.3	0.3	0.3	0.3	0.3
ANP total	0.1	0.2	0.2	0.5	1.4	2.8	1.3	0.9	1.0
External budget	0.0	0.0	0.0	0.2	1.2	2.5	1.0	0.6	0.7
Ministry of Interior	0.1	0.2	0.2	0.3	0.2	0.3	0.3	0.3	0.3
Grand Total	1.0	1.9	1.1	5.5	3.6	4.4	2.9	2.7	2.8

¹ Afghanistan National Budget (MoF) and external budget estimates

Source: World Bank staff estimates, based on data from MoF and other sources.

The targeted ANA size (i.e. ceiling) was revised upward from 70,000 to 86,000 (including 6,000 supporting troops) due to increasing conflict and security concerns. The ANA is projected to reach its full manning by the end 2009/10. The ceiling for ANP has been revised from 62,000 to 82,000. The plan is to reach full ANP staffing by the end of the 2008/09 fiscal year (Figure 2).

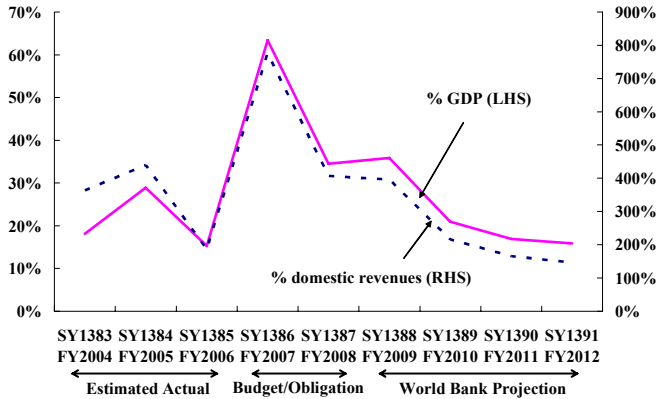
Main Assumptions

The macroeconomic framework used in this analysis assumes (i) average annual GDP growth rate of 8.5 percent between 2008/09 and 2012/13; (ii) the inflation rate would decrease to 5 percent in 2012/13; and (iii) the revenue to GDP ratio would improve from 8.1 percent in 2006/07 (preliminary actual) to 10.7 percent in 2012/13. Departures in a negative direction from this macroeconomic scenario would further worsen prospects for fiscal sustainability of the security sector.

Turning to the security sector itself, force sizes are projected to increase from current levels to the targeted 86,000 for ANA and 82,000 for ANP in 2009. Salary levels are projected to remain constant in nominal terms, and the cost of food for security forces (paid out of the core budget) is projected to remain constant in real terms (adjusted for inflation) between 2008/09 and 2012/13. With respect to infrastructure and equipment, it is assumed that there would be only recapitalization spending on these categories beyond 2009/10; in other words, the same stock values are assumed to be maintained thereafter for infrastructure and equipment.

Fiscal Projections

Past trends and (based on the assumptions outlined above) projections of total spending on ANA and ANP are shown in Table 3. The recent sharp increase in expenditures from US\$1.0 billion in 2006/07 (estimated actual) to US\$5.5 billion in 2007/08 is noteworthy. This is mainly due to large external budget expenditures on equipment (such as vehicles)



Source: MoF, World Bank staff estimates.

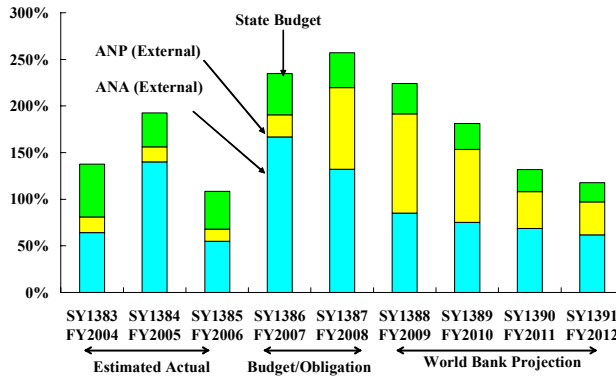
Figure 3: Security Expenditure Projections (as a share of GDP and domestic revenues).

for the ANA, which are then expected to decline sharply as the major initial investments are completed.

External budget funding is expected to focus on infrastructure/equipment investments in the ANP in 2008/09 and 2009/10. On the other hand, expenditures from the state budget (i.e. Ministry of Interior and Ministry of Defense) are projected to remain stable at around US\$0.5 billion in 2007/08-2009/10. Projected total expenditures on the ANA and ANP would decline after 2009/10 to a stable level of around US\$3.0 billion per year until the end of the projection period. This mainly reflects stability in the size and equipment of the security forces, with recapitalization of equipment (i.e. maintain the same level of capital) and sustainment spending on equipment acquired previously.

In terms of share of GDP, ANA and ANP expenditures rose greatly from 21 percent in 2004/05-2006/07 (estimated actual, period average) to 63 percent in 2007/08 (Figure 3). The main reason behind this is the sharp increase in CSTC-A's expenditures on equipment for ANA (from four percent of GDP in 2006/07 to 35 percent in 2007/08). Although expenditures on the security sector in absolute terms are projected to remain high (Table 3), with continuing economic growth as projected, there would be a decline in terms of GDP share to 16 percent in 2012/13 (Figure 3). A similar trend is observed in the ratio of total ANA and ANP expenditures to total domestic revenues (including grants). The ratio, which was 109 percent in 2006/07, is projected to increase to a peak of 257 percent in 2008/09 and then drop to 224 percent in 2009/10 before declining to 117 percent in 2012/13 (Figure 4).

Figure 4 depicts the composition of past and projected expenditures from a fiscal sustainability perspective (as a share of total domestic revenues). It is clear that the main driver in the recent past has been external budget expenditures on the ANA. However, expenditures on the ANP through the external budget are expected to increase sharply for the next several years as investment in infrastructure and equipment for the ANP gets ramped up, before declining by the end of the projection period to sustaining levels.



Source: MoF, World Bank staff estimates.

Figure 4: Fiscal Sustainability Indicator. Salary and sustainment (including external sources) as a share of domestic revenues.

Bottom Line on Fiscal Sustainability

The fiscal projections clearly demonstrate that security sector costs along the lines presently envisaged cannot be accommodated in the foreseeable future within the available fiscal envelope of the core budget (domestic revenue, plus current levels of Afghanistan Reconstruction Trust Fund (ARTF) and Law and Order Trust Fund Afghanistan (LOTFA) financing from donors). These projections are relatively crude, and undoubtedly could be further refined. However, the main conclusion about the lack of fiscal sustainability of the security sector would not change under any plausible sensitivity analysis with respect to the assumptions on which the projections are based. Indeed, if anything, some of the assumptions are on the conservative side, for example that there will be no increases in salary rates in nominal US dollars in coming years.

Implications and Recommendations

The findings of this chapter on the cost and fiscal sustainability of Afghanistan's security sector have a number of implications for policy and the further development of the sector.

First, as security sector expenditures will not be affordable within Afghanistan's domestic resource envelope for the foreseeable future, a large portion of such expenditures will need to be financed by aid from international partners (assuming there are no downward adjustments in the size of the security sector). More specifically, assistance through CSTCA (external budget) and LOTFA (part of the core budget) accounted for 77 percent of total ANA and ANP expenditures in 2004/05-2006/07, and financing through the external budget during the projection period would account for more than 80 percent of total security sector expenditures. Currently, commitments from external sources for ANA and ANP funding do not extend beyond a year or so ahead, and any further external assistance is entirely subject to future discussions. The analysis indicates that sustainment and recapitalization of

equipment from external sources would increase by US\$2-3 billion in the projected period. This component would be impossible to cover from domestic revenues in the core national budget.

Second, given the large and continuing requirements as well as the challenges of security sector reform, aid funding should be stable and predictable, with a medium-term time horizon at least in terms of clearly-stated intentions on the part of donors, if not outright commitments. In particular, if funding through the external budget is not available in the future, the government's core budget would have to bear the burden of additional expenditures. This it can ill afford, as will be shown in the discussion below.

Third, even with substantial funding from external aid, there is a manifest risk that the domestically-funded portion of security sector expenditures alone will crowd out other priority spending. For example, in the 2008/09 budget the security sector accounted for 44 percent of core operating budget expenditures. The main expenditure item on security in the core budget is wages and salaries, which account for 80 percent of total ANA and ANP expenditures in the core budget during the projected period. The analysis shows that Ministry of Defense and Ministry of Interior expenditures as a share of domestic revenues would reach 66 percent in 2007/08 before declining to 32 percent in 2012/13. Despite the declining trend, this ratio is very high in view of other demands on the government budget.

Fourth, even though prospects for fiscal sustainability of the security sector are distant, it is critically important that the government continue and deepen its efforts to mobilize more domestic revenue and continue to progressively raise the revenue-to-GDP ratio over time. Good progress in this regard will both achieve visible movement toward fiscal sustainability and (even more important in the short run) reduce the crowding out of other priority expenditures by the security sector.

Fifth, future security expenditures are likely to be relatively sensitive to whether funding is channeled through the core budget or in parallel through the external budget – unit costs for several components can be expected to be considerably lower in the core budget (the cost of meals for ANA soldiers, which was shifted from the external budget to the core budget saving considerable amounts of money as a result, is a prominent example). Likely differences in unit costs need to be factored into fiscal projections, but more important, they should be an important consideration in donors' decisions on how to channel their funding. The type and cost of equipment purchased for security forces also can have a large impact on downstream sustainment costs.

In addition, and building on the discussion of PFM principles earlier in this paper, several more general recommendations can be put forward which reflect good practices in terms of PFM and fiscal management for the security sector. In the first place, the security sector needs to be included on an integral basis in medium-term fiscal planning (MTFF) and annual budget formulation – it should not be treated as separate or sacrosanct. Where necessary, confidentiality can be preserved through closed budget hearings and reviews, etc. Second, the argument against 'exceptionalism' for the security sector is equally strong in relation to budget execution – allotments, payments, controls, accounting, internal audit,

external audit. Afghanistan, having developed a solid PFM system that brings undoubted benefits for national development (see World Bank, 2006), has an opportunity to ensure that these benefits are also reaped by the security sector.

Although this chapter has focused on the quantitative and financial aspects, it must be recognized that the quality of security services is critical, and that there are likely to be trade-offs between quality and quantity, especially in the short run. More is not necessarily better under current circumstances in Afghanistan.⁷

Finally, in light of the analysis and projections in this chapter, it is clear that any proposals to expand the ANA and ANP even further would need to be thought through cautiously and with due skepticism, taking fully into account the fiscal trade-offs, need for additional external funding, and quality versus quantity issues emphasized above. The recent proposal to sharply further increase the size of the ANA to 122,000 should be carefully reviewed in the light of these considerations.

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⁷ See Wilder (2007) for a detailed discussion of quality issues in relation to the ANP.

Chapter 5

Parliamentary Oversight of the Security Sector in Afghanistan

Oren Ipp

As the Taliban insurgency expands throughout Afghanistan, the government of Hamid Karzai and its international backers continue to struggle to establish peace and stability. While the essential processes of disarming illegally armed groups and reform of the security sector are led by the executive branch of government, the National Assembly has a key role to play in overseeing executive decisions and security sector activities. Failure to exercise this parliamentary mandate will ultimately undermine the efforts to consolidate democracy, peace and stability in Afghanistan.

Reform of the security sector is essential to democracy and development, particularly in countries emerging from conflict; “unless members of the security sector—individually and collectively—are answerable for their actions and there is some means for enforcing compliance with set standards of behaviour, it is too easy for a culture of impunity to develop.”¹ Impunity, in turn, results in greater insecurity, limits on democratic development, erosion of good governance, higher likelihood of mismanaging funds, hindering efforts to reduce poverty and an increase in human rights abuses.² Not only might an unreformed security sector fail to prevent conflict but, if left unchecked, it may actually cause it. Therefore, civilian control of the security sector is an essential ingredient for democratic development and political stability.

Civilian control, however, is in itself not sufficient to guarantee the democratic accountability of those forces; both Hitler and Stalin, for example, established civilian control of their respective militaries.³ In addition to civilian control, democratic oversight is vital. While the design and execution of security plans and policies are in the domain of the executive, the legislative branch has an important role to play in providing a check on the govern-

¹ Nicole Ball, Tsjeard Bouda, and Luc van Goor, *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework* (The Hague: Clingendael Institute, 2003), p.67.

² Ibid.

³ Hans Born, Philipp Fluri, and Simon Lunn, eds., *Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform* (Geneva: IPU and DCAF, 2003), p.7.

ment's use of the security sector. As a directly elected body, a democratic legislature can ensure that the policies, norms and behaviour of security sector actors reflect the priorities and interests of the country's citizens, and that power—through the use of the security apparatus—is not excessively concentrated in or abused by the executive.

The principal security actors of the Afghan state—the Afghan National Army (ANA), the Afghan National Police (ANP) and the National Directorate for Security (NDS)—are weak, in the midst of major reform, and simultaneously fighting a growing insurgency throughout the country. As if this were not challenging enough, the international community is driving both the reform process and the counter-insurgency effort, relegating a minor role to the Afghan government. These factors make it increasingly difficult for the Afghan National Assembly to exercise its mandate to oversee the country's security sector.

This chapter examines various aspects of parliamentary oversight of the security sector in Afghanistan. The first two sections outline the criteria for effective parliamentary oversight and the tools at the disposal of parliaments to exercise it. Subsequent sections set the context for such oversight in Afghanistan by providing a brief overview of the country's newly established National Assembly and the legal framework that circumscribes its oversight parameters. With the context set, the chapter then provides an assessment of the internal and external challenges for parliamentary oversight, followed by a review of the National Assembly's record on security sector oversight to date. The chapter concludes with possible steps to improve parliamentary oversight of the security sector in Afghanistan.

Criteria for Effective Parliamentary Oversight of the Security Sector

For a parliament to successfully exercise oversight of the security sector, it must meet certain criteria. As a whole, it must possess knowledge of the security sector and related governing processes and members of parliament (MPs) must understand the structure, organisation and operation of security sector entities as well as the governing system under which those entities operate. Further, a parliament must have technical expertise on security sector issues, including, for example: an understanding of the procurement and deployment of weapon systems; pay and grading; and secrecy laws and regulations. It should also have access to necessary and relevant resources, including information, funding and human capital.⁴

A legal and constitutional framework must also be in place to allow parliament to fully exercise its oversight mandate. First and foremost, parliament should exist as an independent entity with the legal authority to serve as a check on the executive. Among its legally granted powers, it should have a role in authorising and scrutinising security expenditures, and approving the appointment of selected senior security officials such as the

⁴ Hans Born, Philipp Fluri, and Anders Johnsson, eds., *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices* (Geneva: IPU and DCAF, 2003), preface.

ministers of defence and interior and the chief of the armed forces. It should also have the right to question and sanction senior government and security officials.

Effective oversight is furthered when a parliament enjoys the confidence and support of its citizens and represents their priorities in national security policy. To do so, MPs must also have the political will and ability to hold the executive to account. All these factors must be underpinned by a robust judicial sector in which the rule of law applies to all branches of the government and all members of the security sector. Finally, an environment conducive to effective parliamentary oversight of the security sector ideally includes a strong civil society and free media, empowered to conduct their own checks on executive power.

Under these ideal circumstances, the executive can act decisively on security matters, while parliament can exercise oversight over security affairs without causing paralysis in the process. Notably, these conditions presume a government monopoly over the use of force. In countries where non-state actors threaten this monopoly, parliamentary oversight is significantly limited. Non-state actors may include armed factions and militias but also foreign troops under the control of foreign governments. In the latter case, the host government often has little *de facto* control over the security sector in the country, leaving to parliament a limited oversight role.

Tools of Parliamentary Oversight of the Security Sector

There are a wide variety of tools at the disposal of parliaments that can be used to exercise oversight of the security sector. To develop and maintain security sector expertise, parliaments can establish permanent standing committees on defence, internal affairs and intelligence matters, as well as subcommittees on procurement, personnel, budgets and peace missions. Because parliament as a whole is too unwieldy a body to consider security issues in detail, “parliamentary committees have become one of the most powerful tools... to perform... the vast and complex task of overseeing the security sector.”⁵ Such committees should have the capacity to: initiate parliamentary debate, either among committees or in the plenary more broadly; to exchange opinions; to gather information; and to set the course and parameters for parliamentary engagement in the security sector. Through the committee structure, parliaments can play a proactive role in the development and monitoring of national security policy.⁶ In addition to standing committees, parliaments may have the authority to call for *ad hoc* or special committees to conduct investigations.

Committees also facilitate one of parliaments’ most direct tools in overseeing the security sector: legislating. Parliaments that can initiate and amend bills and motions, and that operate within a system that requires parliamentary approval of international treaties and

⁵ Wim F. Van Eekelen, “Democratic Control of Armed Forces: The National and International Parliamentary Dimension,” in *Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform*, ed. Hans Born, Philipp Fluri, and Simon Lunn (Geneva: DCAF, 2003), p. 68.

⁶ Born, Fluri, and Johnsson, eds., *Parliamentary Oversight of the Security Sector*, p. 28.

conventions, are well-positioned to define the legal parameters of security sector activities. Parliaments should not only participate in the formulation of national security, defence and public safety policy and legislation, but also ultimately approve such policies and laws. Through legislation parliaments can also ensure that public finance management, as well as access to information acts and regulations, is in place. Finally, parliaments can legislate on specific issues, such as security classification and determining the authority and procedures for decisions relating to secrecy and non-disclosure of information.⁷

A direct mechanism available to MPs to perform their oversight function is the “key role [they] play in adopting and overseeing budgetary provisions relating to security.”⁸ Parliaments that can contribute to the preparation of the budget, have budgetary approval authority, monitor spending, and conduct audits, possess a powerful tool for exercising their oversight role. Overseeing the government’s security spending can further be facilitated by an independent national audit office, which serves as an unbiased investigative resource. The UK National Audit Office, for example, is an independent body that reports to parliament on government spending.⁹ In a similar fashion, an ombudsman can “protect the people against violation of rights, abuse of powers, error, negligence, unfair decisions and maladministration [and] make the government’s actions more open and the government and its servants more accountable.”¹⁰ Through investigation, reporting and issuing recommendations, an ombudsman can assist parliament in monitoring the security sector.

The authority to call senior government officials to testify before parliament and respond to questions is another important oversight tool available to parliaments. Such questioning assists parliaments in obtaining timely and accurate information, in focusing public attention and possibly even influencing the government’s political agenda.¹¹ Some parliaments hold interpellation rights, which “carries a political sanction, because the debate culminates in a vote or a motion expressing either the satisfaction or dissatisfaction of the house with the explanations furnished by the government... [this is] a direct form of control.”¹² A similar tool available to parliaments is the holding of hearings—either open to the public or closed and confidential—both of which can provide parliaments with expert testimony on particular security issues. In addition to questioning and interpellation, some parliaments have veto power over appointments to cabinet, the Supreme Court and senior military positions, which further enhances their oversight abilities.

Finally, parliaments can engage external actors to support their oversight efforts. Civil society organizations can assist parliament in scrutinizing the security sector by disseminating independent and objective information, monitoring security expenditures, providing

⁷ Len Le Roux, “Parliamentary Oversight of Public Expenditure Management: A Focus on the Security Services,” *African Security Review* 15:4 (2006): 33–41.

⁸ Born, Fluri, and Johnsson, eds., *Parliamentary Oversight of the Security Sector*, p. 124.

⁹ *Ibid.*, p. 139.

¹⁰ *Ibid.*, p. 89.

¹¹ *Ibid.*, p. 78.

¹² *Ibid.*

expertise to select committees and calling public attention to security issues. Some civil society organizations, such as the *Instituto de Estudios Políticos y Estratégicos* (IDEPE) in Peru, even train MPs and their staff on military budgeting and administration.¹³ Through investigation, raising public awareness and providing accurate and updated information, media outlets can serve to support transparency and accountability in the security sector, further reinforcing parliamentary oversight.

The criteria and tools presented above describe ideal conditions for effective parliamentary oversight of the security sector. Rarely, if ever, do all of these conditions coexist. The following section provides an introduction to oversight in the Afghan context.

The National Assembly of Afghanistan

The National Assembly of Afghanistan was inaugurated on 19 December 2005, following parliamentary elections on September 18. After more than three decades without a parliament, the establishment of the National Assembly was a significant step in the country's democratic development. The National Assembly comprises the 249-seat *Wolesi Jirga*, or lower house, and the 102-seat *Meshrano Jirga*, or upper house. Members of the *Wolesi Jirga* are elected for five years by direct and secret ballot in provincial constituencies, with each province allocated seats based on population. Reserved seats for women and nomads number 68 and 10 respectively. In the *Meshrano Jirga*, representatives of the Provincial and District Councils each occupy one-third of the seats and the remaining seats are appointed by the president. As District Council elections have been indefinitely postponed, a temporary solution has been devised: the Provincial Councils elect two of its members to the *Meshrano Jirga* (one for four years and a second one for three years or until district elections are held), thereby maintaining the 2:1 ratio of elected to appointed seats.¹⁴

There are 18 standing committees—or 'commissions,' as they are known in Afghanistan—in the *Wolesi Jirga*, and 14 in the *Meshrano Jirga*. Each commission is allocated one administrative and one 'professional' staff member. At the beginning of each year, commissions elect leadership offices, including the position of chair, deputy chair and secretary. Commissions are assigned legislation according to their expertise by the respective administrative boards (leadership offices) of each house.

The oversight authority of the National Assembly stems largely from the 2004 constitution.¹⁵ While the constitution concentrates authority in the executive, it also provides the National Assembly with significant oversight powers. According to Article 64 of the constitution, the National Assembly must approve the "fundamental policies of the state," including: declarations of war and ceasefire; deployments of armed forces abroad; the declaration and cessation of a state of emergency; and the appointments of ministers, the attor-

¹³ Ibid., p. 37.

¹⁴ Islamic Republic of Afghanistan, Office of the President website.

¹⁵ *Constitution of Afghanistan*, Transitional Islamic State of Afghanistan, January 2004.

ney-general, and the head of the National Directorate for Security. Further, Article 89 states that “the *Wolesi Jirga* has the authority to set up a special commission if one third of its members put forward a proposal to inquire about and study government actions.”

In addition to its legislative powers of ratifying, modifying or abrogating laws or legislative decrees, including approval of the national budget, the constitution provides the *Wolesi Jirga* with ‘special powers.’ Regarding oversight, the most noteworthy of these special powers is parliament’s right to interpellate and sanction ministers (Articles 91 and 92). The constitution also empowers any commission of the National Assembly to question ministers on specific topics and ‘demand’ their participation in parliamentary sessions (Articles 93 and 103). The National Assembly’s Rules of Procedure further elaborate on the body’s oversight role, including on interpellation (Article 12) and budgeting (Article 86).¹⁶

Despite these constitutional provisions for parliamentary oversight, including of the security sector, the National Assembly has met with significant challenges in exercising this authority. A variety of factors, both external and internal to parliament, lie behind these challenges.

External Challenges to National Assembly Oversight of the Security Sector

The Role of the International Community in the Security Sector

To a large extent, financial, technical and military assistance from the international community bypasses the Afghan government. This has wide-reaching implications for parliamentary oversight of all areas of policy, not least that of security.

Collectively, the international community has more than 65,000 troops deployed in Afghanistan: around 40,000 belonging to the NATO-led International Security Assistance Force (ISAF) and 26,000 belonging to the US-led coalition.¹⁷ Though they carry out much of their work alongside the ANA and the ANP, these international forces operate outside the purview of the Afghan government. According to Article IV of the 2002 Technical Military Agreement signed between the Afghan government and ISAF, “The Interim Administration understands and agrees that the ISAF Commander will have the authority, without interference or permission, to do all that the Commander judges necessary and proper, including the use of military force, to protect the ISAF and its Mission.” More specifically, this entails:

...complete and unimpeded freedom of movement throughout the territory and airspace of Afghanistan.... [exemption] from providing inventories or other routine customs documentation on personnel, vehicles, vessels, aircraft, equipment, supplies and provisions entering and exiting or transiting Afghanistan territory in support of the Interna-

¹⁶ Rules of Procedure of the *Wolesi Jirga*, undated official document released by the National Assembly of Afghanistan.

¹⁷ International Security Assistance Force (ISAF) Public Affairs Office, “Macedonian Minister of Defense visits troops in Kabul,” 10 January 2008.

tional Security Force... and... [not holding] personnel... liable for any damages to civilian or government property caused by any activity in pursuit of the ISAF Mission.¹⁸

How can Afghanistan's National Assembly exercise oversight of those policies outside of governmental control? Parliamentary oversight under such conditions is limited, as parliament does not possess the authority to scrutinise a foreign military presence that lies beyond the jurisdiction of the government. Even if this were not the case, oversight would have been a serious challenge due to the complicated command and control of ISAF itself. Each troop-contributing nation—of which there were 39 as of January 2008—has ultimate control over how and where their forces may be deployed.¹⁹ For example, according to Germany's national caveats, *Bundeswehr* troops are restricted to operating in the relatively safe northern provinces of Afghanistan, away from the south and east where the insurgency is most active.

Afghan security forces—the ANA and the ANP—are also deeply involved in providing security and combating the insurgency around the country. Indeed, the ANP has suffered more casualties than any other security agency.²⁰ While these forces have undergone significant reform since 2001, they remain heavily reliant on the support of foreign troops. According to a 2007 US Government Accountability Office report, “no [ANA] combat units are fully capable of operating independently and less than 20 percent are fully capable of leading operations with Coalition support... no Afghan police units are fully capable of operating independently and only 1 of 72 police units is fully capable to lead operations with Coalition support.”²¹ The National Assembly's task of overseeing the Afghan security sector is made all the more difficult by the reliance of national forces on foreign support.

Contributing troops may be the foremost element of the international community's involvement in the security sector but it is not the only one. Reform of the security sector in Afghanistan has been led largely by international actors—mainly the US and European nations—both in terms of financial contributions and technical assistance. Assistance to security sector reform has fallen largely outside the scope of the Afghan government, with priorities being set in Western capitals according to needs as perceived by donor countries. This reality has made parliamentary oversight of security sector reform even more illusive.

International financial assistance to Afghanistan is channelled through two mechanisms: 1) the core budget, which is administered by the government itself, and 2) the 'external budget,' which refers to funds that are reported but not controlled by the government, such as funding distributed directly from donors to their contracting partners. According to the World Bank's Public Financial Management Report, in 2004-2005 nearly 80 percent of

¹⁸ International Security Assistance Force (ISAF) and the Interim Administration of Afghanistan, 2002 Technical Military Agreement.

¹⁹ United States Government Accountability Office (GAO), “Securing, Stabilizing, and Reconstructing Afghanistan” (Washington DC: GAO, May 2007), p. 21.

²⁰ “Summary of the Afghan National Police (ANP)” in *Program for Culture and Conflict Studies*, 3–4.

²¹ United States Government Accountability Office (GAO), “Securing, Stabilizing, and Reconstructing Afghanistan,” p. 14.

security sector spending was channelled through the external budget, meaning that it “occurs completely outside... government processes.”²² When four-fifths of foreign funding of the security sector lies beyond the control of the government, oversight of the security budget, a key tool for overseeing the security sector, is entirely out of reach for the National Assembly.

With external budget funding come certain decision-making prerogatives: each donor country follows its own priorities and funding mechanisms. This creates obstacles to coordinating aid and technical assistance, both within the international community and with the Afghan government. There are numerous examples of donor countries acting alone, sometimes contrary to existing government guidelines. For example, in 2006 the US made a largely unilateral decision to increase the ANP force size by 20,000.²³ As the Afghan government's total revenue is insufficient to cover ANP salaries alone, such an increase has serious implications for financial sustainability. This process deprived the National Assembly of the opportunity to either participate in the decision to increase the force size or to ensure, through its budgetary authority, that the increase was sustainable in the long term. Similarly, it has been reported that the National Internal Security Strategy of the Ministry of Interior was written by US advisors.²⁴ These two examples suggest that major security sector decisions are often made with little, if any, government input. Under such circumstances, the National Assembly is unable to play a meaningful role in contributing to, let alone overseeing, security sector policies.

The Role of the National Assembly in the Afghanistan National Development Strategy (ANDS)

In 2005, the Afghan government launched the process of developing the Afghanistan National Development Strategy (ANDS). Finalised in mid-2008, the ANDS has since served as the central framework for Afghanistan's reconstruction and lays out the strategic priorities and mechanisms for achieving the government's overall development vision. An Interim ANDS (I-ANDS) was approved by the government in December 2005 and presented with the Afghanistan Compact—a framework for cooperation among donors, the UN and the Afghan government—at the London Conference in January 2006. Security is one of four core pillars in the I-ANDS and the following priorities are identified within that pillar: 1) the establishment of a professional army and police force; 2) the disbandment of illegal armed groups; 3) the elimination of poppy production; 4) improved relations with Afghanistan's neighbours; and 5) a reduction in unexploded ordinance.²⁵

²² Peter Middlebrook, Nicole Ball, William Byrd, and Christopher Ward, “Improving Public Financial Management in the Security Sector: Volume V,” in *Afghanistan Managing Public Finances for Development* (Washington, D.C.: World Bank, 22 December 2005), xi–xii.

²³ Andrew Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police* (Kabul: Afghanistan Research and Evaluation Unit, July 2007), p. 8.

²⁴ *Ibid.*, p. 47.

²⁵ Interim Afghanistan National Development Strategy, Executive Summary, p. 7.

The National Assembly did not exist when the I-ANDS was developed and thus played no role in its formulation. That does not explain, however, why the assembly has such limited involvement in the development of the full ANDS. The security sector strategy of the ANDS, which will become the country's security strategy, was drafted by a group of ministers and international actors, with little apparent participation of MPs. A key opportunity for the National Assembly to shape the security framework of the country has thus been missed. The limited involvement of MPs in the ANDS development process is remarkable considering that the I-ANDS explicitly stipulates National Assembly involvement: according to Volume I of the I-ANDS, "Particular attention will be paid to engaging the National Assembly in a discussion on the I-ANDS (and setting up processes for their ongoing participation)."²⁶ The document also states that the government aims to "integrate a review of our strategic priorities into our budgetary planning, our discussions with donors and with the National Assembly and the people of Afghanistan."²⁷

Despite these assurances, the ANDS has been developed largely devoid of parliamentary involvement. Of the more than two dozen national consultations that took place between April 2006 and December 2007, only two have included members of parliament.²⁸

The Role of the Other Government Branches in Parliamentary Oversight of the Security Sector

Not surprisingly, the executive branch poses serious challenges to the National Assembly's ability to exercise its oversight mandate. In all countries, there is a natural suspicion within the executive of oversight efforts by the legislature, but in Afghanistan this natural tendency is exacerbated by the significant imbalance of power between the two branches. The National Assembly was inaugurated four years after the establishment of the executive, leaving the parliament at a disadvantage in the political arena.

While the relative strength of the executive is a serious obstacle to National Assembly oversight of the security sector, the dysfunctional nature of state institutions poses as great if not greater challenges: key government ministries and departments demonstrate a questionable level of commitment to democratic reform and are consequently not receptive to the notion of democratic oversight. The Ministry of Interior (MoI) in particular is notoriously corrupt and factionalised, seen by some as an increasingly important actor in Afghanistan's illegal drug economy.²⁹ In addition to resistant ministries, the absence of a functioning judicial system further complicates security sector reform and consequently parliamentary oversight. Without a working judiciary, efforts to reform and improve other security sector entities will have limited success; the rule of law "provides both the foundation upon which the country's security sector institutions can be rooted and a framework to guide and *regu-*

²⁶ Ibid., Volume I, p. 197.

²⁷ Ibid., p. 16.

²⁸ National Consultations, Interim Afghanistan *National Development Strategy*.

²⁹ Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police*, p. xi.

late their actions.”³⁰ Slow progress in security sector reform, coupled with a weak judicial sector, therefore seriously undermines parliamentary oversight.

Other mechanisms and actors external to the National Assembly could potentially assist in security sector oversight, such as the national audit office or an ombudsman. The Control and Audit Office (CAO) under the Office of the President currently verifies the budget before it is sent to the National Assembly. Beyond this, however, the National Assembly has limited interaction with the CAO and has not, for example, requested budgetary investigations. At the time of writing, an ombudsman department or office—which could collect public complaints regarding security personnel, for example—has not yet been established.

The external factors outlined above limit the National Assembly's ability to exercise its oversight mandate. The following section will examine challenges internal to the National Assembly that influence its ability to oversee the security sector.

Internal Challenges to National Assembly Oversight of the Security Sector

The opportunity to oversee and control security forces in practice is highly doubtful in the current security situation, aggravated by an inexperienced parliament with an underdeveloped political and legal culture.³¹

When the National Assembly convened for the first time in December 2005, it was the first legislature to do so in Afghanistan in almost four decades. Arguably, the current assembly is the first democratic legislature in the country's history. To become a fully functioning and effective legislature, the nascent body must overcome enormous challenges. The institution itself is entirely new and its governing documents, including the parliamentary rules of procedure, were not finalised until more than a year after its inauguration. When the MPs took their seats, they had a backlog of over 100 presidential decrees to review and approve – a major challenge for an assembly entirely new to the legislative process.

A notable feature of the National Assembly is the absence of political parties, the principal organising mechanism of most parliaments. The current electoral system—the Single Non-Transferable Vote (SNTV)—largely excludes parties from the electoral process, which complicates the formation of parliamentary groups and renders the National Assembly somewhat unwieldy.

Perhaps the most significant obstacle to the effective functioning of the assembly is the members' lack of experience. While some have served in former governments, not one of them has prior legislative experience and in 2005 few understood the technicalities of a working parliament. By some estimates, 15 percent of MPs are illiterate and lack some of

³⁰ Mark Sedra, “Security Sector Transformation in Afghanistan,” DCAF Working Paper No. 143 (Geneva: DCAF, 2004), p. 12.

³¹ *Security Sector Reform in Afghanistan* (Bonn: BICC, 2007), p. 8.

the very basic skills required to fulfil their mandates. Members also lack knowledge of and exposure to the technicalities of a modern, democratic security sector. MPs may have fought in the *jihad* against the Soviets, been involved in the civil war in the early 1990s, or helped overthrow the Taliban in 2001, but these experiences do not lend themselves to understanding how a democratically-oriented security sector *should* operate and function. Further, many MPs were (and are) believed to be involved in illicit activities, corruption and serious human rights abuse; this widespread belief may undermine the parliament's ability to exercise its full oversight function.

National Assembly staff are also new and inexperienced, and many lack any political background. For example, as each MP is responsible for hiring his or her own assistant, most assistants are friends or relatives and lack the experience or skills necessary to support the MPs. Commission staff, recruited by the assembly's human resources department, have little experience or knowledge of the particular subject area of their assigned commission, thereby hampering the development of the commission structure as a whole. Another problem is that of staff turnover: given the low salaries for parliamentary staff—starting at US\$70 per month—many leave for more lucrative positions with international donor organisations and NGOs. High staff turnover complicates the accumulation of institutional knowledge and experience that would help the National Assembly function better over time.

The internal and external obstacles facing the National Assembly in carrying out its oversight functions are formidable. The following section examines how the National Assembly has performed in the face of these challenges by outlining the record of parliamentary oversight of the security sector in the two years since the assembly's inception.

National Assembly Oversight of the Security Sector in Practice

Given the enormous internal and external challenges to security sector oversight, the National Assembly's performance in this regard is somewhat surprising. While many of the external factors influencing its oversight function lie beyond the control of the assembly, MPs have taken the initiative to insert themselves into security affairs and have taken advantage of the legal provisions allowing them to do so.

Legislation

By December 2007, the National Assembly had approved 42 pieces of legislation, debated dozens more, and approved at least six relating to the security sector.³² These include: the Prosecution Law for Military Personnel; the Prosecution Law for Members of the Armed Forces; the Law on Prisons and Detention Centres; as well as the Duties and Composition of the National Directorate for Security (as part of the Government Structure Bill). In addition, it has approved the formation of a commission on police reform.³³ Significant to the security sector was also the March 2007 National Assembly approval of the National Rec-

³² Author's personal communication with senior international NGO staff.

³³ *Parliamentary Bulletin*, Afghanistan Office (Kabul: Konrad-Adenauer Stiftung, May-August, 2007).

conciliation Bill, which calls for a nationwide ceasefire and “negotiations with the Afghan Taliban and other opposition groups.”³⁴

In performing its legislative function, the assembly has reached beyond merely approving laws; it has clearly sought to establish for itself a broader oversight role. For example, the assembly proposed amendments to the Law on Prisons and Detention Centres that would allow MPs to “enter the detention centres and prisons without the prior permission of the Ministry of Justice”³⁵ and that would require all verbal or written complaints submitted by detainees and prisoners to wardens and the general director of prisons and detention centres to be sent to the assembly’s legal and complaints commissions.³⁶ While not revolutionary, these provisions are significant in providing parliament an independent means of investigation, thus bolstering its oversight role.

Budget

Overseeing government security sector expenditure is a key tool for parliamentary oversight – one which is largely unavailable to Afghanistan’s National Assembly. This is due to the government process for budget development, which does not provide for parliamentary involvement. While the National Assembly is not allowed by the constitution to propose amendments to the national budget, it does have the right to veto the budget as a whole. For the two years that the assembly has been in session, it has done just that. Responding to the concerns of MPs over specific provisions, the executive made the corresponding changes and the assembly subsequently approved the revised budgets. While this process did not involve issues directly concerning security sector spending, it nevertheless demonstrates that parliament is exercising its budgetary oversight authority.

Recent developments may allow the National Assembly to play a more significant role in overseeing security sector spending. The government’s budgetary process is improving, now following standard best practices, a standard budget calendar and participation from line ministries and donors.³⁷ It is possible that this will allow the National Assembly to insert itself into the processes of budget development and oversight. The likelihood of such involvement increased when in December 2007 the National Assembly inaugurated a budget unit within the *Wolesi Jirga* secretariat to provide it with greater capacity and expertise in reviewing the national budget.

While the aforementioned developments may offer parliament a more meaningful role in budgetary oversight, the fact remains that the vast majority of security sector spending in Afghanistan occurs outside the core budget—from international donors—and is channelled largely through the external budget, over which the government has no control.³⁸ As long

³⁴ Ibid.

³⁵ Law on Prisons and Detention Centers, Chapter 5, Article 38.

³⁶ Law on Prisons and Detention Centers, Chapter 5, Article 45.

³⁷ Middlebrook, Ball, Byrd, and Ward, “Improving Public Financial Management in the Security Sector,” p. 14.

³⁸ Ibid., p. 34.

as this is the case, budgetary transparency and parliamentary oversight will remain problematic, if not impossible.

Parliamentary Interpellation, Questioning and Debate

The National Assembly has taken full advantage of its authority to question and interpellate senior government officials and ministers. For example, in May 2007 the National Assembly called the minister of foreign affairs and the minister of refugees and returnees before the plenary to explain the handling of the repatriation of refugees from Iran earlier that year. Dissatisfied with their responses and their performance generally, the assembly voted to dismiss both ministers. President Karzai accepted the resignation of the Minister of Refugees and Returnees Akbar Akbar but refused to accept parliament's decision regarding Foreign Minister Dr. Rangin Dadfar Spanta. The case was subsequently referred to the Supreme Court, which supported the president's decision to keep Minister Spanta. In response, some members of the *Wolesi Jirga* threatened to resign, stating that "if the executive does not pay attention to our decisions, what can we do?"³⁹ While the issue remains unresolved, it demonstrates the National Assembly's ability and resolve to oversee government activity in the security sector.

In addition to interpellation, the National Assembly has called senior government officials repeatedly to appear before parliament for questioning on security-related issues. According to the speaker of the *Wolesi Jirga*, Yonus Qanooni, the National Assembly has summoned 227 ministers and government officials in the two years since its inception – many of them were called to testify on security issues.⁴⁰ For example, on 5 October 2007, the ministers of defence and interior and the national director for security appeared before the parliament in a closed session to discuss the progress made in fighting the Taliban insurgency. In September, the head of the Kabul Police Criminal Investigation Unit testified before the *Wolesi Jirga* Internal Affairs Commission on the deteriorating security situation in Kabul. Similar questioning sessions were held with the minister of interior in March 2007 on the lack of coordination among the ANA, ANP and ISAF, and in February the Kabul chief of police was questioned about ANP personnel disobeying orders.

In an early demonstration of its oversight authority, the National Assembly rejected President Karzai's request for his proposed cabinet to be approved as a whole. Parliament subsequently reviewed the president's cabinet and Supreme Court candidates individually, and demanded re-nominations for several posts.⁴¹

The National Assembly has also held extensive plenary debates—both open and closed—on the security situation in the country. In doing so, they have encouraged public discourse on security and have called publicly for the government to act on certain issues.

³⁹ Kirk Semple, "In Afghanistan, Anger in Parliament Grows as President Defies Majority's Wishes," *New York Times*, 2007.

⁴⁰ Yonus Qanooni, Press Conference, 6 December 2007.

⁴¹ Camelia Entekhabi-Fard, "Power Struggle Brews in Afghanistan Pitting President Against Parliament," *Eurasia Insight*, 13 April 2006.

Following the suicide attack targeting a parliamentary delegation in Baghlan Province on 6 November 2007, the speaker of the *Wolesi Jirga* and about eighty MPs staged a walkout, accusing government officials of not cooperating with a probe into the attack.⁴² Similarly, following the shooting of civilians in Nangarhar by ISAF troops on 4 March 2007, the National Assembly held a plenary session on the responsibility of foreign troops to abide by Afghan law and questioned the then-head of ISAF, US General Dan McNeil.

Investigations and Site Visits

In an effort to establish its independence and expand its political role, the National Assembly has undertaken a number of its own investigations into security-related issues. For example, it launched its own inquiry into the Baghlan suicide attack, even though the executive had already established a committee for the same purpose. Similarly, a parliamentary committee was sent on a fact-finding mission in the aftermath of the March 2007 shooting of civilians in Nangarhar. In the process of reviewing legislation on prisons and detention centres, members conducted numerous site visits and collected petitions from prisoners. In the fall of 2007, the National Assembly approved the formation of a 25-member Commission for Monitoring the Work of the Government. It was expected that the commission will be fully formed during the first session of 2008.⁴³

Parliamentary Participation in Security Affairs

Parliament has found a number of other opportunities to engage in security affairs. While not strictly oversight in nature, parliamentary engagement on security issues raises the assembly's profile, increases its knowledge and provides it with a voice on security issues, thereby facilitating oversight. For example, members of the National Assembly participated in the August 2007 Afghanistan-Pakistan Peace *Jirga*, convened to improve and strengthen relations between the two countries. The *Jirga* focused on ways to improve security, specifically targeting terrorism, the illicit drug trade and reconstruction in the affected areas.⁴⁴

In the closing days of the fall 2007 parliamentary session, the National Assembly also drafted a national security document in collaboration with representatives of the ministries of defence, interior and the national directorate for security. The Strategic Security Plan outlines the sources of insecurity in the country and provides recommendations in the areas of politics, economics, administration and defence. The plan was presented to the president's office for approval in early 2008 although nothing has come of it yet.⁴⁵ The assembly's participation in the development of this national security document was an im-

⁴² "Parliament Speaker Will Not Attend Sessions If...," *Daily Outlook Afghanistan*, 27 November 2007.

⁴³ *Parliamentary Bulletin*, Afghanistan Office.

⁴⁴ "Historic Jirga Unites Afghanistan and Pakistan to Empower Traditional Leadership Against Terrorism," The Embassy of Afghanistan, 14 August 2007.

⁴⁵ Author's personal communication with senior European Commission official, December 2007.

portant benchmark; it provided MPs an opportunity to shape the security strategy and position themselves to oversee its implementation once approved.

Parliamentary Oversight of the Security Sector: Looking Forward

Despite formidable obstacles, Afghanistan's young National Assembly has taken its mandate to oversee the security sector seriously. Through legislation, debate and interpellation, MPs have begun to develop a role as a check on the executive's management of Afghanistan's security sector agencies.

Nonetheless, for the foreseeable future, the prospect for increased parliamentary oversight of the security sector remains dim. External factors beyond parliament's control will likely continue to hamper democratic oversight. As the security situation in Afghanistan deteriorates, international forces will continue to operate outside of government control, thereby remaining out of reach for the National Assembly. Similarly, a large proportion of security sector funding will continue to be channelled through the external budget, minimising government influence over decisions regarding security spending and reform. The National Assembly also has limited influence over the commitment to reform among government security agencies and departments, several of which remain corrupt and engaged in illicit activities. Combating Afghanistan's culture of impunity and establishing a functional judicial sector have received scant attention and appear to be low priorities for donors and the government.⁴⁶ Though the ability of parliament to directly affect these external forces is limited, MPs can be even more proactive in strengthening its internal capacity and exploring alternative mechanisms for oversight.

In the four years since its inception, parliament has made significant progress in the areas of internal organisation, operation and management. MPs have spent considerable time taking part in training initiatives and other capacity-building programmes. To date, much of the assistance to the National Assembly has concentrated on building the core skills necessary for the MPs to fulfil their mandates.⁴⁷ While this has been a worthwhile effort, increasing the National Assembly's ability to oversee the security sector would also require capacity-building of permanent parliamentary staff, focusing in particular on building their expertise in security-related areas. Such assistance could focus on parliament's research department—the Department of Legal and Professional Studies—which assists commissions in obtaining information and analysis on security affairs. In order to develop the National Assembly's oversight capacity, such institutional strengthening will be crucial.

⁴⁶ Sedra, *Security Sector Transformation in Afghanistan*.

⁴⁷ The primary international technical assistance to the National Assembly is provided by the United Nations Development Program's Support to the Establishment of the Afghan Legislature (SEAL), the State University of New York Afghanistan Parliamentary Assistance Program (APAP), the National Democratic Institute (NDI), and the International Republican Institute (IRI).

In addition, the National Assembly should further engage civil society organisations in scrutinising the government's security agencies and policies. Organisations such as the Afghanistan Independent Human Rights Commission (AIHRC) can support parliamentary oversight efforts through investigations, public awareness trainings and advocacy campaigns. They may also have the experience and expertise that MPs and their staff currently lack, and often have valuable country-wide networks that can facilitate monitoring. A similar role can be played by the media. By engaging various media actors and outlets, the National Assembly could raise public awareness of draft laws, investigative initiatives and interpellation activities. As a popularly-elected body, parliament should engage citizens and communities in monitoring the performance of security sector actors. Such popular support would also give the National Assembly more leverage in its efforts to play a greater role in security affairs.

The security sector in Afghanistan is far from being under civilian democratic control, making it premature to speak of parliamentary oversight in the sense that it is understood in the West. Nonetheless, despite formidable obstacles, the National Assembly has already begun to establish its rightful role as a check on the executive's use of the security sector, taking advantage of a relatively permissive framework for oversight and the tools and mechanisms available to it. Parliament's inclination toward oversight, and the proactive steps it has taken thus far, should be viewed as a promising foundation upon which to build when the country emerges from conflict. Only then may Afghanistan's fledgling National Assembly truly be measured against international standards of democratic oversight.

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Chapter 6

Reforming Afghanistan's Justice Sector

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After seven years and billions of dollars in foreign assistance since the fall of the Taliban, the international community's efforts to create a stable, democratic Afghanistan remain in jeopardy. Despite some achievements in improving the economy, health care and education, the Afghan central government lacks legitimacy throughout most of the country. State security, governance and justice institutions are unable to meet the needs of ordinary Afghans. Organised crime, a resurgent Taliban insurgency and widespread corruption at all levels of government combine to create an insecure environment that threatens to derail the country's nascent experiment with constitutional democracy. And as they did in the mid-1990s following Afghanistan's brutal civil war, the Taliban have capitalized on the current governance, justice and security vacuum in parts of the country by offering an alternative system for providing stability.

Tackling the many problems confronting Afghanistan requires renewed efforts. The Special Representative of the United Nations Secretary General in Afghanistan, Kai Eide, recently said that what the country needs is better implementation of the current state-building efforts rather than a strategic shift in policy.¹ Certainly, the present strategy has not been operationalised properly and has been characterized by a lack of commitment, poor coordination and insufficient resources. But whatever the case—be it revitalisation of existing efforts or an overhaul of the strategic approach—for the nation-building exercise in Afghanistan to succeed and security to improve, far greater attention needs to be given to one key element: building the rule of law.

In Afghanistan, as elsewhere, security and justice are inextricably linked. A sound rule of law system must be functioning for the country's long-term security needs to be met, while accountable and strengthened security institutions are required if the rule of law is to flourish. Thus, stabilising Afghanistan requires an approach that looks beyond the provision of physical security and the reform of military and police forces (although those are, of course, needed). To achieve a robust and durable security environment, institutions of

¹ Associated Press, "UN to Obama: Don't Change Afghan Strategy," 16 January 2009.

governance and justice that allow for the peaceful, accountable and enforceable resolution of disputes are essential. Without such institutions, progress in security reform will not prove sustainable.²

This chapter explores the state of Afghanistan's justice sector in the post-Taliban era. It provides background to the formal state justice system and discusses the current role of the three permanent state justice institutions (the Supreme Court, Ministry of Justice and Attorney General's Office), identifying major deficiencies in each and related negative effects on improving security in Afghanistan. While acknowledging the extreme difficulties in reforming the justice sector in Afghanistan, the chapter provides a critical view of certain justice sector reform efforts to date and recommends approaches by which donors and the government of Afghanistan might better be able to improve access to fair justice in the country. In particular, it argues that harnessing the strengths of traditional, informal justice institutions in the country, where the vast majority of disputes are resolved, is essential to building an accountable, effective justice system.

Background: Afghanistan's Justice Sector

The law technically separates the judiciary from the Ministry of Justice as specified in the Constitution, and attacks the chronic problems of the current system: the inadequate legal training of judges, the lack of adequate accommodations (fewer than 20 of the currently functioning 273 courts have adequate building facilities, and the judges must use a mosque or rent a house), and the lack of competent clerical staff... Afghan courts have long been under fire for corruption, nepotism, favouritism, and inconsistency in rendering judgments. With new laws, the Ministry of Justice hopes to establish effective procedures for inspection in order to take the necessary disciplinary action against corrupt judges and officials. To help counter corruption, salaries have been raised, the number of clerks (the ideal, of course, is that they be trained) increased, and additional courthouses constructed. The ideals behind these moves, however, may not be realized in the lifetime of the youngest signer of the Constitution.³

The foregoing passage may seem to encapsulate some of Afghanistan's problems in the justice sector and the means to address them since the ratification of the 2004 Constitution. In fact, however, it is an excerpt from anthropologist and author Louis Dupree's classic tome, *Afghanistan*, describing justice sector problems and reform efforts in the country after the adoption of the 1964 Constitution. But in many ways, Afghanistan's formal justice sector is in the same damaged and ineffective state that it was four decades earlier – and Dupree's suggestion that the 'ideals' behind the reform efforts of the 1960s may not be realized for many decades has proven true. Indeed, the formal justice sector in Afghanistan

² Jane Stromseth, David Wippman, and Rosa Brooks, *Can Might Make Rights? Building the Rule of Law after Military Interventions* (Cambridge: Cambridge University Press, 2006), p. 176.

³ Louis Dupree, *Afghanistan* (Oxford: Oxford University Press, 1973), 582–83.

today is plagued with endemic problems that render it ineffective in delivering justice and that cause it to lack credibility among most Afghans.

Of course, creating a strong state justice system in Afghanistan is a monumental task that will indeed take decades to institutionalize. The country's state justice system, which first appeared toward the end of the 19th century, has never been strong. Until the 1960s, state justice in highly decentralized Afghanistan was essentially divided between Islamic law courts, which addressed criminal and personal law, and government tribunals that had jurisdiction only over discrete issues like taxation and civil service regulation. For most of the country (as today), customary justice mechanisms provided the only means for resolving legal disputes.

In the 1960s, King Zaher Shah attempted to modernise the country through the introduction of democratic reforms. The 1964 constitution established a system of checks and balances among independent branches of government, including a judiciary comprised of secular courts that was bound to apply the state's Constitution and laws (only applying Islamic law where the state laws were silent on a particular matter). However, in a country overwhelmingly unfamiliar with state law, as well as lacking a trained judiciary, the envisioned reforms would take a generation or more to implement in practice – and then the war years intervened, decimating the nascent state justice sector before it had a chance to become ingrained in Afghanistan's legal system.

Thus, today, despite the existence of permanent justice institutions, the recent adoption of a new Constitution, thousands of statutes and regulations in force, as well as thousands of judges, prosecutors and other legal professionals in the country, Afghanistan does not have a sound, trusted or predictable formal justice system. Among other things, the lack of adequate training for legal professionals, poor physical infrastructure, rampant corruption among judges and prosecutors and the insufficient reach of the central government into much of the country contribute to a severely damaged and ineffective formal justice sector. This is unsurprising, given the recent history of conflict in the country, as well as the unfamiliarity of most Afghans with state-provided justice.

There are, however, robust traditional mechanisms that fill the gap, provide access to justice and help with the resolution of many legal disputes (the role of the traditional justice sector will be described at the end of this chapter). Many of these mechanisms—called *jirgas* or *shuras*—have existed for centuries and are sufficient to meet most Afghans' justice needs. However, they are not without their own problems (including, among other things, the unequal and unfavourable treatment of women). Also, the rising influence of powerful warlords, drug traffickers and other criminals who act with impunity have damaged the credibility of traditional justice mechanisms in parts of the country, with decisions sometimes seen as serving the interests of the influential rather than providing fair justice. Overall, however, traditional mechanisms generally still play a vibrant and transparent role in the Afghan justice fabric but they are inadequate on their own to meet the country's rule of law needs. Thus, without improvements in the state justice sector, rule of law in Afghanistan

will remain weak, with serious detrimental consequences for the overall security environment and stabilisation of the country.

Post-2001 Efforts to Build the Rule of Law

Since the ousting of the Taliban from power in 2001, the international community has poured substantial resources into restoring security and improving governance in Afghanistan. The December 5, 2001 Bonn Agreement,⁴ executed between two dozen prominent Afghan leaders and the United Nations Special Representative of the Secretary General for Afghanistan, Mr. Lakhdar Brahimi, put in place a framework for Afghanistan's political transition (although it was remarkably quiet on demilitarization and military issues).⁵ Often referred to as a 'peace agreement,' the Bonn Agreement was more "a victor's sharing of the spoils of war in the wake of the forcible removal from power of the Taliban," who were not represented at the table in Bonn.⁶ The war in Afghanistan continued after Bonn and has progressively intensified each year since its signing, making the development of the political, justice and governance institutions envisioned in the Bonn Agreement more challenging.

Soon after the Taliban were removed from power, the international community and the Interim and Transitional Governments in Afghanistan recognised the urgent need for the country to supplant its pervasive 'rule of the gun' with the 'rule of law' in order to achieve a secure and prosperous nation.⁷ Such an effort would require the implementation of the Bonn Agreement political benchmarks, including the adoption of a new Constitution⁸ and the convening of a fully representative government through free and fair elections.⁹ Well-functioning judicial and legal institutions would also need to be developed to ensure that

⁴ The Bonn Agreement is officially known as the "Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions."

⁵ The Bonn Agreement did recognise the obvious point that "some time may be required" for new Afghan security forces to be fully functional and as such made provisions for a United Nations-mandated international security force to protect Kabul and its surrounding areas and to progressively expand to other areas as deemed appropriate.

⁶ Chris Johnson and Jolyon Leslie, *Afghanistan: the Mirage of Peace* (Zed Books Ltd., 2004), p. 157.

⁷ The Interim Authority governed Afghanistan from December 22, 2001 until an Emergency Loya Jirga selected the Transitional Government in June 2002. The Transitional Government held power until President Hamid Karzai's inauguration as president following national presidential elections in October 2004.

⁸ A new Constitution was approved by a Constitutional Loya Jirga in December 2003 and became the supreme law of the country in January 2004.

⁹ Presidential elections were held in October 2007 and a National Assembly and Provincial Councils were elected a year later. District Councils, which are to have representatives in the Upper House of Parliament, have not yet been elected. The first elections for district councils are scheduled for 2010. International Crisis Group, *Afghanistan's Election Challenges*, Asia Report No. 171, 24 June 2009.

ongoing disputes could be resolved transparently, peacefully and in accordance with the law.¹⁰ Reform and development of Afghanistan's police forces was also seen as a priority in instituting a rule of law culture in the country. Furthermore, disarming the heavily militarized factions in the country became a main concern to help ensure disputes did not escalate into armed conflict but would be resolved through the legal system.¹¹

However, while lip service was certainly paid by Afghan officials and the international community to the importance of governance and dispute resolution according to the law, early efforts to promote legal reform, law enforcement and the administration of justice proved slow. Aside from police training, activities to reform the justice sector and improve the rule of law were not seen as a priority. The Judicial Reform Commission (JRC) created by the Bonn Agreement¹² was tasked with rebuilding the domestic justice system and coordinating justice reform efforts but it lacked resources and political influence to perform its job effectively. Permanent justice institutions, including the Supreme Court and the Ministry of Justice, viewed the JRC with suspicion, and it was eventually dissolved in mid-2005 after having met with virtually no success in its reform and justice coordination efforts.

On the international side, Italy was named the 'lead nation' to spearhead reform in the justice and legal spheres but its initial efforts reflected a narrow view of its mandate, focusing on discrete issues like revising the country's criminal procedure code and developing new legislation for juvenile justice. This focus on drafting new laws (themselves unlikely to be implemented for a variety of reasons), rather than important institution building, hampered early efforts to rebuild the state's battered justice sector. As a result (and similar to the Afghan permanent justice institutions' perception of the JRC), most Afghan officials and international donors viewed Italian coordination and leadership efforts with scepticism, if not outright disdain.

On the law enforcement side, Germany took the lead in rebuilding the country's national police force, an essential ingredient to improving rule of law in the country. However, it dedicated paltry resources and instituted a poorly structured training program that resulted in a largely unprofessional force incapable of providing even a modicum of police services. The lacklustre efforts of Italy and Germany in rebuilding justice and law enforcement mechanisms stand out as the two weakest attempts by the international community to rebuild state institutions in Afghanistan.¹³

In the four years immediately following the international intervention in Afghanistan, no overall justice sector strategy was adopted. Consequently, international reform efforts were often wasteful, counterproductive, duplicative or inconsistent in their approach. A number

¹⁰ The Bonn Agreement provided for the country's legal and judicial infrastructure until the adoption of a new Constitution in January 2004.

¹¹ A program of disarmament, demobilisation and reintegration of armed groups in Afghanistan (DDR) was initiated in 2003, followed by the Disbandment of Illegally Armed Groups (DIAG) program in 2005. Both programs met with varying degrees of success.

¹² See Bonn Agreement, December 2001, Section II (2).

¹³ Ahmed Rashid, *Descent into Chaos* (New York: Penguin Books, 2008), p. 204.

of half-hearted attempts to coordinate and improve justice reform efforts occurred but never gained traction. A Justice Sector Consultative Group was established in early 2003 to integrate the efforts of the Afghan government and donor nations but it was unable to develop an overall strategy for rule of law reform. Instead, its monthly meetings focused primarily on identifying the large number of problems and unmet needs in the sector, without setting any real priorities or devising concrete means to make progress in building Afghanistan's rule of law.

To streamline activities, in 2005 the United Nations Development Program spent considerable time and resources, along with the three permanent state justice institutions, in the development of a policy entitled 'Justice for All,' which outlined a ten-year strategy for justice sector reform in Afghanistan. Although the Cabinet adopted that policy, a subsequent donors' conference in London in early 2006 refocused efforts, leading to another round of strategic planning for building the rule of law as part of the overall Afghanistan National Development Strategy (ANDS) initiative. Working groups consisting of Afghan officials and donor representatives met regularly throughout 2006 to determine priority justice sector activities to include in the five-year ANDS but little consensus was reached. Another conference of donors and Afghan officials met in Rome in the summer of 2007, again to discuss and prioritize urgent reforms needed in the justice sector, the results of which fed into a National Justice Sector Strategy (NJSS), approved by the Supreme Court, Ministry of Justice and Attorney General's Office in spring 2008. The NJSS was then incorporated into the overall ANDS at a Paris donors' conference that summer and currently serves as a guideline for reforming the justice sector in Afghanistan over a five-year period. Overall, however, the foregoing conferences, working groups and strategic reform initiatives resulted in a laundry-list of actions to be undertaken and reforms to pursue, rather than prioritizing the most urgent items needed to build a strong justice sector in the country.

Afghanistan's Malfunctioning State Justice Sector

The Judiciary

The 2004 Constitution creates an independent judiciary, with its structure and jurisdiction set forth in the 2005 Law on the Organization and Jurisdiction of the Courts. The Supreme Court sits at the pinnacle of the judicial hierarchy in Kabul, with a two tiered system of courts below funneling cases up to it (primary courts in each district, at least on paper, and second-instance courts of appeals in each provincial capital). Each of these courts is divided into specialized benches that address, respectively, civil and family matters, commercial disputes, public rights cases and crimes. Specialized courts outside the ordinary court structure were also established, including tribunals to address military cases, narcotics trafficking, national security issues and certain immoveable property claims.

Initially led by Fazl Hadi Shinwari (who was appointed to the court at Bonn and kept on by Karzai after the Constitution's ratification), the judiciary in Afghanistan focused primarily

on ensuring Islamic law was paramount in the country's legal system until 2006.¹⁴ Chief Justice Shinwari, a conservative Islamist who once led a madrasa in Pakistan's Northwest Frontier Province, appointed dozens of judges to primary and provincial courts throughout the country who lacked any formal legal training aside from Islamic education in non-state madrasas. Shinwari served concurrently as chief justice and head of the Ulema Council, the country's leading body of Islamic scholars with close ties also to Abu Rasul Sayyaf, an ultra-conservative mujahedin leader.

While the laws of Afghanistan impose restrictions on the powers of the courts to issue decisions, jurisdictional guidelines are sufficiently vague so as to have allowed the chief justice to issue rulings in a number of instances where no case was pending before the court. In 2004, for instance, Shinwari attempted to bar Latif Pedram from running for president, citing allegedly un-Islamic statements Pedram had made with respect to women's right to divorce. Shinwari also occasionally issued fatwas against practices he found contrary to Islam, threatening, for example, to order the closure of television stations that broadcast women singing on television.

Meanwhile, a backlog of cases grew, as a largely untrained and underpaid judiciary looked to use their positions to further Islamic ideals or to promote their own interests through corrupt practices. One Afghan businessman with a contract dispute pending before the court in early 2005 complained that "to get the commercial court to even hear my case, they've demanded a 5,000 Afghani bribe – and to get the decision in my favour, they want 10 times that. The merits of the case and the laws of the country are irrelevant." And where judges did, in fact, try to decide cases equitably, they often lacked copies of Afghanistan's vast body of law or any training in how such law should be applied. Surveys show that only one in ten of Afghanistan's 1,400 judges have university training in law, with 44 % having graduated from shari'a faculties.¹⁵ Moreover, only 14.3% of judges in the country have successfully passed the judicial stage training, a one-year practical course recent university graduates are required to complete before entering the judicial profession.¹⁶

In 2006, Karzai attempted to reappoint Shinwari to the chief justice slot but parliament rejected the appointment, leading to the placement of more moderate Abdul Salam Azimi in the position. Azimi was joined on the bench by an ethnically diverse group of other jurists, some with formal higher legal education, leading analysts to speculate that judicial reform was moving in a progressive direction. However, the influence of the Ulema Council (still led by Shinwari) and Sayyaf over the judiciary still pervades and, by most accounts, cor-

¹⁴ Sources of law in the Afghan legal system are the 2004 Constitution, state statutes and regulations, customary practices and beliefs and Islamic beliefs and provisions. Chief Justice Shinwari, in a 2004 interview with the author, said that of these sources of law, Islamic beliefs and provisions trump all others, with the role of the judiciary being to interpret the body and meaning of Islamic law.

¹⁵ UNDP, *Human Development Report 2007/2008* (New York: Palgrave Macmillan, 2007), p. 70.

¹⁶ *Ibid.*, p. 71.

ruption among judges in the country has accelerated since 2006 (some cite the judiciary as the most corrupt institution in the country after the police).¹⁷

Moreover, the absence of rule of law and accountable state justice in the country has led to the growth of sophisticated criminal networks whose leaders act with impunity. Attempts by the state to hold such criminals accountable to the law have been unsuccessful. Criminals routinely bribe their way out of prison, while threats to judicial professionals prevents fair justice from being applied. Indeed, security for judges has deteriorated, with those members of the judiciary trying to hold powerful individuals accountable in their courts coming under increasing threat. Nineteen judges were killed in Afghanistan in 2007 and 2008, yet the judiciary lacked virtually any protective measures (no armoured vehicles were provided by donors to any judges except the chief justice). One of the country's most respected jurists, Judge Alnif Halim of the Counter Narcotics Appeals Tribunal, was boldly assassinated one morning while travelling to his Kabul office in September 2008 – a signal to judges throughout the country that anyone who tried to apply the law against powerful interests could be targeted. Afghanistan's culture of impunity for well-connected criminals and commanders continues to prevent the judiciary from functioning impartially, further damaging efforts to instil a rule of law culture in the country.

Poor legal training, lack of physical and material resources, corruption and insecurity combine to create an Afghan judiciary that lacks virtually any competence to conduct its work with even basic standards of justice. Unsurprisingly then, most Afghans continue to view the judicial system with suspicion and look elsewhere (i.e., to traditional mechanisms) to resolve disputes.

The Attorney General's Office

Even more than the insurgency, criminal activities represent the greatest threat to security in Afghanistan.¹⁸ Narcotics trafficking, kidnapping, land grabbing and other illicit activities

¹⁷ The case of 23 year-old journalist Pervez Kambakhsh highlights the influence that Islamic clerics hold over the judiciary. Charged with blasphemy for allegedly distributing to friends materials questioning the role of women in Islam that he had downloaded from the Internet, Mr. Kambakhsh was sentenced to death by a local court in Mazar-i-Sharif. With the protections afforded to criminal defendants in the country's Constitution and criminal procedure code having been denied to Mr. Kambakhsh (who denies the charges), he appealed. After lengthy delays and pressure from human rights organizations, the Kabul Central Court of Appeals confirmed the guilty verdict and changed the sentence to 20 years imprisonment – despite witness testimony on appeal in Kambakhsh's favor and a clear demonstration that the lower court judges had ignored the country's laws. When questioned by the author, the head of the appeals court said he was powerless to overturn the verdict given intense pressure put on him from some of the country's leading Islamic scholars. The defense lawyer for the appeal (Kambakhsh was not provided counsel at the primary level) has also faced threats, with religious leaders preaching in mosques that he too should be killed for 'defending an infidel.' A final appeal to the Supreme Court is pending in the case but one justice on the high court threw up his hands and said "he should just admit his guilt and apologize so that we can be more lenient with him – we have to defer to the religious leaders on cases like this."

cause widespread insecurity and fear among ordinary Afghans and, for the most part, the state has proven ineffective at investigating or prosecuting such crimes. And the inability or unwillingness of the state to hold powerful criminals accountable—including some individuals who hold prominent positions in the government—has done more to weaken the legitimacy of the Afghan state than anything else. Afghans see powerful drug kingpins and others openly acting with impunity, not being held to the lofty rule of law standards that the government professes to promote. While there are some 2,000 prosecutors in the country tasked with investigating and prosecuting criminals, they have been unsuccessful at tackling much beyond petty crimes.

Afghanistan's 2004 Constitution provides for an independent prosecutor's office (the Office of the Attorney General), permanently separating it from the Ministry of Justice, where it traditionally had been housed.¹⁹ The Attorney General's Office (AGO) is the state organ tasked with the investigation and prosecution of crimes in Afghanistan (while the police are limited to the detection of crimes). A prosecutor's office should be established in each district of the country, like the primary courts. However, like the judiciary, the prosecutors' office is absent in much of the country and where it is present, it is woefully ill-prepared to conduct its operations with even basic standards of fairness and professionalism.

Fundamental problems preventing the AGO from performing its job adequately include a lack of material resources, unqualified personnel and deep-seated corruption that often dictates which suspects face criminal charges and which are set free. Also, as mentioned, organised crime networks in the country have completely overwhelmed the ability of prosecutors to hold them accountable, both through bribery and threats. Despite a detailed penal code and criminal procedure code, as well as new laws to combat narcotics-trafficking and money laundering, Afghan prosecutors lack resources and training to effectively implement the law and perform their investigative jobs. Sophisticated techniques (for example, wire-tapping and other types of electronic surveillance) have been made available to Afghan officials to fight crime but such devices are often used inappropriately, either due to lack of training or in order to conduct extra-legal searches of criminal suspects (or others).

Moreover, poor relations among the AGO, the judiciary and the Ministry of Interior lead to Afghanistan's criminal procedure laws being routinely violated. For example, issues such as length of detention of suspects by the police has caused deep divisions between the AGO and the Ministry of Interior, with the Ministry arguing that the police should have much more time to detain and interrogate suspects before handing them over to the AGO for possible prosecution (arguing that poor roads in much of the country prevents police from performing their detection role in a short timeframe). The AGO, on the other hand, argues against expanding the role of the Interior Ministry, contending that it alone should have the

¹⁸ Mark Sappenfield, "Rise in Crime, Kidnapping Top Afghan Worries," *Christian Science Monitor*, 2008.

¹⁹ 2004 Constitution, Article 134.

authority to investigate crimes, one of its supposed core-competencies.²⁰ While the Afghan National Police are legally provided three days to detect crimes before turning a case over to the AGO, in practice, suspects are often held far longer by the ANP.

As with the Supreme Court and the Ministry of Justice, the United States government has worked more closely with the AGO than any other donor. The Department of State's Bureau of International Narcotics and Law Enforcement (INL) has spent tens of millions of dollars attempting to improve the functioning of prosecutors in the country. And in 2006, under pressure from the United States, Karzai named Abdul Jabbar Sabit, legal advisor to the Ministry of Interior, the country's new Attorney General. The charismatic Sabit proclaimed that as the new attorney general, he would make fighting corruption the centre-piece of his tenure as the country's top prosecutor, but by the time he was ousted in summer 2008, allegations of corruption in the AGO had significantly increased (partly due to an increased number of prosecutors and cases but, some charge, also due to corruption in the highest levels of the office). Sabit's successor, Mohammad Ishaq Alako, has done no better than Sabit in professionalizing the AGO and has demonstrated (like his predecessor) a fundamental misunderstanding of the role of a state prosecutor in fighting crime.²¹

The INL-funded Justice Sector Support Program continues to provide material and technical support to the AGO, while an Italian and USAID-funded National Legal Training Centre at Kabul University has begun training programs for budding prosecutors and others. But implementers of the programs (and their donors) recognise that reform of the AGO—like the other permanent justice institutions—is a generational endeavour (or more). In the meantime, finding attorneys with the ability to conduct criminal investigations and prosecute crimes professionally and transparently remains elusive.

The Ministry of Justice

Afghanistan's Ministry of Justice was once the pre-eminent state institution tasked with implementing the rule of law in the country. Although its mandate has been trimmed somewhat (e.g., by removing the AGO from its oversight), the justice ministry still handles some of the most challenging rule of law tasks in Afghanistan, which includes overseeing the country's corrections system. Other important roles played by the ministry include reviewing and modifying all draft legislation before adoption, defending the government's interests

²⁰ Clearly, the length of time suspects are held correlates to the amount of bribes that can be extracted. Thus the Ministry of Interior in 2008 argued to amend the country's Police Law to allow national police forces to hold suspects for 10 days rather than 72 hours as currently allowed. The AGO vehemently opposed any expansion of the police authority in the detention of suspects – partly, some privately argued, because it would reduce prosecutors' own ability to procure kick-backs in return for dropping charges against suspects.

²¹ Sabit was known to conduct 'hearings' in the basement of his INL-funded offices in central Kabul, where he would welcome petitioners with claims three times per week to appear. Sabit would play the role of prosecutor, judge and defense attorney all-in-one, issuing out verdicts and sentences on the spot. Alako told the author that he has not only continued this practice but increased its frequency, welcoming such petitioners to his office daily.

in civil legal disputes, running the country's state legal aid system and providing mediation services for civil disputes among private parties, which make up the bulk of legal claims in the country (land and housing disputes being the primary types of cases).

As in the judiciary and the AGO, the Ministry of Justice suffers from a lack of skilled professionals, inadequate resources and extremely poor administration. Corruption, while not as endemic as in the judiciary and AGO, is still rampant – particularly in the prisons. The current Minister, Sarwar Danish, was appointed by President Karzai in early 2006 and is highly regarded as one of the most thoughtful legal minds in Afghanistan but he suffers from poor management skills and lacks influence in the Cabinet. Danish attempts to reform the ministry's stifling bureaucratic structure through the country's 'Priority Restructuring and Reform' program have proved unsuccessful, with Soviet-era administrative practices still in place.

The ministry's *Taqnin* department currently reviews all draft legislation before promulgation but it is extremely inefficient, with few skilled legal drafters on its staff. Dozens of new laws and regulations necessary to modernise Afghanistan's legal system sit in piles on its desks awaiting review – sometimes for years. The Huqooq Department (which is far from meeting its mandate of having a presence in all of Afghanistan's administrative districts) is tasked with mediating property, commercial and other civil disputes throughout the country. This department is often the first interface Afghans have with the state justice system when trying to resolve legal disputes, but its staff is largely underqualified, underpaid and incapable of applying the law fairly. As such, like cases before the judiciary, ordinary legal disputes often go unresolved by the state system, increasing the risk that they will spiral into even greater sources of conflict.

The Department of Prisons and Detention Centers is by far the largest in the Ministry of Justice, with its employees tasked with overseeing and caring for the country's many thousands of prisoners. Lack of funding for the department has led to prisoners often being held in extremely over-crowded rooms where they lack adequate food, drinking water and basic necessities like toilet facilities and sleeping space.²² Most prisons in the country need immediate attention to bring them up to internationally accepted standards. And the mistreatment of prisoners and poor oversight of the detention facilities by Ministry of Justice staff has a direct effect on the country's security environment in a number of ways. Abuse of Taliban prisoners housed in Pul-e-Charkhi prison in eastern Kabul and other prisons in the country has led to terrorist attacks in the country, most recently a raid by gunmen on the Ministry of Justice headquarters in downtown Kabul on February 11, 2009 that led to at least ten deaths. In 2008, an extraordinary attack by insurgents overwhelmed poorly prepared prison officials at Sarposa Prison in Kandahar, leading to the escape of nearly 1,100 prisoners, 380 of whom were alleged to have been Taliban fighters.

The United States government has taken a lead role in reforming the Ministry of Justice operations, both through the INL Corrections Systems Support Program and USAID's Rule

²² UNDP, *Human Development Report 2007/2008*, p. 78.

of Law Project. Other donors, including Italy and Canada, have also placed advisors in the ministry to help it streamline its operations. However, the monumental nature of the reforms needed have proven too large for the amount of resources that have been provided. Consequently, the Ministry of Justice, like the country's other permanent justice institutions, continues to underperform, failing to adequately provide justice services to meet the country's demands.

Afghanistan's Non-State Justice Sector

Legitimate and accessible justice institutions are critical to establishing peace and security in post-Taliban Afghanistan. However, as noted above, the formal justice sector in Afghanistan is in a severely dilapidated state, unable to reach most of the country and functioning poorly in areas where it is present. International reform efforts have, to date, produced minimal improvements compared to the vast needs of the state justice sector. Aside from urban areas of the country (some 75-80% of Afghans live in rural areas²³), the only state institutions most Afghans approach to assist with resolving disputes are district governors or the police – and officials in these institutions are themselves often corrupt or incapable of handling Afghans' justice needs. For most Afghans, then, dispute resolution takes place through traditional mediation mechanisms that involve community elders, religious leaders and other respected individuals whom parties trust.

Usually called *jirgas* or *shuras*, these traditional mechanisms have existed in Afghanistan for centuries and are estimated to address anywhere from 60-90% of legal disputes in the country. The positive aspects of the traditional justice systems in Afghanistan are, essentially, the inverse of the deficiencies facing the state justice sector. Traditional mechanisms are generally far more accessible (50% of Afghans live in villages of 300 people or less, where it can take many hours or even days to reach the nearest state institutions). *Jirgas* and *shuras* are ingrained in Afghanistan's rich legal tradition and are trusted by members of the communities where they operate. Corruption in the traditional system is generally much lower than in the state institutions. And unlike decisions of state courts in the country, outcomes of cases heard by traditional dispute resolution mechanisms are generally enforceable, largely due to family and community pressure to abide by the results. To reject the decision of a *jirga* would be a rejection of the local community's basic value system and a sign of disrespect toward community leaders. Finally, rather than promoting adversarial and punitive justice (like western systems often do), Afghan traditional dispute resolution reaches decisions based on consensus and is much more concerned with reconciliation and restorative justice, i.e., "a community-based model of justice that strongly emphasizes the restoration of dignity, peace and relationships between offenders

²³ UNDP, *Afghanistan Human Development Report 2007. Bridging Modernity and Tradition: Rule of Law and the Search for Justice* (Pakistan Army Press, 2007), p. 125.

and victims and the provision of restitution to victims. It is also used to promote the reintegration of offenders into the community.”²⁴

Of course, traditional justice (sometimes called ‘tribal justice’) in Afghanistan has a number of deficiencies that need to be addressed. For instance, decisions and practices in the traditional system sometimes violate Afghan law (including human rights treaties the country has ratified). Honour killings, forced marriage and payment of blood money to settle a case are commonly cited examples of these illicit practices. Decisions are often issued in the name of ‘Islam’ but shari’a experts dispute that some of the customary practices in the country comply with shari’a principles (suggesting that customary law in parts of Afghanistan—including codes of behaviour found in *Pashtunwali* in the Pashtun-majority south and east—includes practices that result from perverted interpretations of Islam that have developed and become ingrained in the society over the course of centuries). Moreover, women’s rights groups often cite the role of women (or lack thereof) in *jirgas* and *shuras* as evidence that they are inherently biased in favour of men. Women, they claim, are rarely even allowed to present their own claims (instead having male relatives appear on their behalf), let alone sit on a *jirga* or *shura* as a decision maker.²⁵ And when disputes involve members of different communities (e.g., intertribal disputes over natural resources), the traditional system is sometimes incapable of providing adequate solutions. In the absence of state justice systems, this vacuum of justice often leads such disputes to spiral into greater sources of conflict, sometimes with violence.

Perhaps the most serious problem facing traditional justice in Afghanistan today is the undue influence powerful individuals have over the dispute resolution mechanisms. After three decades of war in the country, militia leaders, commanders, drug traffickers and other criminals act with impunity by grabbing land, collecting illegal taxes and forcibly evicting property dwellers. Complaints against these unaccountable individuals are often dismissed – both by the state justice system and by traditional mechanisms. Power imbalances and threats lead traditional *jirgas* and *shuras* in some places to issue rulings under duress rather than in accordance with equity and the law, threatening the legitimacy of those mechanisms. In these areas, where traditional structures no longer function fairly, community trust in them has waned leading, in some cases, to the return of Taliban-style justice, which—although often brutal—is welcomed to the absence of the rule of law. For most of Afghanistan, the traditional mechanisms still function transparently but the increasing influence of these unaccountable individuals poses a serious threat to access to justice in certain districts throughout the country.

²⁴ Ibid., p. 40.

²⁵ Note, however, that interviews conducted by legal researchers in Badakhshan, Balkh, Bamiyan, Kabul and Nangahar Provinces show that women, by and large, prefer having legal claims heard in the traditional system, saying that the courts and Ministry of Justice Hoqooq Departments are less likely to issue a fair result and more likely to be prejudicial because of gender.

Conclusion

Afghanistan desperately needs to promote the rule of law and develop justice institutions that are capable of addressing legal disputes fairly and in accordance with the law. Peace and stability in the country depend on that. Unfortunately (for reasons cited in this chapter), the existing systems for providing justice—state and traditional—are presently not able to meet the country's rule of law needs. To address this problem, justice reform efforts and rule of law programs in Afghanistan need to focus on improving both systems simultaneously, rather than building the state system while ignoring the traditional system where the vast majority of Afghans look to resolve their disputes.

While the state system is barely functioning in the country, its functioning is essential to address needs that the traditional systems cannot or should not meet. For example, the state justice system should have the exclusive jurisdiction over criminal disputes that might result in incarceration (e.g., murder, arson, rape, theft, drug trafficking, etc.), while traditional systems should not have any authority to issue punishments for crimes. Note, however, that the traditional systems still do play a role in the sustainable resolution of criminal disputes through reconciliation and restorative justice – areas that the state system is, by and large, not competent to address.²⁶ Moreover, in areas where the traditional system is not able to function (cited above), a sound state system of justice is essential to fill the void (e.g., in resolving intertribal disputes through the law). Finally, where the law is violated (e.g., where forced marriage is practiced in dispute settlement, or where a *jirga* issued a decision in favour of an individual because of corruption or duress), the state needs to have an oversight role and the ability to correct the wrong that the traditional justice mechanism instituted.²⁷ For the most part, however, traditional justice mechanisms in Afghanistan handle the bulk of their cases properly and the state should accept and be bound by their decisions.

Afghanistan's National Development Strategy notes the importance of the traditional justice sector in the country and states that the government must commit to working with non-state institutions as well as state justice systems. The National Justice Program, which implements the National Justice Sector Strategy, approved in June 2008, also requires the state to develop a policy towards state and non-state justice relations. Through this new policy, the state can acknowledge the importance of traditional justice structures in the country, can institute policies to address the deficiencies in traditional justice and can work

²⁶ The 'reconciliation' side of a criminal dispute might be loosely compared to the 'civil' side of criminal disputes in the west. Reconciliation in Afghanistan can involve bringing together not just perpetrator and victim but also families and others in the community-at-large to settle the matter through some sort of compensation and/or ceremonial apology and request for forgiveness. The state system of justice in Afghanistan is unable to handle this crucial aspect of criminal dispute resolution in the country.

²⁷ Some suggest a "limited right to appeal" from the *jirga* and *shura* decisions to the state courts, similar to arbitration systems in the west.

to institute programs that look to harness the strengths of both the state and the non-state systems of justice in Afghanistan.

Building the rule of law in Afghanistan and improving the ability of justice mechanisms to address its vast dispute resolution needs is critical for stability and peace in the country. Additional resources must be provided to the state system of justice and aid coordinated more effectively. At the same time, it is essential that objectives be modest and timeframes realistic as building a modern state system of justice requires a long-term, generational perspective. In the meantime, the existing traditional justice systems in Afghanistan present a great opportunity for resolving disputes in accordance with the law and reform efforts should focus attention on strengthening such systems where appropriate while addressing their deficiencies. Linking the traditional systems to the state institutions will allow each to function better and improve access to justice for Afghans overall.

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Chapter 7

The Dual Face of Subnational Governance in Afghanistan

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Introduction

The issues and challenges surrounding subnational governance in Afghanistan are increasingly crucial to national development, stability and security. In recent years there has been extraordinary change in subnational governance structures. During 2005-06, provincial councils (*shura-e welayati*) were elected and seated, provincial development committees (PDCs) were established, public administrative reform efforts expanded to some provinces and districts, and the National Solidarity Programme (NSP) and its associated community development councils (CDCs) expanded into large numbers of communities.

Both the Interim Afghanistan National Development Strategy (I-ANDS) and the Afghanistan Compact with the international community emphasise the need to improve governance across the country and at all levels of the state, highlighting issues such as local participation, improved subnational administration and service delivery, and local access to justice. The governance, rule of law and human rights pillar of the I-ANDS sets out to “establish the basic institutions and practices of democratic governance at the national, provincial, district and village levels for enhanced human development, by the end of the current Presidency and National Assembly terms.”¹ Most recently, the Independent Directorate of Local Governance (IDLG) was established by presidential decree on 30 August 2007 to take broad responsibility for administration and creation of policy frameworks for subnational governance in Afghanistan.²

While significant progress has been made towards establishing new institutions, many issues remain in making subnational governance structures sustainable, coherent and effective enough to meet this ANDS goal. The revival of subnational administrative structures and recent changes still confront problems of persistent insecurity, informal power rela-

¹ Islamic Republic of Afghanistan, *I-ANDS*, Volume I, p. 122.

² Independent Directorate of Local Governance (IDLG), *Strategic Framework* (Kabul, 27 September 2007).

tions, corruption and patronage, and inadequate state capacity. Beyond these contextual difficulties, there is a fundamental duality to the system of government in Afghanistan. On the one hand, a government of relationships operates through the system of provincial and district governors. This system has its roots in the pre-war arrangements and has been revived since 2001. It operates through a mixture of informal and formal gubernatorial powers over expenditures, coordination, appointments and control of access to state bodies. In the context of post-2001 statebuilding, this system has had important roles in managing the influence of local power-holders, in extending the reach of the presidency through its relations with these power-holders and in meeting various short-term exigencies such as counter-insurgency, counter-terrorism, and counter-narcotics efforts. As a system, up until the time of writing, it has been intimately linked to both the Office of the President and the Ministry of Interior.

On the other hand, the primary mechanisms for the delivery of services other than security to the population is through a system of vertically independent and highly centralised ministries, whose independence from each other is compounded by the allocation of ministerial posts among men mostly unlinked by a common political agenda. It is these institutions that have been the primary focus of piecemeal attempts to reform and improve the delivery of public and quasi-public goods to the Afghan people. In short, they are where attempts at statebuilding have taken place. Until more coherence is brought to the relationship between these two 'faces' of formal governance in Afghanistan, it will be difficult to realise the political or technical goals that will lead to security, better governance and development. The development of legitimate and effective subnational governance therefore increasingly depends on a coherent strategy incorporating a shared vision of the role of subnational government entities in various sectors and their relations with non-state actors and informal governance arrangements.

The Governance Context of Afghanistan

The persistence of armed conflict over the previous quarter century in Afghanistan has had profound effects on Afghan society, driving many to leave the country and leaving behind a population that is disproportionately young, and with less than a quarter of adults being literate.³ There are constraints on the availability of qualified Afghans to fill roles in formal governance structures and a relative lack of successful capacity development within those institutions, be they the security forces, administration, public service organisations such as health and education departments, the National Assembly, or the judiciary. The porosity of Afghanistan's borders and the involvement of regional and global actors in its conflicts have contributed to the wide availability of arms and, in combination with a history of violent conflict, the normalisation of violence as a means of resolving disputes. The capacity of the

³ United Nations Development Programme (UNDP), *Afghanistan National Human Development Report* (Kabul: UNDP, 2007), 160–62.

state to provide security and hold a legitimate monopoly on the means of violence is thus heavily restricted.⁴

The conflicts in Afghanistan have contributed to a politicization of Islam and new institutional initiatives must consider interpretation by communities and religious figures in relation to local religious doctrine and practice. Historically, disputes are interpreted and mediated through Islamic lenses and the increasingly internecine conflicts of the 1990s and beyond are no exception.⁵

Ethnicity in Afghanistan co-exists with other tribal, communal and patronage relations. Tribal identity is important among some ethnic populations and localities and not others, and operates in a segmented manner. This means tribal affiliation has different effects depending on the scale and type of issue at stake, or the degree of territoriality of the tribe in question.⁶ In general, the observation that “the actual operating units of socio-political coalition among [rural Afghan] populations are rarely genuinely ‘ethnic’ in composition” remains true.⁷

Despite the depredations of years of conflict, a wide range of social capital exists in and among Afghan communities. In general, extended family and kinship, generally subsumed under the term *qawm*, underlie the primary forms of social capital in Afghanistan and, seen together, “kinship norms, codes of honour (*nang*), and rules of *Shar’ia* as locally understood, together with language and religious-sectarian distinctions and loyalties represent the essence of traditional political culture and popular consciousness in contemporary Afghanistan.”⁸

Finally, the social context in Afghanistan is affected by the degree of international involvement in military, political, humanitarian, reconstruction and development affairs. The presence of foreign military forces in both offensive and peacekeeping capacities, the introduction of rights-based and democratising processes, and the role of foreign non-gov-

⁴ Research on the opinions of both the Afghan public and officials suggest that disarmament is perceived as a primary security and governance challenge in the country. See: Human Rights Research and Advocacy Consortium, “Speaking Out: Afghan Opinions on Rights and Responsibilities” (Kabul: HRRAC, 2003); Anne Evans, Nick Manning, Yasin Osmani, Anne Tully, and Andrew Wilder, *A Guide to Government in Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit/World Bank, 2004).

⁵ Jon Anderson, “How Afghans Define Themselves in Relation to Islam,” in *Revolutions and Rebellions in Afghanistan*, ed. Robert L. Canfield (Berkeley, CA: University of California, 1984), p. 266.

⁶ For a useful discussion of the relationships between ethnicity and tribe and the Afghan conflicts of the 1990s, see: Bernt Glatzer, “Is Afghanistan on the Brink of Ethnic and Tribal Disintegration?,” in *Fundamentalism Reborn? Afghanistan and the Taliban*, ed. William Maley (NYU Press, 1998), 167–81.

⁷ Robert L. Canfield, “Ethnic, Regional, and Sectarian Alignments in Afghanistan,” in *The State, Religion, and Ethnic Politics: Pakistan, Iran and Afghanistan*, ed. Ali Banuazizi and Myron Weiner (Lahore: Vanguard Books, 1987), p. 76.

⁸ M. Nazif Shahrani, “The Future of the State and the Structure of Community Governance in Afghanistan,” in *Fundamentalism Reborn?: Afghanistan and the Taliban*, ed. William Maley (London & New York: Hurst & Co. and Columbia University Press, 1998), p. 218.

ernmental organisations (INGOs) and international organisations (IOs) in service provision, all have impacts on Afghan social dynamics in areas including religion, family life, gender relations and roles, and governance.

The economic environment of Afghanistan is complicated by its geographic location and borders, the effects of prolonged conflict, the historical and continuing weakness of central or subnational state capacities in regulation, revenue collection and allocation, and intensive foreign involvement and assistance in the country. In such a context, patronage, non-monetised goods and services, remittance relationships, debt and credit structures and involvement in informal or illicit economic activity, are very important in shaping incentives. These economic dimensions combine with the social dimensions of lineage, patriarchy, Islamic knowledge or religious charisma, and patronage to produce complex relationships of social control and determine patterns of economic opportunity. Traditionally, patronage is used by local power-holders, known as *khans* or *arbabs*, to cement ties of lineage and political support, influence the practices of local councils known as *jirgas* or *shuras*, as well as provide some public goods.⁹ These relations may exist in combination or in competition with networks maintained by religious leaders, either *mullahs*, *talibs* or *pirs*, who are members of lineages linked to the main Sufi schools, or *tariqat*.¹⁰

The Afghan political context is characterised by formal state centralisation combined with actual fragmentation of power among a changing variety of local and regional actors.¹¹ Formally speaking, there are 34 provinces in Afghanistan divided among 364 or 398 rural districts, although that number has not been definitively ratified by national institutions.¹² There are approximately 217 municipalities, divided among 34 provincial municipalities comprising the capitals of each province and an unclear number of rural municipalities, often but not always corresponding to the seat of district government. The number of rural communities or villages in Afghanistan is a matter of interpretation. The National Solidarity Programme considers the number of communities to be 32,000 for the purposes of establishing community development councils.¹³

Community governance in rural Afghanistan remains largely informal and varies widely across the country. There are certain general types of institutions and actors that play a role in most but not all communities. These can be, roughly-speaking, divided into individ-

⁹ Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (Karachi: Oxford University Press, 1995), 41–4.

¹⁰ Asta Oleson, *Islam and Politics in Afghanistan* (Richmond: Curzon Press, 1995), 36–52.

¹¹ For a historical review of centre-periphery relationships, see: Barnett R. Rubin and Helena Malikyar, "The Politics of Center-Periphery Relations in Afghanistan," paper presented at the Workshop on *Options for Afghanistan's Fiscal Structure* (World Bank, 2003).

¹² The Central Statistics Office (cited in: World Bank, "Service Delivery and Governance at the Sub-National Level in Afghanistan," July 2007, VI) notes 364 districts. At time of publication, 398 districts were reported to JCMB VII: Islamic Republic of Afghanistan (2008), p. 3.

¹³ This discussion of formal institutions draws on: World Bank, "Service Delivery and Governance at the Sub-National Level in Afghanistan" (July 2007); The Asia Foundation, "An Assessment of Subnational Governance in Afghanistan" (Kabul, April 2007).

ual actors, collective decision-making bodies, and behavioral norms and customs, often mediated through individuals such as *mullahs*, or collective bodies such as *jirgas*, *shuras*, and *jalasas*.

In some communities, individual power-holders play important governance roles. These may be *maliks*, *arbabs* and *qaryadars* that retain authority through a combination of community acceptance and linkages to formal authorities. Historians and anthropologists have noted the wide divergences in the motivations, loyalties, legitimacy and effectiveness of such local leaders during other periods.¹⁴ In other areas, local commanders have gained influence during two decades of conflict through their role in *jihad* or a combination of protection and predation.

There has been much discussion of collective decision-making bodies in the Afghan context and debate continues over the precise boundaries of concepts such as *jirga*, *jalasa* and *shura*. *Jirga* is sometimes presented as an archetypical and immemorial 'Afghan' institution, the central traditional means of local governance, particularly among sedentary Pashtun populations, but in some form among both nomadic and non-tribal groups as well: "The *jirga* unites legislative, as well as judicial and executive authority on all levels of segmentary society. By means of its decisions, the *jirga* administers law."¹⁵ A *jirga* is generally understood as a gathering of male elders to resolve a dispute or to make a decision among or between *qawm* groupings according to local versions of *pashtunwali* or tribal codes. It is thus a flexible instrument with an intermittent and varying rather than a persistent membership. Petitioners to *jirgas* may represent themselves or make use of advocates, and for disputes between family or larger *qawm* groups sometimes a third party, known as a *jirgamar*, is called in to assist in decision making.

In non-Pashtun areas, similar meetings may be known as *jalasas* or *shuras*, each conforming to the local types of customary law.¹⁶ In the latter case, there may be overlap with local councils of elders with more persistent membership and leadership under a *mullah*, *malik*, *wakil* or other figure. In addition, during the 1980s and the 1990s, many NGO programs established local *shuras* to manage local input to specific development activities, a new phenomenon that has frequently been conflated with more 'traditional' structures.

The Constitution, the I-ANDS and the Afghanistan Compact

The 2004 Constitution of the Islamic Republic of Afghanistan provides for increasing representation at subnational levels through the election of representative bodies at village, dis-

¹⁴ For example, see the distinction between *bay* and venal *arbabs* drawn by Barfield in Kunduz during the 1980s: Thomas Barfield, "Weak Links in a Rusty Chain: Structural Weaknesses in Afghanistan's Provincial Government Administration," in *Revolutions and Rebellions in Afghanistan*, p. 175.

¹⁵ Willi Steul, *Paschtunwali: Ein Ehrenkodex und seine rechtliche Relevanz* (Wiesbaden: Steiner Verlag, 1981), p. 123.

¹⁶ For a discussion of procedural and substantive variations in legal concepts by region, see International Legal Foundation, "The Customary Laws of Afghanistan" (2004).

tract, provincial and municipal levels.¹⁷ In September 2005, elections were held for provincial councils and in November these were seated. However, elections have not taken place for any of the other bodies called for.

The introduction of the I-ANDS and the Afghanistan Compact at the January 2006 London Conference marked the end of the transitional process governed by the December 2001 Bonn Agreement. These two documents now form “the framework for policy, institutional, and budgetary coordination and will remain the partnership framework linking Government and the international community with regard to the utilization of external assistance aimed at economic growth and poverty reduction.”¹⁸

Box 1: Subnational Governance in the I-ANDS and the Afghanistan Compact

The I-ANDS ‘political vision’ for Afghanistan in SY 1400 (2020) includes the following provisions relating to subnational governance:

- a “State in which institutions are more accountable and responsive to poor people, strengthening their participation in the political process and in local decision-making regardless of gender or social status”
- “A National Assembly... that ensures that the needs and interests of all provinces and districts are represented at the national level”
- in keeping with the Constitution (Articles 138-140), the existence of “elected assemblies at the national, provincial, district and village levels”
- “an effective, accountable and transparent administration at all levels of Government” that can “operate effectively to optimize the coordination of national development priorities”
- a functioning physical and institutional justice framework which adequately protects the rights of our citizens in “all provinces and districts”
- “Women will constitute an increasingly important voice in Afghan society and politics” (I-ANDS, Vol. I, 15–16).

These goals are supported in the Afghanistan Compact, which commits the Afghan Government and its international partners to:

- “give priority to the coordinated establishment in each province of functional institutions – including civil administration, police, prisons and judiciary”
- “establish a fiscally and institutionally sustainable administration for future elections”
- fully establish within 24 months “a clear and transparent appointments mechanism ... for all senior level appointments ... as well as for provincial governors, chiefs of police, district administrators and provincial heads of security”
- “review ... the number of administrative units and their boundaries ... with the aim of contributing to fiscal sustainability” (Afghanistan Compact, 3–6).

¹⁷ Constitution of the Islamic Republic of Afghanistan, Articles 138–140.

¹⁸ Islamic Republic of Afghanistan, *I-ANDS*, Volume I, p. 179. The Afghanistan Compact and the I-ANDS are available at <www.ands.gov.af>.

Governance and Governors in Provinces

The challenge of improving governance through institutional change in Afghan provinces has thus far been approached in a piecemeal fashion. New structures such as provincial councils and provincial development committees have been created, and administrative reform and support efforts have taken place. However, the result has not necessarily been an overall strengthening or clarification of the formal institutions of state but rather the creation of a confusing and incoherent array of institutions with unclear responsibilities, resources and relationships.¹⁹

Provincial government consists of the line departments of the main sectoral ministries, the Provincial Governor's Office, the elected Provincial Council, and in some provinces, the local offices of other agencies such as the National Security Directorate (NSD), the Afghanistan Independent Human Rights Commission (AIHRC), or the Independent Administrative Reform and Civil Service Commission (IARCSC). There are now elected Provincial Councils and coordinating bodies for the departments known as Provincial Development Committees.

The ministerial departments have responsibility for service delivery in areas such as policing, health, rural development and education. They receive a quarterly allocation determined in the budget request of the central line ministry and in almost every case have no significant local powers of resource re-allocation, appointment or programming. The ministries represented, their staffing and the size of the Provincial Governor's Office, discussed next, is in theory a function of the provincial Grade: I, II, or III depending on size and other factors. Recent research has shown large discrepancies in approximate per capita spending across provinces and also shows little correlation between salary and non-salary expenditures, undermining service-delivery performance in key areas such as health and education.²⁰

Until recently, the Governor's Office has had a dual role of representing the president and reporting to the Ministry of Interior. While formally the governor's role is a coordinating one, exercised through a Provincial Administrative Assembly (PAA) or the similar Provincial Development Committee (PDC), governors also enjoy powers over expenditure approval and appointments that, as the World Bank has recently noted, contradict the vertical structure of line ministries.²¹ As the president's representative, and often a significant power holder in his or her own right, the governor intervenes in planning, expenditure and procurement, disputes, municipal affairs and other issues affecting the province.

¹⁹ Sarah Lister, "Caught in Confusion: Local Governance Structures in Afghanistan," Briefing Paper Series (Kabul: Afghanistan Research and Evaluation Unit, March 2005); Sarah Lister and Hamish Nixon, "Provincial Governance Structures in Afghanistan: From Confusion to Vision?," Briefing Paper Series (Kabul: Afghanistan Research and Evaluation Unit, 2006).

²⁰ World Bank, "Service Delivery and Governance at the Sub-National Level in Afghanistan," 33–4.

²¹ *Ibid.*, 31–2.

Provincial councils (PCs) were elected in 2005 simultaneously with the National Assembly, with an unclear mandate comprising advisory, conflict resolution and oversight roles. A provincial council law has been ratified, after modification to earlier versions to strengthen, albeit ambiguously, monitoring functions. These councils are elected from a province-wide constituency on a single non-transferable vote with a reservation of one-quarter of seats for women. Issues surround the resources available to them, whether they represent their constituencies effectively, and their relationships to provincial government and provincial planning bodies and processes that have also been established in recent years.

Provincial development committees (PDCs) are not constitutionally mandated but were established to bring order to a range of disparate coordination and rudimentary planning activities that sprang up around the country since 2003, and to create a structure for provincial input into national planning processes such as the ANDS. They are formally the responsibility of the Ministry of Economy and chaired by the provincial governor or his representative. These bodies have now been established, but with a wide range of practical capacity, and the range of quality of provincial plans emerging from them attests to this variation.

Provincial Governors and Provincial Administration

Provincial governors play important roles beyond their coordinating mandates, often related to their status as local representatives of the presidency. The provincial governor is the subnational locus of a 'government of relationships,' which reaches to district level and below. It is a valued position due to its central role in that aspect of the system. Provincial governorships have been used as carrots to gain the cooperation of locally-based strongmen, just as ministerial and other central government posts have been used to co-opt regional warlords. In other cases, less prominent governors have been appointed but with the purpose of using relationships to deal with crises and achieve stability, counter-terror, or counter-narcotics goals in given provinces. This focus on a government of relationships is more acute in areas of the country where the immediate concerns of stabilisation, insurgency and counter-narcotics are also the most acute.

The provision of relatively unaccountable funds to reinforce relationships through governors has been an important feature of this system of governance. These funds include so-called 'operational funds' of 'hospitality money,' as well as portions of Commanders Emergency Response Funds (CERP) given to or directed by governors towards particular beneficiaries.²² The provision of such money can work in contradiction with efforts to build accountable institutions and reform provincial and district governance.

²² Barbara J. Stapleton, "A Means to What End? Why PRTs Are Peripheral to the Bigger Political Challenges in Afghanistan," *Journal of Military and Strategic Studies* 10:1 (Fall 2007): 1–49.

Public Administrative Reform and the Governor's Office

Similar contradictions have troubled formal reform efforts focused on provincial and district administration. One prominent example was the Afghanistan Stabilisation Programme (ASP). ASP began in 2004 with an ambitious agenda of infrastructural development, provincial block grants and administrative reform of provincial and district governors' offices to be led by the Ministry of Interior:

The purpose of ASP was to link the central government to [the provinces], [the provinces] to the districts, and the districts to the villages.²³

While the programme began with components for administrative reform as well as district infrastructure development and a block grant for development projects, it soon became predominantly focused on infrastructure projects. In Herat in 2005, ASP had funded through its District Infrastructure Development window the construction of 5 District Governors buildings and refurbished others but had not initiated significant administrative reforms within any of those offices.²⁴

The block grant, known as the Provincial Stabilisation Fund (PSF), consisted of US\$1 million per province for use in development projects largely at the discretion of the governor's office. Such funds were only distributed to six provinces in 2004 and it has been suggested by some that the primary aim was to provide a kind of 'slush' fund to secure support in advance of the 2004 presidential election, a contention supported by the fact that the promised \$34 million dropped off after the election.

The experience of the ASP appears to demonstrate the difficulty of a purely technocratic approach to state-building at the subnational level, when this agenda co-exists with the governor's role as a maintainer or creator of relationships with individual officials and local power-holders. Similar contradictions appear to have affected a different public administration reform effort, the Priority Reform and Restructuring (PRR) programme. In cases of PRR in governors' offices or line departments, the programme was very much focused on salary increases over the replacement of personnel or redefinition of their roles.

The rules of PRR are that if someone passes the examination, then their salary will go up.²⁵

The heads of three departments were PRR'd, and now receive a salary of around 10000 Afs per month. The same people were appointed again, mainly due to their relationships with high officials, and they have not introduced any changes to their systems. I myself was approved for PRR without an examination as I was proposed by the governor and there was no competition.²⁶

²³ Provincial Official, Herat, September 2005.

²⁴ AREU interviews, IO and provincial officials, Herat, June 2005.

²⁵ Deputy Provincial Governor, 2005.

²⁶ Deputy Provincial Governor, 2006.

In two provinces studied by the author, the governor was alleged to have interfered in PRT decisions, opposing the replacement of certain personnel. Some provincial governors or deputy governors note that having all appointments approved by line departments in Kabul limited their ability to coordinate and appoint competent local staff or retain those they wanted.

The long-term institutional health of provincial level administration will eventually depend on further clarification of the role of the provincial governor in relation to the executive, the provincial line departments, the provincial council, the budget process and expenditure processes. In this clarification, it will be important to consider the balance between formal responsibilities, availability and sources of resources, and the systems of accountability (both upward and downward) in place for governor's offices.

District Governance: Exploring the Government of Relationships

This is a government of relationships.²⁷

The district is currently the lowest level of formally recognised administration in Afghanistan, consisting of a district governor, or *woleswal*, and a varying number of district offices of central ministries. In addition, there is typically a police department and a prosecutor in each district, and often a primary court. Formally speaking the district governor, or *woleswal*, plays a coordinating role, though they are actually the most important governmental actor at the district level.²⁸ The informal role of the *woleswal* varies depending on relations with the provincial authorities, local customary and informal power-holders, and often includes dispute resolution and other problem-solving activities. In most cases, *woleswals* maintain some kind of semi-formal advisory *shuras* or liaise with *maliks*, *arbabs* or *qaryadars* where these remain significant figures.

District Governors: The Gatekeepers

Despite having relatively limited formal powers, the district governor is a pivotal figure in the organisation of governance at the district level. Beyond administrative duties such as registering births, deaths and marriages, it is apparent that the governor plays a considerable role in resolving local disputes or determining where they will be resolved, convening customary representatives to discuss local issues and receiving petitions of all types from residents of the district. The district governor (DG) plays the central local role in the political 'government of relationships.'

A visitor to a district governor's office will usually find himself among a line of residents awaiting an audience, clasping a piece of paper used as a form for all manner of petitions.

²⁷ Provincial official, Paktia, June 2006.

²⁸ District governor is used here in place of the sometimes used term district administrator, reflecting the similarities in informal functions between *walis* and *woleswals* outlined below.

These petitions may be requests for material assistance in case of crises or natural disasters, community problems, or requests related to civil or criminal disputes.

“No department here will take action, even the police in the case of a crime, without the Governor’s signature.”²⁹

The district governor is the crucial interlocutor between the society and state at the district level, able to decide what the appropriate response to any given petition may be when it first reaches the formal state. By controlling access, the district governor has immense influence over the treatment of the citizenry by the state, a role with origins in the expansion of state influence under Amir Abdur Rahman at the end of the nineteenth century.³⁰ By controlling or heavily influencing how and when the state and external actors deal with or react to local issues such as insurgency or local conflict, narcotics production and trafficking, or disputes, the influence of the district governor extends well beyond his formal powers.

It is this role that creates the value of the post of district governors to the executive, the provincial governors who influence their appointment and to the *woleswals* themselves. The executive can use this role to project the ‘government of relationships’ to local levels to the extent that it can control the behaviour of *woleswals* via the appointments system. The district governors themselves can access resources and influence, either through petty corruption relating to access to services, or through more serious corruption relating to illegal detentions or the narcotics industry.³¹

The importance of this role may explain why the post of district governor also changes hands frequently. The *woleswal* has up to now been able to project the influence of the provincial governor as well as his own influence. The post of provincial governor has been used by the executive as a carrot to encourage participation of local power-holders in the government, and the movement and reassignment of these governors among provinces has been part of that process. What is less well known is that the post of district governor, and indeed the chief of police, the next important district post, have been operating in much the same way, resulting in frequent changes in post.³²

These features of district-level governance have important implications for public administrative reform. While technical reform efforts are increasingly being viewed from a

²⁹ District official, Pashtun Zarghun, Herat, 2005.

³⁰ Oleson, *Islam and Politics in Afghanistan*, p. 65.

³¹ In Faryab, Nangarhar and Paktia, respondents spoke of a regular pattern in some but not all districts of illegal police detentions taking place in order to extract bribes, and noted that this phenomenon was on the increase as unofficial prisons run by commanders were reduced. On the other hand, both police officials and foreign police advisors noted that much petty corruption was oriented towards providing running costs for police activities as well as personal gain (AREU key informant interviews, 2006).

³² It is striking that the average time in post for all district officials interviewed for the study this chapter draws upon was 26 months, but the average for *woleswals* was only eight months. An almost identical interval was found with chiefs of police, the next crucial district level post.

service-delivery point of view, improvement to the functioning of district administration is still subject to the gatekeeper role of the district governor. As the World Bank notes, there have been efforts to block reforms aimed at increasing accountability in the appointment process for these posts.³³ While police, courts and other line departments may be reformed and perform increasingly well in delivering their services, in many areas access to the services will remain controlled by the district governor, a situation that will condition the effectiveness of any reforms in delivering concrete services.

As with provincial governors, the situation of district governors highlights the difficulty of pursuing technical statebuilding and reform initiatives in parallel with a political dimension of governance exercised through the offices of governors. Without a comprehensive approach to defining the subnational governance system, any such reform will be diluted or may even be counterproductive.

District Consultative Governance

The district governor, as the fulcrum of the government of relationships, often maintains a system of consultation with local leaders that may be more or less institutionalised, despite not being recognised as a formal level of government in the constitution. At the same time, introduced institutions created by MRRD's National Solidarity Programme, or National Area Based Development Programme (NABDP), various NGO development activities, and alternative livelihoods programmes, are seeking a defined role in governance that may or may not integrate with the governor system.

District Governors, Advisory Shuras, Commanders, and Customary Leaders

In many districts the *woleswal* convenes some kind of *shura* to advise and inform him on local issues and also to pass directives downwards. This body can vary quite widely, and examples might be roughly divided into four categories:

- *Unstructured or political party/commander-based*: In some districts this consultative body is quite unstructured, involving 'influential people' who met when necessary. In effect, many of these may be commanders or former commanders of political factions.
- *Arbab- or malik-based*: Some districts feature a system where recognised representatives of communities, sub-districts or informally recognised geographical sub-district zones are convened by the *woleswal*. For example, one *woleswal* structured his *shura* with four representatives of each of eleven locally recognised *manteqa* in the district. In other cases, these representatives are on the *shura* by virtue of their position as the *arbab* or *malik*.
- *Ulema-based*: Other districts pointed to the primary role of *ulema* as advisory councils for the *woleswal*, but these seemed to be less regularly used than the

³³ World Bank, "Service Delivery and Governance at the Sub-National Level in Afghanistan," p. 19.

types noted above, and tended to focus on disputes alone. Sometimes an *ulema shura* may be accompanied by a political *shura*.

- *Tribally-based*: This body is made up of local notable male tribal leaders. In tribal areas of Paktia and Nangarhar, many interlocutors emphasised the transactional nature of government relations with these tribal leaders: their support must be gained with corresponding support from the government, something perceived as lacking in the districts studied on the issue of security in Paktia, and opium cultivation in Nangarhar.³⁴

While these categories may help in distinguishing the range of participants in district governance, some district governors spoke of a combination of these in making up their *shura*.

In a few places, the *woleswal* claims to have supplanted this type of advisory *shura* body in favour of relations with new institutions, and particular NSP-CDCs. Where this has occurred, the most common relationship is the referral of disputes to CDCs, but in one district visited he had also issued the stamp for authenticating documents to the CDC in place of the *arbab*.³⁵ In another Herat district, the DG began including CDC members in his advisory *shura*.

Box 2: Arbakai

The role of local militias in providing security gained prominence in several local contexts in Afghanistan during 2005 and 2006. Paktia was mobilising Arbakai (or Arbakian, as it is known in plural), a form of tribal militia. Each district was providing 50 men for its own defence who were to be paid 2000 Afghani each per month. Provincial interlocutors including UNAMA and AIHRC staff in fact viewed this development generally positively, but stressed arbakai were a supplement not a replacement for the police.

Historically and in the context of Pashtunwali, arbakai are also raised in order to enforce decisions of jirga where necessary. They could also be raised to send to a kinsman in a dispute, though in this case the term *lashkar* tends to be applied. Arbakai are tribally based and therefore play a community defence function. They are most suited to areas mostly or only populated by one sub-tribe, as pertains in most districts of Paktia with the exception of Zurmat. The effectiveness of arbakai in multi-tribal districts or areas where tribal leadership is mixed with other forms of authority such as land ownership or armed militias is not as clear, and therefore extending the concept to other areas can cause problems. In this vein, Arbakai have also been erroneously compared with the effort to raise Afghan National Auxiliary Police (ANAP) in certain provinces of the south.

³⁴ AREU interviews, NGO official, Paktia, June 2006; IO official, Nangarhar, November 2005.

³⁵ AREU focus group, NGO staff, Herat, July 2005.

Malik/Qaryadars

A *malik* or *qaryadar* is essentially the interlocutor between district administration and communities dating from the monarchy and republican periods to 1979. In earlier periods they supported themselves through their role as tax farmers. However, currently the functions, importance relative to other actors, jurisdiction and appointment of *maliks* vary widely and the term may denote considerably different structures in different places.

Maliks are sometimes still appointed by communities or inherit posts from family members appointed before the recent decades of conflict. The scale of a *malik's* influence also varies. They could be associated with a single community or small cluster of villages, and in these cases the term *qaryadar* was often applied interchangeably. Interlocutors in districts where *maliks* played a leading role noted that these figures do not have any financial support from either the community or the government. Respondents claimed that the result was that occasionally some *maliks* take bribes when they solve the problems of two parties in conflict, or from NGO programmes when they distribute assistance to communities.

In some provinces, the term *arbab* is used to indicate influential persons in communities or among several communities. While in a few areas there seemed to be little to distinguish an *arbab* from a *malik*, in general this former category is associated with influence derived from land ownership. In some areas, a decline in the influence of *arbabs* has been reported as a result of the introduction of structures like CDCs.³⁶

In practice, district authorities, both governors and court officials, do not attempt to extend formal government authority too far into communities. Instead, they refer disputes to communities and rely on these advisory structures with varying configurations. Extending the presence of the state relies on a delicate balance, and this is consistent with historical patterns of the formal-informal interface in both the nineteenth century and the 1970s. As Noelle-Karimi has observed about the 1970s, “[a]ware of their position as outsiders, government representatives perceived the accustomed local councils as the more appropriate venues for the settlement of disputes and the communication of government policies.”³⁷

The likely result of any technical reforms at this level is that they will be conditioned or work in parallel with political dimensions of local governance through more informal institutions such as those described.

Conclusions: Governors and “Contradictory State-building”

Both provincial and district governors have both *de jure* and *de facto* roles in Afghanistan. Formally, they play a largely coordinating role in their jurisdictions, with some administrative responsibilities. They are also the local representative of the national executive and as such promulgate decrees or other directives from the centre while reporting back on local events. This ambiguity surrounding the true role of governors has historical roots in their

³⁶ AREU interviews, community members, Herat and Bamiyan, 2005-06.

³⁷ Christine Noelle-Karimi, “Village Institutions in the Perception of National and International Actors in Afghanistan,” Amu Darya Series Paper No. 1 (Bonn: ZEF-Bonn University, April 2006), p. 6.

powerful role throughout the twentieth century, and has been compounded by the fact that they have until very recently been representatives of both the Ministry of Interior and the Office of the President simultaneously. In addition, provincial and district governors have an ambiguous role in directing police activity. Although the police law specifies that police operate under the 'guidance' of governors at both levels, a Ministry of Interior directive restricts governors from directing activities at "tactical or operational level" while also making them responsible for conveying executive orders to the police commanders.³⁸

A crucial feature of formal subnational governance in Afghanistan is thus the existence of an administrative system with dual faces: that of the governors' offices, and that of the other departments of ministries at the subnational level. As noted by the World Bank, these two sets of actors do not form a division of powers that comprises a coherent local government. Rather, they exist in a kind of 'systemic contradiction' with each other.³⁹ Some key features of that contradiction are the role of provincial governors in influencing district level appointments, developing provincial development plans in the absence of a provincial budget and signing off on expenditures by local line departments. These roles are mediated by the character and power-base of the individuals involved.

This dual system has an echo in two different ways in which political change is occurring in Afghanistan. On the one hand, change is linked to the appointment and removal of individuals and the manipulation of relationships, a system associated in particular with the Ministry of Interior and the Office of the President through the governors' offices. This system concentrates on the achievement or preservation of stability and the related challenges of counter-terrorism and counter-insurgency. A contrasting technical kind of change, institutional reform, expresses itself through line ministries, efforts to create representative bodies and the wide range of international efforts to reform and restructure the public service.

The origins of this dual system of 'contradictory statebuilding' lie both in the historical role of governors and the pursuit since 2001 of both a short-term crisis management agenda and an attempt to introduce a longer-term statebuilding agenda.⁴⁰ The simultaneous persistence of both these approaches increasingly hampers the development of a coherent, resourced and effective system of formal governance at the subnational level and distorts the balance between executive and representative authority. Until the 'government of relationships' can be better reconciled with a state built on institutions, such contradictions will continue.

However, the interaction between these two systems has yet to receive sufficient and sustained attention. It is important to note that it is not argued here that the former system be abandoned in favour of the latter, were that even a possibility. Rather, the inconsisten-

³⁸ International Crisis Group, "Reforming Afghanistan's Police," Asia Report No. 138 (Kabul/Brussels, 30 August 2007), p. 4.

³⁹ World Bank, "Service Delivery and Governance at the Sub-National Level in Afghanistan," 31–5.

⁴⁰ Hamish Nixon and Richard Ponzio, "Building Democracy in Afghanistan: The Statebuilding Agenda and International Engagement," *International Peacekeeping* 14:1 (January 2007), 26–40.

cies and perverse outcomes arising from the interaction of the two require analysis and measured attention. As the Asia Foundation has already remarked, “[t]he fundamental challenge to subnational governance reform is the lack of a coherent vision for practical implementation of a subnational governance framework within a context where local government efforts are diluted and confounded by local politics with strong war-time legacies.”⁴¹

However, this core challenge is much easier to point out than to resolve. This process is not a matter of a single programme or a given institutional design, it is a journey towards a state in which legitimacy is gradually strengthened through effectiveness and accountability, reach is extended through legitimacy and sustainability is gradually created through efficiency and steadfast support to a coherent and increasingly comprehensive vision.

A range of disparate subnational governance issues must therefore be brought into a single policy development framework. In August 2007, responsibility for the administration of governors’ offices was moved by presidential decree to the Independent Directorate of Local Governance (IDLG). The institutional focus of this policy process should be the IDLG, with close interaction with the partners outlined in the IDLG strategic framework, probably through the formation of a policy group with sustained inclusion of MoF, MoI, MoEc, the MRRD, the presidency, the ANDS and the National Assembly in the process.

As part of this policy process, the relationship between the system of governors and police chiefs and the service-delivery arms of the government must be progressively defined and circumscribed in law and practice. This may have to occur at a varying pace in varying locations and must recognize the importance of local leadership in producing results in the remote areas of Afghanistan given political and topographical realities.

A central aspect of this process will be a balanced and gradual re-examination of the place of governors at both provincial and district levels. This re-examination should not be couched as a weakening or a removal of governors, or simply a search for the ‘right’ or ‘good’ governors. It must instead involve an appraisal of the legal and actual power of governors in relation to the systems by which they are made accountable to the population. A crucial dimension of this is the role of governors in controlling access and influencing expenditures. This downward accountability can certainly be enhanced and need not take the form of direct elections, though this might not be ruled out as a long-term goal. Instead, it may also be derived from altering relations in the other branches of the government, including the representative bodies and the service-delivery units.

In this way, reform and deconcentration of service-delivery responsibilities of the service-delivery arms of the state can be framed in a way that is designed to reduce the confusion caused by these co-existing forms of governance by trying to better integrate the role of governors with rationalised forms of service-delivery. Representative bodies can play a more important role in reducing the contradictions between these two systems of governance in that they in some ways involve aspects of both. By linking representation to

⁴¹ The Asia Foundation, “An Assessment of Subnational Governance in Afghanistan,” p. 2.

resources and accountability, elected bodies may be able to help increase the accountability of the government of relationships at the same time that it can bring improvements to the work of service-delivery.

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Glossary

<i>Afghani (or Afs)</i>	official Afghan currency
<i>malik</i>	customary or formerly government appointed community leader
<i>arbaki</i>	local militia linked to customary authorities
<i>arbabl/beg/khan/ nawab/sardar/ zamindar</i>	large landowner
<i>hauza</i>	subdistrict, historically often used for urban areas
<i>jirga/shura</i>	customary council/committee
<i>manteqa</i>	area of living, usually geographically defined
<i>nahia</i>	urban district
<i>pashtunwali</i>	customary pashtun tribal code
<i>pir</i>	religious notable linked to one of the Sufi orders
<i>qawm</i>	kinship group ranging in scope
<i>rish-e safid</i>	elder, literally 'white beard'
<i>Shura-e Wolayati</i>	provincial council
<i>tariqat</i>	Sufi order
<i>Woleswal</i>	district governor/administrator
<i>Wali</i>	provincial governor

Chapter 8

Replacing the Rule of Guns with the Rule of Law: Demilitarization of Afghan Society and its Impact on Security Sector Reform (The 3Ds Approach: DDR, DIAG and De-mining)

M. Masoom Stanekzai

Introduction

The legacy of Afghanistan's quarter century-long conflict era has been the creation and constant fuelling of a heavily militarized society, different non-state power structures based on personal authorities of leaders and commanders supported and financed by external forces and/or disparate networks linked to criminalized economy. This has posed significant challenges to the peace-building process. The Afghan people have suffered great human and material loss, the collapse of state institutions and an almost total disintegration of the Afghan society. In spite of the victory of the Afghan resistance movement and the sacrifices of the Afghan people against the Soviet occupation, these valiant contributions that helped end the cold war did not manage to end the internal militia and mujahedin conflicts. To this day, the Afghan people have not benefited from the durable peace they deserve.

This chapter will provide a thorough examination of three distinct programs of disarmament, demobilization and reintegration (DDR), the disbandment of illegal armed groups (DIAG) and de-mining (the Mine Action Programme for Afghanistan, MAPA). These programs are reviewed as part of the key elements of the demilitarization process in Afghanistan. This chapter takes particular note of the links between the demilitarization processes within security sector reform (SSR) and the state-building efforts. A concluding section draws lessons from Afghanistan's experience and provides some thoughts and ideas for the future.

Small Arms, Ammunitions Stockpiles and Landmines in Afghanistan

Afghanistan occupies an important geopolitical location. It has played the role of a buffer state and always remained extremely vulnerable to armed conflicts. During its long history, the land has seen various invaders and conquerors while, on the other hand, local entities invaded the surrounding vast regions to form their own empires. The history was repeated in modern time, during the end of the 20th and beginning of the 21st centuries, starting with the Soviet invasion. During the war against the Soviets, resistance was not offered by a unified army but instead by an armed population spread throughout the country to every district and village.

After the collapse of the communist regime and the failed attempts of the United Nations (UN) for the peaceful transition of power to the Mujahedin, army and pro-Soviet militia commanders and police chiefs surrendered to different Mujahedin leaders, as these were advancing towards Kabul. As a result, all military assets and stockpiles of light and heavy weapons, ammunitions, equipment and logistics worth billions of dollars fell into the hands of individual commanders and groups. The massive looting of stocks that followed allowed for different factional groups to become heavily armed. This enabled them to continue their bloody battles for power for several years.

Although it is impossible to get an exact estimate of small arms in Afghanistan, most reliable sources agree on an approximate and wide estimate of 900,000 to 1,900,000. Therefore, the number quoted by most media outlets, ranging as high as 10-18 million are almost certainly highly exaggerated and therefore questionable. In accordance to rough estimates, from 1979 to 1989, approximately 300,000-3,500,000 light weapons were delivered by the Soviets to Afghan security forces. Already more than 120,000 light weapons were held by the Afghan Security Forces (ASF) prior to the Soviet invasion. However, most of these weapons went unaccounted for and fell into the hands of commanders and civilians. At the same time, around 18,000 small arms were taken by the Mujahedin from the Soviet forces during the 10 year struggle. Although there are no readily available figures of weapons supplied to the Mujahedin by the US and other western nations, the financial assistance to the Mujahedin by the US alone during that time was 7 billion USD.

During the civil war (1992-1996), there is nearly no information available on the additional numbers of weapons that entered the country. During this time, the Russian Federation and Iran delivered some quantities of small arms to the ASF and certainly some additional weapons were purchased by various factions.

In the fight between the Taliban and the Northern Alliance (1996-2001) there is again very little information available on small arms transfer, although the Russian Federation initially (and the US at a later stage) supplied weapons to the Northern Alliance. During this time, Pakistan also provided military and logistical support to the Taliban. In addition, the Taliban also purchased weapons in neighbouring countries. Throughout the last five years small arms were also supplied to ASF via international military and police forces. The Tali-

ban, on the other hand, were able to regroup and gained the support of Al-Qaeda networks through logistical bases located outside Afghanistan (mostly in the lawless tribal areas of Pakistan).

In sum, adding up all the entries as well as weapon collection, confiscation and destruction efforts since 2001 (including the DDR and DIAG programs), it is estimated that approximately 600,000 to 650,000 small arms still exist in Afghanistan, of which around 310,000 are either in use or licensed by the Afghan security forces. This leaves approximately 340,000 arms unaccounted for, of which some are considered outdated by modern standards.

Compounding this is the mushrooming of private security and military companies in the country since 2002. These were mainly contracted by International Security Assistance Forces, diplomatic missions and development agencies engaged in reconstruction projects in Afghanistan. In accordance with an assessment report commissioned by the government of Afghanistan (GoA), 62 private military companies (PMCs) are currently operating in Afghanistan. These companies obtained business licenses from the Afghan Investment Support Agency (AISA), without obtaining operating licenses from the Ministry of Interior (Mol). The overall personnel size of PMCs is estimated at 18,000 to 22,000, which also includes a large group of demobilized ex-combatants or groups linked to illegal armed groups (IAGs). Their weapons have as of yet not been registered, due to the absence of proper regulatory and institutional frameworks. A new regulatory framework is being developed by the GoA with support from the international community (especially the United Nations Assistance Mission in Afghanistan (UNAMA) and Japan).

There are serious concerns about PMC ownership, management and operations in Afghanistan. Nearly all weapons used by the PMCs are obtained from within Afghanistan and purchased from individuals and commanders. In turn, the internal market and circulation fuels further weapon smuggling into the country.

Apart from this, huge stockpiles of different types of ammunitions exceeding tens of thousands of tons still exist. Such stockpiles are generally not maintained and are located in unguarded locations or stored in populated areas. This has led to terrible tragedies, as occurred in the Baghlan province, Bajgah village, in the spring of 2006, when the explosion of an ammunition cache located within a house of a local commander resulted in 28 dead and 70 injured. In addition, there are also problems due to the existence of millions of landmines buried underground. These mines challenge the safe return of millions of refugees and impede reconstruction and development work, as well as threaten the safety of Afghans on daily basis.

Framework for Demilitarization

It is hard to describe the complexity of Afghanistan's protracted conflict. This conflict has undergone several cycles since 1979. In fact, Afghanistan became both the testing ground and dumping ground of military arsenals, mines and unexploded ordnance (UXO). This pe-

riod is also marked by the loss of formal governmental structures and the rise of informal armed forces comprised of small, medium and large militia and Mujahedin groups.

The monopoly of the Afghan state on the use of force gradually eroded after the first year the communist regime came into power. This situation continued until it reached its peak during the chaos of civil war (1992-96). During the rule of the Taliban, Afghanistan could be compared to a graveyard where people were deprived of their rights and suffered from the worst humanitarian situation. The state of affairs deteriorated even further by a severe drought that occurred from 1998-2000 and the continuation of infighting. Soon after the collapse of the Taliban in 2001, various groups and commanders reappeared in the political scene and came to exercise a considerable amount of power across the country. Despite the harsh objections from the public as well as many national and international humanitarian aid and development organizations, 'warlords turned politicians' entered the capital. Regretfully, the objections were in vain and disregarded. Therefore, the unique opportunity of a peace- and state-building process was lost.

The different groups within the Northern Alliance and the loyalists who supported coalition forces in the war on terrorism were organized under the umbrella of the Ministry of Defense as Afghan Military Forces (AMF) while negotiations for the establishment of a transitional government was in progress in Bonn.

The new transitional government faced serious challenges and struggled to expand its authority beyond Kabul while ordinary Afghans continued to be threatened and ruled by the power of the gun rather than the rule of law. The Bonn Accord provided a framework to initiate the DDR process of the AMF as the prerequisite for SSR to build the Afghan National Army (ANA) and the Afghan National Police (ANP). Furthermore, it provided a framework to expand the authority of the central government beyond Kabul and an enabling environment for reconstruction to begin (for reconstruction, the main focus was on security and the clearance of mines and UXO).

The Disarmament, Demobilization and Reintegration (DDR) Program

In 2003, the Tokyo conference on "Consolidation of Peace in Afghanistan – Change of Order 'from Guns to Plows'" took place, after which the DDR process of the AMF started. At that time, the AMF consisted of a loose network of military units comprised of groups who fought against the Soviets and the Taliban and those who joined the military soon after the fall of the latter.

The stated strength of the AMF was estimated at 100,000 during the Bonn conference in December 2002. These estimates were cut in 2004, when it was revealed that commanders had grossly overstated the number of soldiers under their command in order to collect larger salaries as distributed by the Ministry of Defence (MoD).

The Afghanistan New Beginnings Program (ANBP) of the United Nations Development Programme (UNDP), a donor-funded program primarily financed by Japan, was also established in 2003 in order to support the government of Afghanistan in the implementation

of the DDR process. The program continued to be instrumental in the implementation of DIAG and the ammunition destruction projects. In June 2005, the DDR mandate of disarming, demobilizing and reintegrating the AMF was completed. A total of 63,380 ex-combatants were disarmed, of which 62,044 were demobilized and around 57,000 had been provided with ANBP reintegration assistance, including vocational training. In addition, almost all heavy weapons (98%) under the control of local warlords have been placed under central government control.

During the DDR process, hundreds of ammunition caches were discovered and more than 32,286 metric tons of ammunitions of various types (including long distance missiles) were brought under government control. Since the mine clearance program recognized that the existence of large and unprotected caches of ammunitions posed a serious security threat, a survey of anti-personnel mines and ammunition stockpiles was conducted in July 2005. The survey teams discovered 714 different ammunition and landmine caches, equating to 29,585 metric tons of ordnance. In addition, the DDR process also enabled the government of Afghanistan to reduce 93,260 positions from its payroll by the end of June 2005. This reduction represented a savings of more than US\$ 120 million to the Afghan government.

There is broad consensus that the DDR program managed to achieve its mandate to dismantle AMF units, thereby removing some of the major security threats to central government authority. Furthermore, it exerted a positive impact on the Afghan peace process by creating the conditions necessary for security sector reform and especially for the establishment of a new ethnically balanced Afghan National Army. The DDR process also reduced the level of violence and widespread armed clashes between warlords using heavy and destructive weapons. Finally, it contributed to overt intimidation of those military commanders who used violence-based acts and provided better conditions for the presidential election to take place, as well as allowing the central government to gradually consolidate government revenue, which was being consolidated between powerful regional commanders. In his opening speech at the July 2006 Tokyo conference, President Karzai said that "The DDR Programme, as it is now famously known in Afghanistan, has been a fitful response to the aspirations of the Afghan people in their eagerness to move away from war and violence towards a secure and peaceful society."¹

While all stakeholders acknowledge the positive impact of DDR on the political climate of the country, the disarmament of the Afghan militia forces was still conceived as insufficient to create a secure environment for all Afghans. There remained a significant number of unofficial armed groups who were not salaried by the Ministry of Defence. These were scattered throughout the country and included some ex-combatants from the decommissioned units who did not enter the DDR process. These so-called illegal armed groups perpetuated the drug industry, imposed illegal taxes on individuals undergoing reconstruction programs and impeded the progress of government authority.

¹ Hamid Karzai, Statement at the "Tokyo Conference II: Consolidation of Peace in Afghanistan DDR/DIAG," Tokyo, Japan, 5 July 2006.

Since the DDR mandate was narrowly defined and did not cover the wider disarmament of groups and individuals outside AMF units, the general public in Afghanistan was not fully satisfied with the success of DDR as anticipated. It was acknowledged that this will not take place until full disbandment of illegal armed groups and individuals who continue to pose a threat to the public and undermine the rule of law occurs. This provided the rationale to initiate the next phase of the DDR process.

Disbandment of Illegal Armed Groups (DIAG)

Following the completion of the DDR mandate, in late 2004 it was estimated that there could be up to 120,000 armed persons operating in over 1800 illegal groups. The threats that these groups posed to stability, security and the rule of law made the Disbandment of Illegal Armed Groups (DIAG) a major policy priority under the overall SSR agenda. This program was officially inaugurated in June 2005 prior to the parliamentary election. The DIAG is a government-led program supported by the international community and the government of Japan, acting as the lead nation. In contrast to DDR, DIAG has had to deal with structures of anarchy, involving disparate armed groups and individuals. The shortfall of precise information about the strengths of these groups, the types and number of weapons in their possession as well as the lack of accountability has created some insurmountable challenges to program implementation.

Initially, the DIAG campaign focused on vetting parliamentary candidates with ties to IAGs, an operation that aimed to bring significant numbers of weapons and large quantities of ammunition under government control. This campaign established an important precedent in creating a future vetting of office holders, which were called government officials linked to illegal armed groups (GOLIAGs). To achieve its mandate, the DIAG program has adopted the following guiding principles:

- The international community, with Japan leading the international donor efforts, supports the program, which is predicated on the government of Afghanistan's commitment to DIAG in the creation of basic conditions for success
- DIAG's primary focus on achieving the disbandment of IAGs relates to the overall efforts to strengthen governance; DIAG-related operations (high value IAGs) which extend beyond a single province will be managed centrally
- Success will not be defined by the collection of weapons alone but by the actual disbandment of illegal armed groups to put an end to their illegal activities and advance public security, good governance and the rule of law
- No direct incentives are to be offered to individual commanders or members of IAGs; instead, development projects that address the priority needs of targeted communities to whom the commanders belong should be implemented
- DIAG day-to-day implementation of the program at the central and provincial level shall be led by the Disarmament and Reintegration Commission (DRC) and pro-

vincial DIAG committees, supported by staff resourced through the UN (UNAMA, UNDP/ANBP).

Despite the fact that DIAG continues to face serious challenges, the program remains on track, making steady progress in all focus areas. Since the inception of the program, in addition to the 37,053 heavy and light weapons handed over to the ANBP, through the actions and measures undertaken by the Afghan security sector and law enforcement institutions, more than 1,050 individuals belonging to various armed and criminal groups have been arrested or forcefully disarmed. More than 5,700 weapons confiscated or collected from these groups are presently in use by the GoA security forces.

Through the establishment of a weapon registration and licensing system in the Mol since the beginning of 2006, more than 7,000 additional weapons have been brought under government control. Furthermore, an estimated 14,000 weapons were confiscated or taken from IAGs, criminal groups and insurgents by the ANA, ANP, ISAF and coalition forces through both military operations and non-military means such as persuasion and pressure. This brings the total number of weapons brought under the control of the government to 63,754, including more than 27,000 metric tons of ammunitions, of which 9,463 were in a stable condition and handed over to the ANA. Still 17,274 tons are being destroyed.

Moreover, the DIAG program provides an opportunity for the Mol to process the vetting of more than 221 candidates for the positions of deputy governors and district administrators due to potential links to IAGs. The vetting process has so far resulted in blocking the appointments of 74 candidates and achieving the compliance of 11 candidates with the DIAG process through the submission of 126 different types of weapons. As a result of these initiatives, more than 285 main IAGs that cover 750-900 subgroup IAGs are fully or partially disbanded, as confirmed by the National Department of Security (NDS) and Mol. Equally, the District Disarmament Initiatives (DDI) has targeted 51 districts, 21 of which have complied, resulting in the launch of community based development projects. More districts are continuously being targeted, as this initiative has generated a new momentum using community pressure on IAGs to cooperate with the program.

The initial program success was setback as a result of the aggressive Taliban insurgency in the second quarter of 2006. This situation led to the spread of rumours by some militia commanders and possibly politicians, who claimed that they faced a spreading Taliban insurgency from the south and that the government forces were weak and unable to stop them. Therefore, they needed their weapons and used this argument as an excuse for holding their weapons in violation of the gun law as well as to revive their power basis. But recent analysis suggests that in contrast to this argument, the existence of weapons and ammunition in the hands of IAGs facilitated the expansion of insurgency.

There are numerous complex challenges to the security of the social and political environment in Afghanistan. Among these are increased insecurity along the border areas with Pakistan, the slow pace of reconstruction, corruption and poor governance at the subnational level. These issues are the major sources of concern and require renewed focus.

The Afghanistan Compact and the Need for a Renewed Focus on DIAG

The Afghanistan Compact, as agreed by the government of Afghanistan and the international community during the London conference in January 2006, set the benchmark for DIAG that “[a]ll illegal armed groups should be disbanded by the end of 2007 in all provinces” while at the same time, estimated the end of March 2011 to be the deadline for the complete establishment of a nationally respected ANA and ANP.

The existence of contradictions between benchmarks was officially acknowledged by the end of 2006 and the beginning of 2007. The new assessment reads as follows:

- Without the effective disbandment of IAGs, the sustainability of SSR will be challenged, deepening state inefficiency and corruption
- Without a strong political commitment and consistent effort to accelerate SSR, DIAG will fail
- It is therefore unrealistic to achieve the DIAG benchmark without aligning its timeline with that of other SSR pillars. The logic is that strong national security sector institutions will better enable active operations against and the dismantling of IAGs.

An in-depth analysis of the DIAG program strategy and timeline for the achievement of its set benchmark resulted in the development of an action plan agreed upon by national program leaders and international partners and endorsed by the country's political leaders. Ultimately, the 6th meeting of the Joint Coordination and Monitoring Board (JCMB), held on 3rd October 2007, endorsed the extension of the timeline for the DIAG benchmark to March 2011 to bring it in line with the timeline for the development of the ANA, ANP and other SSR initiatives.

In the meantime, the program review once again highlighted that DIAG is a cross-cutting theme of SSR that goes beyond weapons collection. Therefore, based on priority needs, recommendations of the third Tokyo conference on ‘Disbandment of Illegal Armed Groups for the Stabilization of Afghanistan: Coordination with Police Reform’, emphasized the following key areas:

1. Prioritizing and implementing DIAG at the district, provincial and national levels through proper targeting of IAGs at different levels with due consideration to the nature of their operation, the degree of their threats and links with criminal activities and, finally, the ability of security sector institutions to fill the security gap. In addition, by targeting high value IAGs and GOLIAGs, the main focus will now be placed on District Disarmament Initiatives (DDI). By shifting the focus to the district level, the program will be able to measure compliance, mobilize for community support and create a greater potential to promote reform of the police, judiciary and administration at the district level. This eventually will lead to stability and pave the way for sustainable rural development initiatives and success of the

- counter-narcotics effort. An integrated approach is necessary in order to guarantee continuity and impact synergy.
2. Verifying and bringing the operation of private security companies under the rule of law through the development and enforcement of a regulatory framework in parallel with the enhancement of institutional capacity within the Mol to improve implementation.
 3. Enhancing the accountability of those that possess a firearm for personal security by establishing an appropriate system for firearm registration, issuance of permits and verification of weapons, currently at the disposal of various organizations, businesses and individuals.
 4. Building institutional capacity within the Mol in order to take over the responsibility of implementing the Gun Law, regulating the operation of PMCs, and preventing the re-emergence of IAGs and the re-distribution and smuggling of weapons.
 5. Accelerating the DIAG by working with District Development Assemblies combined with extensive community mobilization, public campaign efforts and the accelerated delivery of development projects once compliance is achieved in a district.
 6. Creating better synergy and coordination with other pillar of SSR initiatives, in particular the ANP, ANA, the judiciary and counter-narcotics.

Immediate Impact of the DIAG Program

The immediate impact of the DIAG program can be seen at least in the following three areas:

1. The balance of power is changing at the local level and Afghan security institutes and local governors appointed by the central government are gaining leverage vis-à-vis IAGs. The number of IAGs arrested in 2007 in relation to their engagement in criminal activities shows an increase of 30% compared to the same period in 2006, which is a clear indication of DIAG and SSR progress in achieving this gradual change of balance towards the rule of law. Admittedly, this change of balance is not equal in all parts of the country and much more has to be done to completely change this balance.
2. DIAG intended to provide a context to prevent those who would be carrying illegal and unregistered weapons freely throughout the country. In the past, police or other security sector institutions were not in a position to confiscate these weapons, and even less capable of bringing them to justice or stopping them from illegally taxing ordinary people. These latest developments indicate progress not only for DIAG but also for the ANA, ANP and NDS. Unfortunately, this cannot be said of high level or politically linked IAGs, the so-called GOLIAGs. Consequently,

the country is continually faced by what can be described as a drug epidemic and the detrimental continuation of insecurity and corruption.

3. DIAG, through identifying, collecting and destroying ammunitions in close collaboration with the ammunition project, has saved the lives of many men, women and children in numerous remote villages in Afghanistan. Most of the ammunition collected from IAGs has been stored in villages and in residential areas that pose threats not only to the immediate families of IAGs residing in those houses but also to the surrounding neighbourhoods. There are many documented cases of ammunition cache explosions or fighting among rival commanders over the control of villages that have taken the lives of many people. Fortunately, the severity of this threat has been reduced considerably.

Mines and Other Unexploded Ordnance

Mines were first used during the Soviet occupation (1979-1989) and the contamination of mines continued during the pro-Soviet government of Dr. Najibullah (1989-1992). During the civil war and the fighting between different factional groups (1992-1996) as well as during Taliban rule (1996-2001), mines were used by all the oppositional groups. Since October 2001, a limited number of mines have been used against the government and international security forces.

Scope of Landmine and UXO Contamination

Afghanistan is one of the countries most affected by landmine contamination. It is estimated that more than 5-10 million landmines are buried in Afghanistan. Currently, there are 2,364 known impacted communities with 4,677 known and suspected hazardous areas in almost all the provinces of the country. According to the United Nations Mine Action Center for Afghanistan (UNMACA), 2-3 casualties or deaths take place due to the explosion of landmines and unexploded ordnance each day, costing the lives of 50-60 people per month. In general, it is estimated that more than 4.2 million individuals are directly threatened by landmines, which has grave consequences for safety and development efforts.

Since the inception of this program, more than 2.1 billion square meters of contaminated land has been identified and MAPA has cleared more than 1.25 billion square meters that counts for 60% of all the contaminated land. A total of 1,129 communities, including some major cities, have completely been cleared and 17,634 mine fields and UXO contaminated fields have been cleared. In sum, 358,909 landmines and 7.87 million pieces of UXO have been found and safely destroyed. The estimated reduction in landmine and UXO victims from the early 90s to date is approximately 88% (a drop from 500 to 50-60 casualties per month, half of which are under the age of 18).

The Mine Action Programme for Afghanistan (MAPA)

The Mine Action Programme for Afghanistan (MAPA) was established in 1989 under UN auspices, comprised of approximately 15 national and international mine clearance non-governmental organizations (NGOs) and has grown to become the largest program of its kind in the world. From June 2002, the management of MAPA transitioned to the UN Mine Action Service (UNMAS) headquartered in New York. Many of the implementing partners of this program are Afghan NGOs currently coordinated by UNMACA. The government of Afghanistan is providing oversight through the mine action consultative group chaired by the Ministry of Foreign Affairs. Today, mine action activities engage some 8,400 Afghans in 500 teams.

Afghanistan joined the Anti-Personnel Mine Ban Treaty in March 2003. The treaty requires Afghanistan to clear all of its minefields by 2013 and destroy all stockpiled anti-personnel mines by 2007 (the joint efforts by the GoA supported by UNMACA and ANBP fulfilled this obligation, with some minor delays, resulting in the destruction of more than 500,000 anti-personnel mines).

The continuation of heavy fighting around Kandahar, Helmand, Orozgan and Farah in the south and south west, and Kunar and areas around Spainghar, Torabora in the east, has led to the introduction of a new type of ammunition into Afghanistan by NATO and the coalition forces. Some previously unseen lethal explosives have been employed by the terrorists, further burdening ongoing UXO clearance efforts.

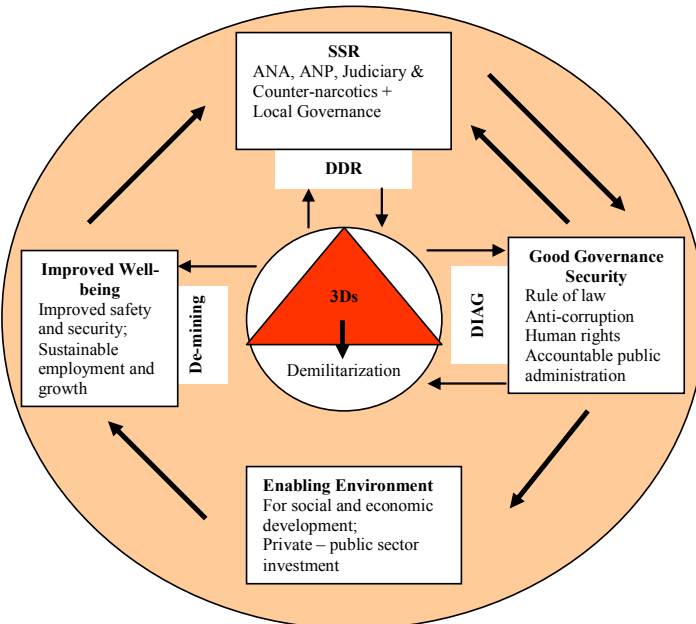


Figure 1: Conceptual Framework for Post Conflict Stability: Linkages between demilitarization, SSR, good governance, socioeconomic development and well-being.

Demilitarization, Development and Well-being

International research suggests that the poverty of a nation is closely linked to the threat of civil war. According to a study by the World Bank, the risk for a low income country that is dependent on natural resources/primary commodities to enter into a conflict is 15 times higher than those of OECD member countries. The quick economic growth and social gains that immediately follow a peace agreement can be reversed as a result of premature withdrawal of international interest and assistance or due to aid ineffectiveness, state fragility and failure of reconstruction. Key state-building efforts in post-conflict situations depend on the success of SSR to build credible and trusted security and law enforcement institutions that pave the way for good governance and create an enabling environment for social and economic development.

As illustrated in Figure 1, there are complex direct and indirect links between demilitarization (formulated under three major programs of de-mining, DDR and DIAG, or the 3Ds), security sector reform and good governance. Collectively, these activities provide an enabling environment for social and economic development. Eventually, as development progresses, it is expected that Afghanistan will become progressively safer and more resistant to violent conflicts, making subsequent development easier. In the case of Afghanistan, it is widely believed that the disarmament process was successful but there are many reservations regarding the success of the reintegration process, which needs more time and long-term resources to deliver the desired results.

Funding, Partnership and Roadmap toward Local Ownership

The political agreement for the DDR process of the AMF was concluded in Bonn while the general outline for the security sector reform agenda was outlined at the Tokyo donor conference (the concrete plan was agreed in Geneva from April-May 2002). As a result, a multi-sector donor support scheme was established and individual donors were allocated responsibility for overseeing each of the five pillars of the process (Figure 2).

Coordination has always been one of the most challenging tasks when too many structures and players are involved. As mentioned, UNMACA is the umbrella organization for all de-mining agencies in Afghanistan; UNDP/ANBP is the support and implementation mechanism for DDR, DIAG and ammunition projects. So far, the Demobilization and Reintegration Commission has proven to be the most appropriate government body to provide strategic guidance and coordination of inter-ministerial actions as well as the Afghan Government partnership with UNAMA, UNDP/ANBP and other members of the international community in areas related to DDR/DIAG.

De-mining is not included in the pillar structure of security sector reform, mainly because it started as early as 1989 after the Soviet departure and prior to the formal initiation of SSR. It needs to be emphasised that without de-mining, the process of demilitarization would be incomplete. This program is financed through external sources as part of the humanitarian aid operations. Many countries contributed a total of approximately \$289 million

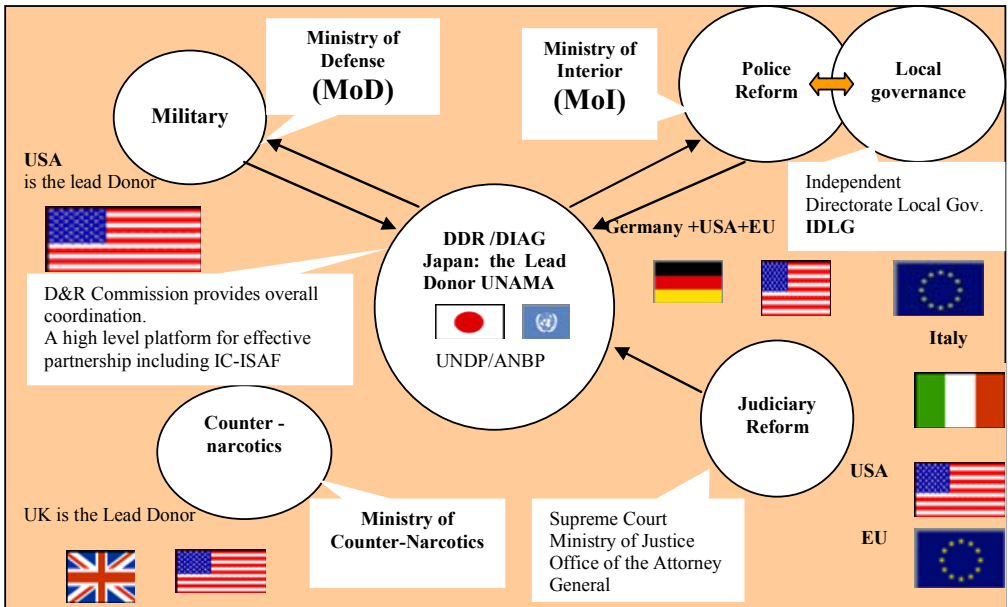


Figure 2: The SSR Framework in Afghanistan: Pillars, lead donor nations and sector ministries highlight the complexity of SSR coordination.

to this program since June 2002. However, this was often made on a short term basis. Therefore, the program suffered from the lack of financial stability and was therefore forced to adjust its operations depending on the availability of immediate funds, which prevented the development of long-term strategic objectives.

As shown in Figure 2, there are many different partners involved in SSR, often with competing agendas. Therefore, the coordination of various partners in the process of SSR in Afghanistan is one of the most challenging but crucial tasks for the success of SSR and ensuring local ownership of the process. UNMACA is the umbrella organization for all demining agencies in Afghanistan and has provided a rather well-functioning platform for the coordination and capacity-building of partner organizations, which contributed to the development of significant local capacity. However, less attention is being paid to building the capacity of the appropriate government institution, e.g. the Department of Disaster Preparedness (and not the MoFA as it is currently), which could be the future national agency to take over the responsibility and tasks currently under the auspices of UNMACA.

The DRC and its joint secretariat (comprised of representatives of the MoD, MoI, NDS, the Office of the National Security Council, UNAMA, ANBP and ISAF) are instrumental for the government-led implementation of DIAG. Currently, a transition plan is being developed to ensure the continuity of efforts to manage weapons, regulate private security companies and to effectively continue the implementation of DIAG and to monitor and prevent the re-emergence of IAGs. This is a practical step to coordinate DIAG with police reform. Work is in progress for the establishment of a new unit within the MoI. This unit will be trained,

equipped and financed partly on a cost recovery basis to take over the responsibility for fulfilling the abovementioned tasks. It is too early to talk about the success of this approach but most definitely it will streamline the transformation into full Afghan ownership if such capacity is formally embedded in the MoI.

Conclusions and Lessons Learned

The demilitarization programs (the 3Ds) are the most important steps towards normalization and reducing the harms caused by armed non-state groups, providing an enabling environment for state-building, reconstruction and development to proceed. The 3Ds are unique in the extent that they were designed to address an enduring legacy of Afghanistan's quarter-long century of conflict. These programs should rightfully be an integrated part of SSR, as they are complementary to each other. In reality, however, they are often dealt with in isolation, thereby reducing effectiveness.

In order to accelerate SSR to pave the way for building national security institutions, stronger commitment and determination both from the government of Afghanistan and the international community is required. Such strong commitment allows for the DIAG to regenerate the momentum needed to continue both judiciary and police reforms and to improve counter-narcotics efforts with better synergy.

Despite all of the challenges, Afghanistan can today claim a stronger and more credible national army and a better trained and equipped police force. More importantly, a larger number of communities and people are safe from the threat of mines, UXO, abuse and extortion as a result of mine clearance and stockpile reduction, the cantonment of all heavy weapons, dismantling of all semi-formal militia units, as well as the disbandment of many illegal armed groups. The critical question is whether each SSR pillar will be sustainable once the external direct support comes to an end.

DDR and DIAG experience in Afghanistan suggest that such programs (and all their components) should be approached in an integrated fashion with greater flexibility so that any armed groups who volunteer to hand over their weapons and disband their groups, even if not parties to a peace agreement process, should be given the chance to participate and benefit from the reintegration support as semi-formal groups. This was one of the missing opportunities in the initial phase of DDR because those influential armed groups outside the AMF that participated in the process did not receive the same kind of attention, leading them to only hesitantly join the DIAG. At the same time, DDR and DIAG also need greater political will to use incentives to achieve results and gain the public's trust. This necessarily includes the use of enforcement against those criminal IAGs that continue to resist and challenge the disbandment process. Otherwise, public scepticism will continue and the process will be unnecessarily prolonged or, in the worst case, will fail altogether.

The success of the 3D programs depends on an integration of strategies and planning across a wide range of sectoral areas, including the process and measures for reconciliation. For example, if security remains the number one priority and security sector institutions are not in a position to fulfill the security gap due to lacking capacity for effective and

forceful disbandment, the vision and goal of ending the culture of impunity and use of arms will not become reality.

In case economic development does not progress sufficiently to provide long-term economic opportunities for communities in general and to disarm and demobilize ex-combatants in particular, the long-term impact of such programs will always be challenged. The unemployed, demobilized ex-combatants with extensive military experience could always be targets for recruitment by terrorist networks and other criminal activities. The current grave situation of unemployment is crippling the country and poses a major obstacle to the disbandment of IAGs and, ultimately, to stability.

Security sector reform often occurs under the strong influence of poorly coordinated international partners. The 3Ds should be subject to the principles of good governance such as accountability and transparency in dealing with warlords. This is made difficult when some of those warlords have turned into officially active politicians while keeping their networks of armed supporters. All partners should bear the responsibility of being accountable to the public in each and every step of the process.

The ownership of the process for demilitarization and SSR needs to be ensured in the initial stages of program design and planning. Ownership and capacity-building are closely interlinked. In the absence of adequate capacity, ownership is lost. Meanwhile, the issue of capacity-building should not be used as an excuse to continue the heavy footprint of internationals or for the imposition of off-the-shelf agendas for reform. Each context has its own specific characteristics and SSR needs to be tailored according to the needs of a particular context. Therefore, there is no common formula that can be used universally in all post-conflict cases as each case is unique and presents new challenges. Despite the fact that in nearly all literature reviewed there is an insistence that SSR programs should be locally designed, managed and evaluated, in practice these are all carried out by international parties. There is no doubt that the country is in dire need of expertise in technical, managerial and financial support. However, there must be a clear and concrete transition plan in place, combined with steps and initiatives to build capacity to handover responsibility to Afghans and ensure post-withdrawal financial sustainability.

The regional dimension of insecurity and threats to demilitarization and SSR should not be underestimated. In the absence of a proper mechanism to manage the supply, smuggling and use of weapons and monitoring of IAGs, the current circulation of weapons will continue. While moving forward with the disarmament and disbandment processes, there is a need to establish a framework of cooperation among the immediate neighbouring countries and to intensify international pressure to prevent the supply and smuggling of weapons and ammunition. Strengthening border control and border police are important elements of such frameworks. In addition, post-conflict countries should receive assistance to set up systems and procedures for licensing weapons for personal security. Such assistance should also include the development of a framework and legislation to regulate private security companies and a mechanism to account for weapons supplied to reformed security sector institutions. Previously existing weapons that are still in use, and those al-

ready collected, licensed or destroyed must be properly managed through the establishment of a common and centralized database. In the absence of such an information system, the Afghanistan experience suggests that many collected or confiscated arms will only fall back into the illicit market.

The District Disarmament Initiative is proving to be an effective way of disbanding IAGs through the active engagement of communities and district development councils. It is important to ensure that those communities that rid themselves of armed groups benefit from enhanced access to basic services, improved community development and good governance opportunities. DDI provides an opportunity for synergy and sequencing DIAG with SSR. In areas with active elements of terrorist networks, DIAG can follow military operations as part of actions to stabilize the area, although consistently and strongly supported by governance and development projects. This concept is currently broadly discussed in order to improve the coordination between each pillar of SSR and those district level programs in order to achieve the overarching goal of stability.

Alternative Ways to Secure Communities, Build Public Confidence and Encourage Participation

It is increasingly recognized that the war in Afghanistan will continue as long as the Afghan national security institutions remain weak and the international security forces (ISAF, NATO, US forces) are required to perform duties that would normally fall under the mandate of the ANA and the ANP. Therefore, priority should be placed on accelerating the process of building the ANA and the ANP as credible, capable and trustworthy institutions. And while it is possible to achieve tactical gains through military operations, it is not possible to win the hearts and minds of people living in extreme poverty and insecurity. Building law enforcement capabilities will accelerate the effective disbandment of IAGs and end the culture of impunity.

Given the deficiency in public confidence and the gap in securing communities, efforts are needed to find an alternative interim solution. Historically, the tribal leaders and elders of each community play an important role in the provision of security through mobilizing community volunteers under strong community rules and policing. This is an ongoing debate in Afghanistan, which should not overlook the past experience of militia groups as developed under the communist regime. When these militia groups changed sides, it accelerated the collapse of that regime and further deepened the division of Afghan society along ethnic lines. It is therefore recommended to only use local capabilities under a strict oversight, control and command structure (such as the formation of a national guard). This would fill the security gap preferably under the MoD. In this way, it would be more plausible to manage weapons and prevent the formation of IAGs. This concept, however, needs to be further developed and requires a detailed strategy, which is beyond the scope of this paper.

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Chapter 9

Narcotics and Counter-narcotics: Responding to an Irrepressible Market?

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*Strategy without tactics is the slowest route to victory.
Tactics without strategy is the noise before defeat.*
–Sun Tzu¹

Introduction

‘Sectorising’ security runs the danger of failing to address the wider needs of social and economic security that are fundamental to individual and household welfare. Nonetheless, there is no doubt that security—even in its most limited understanding—has yet to be achieved in Afghanistan and the state building project is in deep trouble.² Within such a context, households have sought to construct their own security.

Paddy Ashdown in his ‘valedictory’ strategy for Afghanistan—after he had been rejected for the post of the UN’s special envoy in Afghanistan by President Karzai—identified three priorities as absolutely essential if any progress was to be made: achieving security (he explicitly referred to ‘human’ as opposed to ‘military’ security), governance and the rule of law. He forcibly drew attention to the absence of a strategic framework in Afghanistan’s reconstruction in his pointed reference to Sun Tzu.

International responses to the opium economy offer a compelling illustration of the absence of coherent strategic thinking in state-building in Afghanistan. The sector’s growth

¹ Quoted in: Paddy Ashdown, “A strategy to save Afghanistan,” *Financial Times*, 12 February 2008.

² See: Jonathan Goodhand and Mark Sedra, “Bribes or Bargains? Peace Conditionalities and ‘Post-Conflict’ Reconstruction in Afghanistan,” *International Peacekeeping* 14:1 (2007): 41–61; International Crisis Group, “Afghanistan: The Need for International Resolve,” Asia Report No.145 (2008).

since 2001 is evidence of a manifest failure of counter-narcotics policy and the state-building agenda. While there are claims of success in reducing production in the north, these are belied by record-breaking levels of production—including in areas of greatest insecurity in Afghanistan—thus fuelling and exacerbating insecurity.³

Formal counter-narcotic strategy documents are in many ways more comprehensive than many strategy documents to be found in Kabul. However, they lack the combination of tactics and strategy required to effectively achieve objectives. They also lack committed and coherent support from key actors engaged in counter-narcotics activities. The report to the Joint Coordination and Monitoring Board of the Afghanistan National Development Strategy on the Implementation of the National Drug Control Strategy (NDCS) makes this clear:

The NDCS remains the overall policy and strategy for CN activities, but we must implement it more effectively.... The Government remains fully committed to tackling the problem of the drug industry at all levels, although Government can not achieve success alone, and the solid support of the international community is therefore a necessary precondition for success.⁴

Linkages between opium poppy and security issues are far from simple or linear. This chapter will in part explore the complex interactions between the opium market and security.

For some, opium poppy cultivation and the trade associated with it in Afghanistan are fundamentally about greed, criminality and insurgency. The US Ambassador William Wood's remarks in August 2007 at the Third Annual National Counter-Narcotics Conference in Kabul exemplify this line of argument:

Helmand contains some of the richest farmland in Afghanistan, made richer by irrigation supplied by international assistance, and now diverted to drug production. Helmand has received more than \$400 million in development assistance from the US since 2002. If it were a country, Helmand would be the sixth largest recipient of US development assistance. Why do the people of Helmand grow so much opium? For make no mistake about it, drug cultivation on this scale is not an isolated phenomenon or merely the product of a few criminals; it requires the acceptance and participation of the people. It is not because they are poor. By Afghan standards, Helmand is wealthy; so simply providing an economic alternative will not work. It is not because it is traditional; Helmand has never produced drugs on the scale of recent years. It is not because it is cultural; growing drugs is contrary to Islam, as President Karzai and so many others have said. It is not that growing opium is smart; addiction in Helmand is skyrocketing, especially among those who work in the drug fields, and their children. Helmand grows drug for the

³ United Nations Office on Drugs and Crime and Government of Afghanistan Ministry of Counter Narcotics, *Afghanistan: Opium Survey* (Vienna and Kabul, 2007).

⁴ Afghanistan National Development Strategy (ANDS), "Implementation of the National Drug Control Strategy," Report to the Joint Coordination and Monitoring Board (JCMB) (2008).

criminal profits the drugs bring. Helmand grows opium because the criminal drug traffickers and their insurgent partners, the Taliban, want to use those profits, one for a life of power and luxury, the other for a mission of destruction and dominance.⁵

Such arguments position opium cultivation as a causal factor of insecurity, thus implying the need for a hard security response through eradication and interdiction. However, the US prioritisation of eradication as a key instrument of counter-narcotic response has been contentious: others are less convinced of the causal role of opium in insecurity, viewing its cultivation as a response to poverty. As such, opium poppy cultivation should be seen more as a symptom of state failure rather than its proximate cause. Cornell's comparative analysis on the linkage between narcotics and conflict concludes that drug cultivation neither generates conflict nor is it generated by it, although conflict may well transform the scale and structures of drug cultivation.⁶ If opium production is not causal in conflict then the responses to its cultivation cannot be limited to hard security responses. Byrd and Ward argue that "what is really needed is generalised economic growth and rural development... which can only be accomplished through reforms and substantial programmes implemented nationwide" to address the opium economy.⁷ It follows that a counter-narcotics response should focus more on longer-term development and a highly limited and judicious use of harder instruments of control, particularly further up the value chain.

A key argument of this chapter is that the growth of opium poppy cultivation in Afghanistan and its links with illicit trade are time- and context-specific. The various inter-connections are complex, thus defying simplistic responses. It is as much an outcome of the problematic model of state-building pursued by the west since 2001 as a cause of it.⁸

Opium poppy cultivation has undoubtedly contributed to the achievement of 'informal security' for many rural households within a context of gross insecurity, risk and uncertainty generated by the failure of the state to function effectively and impartially. This notion of informal security draws from the conceptual framework of welfare regimes.⁹ In contexts

⁵ Ambassador William Wood, Remarks at the *Third Annual National Counter Narcotics Conference: the Cancer of Drug Production Must be Stopped*, 29 August 2007.

⁶ Svante E. Cornell, "Narcotics and Armed Conflict: Interaction and Implications," *Studies in Conflict & Terrorism* 30:3 (2007): 207–27.

⁷ William Byrd and Christopher Ward, "Drugs and Development in Afghanistan," *Social Development Papers: Conflict Prevention & Reconstruction Paper No. 18* (Washington: The World Bank, 2004), p. 14.

⁸ Goodhand and Sedra, "Bribes or Bargains? Peace Conditionalities and 'Post-Conflict' Reconstruction in Afghanistan."

⁹ Central to this welfare regime analytical framework is the concept of an institutional landscape including not just the state but also the market, communities and household. 'Insecurity regimes' are seen to be essentially destructive of household coping mechanisms and informal rights. They generate outside narrow ties of ascribed identities, gross insecurity that few informal security mechanisms can withstand or evade and are characterised by predatory behaviour in relation to conflict, the processes of exclusion and the creation of suffering and personal insecurity. This arguably was the condition of Afghanistan 1992–1996. See: Ian Gough and Geof Wood, eds., *Inse-*

where the state is weak and the market had reduced or little formal regulation (but subject to all sorts of regulation by informal means), and in an environment therefore characterised by acute risk and uncertainty, the search by households for security is paramount and they have to seek it and welfare through informal means. This is done primarily through the institutions of community and household. This informal security regime is characterised by the pervasive existence of deep patron-client relations structured by strong hierarchies (horizontal and vertical) and inequalities of power.

Recognising the role of opium in providing informal security for Afghan households is essential to developing a viable counter-narcotics strategy. It also raises a fundamental challenge: how can the informal security needs of rural households continue to be fulfilled under conditions where the state is unlikely even in the medium-term to deliver public goods or provide the means of protection for labour, let alone unravel deep patron-client relations?

The opium poppy economy lies at the emergency-development axis – immediate actions are required but a long-term development response offers the best means of a genuine solution. The Janus nature of opium poppy in providing informal security for the poor yet contributing to the growth and consolidation of an 'informal security regime'¹⁰—and thus ultimately insecurity—is the basis of the opium economy challenge in Afghanistan. In this sense, illegal practices contribute to state formation of a markedly different kind to that pursued by the international community;¹¹ opium production has a transformative potential through the building of structures based around provincial level strongmen,¹² banditry and criminality,¹³ reflecting the state-building modality of Afghanistan's past.

This chapter is divided into four further sections. The first provides the background to the growth of the opium economy in Afghanistan and its dynamic trajectory since the 1990s. The second section reviews the literature on evidence of engagement and motivations of the various actors in the value chain from production to marketing of opium and explores in particular the claims for the linkages between criminality, insurgency activities and the opium trade. The third section then investigates the policy response following the development and application of counter-narcotics control measures. The final section re-

curity and Welfare Regimes in Asia, Africa and Latin America: Social Policy in Development Contexts (Cambridge: Cambridge University Press, 2004); Geof Wood and Ian Gough, "A Comparative Welfare Regime Approach to Global Social Policy," *World Development* 34:10 (2006): 1696–712; Gøsta Esping-Anderson, *The Three Worlds of Welfare Capitalism* (Cambridge and Oxford: Polity Press, 1990).

¹⁰ As conceptualised in: Wood and Gough, "A Comparative Welfare Regime Approach to Global Social Policy."

¹¹ Josiah McC. Heyman and Alan Smart, "States and Illegal Practices: An Overview," in *States and Illegal Practices*, ed. Josiah McC. Heyman (Oxford and New York: Berg Publishers, 1999), 1–24.

¹² Antonio Guistozzi, "War and Peace Economies of Afghanistan's Strongmen," *International Peacekeeping* 14:1 (2007), 75–89.

¹³ Thomas W. Gallant, "Brigandage, Piracy, Capitalism, and State-Formation: Transnational Crime from a Historical World-Systems Perspective," in *States and Illegal Practices*, 25–61.

turns to the key challenges facing the development of building accountability in counter-narcotics responses given the complex role that opium poppy plays in both providing informal security and challenging long-term state security.

Measuring the Growth of Afghanistan's Opium Economy

Afghanistan has had a long history of growing opium, even legally exporting it to the US and Germany during the 1940s.¹⁴ Although officially banned in the 1950s, it continued to be cultivated on a small scale both in Helmand and in the north of the country, both for domestic consumption as well as for trade to Pakistan.¹⁵ In Badakhshan there is evidence that certain villages in Jurm and Khosh officially cultivated the crop for a government authority located in Faisabad well into the 1970s.¹⁶

The growth in cultivation from the 1980s onwards was fuelled by a number of events both internal and external to Afghanistan. Externally, the clampdown on production in Turkey, Iran and in northern Pakistan all drove the crop out of traditional areas of cultivation and in search of a new home. Internally, opium poppy cultivation had already expanded in Afghanistan by the 1980s, growing in over half of the 26 provinces,¹⁷ but it was the Soviet withdrawal and the resulting cessation of American funding to the various Mujahedin groups that prompted a shift from arms smuggling to drugs as a new revenue source. Mujahedin commanders began to draw significant revenue from the taxation on opium production and trade.

The expansion of opium cultivation in Helmand, Kandahar and Nangarhar in the 1990s (see table 1) was thus the result of a market that was propelled into Afghanistan and found fertile ground. With state collapse, the breakdown in the provision of public goods and the fracturing of traditional commodity markets, the formal economy was shredded into three component but interlinked parts, conceptualised by Goodhand as: a war economy, a black economy and finally a coping economy as the drought of the late 1990s took hold.¹⁸ The growth and consolidation of opium poppy cultivation from 1994 onwards took place as the Taliban rose to power and established a regime of security and order over much of the

¹⁴ Mohammed Ali, *Commercial Afghanistan* (Delhi: Mohammed Ali, 1946).

¹⁵ For trade to Pakistan, see: Adam Pain, "Opium Trading Systems in Helmand and Ghor Provinces," in *Afghanistan's Drug Industry: Structure, Functioning, Dynamics and Implications for Counter-Narcotic Policy*, ed. Doris Buddenberg and William A. Byrd (UNODC and The World Bank, 2006). On domestic consumption, see: Adam Pain, *Water Management, Livestock and the Opium Economy: the Spread of Opium Poppy Cultivation in Balkh* (Kabul: Afghanistan Research and Evaluation Unit, 2007).

¹⁶ Adam Pain, "Opium Poppy and Informal Credit," Issues Paper (Kabul: Afghanistan Research and Evaluation Unit, October 2008).

¹⁷ Anthony Hyman, *Afghanistan under Soviet Domination 1964-1991* (London: Macmillan, 1992).

¹⁸ Jonathan Goodhand, "Afghanistan in Central Asia," in *War Economies in a Regional Context: Challenges of Transformation*, ed. Michael Pugh and Neil Cooper, with Jonathan Goodhand (Boulder: Lynnee Reimer, 2004).

Table 1: The Percentage Contribution of the Core Opium Poppy-producing Provinces and Non-core Provinces (Others) to National Area of Opium Poppy Cultivation.

Province	1994	1996	1998	2000	2001	2002	2003	2004	2005	2006	2007
<i>Nangarhar</i>	40.9	27.4	27.8	24.1	2.7	26.7	23.6	21.5	1.0	2.9	9.7
<i>Badakhshan</i>	2.4	5.7	4.4	3.0	79.3	11.1	15.9	11.9	7.1	7.9	1.9
<i>Balkh</i>	0	1.9	1.6	3.2	0	0.3	1.4	1.9	10.4	4.4	0
<i>Helmand</i>	41.7	43.7	47.9	52.2	0	40.5	19.2	22.4	25.5	42.2	53.2
<i>Kandahar</i>	5.1	5.4	8.2	3.7	0	5.4	3.8	3.8	12.5	7.6	8.6
<i>Uruzgan</i>	8.8	13.8	7.3	5.8	0	6.9	8.9	8.4	1.9	5.9	4.7
<i>Farah</i>	0	1.1	0.3	1.7	0	0.7	2.1	1.7	9.8	4.7	7.7
<i>Others</i>	1.0	1.0	2.5	9.4	17.9	8.4	24.9	28.2	31.7	24.5	14.1
Total '000 ha	71	57	64	82	8	74	80	131	104	165	193

Source: UNODC and Government of Afghanistan (2004, 2006, 2007).

country, though it is debatable to what extent taxes imposed on opium production and trade were a critical financing source for the Taliban at this time.

The enforcement of a ban on opium poppy cultivation in 2000-2001 by the Taliban, the resulting price rise, and then the Taliban's loss of power in the aftermath of 9/11 all laid the ground for the rapid expansion of opium poppy cultivation beyond its traditional heartland of cultivation into new provinces of Afghanistan. Partly for this reason, the opium poppy cultivated area has often been the principal indicator of progress in the policy debate on counter-narcotics. However, assessment methods have been inconsistent: at least until 2006, the United Nations Office on Drugs and Crime (UNODC) and United States government assessments of area were not entirely in agreement with respect to regional, province or district disaggregated trends or even of area. Even more problematic have been production level assessments, a crude gauge of output given the responsiveness of production to management inputs and harvesting skills; production figures thus describe at best an estimate of the incidence of the symptom but do not accurately reflect the causes, which are merely inferred.

A number of illustrations demonstrate the problems of these core cultivation indicators in assessing the underlying causes and dynamics of the post-2001 expansion in cultivation area: the average area of 68,000 ha for the seven year period from 1994 to 2000 doubled after 2002 to about 125,000, although there are considerable fluctuations between years that reflect the responsiveness of the crop to climatic conditions and management. The

21% decline in the cultivation area between 2004 and 2005 (from 131,000 ha to 104,000 ha) was coupled with only a small decline (2.5%) in estimated production (4200 to 4100). Badakhshan and Balkh provinces saw a significant rise in cultivation area but from 2003 to 2004 eradication efforts in one province became a variable that has to be taken account of in explaining the spread of cultivation elsewhere. Nangarhar is a case in point, which saw a sharp decline of about 95% in area from 2004 to 2005, driven largely by informal coercion rather than direct eradication, but it has since begun to recover.¹⁹ A similar effect of coercion rather than direct counter-narcotic instruments, despite claims to the contrary,²⁰ also drove the dramatic collapse in area in Balkh in the 2006-07 season, although the declining profitability of the crop also has to be factored in.

Since 2005, there appears to have been a 're-concentration' of opium poppy cultivation back in the historic core provinces of production. What has actually driven this re-concentration and an emerging divide between a relatively opium poppy-free north and the intensively-cultivated south is a matter for debate: UNODC has claimed that greed and insurgency are directly responsible for this concentration and claim that their counter-narcotics strategy successfully led to driving down opium production outside of the south.²¹ David Mansfield and myself have argued that the evidence provided by UNODC does not support these claims, not least because aggregate provincial statistics ignore the patterns of cultivation between and within districts, and do not provide any understanding of the drivers behind the diffusion and spread of cultivation. In reviewing the evidence on the dynamics of opium poppy cultivation in four contrasting provinces (Badakhshan, Balkh, Ghor and Nangarhar), we concluded that the varying dimensions of insecurity, the role of opium poppy in contributing to household welfare and the role of key power holders all have to be factored into any explanation of the dynamics and shifts in cultivated area within and between provinces.²² Equally, it cannot be assumed that there is no relation between the current decline in opium poppy area in the northern and eastern parts of Afghanistan and the rise in the south: the Taliban prohibition in 2001 drove a price rise that fuelled the widespread diffusion of opium poppy cultivation, combined with a relaxation of the regulation of the market.²³ Subsequently, the combination of non-strategic provincial eradication activities,²⁴

¹⁹ David Mansfield and Adam Pain, *Evidence from the Field: Understanding Changing Levels of Opium Poppy Cultivation in Afghanistan*, Briefing Paper (Kabul: Afghanistan Research and Evaluation Unit, 2007), p.5.

²⁰ United Nations Office on Drugs and Crime and Government of Afghanistan Ministry of Counter Narcotics, *Afghanistan: Opium Survey* (2006).

²¹ United Nations Office on Drugs and Crime and Government of Afghanistan Ministry of Counter Narcotics, *Afghanistan: Opium Survey* (2007).

²² Mansfield and Pain, *Evidence from the Field*, 1–20.

²³ For an exploration of these issues in Balkh post-2001, see: Pain, *Water Management, Livestock and the Opium Economy*.

²⁴ There is little compelling evidence of strategic thinking at a national level—thinking through the effects of eradication in one province in displacing production elsewhere, as in the case of the co-

falling opium prices and low yields may well have contributed towards pushing the concentration of cultivation back towards the southern heartland, reinforced by pull factors associated with markets and traders transactions costs.

But there is also a more fundamental question concerned with the inexorable estimated rise in production of opium in Afghanistan: 2006 opium production was estimated to meet around 92% of global demand; the 2007 estimated production of 8200 tons apparently met 93% of demand and the figures on area estimates for 2007-08, prior to any eradication measures, point to Afghanistan maintaining this level of supply. In such assessments, it has long been assumed that the world demand for illegal opium has been a fairly stable plateau of around 4500 to 5000 tons per year, which production from Afghanistan has exceeded since 2006. Three factors may explain this apparent discrepancy and they are not mutually exclusive. The first, which UNODC has itself highlighted by imputing linkages with insurgency funding,²⁵ is the systematic building of inventories by opium traders in the expectation that counter-narcotics efforts will drive down production and therefore push prices up, as happened under the Taliban. Second, the discrepancy between estimates of production and demand might question the estimates of production and how good they really are. But the third factor may well be the more significant one and questions how accurate the estimates of international demand are: there is evidence for example of rising demand in China for opiates and its derivatives, which may point to an expanding market that Afghanistan is well-positioned to exploit.²⁶

The global market for opium, as Mancur Olsen has described, is irrepressible, driven by a robust demand that leads to new outlets of supply emerging where old ones are restricted. The spread of opium into Afghanistan was driven by such a restriction and arguably it has been cajoled by counter-narcotic practice into the south of Afghanistan. But what has been restricted is production, not trade, and whilst Balkh for example may remain opium poppy-free with respect to cultivation, it is highly unlikely that it remains opium-free with respect to trade, thus questioning the metric of the number of opium-free provinces as an indicator of success.

Opium Production, Trade and Processing

A systematic evaluation of the opium value chain and the various actors at each stage is required in order to critically investigate the linkages between opium, corruption and insecurity.

erced closure of production in Nangarhar, which led to migration of skilled labour elsewhere—compounded by the independence with which key donors have operated in relation to eradication.

²⁵ United Nations Office on Drugs and Crime and Government of Afghanistan Ministry of Counter Narcotics, *Opium Winter Rapid Assessment Survey* (Vienna and Kabul, 2008), p. i.

²⁶ Transnational Institute, *Crop Spraying: A Déjà vu Debate: From the Andean Strategy to the Afghan Strategy*, Drug Policy Briefing No. 25 (Amsterdam: Transnational Institute, 2007), 1–8.

Opium Production

Responding to and understanding commodity value chains have become the mantra for the new agriculture and its envisaged role in contributing to poverty reduction.²⁷ Such an approach encourages engagement by the poor in markets that connect them to the global supermarket and customers. The opium value chain can be understood in much the same way, except that opium produced under unregistered conditions is traded illegally.²⁸ It is a relatively recent, socially-constructed view of illegality that has been influential in framing the way in which opium is produced and traded in Afghanistan.²⁹ Demand has been driven by the west—in many ways an exemplar of the value chain approach—yet it is an illicit market, regulated primarily at the supply rather than the demand end. The fact that opium poppy is grown in Afghanistan, is held to be illegal and is linked to criminality and insurgency essentially has defined it as a conflict good, yet the links to conflict are far from straightforward and evidently more complex than the views expressed by many in the international community who are engaged in the counter-narcotics initiative.

As with any market analysis, the commodity and its properties have to be understood. There is much about opium poppy that makes it an attractive crop to poor farmers: its agronomic properties and economic value maximise returns in conditions of scarce water and land; it is highly responsive to inputs and management and absorbing of farm labour;³⁰ has a high value-to-weight ratio; and is non-perishable.

Who has grown opium, where and why? As argued above, crude figures on opium cultivation area by province and time reveal little of the social relations and underlying structures of production. Detailed data on land ownership are not available but what evidence there is points to significant income inequalities among Afghan farmers as a result of skewed land distribution;³¹ a majority of the rural population are either functionally landless

²⁷ World Bank, *World Development Report 2008: Agriculture for Development* (Washington DC: World Bank, 2007).

²⁸ There is a legal market which in 2004 produced an estimated 534 tons of morphine/thebaine equivalent from 84,500 ha of opium poppy. See: Transnational Institute, *Losing Ground: Drug Control and War in Afghanistan*, Drugs & Conflict Debate Paper No.15 (Amsterdam: Transnational Institute, 2006), p.28.

²⁹ Consider the historic and legal role of the opium trade in financing British India and building the city of Mumbai for example. See: Amar Farooqui, *Opium City: The Makings of Early Victorian Bombay* (Gurgaon, India: Three Essays Press, 2006).

³⁰ David Mansfield and Adam Pain, "Alternative Livelihoods: Slogan or Substance?," Briefing Paper (Kabul: Afghanistan Research and Evaluation Unit, 2005). This article estimates that in 2003-04, based on 131,000 ha of opium poppy cultivation, the crop would have generated 46 million labour days of which potentially one third would have been hired labour.

³¹ United Nations Office on Drugs and Crime and Government of Afghanistan Ministry of Counter Narcotics, *The Opium Economy in Afghanistan: An International Problem* (Vienna: UNODC, 2003), p.116.

or have land areas that are insufficient to sustain their household.³² As a result, most rural households have traditionally worked as sharecroppers on the holdings of landlords (although the extent varies by province). This traditional function of the rural poor encouraged opium poppy production by providing the means for smallholders and sharecroppers to achieve immediate household food security, the means of access to land and credit from traders or landlords. By the late 1990s, opium became the crop of choice because it was a market that could function despite the context of political instability, infrastructural breakdown and drought.

It should be noted that opium production returns have been highly skewed in favour of the landed, particularly where credit and debt relations underpin production. The poor have relied upon 'informal security regimes,'³³ characterised by pervasive patron-client relationships that lock weak households into further dependencies.³⁴ For many of the poor, especially prior to the price rises of 2001, opium production provided the means to survive but not thrive, therefore perpetuating existing social structures.³⁵ For those who fell into debt on account of opium-based credit, outcomes could be extremely grim. Nonetheless, with the rise in opium prices after 2001 and the widespread diffusion of cultivation through Afghanistan since then, opium production has provided for many households the means to recover from debt and asset loss caused by drought and indeed a means of achieving relative prosperity.

This is not to deny that there have been cultivators of opium poppy motivated solely by profit and who have generated a considerable surplus as a result. It is this landed group, a minority of opium poppy cultivators with access to good land, water, markets and key power holders that is most likely to be persuaded to cease opium poppy production. But for most, exit is not a choice that can be made, and can only be enforced.

Around 80 to 90% of actors in the opium poppy value chain are engaged at the production end of the commodity chain. It has been estimated that something in the range of 20 to 30% of the final value of the product remains within this first segment of the commodity chain³⁶ (although localised taxation of generally 10% of value should also be considered, usually taken by local government officials). How the benefits of this revenue are ultimately distributed between the estimated half-million cultivating households in 2006-

³² Jo Grace and Adam Pain, "Rethinking Rural Livelihoods in Afghanistan," Synthesis Paper Series (Kabul: Afghanistan Research and Evaluation Unit, 2004).

³³ Wood and Gough, "A Comparative Welfare Regime Approach to Global Social Policy."

³⁴ Geof Wood, "Staying Secure, Staying Poor: The Faustian Bargain," *World Development* 31:3 (2003): 455–71.

³⁵ David Mansfield, "The Economic Superiority of Illicit Drug Production: Myth and Reality, Opium Poppy Cultivation in Afghanistan," paper prepared for the International Conference on the Role of Alternative Development in Drug Control and Cooperation, Munich, Germany, 7-12 January 2002.

³⁶ United Nations Office on Drugs and Crime and Government of Afghanistan Ministry of Counter Narcotics, *Afghanistan: Opium Survey* (Vienna and Kabul, 2006).

07 is unknown.³⁷ It is probable, however, that the distribution of benefits is as highly skewed as that of land ownership. For the rest, although the returns are smaller, the revenue provides the means of survival or at best a means of recovery from the drought. The multiplier effects of opium poppy cultivation on the rural economy have also been significant.³⁸ Mellor, for example, has estimated that for each farm job working directly on opium, an additional 5.6 jobs have been created off-farm.³⁹

The Opium Trade

Moving up the value chain there is much less information as to the dynamics of the trade system. All evidence of opium markets in Afghanistan indicate that structures are characterised by a multitude of low-level traders dealing in small quantities of opium. Market exchange at all levels is closely regulated and controlled by a few large traders who handle the bulk of the trade.⁴⁰ In Helmand and Ghor provinces for example, numerous small traders act as local credit agents and collectors on behalf of larger traders who may often not be resident but are directly responsible for the movement of opium beyond its point of production to trading and processing centres elsewhere.⁴¹ Often small traders work on credit from the bigger traders and are highly vulnerable to trading risks and defaults by bigger traders further up the value chain. Trading margins at the first point of trade, from small to bigger traders are difficult to determine but perhaps are between 10-20% on the small traders purchase price.⁴²

Above local traders, the movement of opium requires transport, logistics and protection to move it to bigger points of trade or to local processing centres, all of which require payments to local officials or strongmen to ensure that the bulk opium is secure. Beyond this level are the key traders, involved in the international trade of opium or heroin through agents of international networks.

The distribution of profit in the opium trade and how it is subsequently used is the subject of considerable speculation. There is no doubt that the overall contribution of the opium

³⁷ United Nations Office on Drugs and Crime and Government of Afghanistan Ministry of Counter Narcotics, *Afghanistan: Opium Survey* (2007).

³⁸ The dynamic effects of the opium economy on the immediate rural economy have been widely noted. See for example: David Mansfield, "Diversity and Dilemma: Understanding Rural Livelihoods and Addressing the Causes of Opium Poppy Cultivation in Nangarhar and Laghman, Eastern Afghanistan," GTZ Project for Alternative Livelihoods in Eastern Afghanistan: Internal Document No.2 (2004); Pain, "Opium Trading Systems in Helmand and Ghor Provinces"; Pain, *Water Management, Livestock and the Opium Economy*.

³⁹ John W. Mellor, "Poppies and Agricultural Development in Afghanistan," USAID/RAMP presentation at the World Bank South Asia Rural Development Forum, 3 March 2005.

⁴⁰ Adam Pain and Sarah Lister, "Markets in Afghanistan," in *Reconstructing Agriculture in Afghanistan*, ed. Adam Pain and Jacky Sutton (Rugby and Rome: Practical Action and the FAO, 2007), 189–212.

⁴¹ Pain, "Opium Trading Systems in Helmand and Ghor Provinces."

⁴² *Ibid.*

trade to Afghanistan's economy is considerable – various estimates suggest about 30% of licit GDP.⁴³ This substantial size has macro-economic implications, not least currency over-valuation. It also indicates that rapid dismantling of the sector would have a profound impact upon the economy. Yet the primary concern regarding the role of the opium economy is the extent to which its profits fuel the shadow economy, the shadow state and the insurgency, each element of which is a threat to the establishment of a stable Afghan state.

So who are the key actors in the shadow and war economies and what is known about them? The large traders are primarily businessmen concerned with profit and directly involved in trading, processing and trafficking. To function, they require protection and security provided through payments to key officials from the local level (to ensure safe passage of opium from the point of production to local traders and for transit through the provinces), to the provincial level, particularly for the border provinces to ensure passage across the border.⁴⁴

The rent-seeking behaviour of district police and administrators is primarily motivated by personal gain and consolidation of local power; at the provincial level, 'strongmen,' who may well be provincial governors, are not necessarily directly involved in the opium trade but draw revenue from it more in pursuit of power than for economic gain, in order to maintain clientelistic networks.⁴⁵ Provincial networks—often through police structures—work their way up to central government and particularly to the Ministry of Interior, which is widely alleged to be deeply corrupt.⁴⁶

The large shadow economy is closely linked to a shadow state where government officials use public office for private gain. It is important to differentiate, however, between pre-existing clientelistic networks and informal power relations that have characterised the formation and consolidation of the formal government since the Bonn Agreement, and have been reinforced by donor behaviour,⁴⁷ from the use of the shadow economy—of which opium has been the most significant element—to consolidate power and client structures. Although donors speak in terms of corruption, reducing corruption solely to individual greed is too simplistic a notion to be of value in the Afghan context, so deeply governed as it is by social relations and where the shadow economy and state are so institutionalised.

⁴³ Christopher Ward, David Mansfield, Peter Oldham, and William Byrd, *Afghanistan: Economic Incentives and Development Initiatives to Reduce Opium Production*, Report to the UK Department of International Development and the World Bank (2008).

⁴⁴ Goodhand, "Afghanistan in Central Asia."

⁴⁵ Guistozi, "War and Peace Economies of Afghanistan's Strongmen," 75–89.

⁴⁶ Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police*.

⁴⁷ Astri Suhrke, "When More is Less: Aiding State-building in Afghanistan," Working Paper 26 (Madrid: FRIDE, 2006); Goodhand and Sedra, "Bribes or Bargains? Peace Conditionalities and 'Post-Conflict' Reconstruction in Afghanistan."

Linkages between the Afghan Opium Economy and Conflict

In assessing international security and counter-narcotics policies, linkages between the opium trade and conflict must be understood. A distinction must be made between the linkages with localised conflict and the more specific inter-connection between the opium economy and the insurgency in the south.

Localised conflict has been endemic to Afghanistan and often linked to control of natural resources and land. Koehler and Zürcher have argued that opium poppy production in Afghanistan has in some cases subdued or mitigated conflict at the local level due to its poverty-reducing effects.⁴⁸ However, they also reported that it had indirectly played a role in ongoing conflicts, by rekindling land disputes and destabilising the local power balance; opium poppy production is incidental to a deep history of conflict for which there is an absence of local institutionalised means to address.

Many in the international community have claimed that there is a direct link between the opium trade and the insurgency: former British Foreign Office Minister Mark Malloch Brown has asserted that “opium and the Taliban are intrinsically linked”⁴⁹ and US counter-narcotics policy has been predicated on a similar premise.⁵⁰

Although there is no doubt that taxation revenues from opium contribute to Taliban funding, it is highly doubtful that this is the Taliban’s only source of income⁵¹ and indeed that its curtailment would seriously constrain them; the movement was able to re-group and re-establish itself after 2001, prior to the expansion of opium production in the south. Moreover, there is a long history of external financial support for the movement from Pakistan, the Gulf States and Saudi Arabia. Even if revenue from opium was to be closed to the Taliban, other forms of informal taxation would replace it, as evidenced in Balkh after the loss of opium income in 2007.⁵²

To claim that the Taliban and the drug economy are ‘intrinsically connected’—that one could not exist without the other—is to argue that there is more than a coincidence of interests and synergies. The widespread cultivation of opium poppy—beyond just Taliban strongholds in the south—further challenges the idea of an intrinsic linkage, although with its increasing concentration in the south, such linkages may be on the increase. Even despite this fact, Cornell has concluded that there is no clear evidence that the link between the insurgency and the opium economy has led to a criminalisation process in which eco-

⁴⁸ Jan Koehler and Christoph Zürcher, “Statebuilding, Conflict and Narcotics in Afghanistan: The View from Below,” *Journal of International Peacekeeping* 14:1 (2007): 62–74.

⁴⁹ British Government, “Lord Malloch Brown announces new plans to tackle Afghan Drugs” (2007).

⁵⁰ Thomas A. Schweich, “U.S. Counternarcotics Strategy for Afghanistan,” Compiled by the coordinator for Counternarcotics and Justice Reform in Afghanistan (Washington: United States Government, 2007).

⁵¹ Barnett R. Rubin and Jake Sherman, *Counter-narcotics to Stabilize Afghanistan: The False Promise of Crop Eradication*, Centre on International Cooperation (New York University, 2008), 1–63.

⁵² Pain, *Water Management, Livestock and the Opium Economy*.

conomic incentives have come to outweigh ideological motives.⁵³ Such assumptions about an intrinsic linkage risk diverting attention from the more fundamental problem of ineffective and corrupt governance that allows illegality to flourish. There are informal reports by national informants and international observers that the flow of opium-derived income to Kabul from the south exceeds that which potentially accrues to the Taliban. The means by which that income is extracted is the greater cause of insecurity in the south. As Johnson has argued:

The greatest threat to Afghanistan is not leftover munitions, al-Qaeda, or even narco-trafficking; these are merely symptoms of the real problems. Afghanistan faces a lack of control in the countryside by the Kabul (sic) regime, its international supporters and its internal security forces and the failure to reconstruct the Afghan economy and infrastructure.⁵⁴

There undoubtedly is an armed insurgency movement led by the Taliban against the central government in Kabul, which has considerable support in certain sections of the rural population. Nonetheless, the cultivation of opium poppy is as much a form of protest by rural populations against dysfunctional local government and punitive counter-narcotic actions (as will be discussed below) as it is part of a strategic alliance of the rural population and the Taliban. The Taliban is an organised popular movement – it attracted sufficient support to bring itself to power in the past and threatens to do so again. The principles of counter-insurgency practice are based on an understanding of and respect for local communities' economic and social vital interests. As will be argued here, good counter-insurgency practice is in effect consistent with good counter-narcotics practice. The problem is—contrary to claims—counter-narcotics practice in Afghanistan has often directly threatened the vital interests of local communities, creating greater livelihood insecurity rather than reducing it; there has not been a coherent coordination of counter-narcotics and counter-insurgency efforts.

Responding to the Opium Poppy Economy: Counter-narcotics Policy and Practice

The 2002 lead nation approach to security in Afghanistan identified the United Kingdom as the lead on counter-narcotics. From 2002 to 2004, the British remained the major external sponsor of the Afghan government's counter-narcotics policy, with the US largely disengaged given their primary focus on pursuing the global war on terror. This war-fighting priority ensured that concerns in building strategic alliances with local power-holders who had

⁵³ Cornell, "Narcotics and Armed Conflict: Interaction and Implications."

⁵⁴ Thomas H. Johnson, "On the Edge of the Big Muddy: The Taliban Resurgence in Afghanistan," *China and Eurasia Forum Quarterly* 5:2 (2007), p. 94.

links with the opium economy were overlooked, thus essentially legitimising them,⁵⁵ a practice now diminished but not entirely discarded.

It was the release of the 2004 opium poppy area statistics by UNODC and the emergence of claims that the opium trade was being used to finance terrorist activities that prompted the emergence of a US policy towards opium poppy production in Afghanistan. As the following discussion will show, the US has consistently pursued a relatively independent line in relation to policy and practice in counter-narcotics. It has often funded counter-narcotics activities off-budget—and therefore independently of any Afghan government control—and has shown a tendency to establish parallel structures and use private contractors (most notably for eradication) accountable only to the US. These practices have created tensions between the various parties involved in counter-narcotics policy and raise fundamental questions about accountability and local ownership.

Policy Development

The Afghan Interim Authority (AIA) created out of the Bonn agreement in November 2001 issued various decrees intended to reduce the cultivation of opium poppy.⁵⁶ Various religious prohibitive pronouncements were made and subsequently, in 2003, the first formal National Drug Control Strategy (NDCS), developed in consultation with the British, the US and UNODC was released.⁵⁷ This plan established targets for a reduction in opium poppy cultivation of 70% by 2008⁵⁸ and complete elimination of the crop and drug trafficking by 2013. The logic and structure of the NDCS had much to commend it. However, it failed to prioritise and sequence counter-narcotics instruments (such as eradication, alternative livelihood programmes and interdiction) according to context. It also lacked a geographical or spatial strategy, outlining where to apply measures first and why—given the well-known ballooning effect of opium poppy cultivation—or a prioritisation of targets for area reduction. All this limited the coherence and utility of the NDCS as a plan of action.

Indeed it was not until 2005 that an implementation plan for the NDCS was released, giving more detail on the key five policy areas (institution-building, alternative livelihoods,

⁵⁵ Barnett R. Rubin, *The Road to Ruin: Afghanistan's Booming Opium Economy*, Centre on International Cooperation (New York, NY: New York University, 2004), 1–26.

⁵⁶ In January 2002, a decree banning the cultivation of opium poppy, heroin production, the trafficking of opiates and drug use was issued. This was followed in April 2002 by a second decree that proposed eradication goals for the current season's (2001-02) opium crop. This was followed by a further decree in September 2002 outlining plans for the enforcement of the bans. See: Christopher M. Blanchard, *Afghanistan: Narcotics and U.S. Policy*, CRS Report for Congress, RL32686 (Washington: Congressional Research Service, 2007), p. 24.

⁵⁷ Transitional Islamic Government of Afghanistan, *National Drug Control Strategy: 5 Year Strategy for Tackling Illicit Drugs in Afghanistan* (Kabul, 2003), 1–31.

⁵⁸ A 70% reduction on the 2002-03 opium poppy area of 80,000 ha would have reduced the area to 24,000 ha in 2008. The area for 2007-08 is expected to be close to that of 165,000 ha for 2006-07.

interdiction and law enforcement, criminal justice) as well as plans for a public information campaign, eradication and regional cooperation.

In parallel to the January 2006 release of the Afghanistan Compact in London, an updated NDCS was released which moved away from an emphasis on targets towards the broad goal of affecting a "sustainable decrease in cultivation, production, trafficking and consumption of illicit drugs with a view to complete and sustainable elimination."⁵⁹ The Afghanistan Compact itself included imprecise targets to build law enforcement capacity to tackle production and trading, including the use of eradication.⁶⁰ However, precise targets for eradication have recently been re-established in a paper from the Afghan National Development Strategy (ANDS) to the Joint Coordination Monitoring Board (JCMB), delivered at a meeting in February 2008; it is foreseen that 50,000 ha of opium will be eradicated in 2008.⁶¹

Whilst the British have consistently worked in partnership with the Afghan NDCS, the US developed its own counter-narcotics policy in 2004, structured in five pillars: public information, judicial reform, alternative livelihood development, interdiction and eradication. This was claimed to be a more "comprehensive, complementary plan to support the implementation of Afghanistan's national counternarcotics strategy."⁶² In 2007, an updated version of this American strategy was released, and, while it is claimed to "mirror Afghan initiatives" and called for "increased interagency and international cooperation," in reality it represented the establishment of a very specific agenda: the US in 2007 prioritised eradication and argued that, given the failure of manual eradication, chemical aerial spraying should be the tool of choice to achieve effective reduction in opium poppy area. Conversely, the NDCS has argued that the rise of opium poppy cultivation should be handled as a rural development issue and that only once viable alternative means of living are available for poor Afghan farmers, should eradication follow.

Comments by US Ambassador Brown in Kabul following the release of the UNODC World Drug report in 2007 were emphatic. Current efforts at eradication, he asserted, were 'disappointing' and, with a reported 10% of heroin in the US coming from Afghanistan, any increase would lead to a more 'forceful response.' This was of course predicated on the underlying assumption that reduction in opium poppy area in Afghanistan would reduce availability of Afghan-sourced heroin in the US. Thomas Schweich, the US coordinator for

⁵⁹ Ministry of Counter Narcotics, *National Drug Control Strategy: an updated drug control strategy for tackling the illicit drug control problem* (Kabul: Ministry of Counter Narcotics, Islamic Republic of Afghanistan, 2006), p. 8.

⁶⁰ See: The Afghanistan Compact, 2006, p. 6. By end-2010, the government will strengthen its law enforcement capacity at both central and provincial levels, resulting in a substantial annual increase in the amount of drugs seized or destroyed and processing facilities dismantled, and in effective measures, including targeted eradication as appropriate, that contribute to the elimination of poppy cultivation.

⁶¹ Afghanistan National Development Strategy (ANDS), "Implementation of the National Drug Control Strategy."

⁶² Blanchard, *Afghanistan: Narcotics and U.S. Policy*, p. 27.

counter-narcotics in Afghanistan, commented in May 2007 that aerial eradication could lead to a 25% reduction in the crop area,⁶³ which has been claimed to be the tipping point for raising the risk sufficiently to compel farmers to cease cultivation.⁶⁴ These assertions have been strongly challenged by the Transnational Institute.⁶⁵ Indeed, the grounds for claiming success in the use of aerial eradication have recently been weakened by reviews of the tactic in Colombia and the Andean programme.⁶⁶ Therefore, the case for the effectiveness of aerial spraying to sustainably reduce cultivated drug crop area is far from convincing. It also raises additional questions about side effects as well as the political implications of a non-sovereign force acting unilaterally, particularly in the context of an ongoing insurgency.

Organisational Structures

The Transnational Institute has noted that:

...the structure of counter-narcotics organisations in Afghanistan is complex. There are a myriad of different organisations involved, sometimes with overlapping responsibilities. This is a reflection of competition within the Afghan government, as well as within the international community, over how to deal with the drugs problem in Afghanistan.⁶⁷

The first formal body with direct responsibility for counter-narcotics policy development and implementation was the Counter-narcotics Directorate (CND) established by President Karzai under the authority of the Afghan National Security Council (NSC) in late 2002. It had coordination, analysis and policy development functions in the key policy areas of judicial reform, law enforcement, alternative livelihood development, demand reduction and public awareness. CND was transformed into a Ministry in 2004—the Ministry of Counter-narcotics (MCN)—under a new minister, Engineer Habibullah Qaderi, who remained in post until July 2007 when he resigned. Colonel General Khodaidad was subsequently appointed Minister of Counter-Narcotics by President Karzai. MCN has coordinated with key ministries, including the Ministries of Agriculture, Irrigation and Livestock (MAIL); Rural Reconstruction and Development (MRRD); and Public Health (MOPH) on the ‘softer’ elements of counter-narcotics. This includes alternative livelihood development, public awareness and demand reduction.

⁶³ *Financial Times*, “Allies fall out over spraying of poppy crops,” 29 May 2007.

⁶⁴ Although the basis of this assertion remains unclear, not least given the muddled understanding of the nature of risk in relation to opium poppy cultivation. See: David Mansfield and Adam Pain, “Opium Poppy Eradication: How to Raise Risk When There Is Nothing to Lose?,” Briefing Paper (Kabul: Afghanistan Research and Evaluation Unit, 2006).

⁶⁵ Transnational Institute, *Crop Spraying: A Déjà vu Debate*, 1–8.

⁶⁶ *Miami Herald*, “Colombia shifts policy in eradication of coca crops,” 29 July 2007; “Department of State Foreign Operation and Related Programme Appropriation Bill 2008,” 110th-128 Congress Report, 10 July 2007.

⁶⁷ Transnational Institute, *Losing Ground: Drug Control and War in Afghanistan*, 1–36.

Figure 1: Counter-narcotic Agencies and Structures.

Structure	Date	Mandate / Comments
<i>CNPA: Counter Narcotics Police of Afghanistan</i>	2003	Investigative and enforcement divisions: intelligence, investigation and interdiction. Tackles issues of collusion between local police & traffickers.
<i>ASNF: Afghan Special Narcotic Forces</i>	2004	A paramilitary specialist unit under the CNPA, targeting laboratories and bazaars. Rapid intervention force. Supported by the UK.
<i>CPEF: Central Poppy Eradication Force (Now called the PEF: Poppy Eradication Force)</i>	2004	Deployed where local governors did not do enough to enforce the ban. After it failed to meet targets for eradication in 2005, reformed into the PEF. The US has shifted more towards governor-led eradication. US funded and controlled.
<i>CEPC: Central Eradication Planning Cell</i>	2005	Designed to provide targeting and intelligence information for the CPEF and to ensure targeting of eradication done where alternative livelihood opportunities were seen to be available to the farmers affected. Support by the UK.
<i>NIU: National Interdiction Unit</i>	2004	Established as an elite element of the CNPA. Operates in cooperation with US Foreign Advisory Support Teams. Liaises with the US Drug Enforcement Agency. Supported by the US.
<i>Border Police, National Police and Highway Police Criminal Justice Task Force</i>	2004/05	General police duties with counter-narcotic enforcement capabilities. Includes the Central Narcotics Tribunal. The judicial wing of counter-narcotics, working with staff from the CNPA and the attorney general's office. Supported by the UK.
<i>PEP: Poppy Elimination Programme</i>	2005	Established to support eradication at the provincial level by governors. US funded.

Responsibility for the enforcement side of counter-narcotics policy has been directed from within the Ministry of Interior. As Figure 1 illustrates, a plethora of structures and entities have been established within the Ministry of Interior, under US guidance.

As US concerns rose about both the effects of Afghanistan's opium economy and what they perceived as the failure of the British response to it, they established a counter-drug command structure in the US Embassy in Kabul, as well as the US-controlled Central

Poppy Eradication Force (CPEF).⁶⁸ In response, the British funded and supported the Central Eradication Planning Cell (CEPC) in order to ensure influence over where eradication was undertaken and that some assessment of alternative livelihoods was available prior to eradication.

Counter-narcotics Policy Implementation

The discussion here does not directly address the related issues of police and justice sector reform, which are covered in separate chapters of this book, but rather focuses on eradication and alternative livelihood activities under the counter-narcotics policy. Interdiction is not considered, in part because of the difficulty accessing detailed information. Nonetheless, the obvious inter-linkages with the other four security sector reform pillars (military, police, DDR and justice) and their respective shortcomings must be borne in mind when assessing the failures of counter-narcotics initiatives.

Byrd's assessment of progress on counter-narcotics (CN)—a "sensible National Drug Control Strategy but fragmented and inconsistent CN activities"—essentially frames the arguments made here.⁶⁹ A starting point is to compare the level of funding allocated by the key donors to counter-narcotics and the balance of funding between activities. Table 2 summarises salient aspects of this data, drawn from official sources for the two major donors to counter-narcotic efforts in Afghanistan.

Even within the limits of the available data, a number of observations can be made. Firstly, it is clear—even though financial years are not directly comparable—that the level of US funding is considerably greater than that of the UK, the lead and key partner nation. Secondly, the UK spread of funding across the range of relevant counter-narcotics activities is in contrast to the focus of US funding on five strategic areas, consistent with its own 2007 strategy. Additionally, 12.8% of UK funding in 2005-06 was allocated to two trust funds, in which Afghan authorities have an active role.⁷⁰ The US has so far contributed neither to the Counter-Narcotics Trust Fund (CNTF) nor the Law and Order Trust Fund for Afghanistan (LOTFA).

The third aspect to be considered is the balance of funding across thematic areas. In the case of UK funding, leaving aside contributions to the trust funds, nearly 46% of funding has been allocated to alternative livelihoods. In contrast, over 58% of US State De-

⁶⁸ Cindy Fazey, "Responding to the Opium Dilemma," in *Building a New Afghanistan*, ed. Robert I. Rotberg (Cambridge and Washington: The World Peace Foundation and Brookings Institution Press, 2007).

⁶⁹ William A. Byrd, *Responding to Afghanistan's Development Challenge: An Assessment of Experience During 2002-2007 and Issues and Priorities for the Future*, South Asia Region, PREM Working Paper Series, Report No. SASPR-11 (Washington: The World Bank, 2007), 1-54.

⁷⁰ However, it should be noted that the Counter-Narcotics Trust Fund (CNTF) has been singularly unsuccessful in disbursing funds related to alternative livelihood activities and mainstreaming counter-narcotics into national policies. It has been estimated to have disbursed only about US\$8 million, about 5% of its funding over a two year period. See: Afghanistan National Development Strategy (ANDS), "Implementation of the National Drug Control Strategy."

Table 2: Estimates of UK (£) and US (\$) Funding of Counter-narcotics between 2005 and 2008 in Millions of US Dollars.

	<i>UK¹ 2005-06</i>	<i>US² 2005</i>	<i>US³ 2008</i>	<i>US⁴ 2005-2008</i>
<i>Public Awareness</i>	1.225	5		2%
<i>Demand Reduction</i>	2.100		3.00	
<i>Law Enforcement (including interdiction)</i>	39.251	89	13.00	8%
<i>Eradication</i>	0	179	190.30	50%
<i>Criminal Justice</i>	2.100			
<i>Institution Building</i>	9.775			
<i>Alternative Livelihoods</i>	70.847	180	118.61	40%
<i>International & regional cooperation</i>	3.788			
<i>Counter-Narcotics Trust Fund</i>	16.994			
<i>Law & Order Trust Fund Contribution</i>	2.832			
<i>Strategy, Research & Reviews</i>	5.608		1.99	
	154.520	532	326.90	1468.1

¹UK Counternarcotics Funding 2005-2006. Source: Dr. Kim Howells, UK Foreign and Commonwealth Office Minister for the Middle East, "Afghanistan: Counter Narcotics," House of Commons Hansard Ministerial Statements for July 13th, 2006 (Pt.0134).

²US State Department/USAID Foreign Operations FY2005: Request by Programme Element. Source: US Department of State, Congressional Budget Justification for Foreign Operations.

³US State Department/USAID Foreign Operations FY2008: Request by Programme Element. Source: US Department of State, Congressional Budget Justification for Foreign Operations.

⁴Defense Department Planned Use of FY2008 Appropriated & Supplemental Funds. Source: (CRS 2007:45) and Congressional Budget Justifications.

partment funding has been allocated to eradication over a four year period. However, given the absolute levels of funding of the US in contrast to that of the UK, US priorities effectively dominate counter-narcotics practice in budgetary terms.

Note should be made of the relative importance given to eradication (50%) over alternative livelihoods (40%) in the US budgets for the period 2004-2008. As such, the focus has been at the production end of the value chain, despite the fact that the Afghan NDCS believes that "drug control policy is not eradication-led."⁷¹

⁷¹ Ministry of Counter Narcotics, *National Drug Control Strategy*, p.21.

The role and means of eradication have been the most contentious issue in counter-narcotics policy in Afghanistan, pitting the US against other donors and the Afghan government. The principal argument against eradication is that it is illogical to focus efforts on the 80-90% of Afghans involved in the production of opium who exist at the bottom end of the opium value chain, neglecting those at the higher end of the chain who are involved in the trade.⁷² Indeed, it appears evident that premature eradication has contributed to increased insecurity and perceived social injustice, playing into the hands of those who seek to profit from the opium economy.⁷³

Eradication practice in Afghanistan began with an ill-considered programme implemented by the British in 2003, which aimed to provide compensation to farmers to encourage them either not to grow or destroy the opium poppy crop that they were cultivating. The scheme proved disastrous since it not only introduced perverse incentives—encouraging cultivation so that compensation could be obtained—but more critically played directly into the hands of the powerful to the disadvantage of the poor; in many cases, the offers of compensation were directed away from the poorest to the most powerful.⁷⁴

Since the UK-funded programme of 2003, much of the eradication has been led by governors at the provincial level, with intermittent interventions by the Afghanistan Eradication Force, the effectiveness of which has proved problematic. The hope that governor-led eradication would prove effective and impartial betrayed a profound lack of understanding about the dynamics and realities of local politics; many of those who hold powerful positions at the province level have either themselves directly engaged in the opium poppy trade or have derived revenue and profit from it in order to further their political interests.⁷⁵ Reports of governor-led eradication have regularly been shown to overestimate what is actually eradicated.⁷⁶ At other times, it has been timed to occur after the harvest.

At best then, the governor-led approach to eradication has been neutral, with a localised agreement that a certain portion of the crop will be destroyed; more often, it would appear that the threat of eradication has been a means to extract bureaucratic rent which the powerful can pay to protect the crop and which the poorer cannot afford. Additionally, eradication has been deliberately and systematically used to target the political opposition and to gain greater control over the opium economy.⁷⁷

Much has been made of developing so-called 'alternative livelihoods.' The concept has often been interpreted in narrow terms as crop based 'alternative income sources,' disre-

⁷² Rubin and Sherman, *Counter-narcotics to Stabilize Afghanistan*.

⁷³ Mansfield and Pain, *Evidence from the Field*, 1–20.

⁷⁴ Fazey, "Responding to the Opium Dilemma."

⁷⁵ In the case of a governor in Helmand province, ten tons of heroin was discovered in his compound. See: Guistozi, "War and Peace Economies of Afghanistan's Strongmen," p.86.

⁷⁶ United Nations Office on Drugs and Crime and Government of Afghanistan Ministry of Counter Narcotics, *Afghanistan: Opium Survey* (2006); Pain, *Water Management, Livestock and the Opium Economy*.

⁷⁷ With respect to Helmand province, see: Pain, "Opium Trading Systems in Helmand and Ghor Provinces."

garding the broader context of the livelihood conceptual framework,⁷⁸ which in its fullest use addresses the influence of the wider structural determinants and constraints on individual household decision making and choice. This narrow approach predicated on the idea of individual utility maximisation and that it is all about crop choice has, as with the belief in eradication as an effective tool to instigate behavioural change, ignored the contextual determinants of individual behaviour.⁷⁹ It neglects the realities of how markets work in practice in Afghanistan,⁸⁰ the degree to which commodity exchange is embedded in relational structures and the deep inequalities of land ownership that exist. There can be no doubt that the cessation of opium poppy production will lead to the demise of the land-based economy of the poor, since no other crop will be able to provide the level of access to land (for sharecropping) or returns to land and labour. It is profoundly unrealistic to expect that viable and secure livelihoods outside the opium economy can be created, even in the long-term, and that there are necessarily options for all, particularly the poor.

In sum, the effects of counter-narcotic implementation practice have been deeply problematic, focused as they have been on the production end of the value chain. Where there have been significant reductions in the opium production area over the short-term, these have usually been induced by coercion rather than counter-narcotics instruments, failing to challenge existing power networks. The consequences for the poorest have been negative, thus undermining support for the government and in turn contributing to greater insecurity. While interdiction efforts have been stepped up, the amounts of opium and heroin seized have been insignificant,⁸¹ few major players in the trade interdicted and imprisoned and corruption remains endemic.

Where Next?

This chapter has sought to chart the growth and consequences of an unprecedented drug economy in the context of the international state-building engagement in Afghanistan. The expansion of the opium economy has been a symptom of insecurity and poverty. It is ultimately a Faustian bargain for the poor,⁸² yet an unavoidable one for many, providing welfare within an informal security regime. The growth of the opium economy has further empowered a shadow economy and state. However, the threats of the opium economy to state-building are ambiguous and not necessarily as clear-cut as many would argue. What has fundamentally driven the Afghan opium economy is international market demand, which there has been insufficient effort to curb.

The failure of counter-narcotics efforts to date has been symptomatic of the wider failings of the state-building process, resulting in part from the absence of a coherent strategy

⁷⁸ Adam Pain and Sue Lautze, *Addressing Livelihoods in Afghanistan*, Issues Paper (Kabul: Afghanistan Research and Evaluation Unit, 2002).

⁷⁹ Mansfield and Pain, "Alternative Livelihoods: Slogan or Substance?"

⁸⁰ Pain and Lister, "Markets in Afghanistan."

⁸¹ Transnational Institute, *Losing Ground: Drug Control and War in Afghanistan*.

⁸² Wood, "Staying Secure, Staying Poor."

and donor consensus. There has been a tendency to treat opium production more as a cause than symptom of state-failure, thus focusing efforts on eradication and individualistic responses to incentives, and ignoring broader contextual determinants. The atomised donor response, involving a lack of commitment to government budgetary processes, has contributed to ineffective counter-insurgency: the vital interests of the poor have been directly attacked, whilst a reliance on eradication has played into the hands of local strongmen and corrupt government officials, who are at times the same individuals.

What is the possible way forward? As Ward *et al.* succinctly assert, “[c]onsistency, perseverance and partnership are essential – under Afghan leadership.”⁸³ A national counter-narcotics policy is toothless unless there are sufficient financial means underpinned by a coherent consensual strategy. Whilst national funding restrictions may limit the extent to which donor governments can directly finance the Afghan government, the Trust Fund mechanism allows a means of pooling resources and supporting government actions. To date however, the Counter-Narcotics Trust Fund (CNTF) has been ineffective (see note 77).

Second, counter-narcotics measures at the production end of the value chain must be consistent with good counter-insurgency practice. Current eradication measures have not reduced the quantity of drugs produced and only serve to alienate the constituency that the government is seeking to secure. At this juncture and in the absence of a functioning state, a coercive counter-narcotics policy targeting production is counter-productive, particularly where driven by foreign interests and contractors. The focus must be ultimately on addressing the underlying causes of which the opium economy is a symptom, developing effective local governance. Ward *et al.* conclude that:

Overall, the progressive elimination of the opium economy in Afghanistan will come about through the creation of a web of good governance and incentives in favor of legal economic activities. This requires a broad-based governance building and development effort over many years. There are no short cuts. If opium poppy is to be eliminated, even in a small geographical area, a long-term and multi-sectoral effort is required to foster the needed governance and security conditions, and to put in place the critical mass of infrastructure, markets and services that can create a sustainable licit economic growth dynamic.⁸⁴

There is a critical need to develop participatory processes to ensure that the interests of those who are in greatest need—primarily the poor and the functionally landless—are the primary beneficiaries of investment. Participatory monitoring mechanisms are needed to assess the performance for counter-narcotics measures; success cannot be framed simply in terms of reduction of the opium poppy area. Claims for the delivery of alternative livelihoods cannot be left with the Central Planning Eradication Cell, which has proven itself to

⁸³ Ward, Mansfield, Oldham, and Byrd, *Afghanistan: Economic Incentives and Development Initiatives to Reduce Opium Production*, p. xvi.

⁸⁴ *Ibid.*

have deficient understanding of the structures of inequality and risk that frame most people's lives.

Finally, the underlying drivers of the opium trade—unaccountable power, corruption, criminality and insurgency—need to be addressed, at times requiring targeted coercive power. This requires coherence between coalition and ISAF forces to ensure that counter-narcotics objectives are integrated into counter-insurgency practice.

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Chapter 10

The Task of Rebuilding a Human Rights-sensitive Security Sector in Afghanistan

Ahmad Nader Nadery

The Bonn Accord, brokered by the United Nations in December 2001, laid the foundation for the institutionalization of the protection and promotion of human rights in Afghanistan. Section C subsection 6 of the Bonn agreement states: “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.”¹ Based on this provision, the first ever national human rights commission was appointed by a decree of then chairman of the interim administration Hamid Karzai on June 16, 2002. Two years later, in January 2004, the commission received a popular mandate at the constitutional Loya Jirga to become a permanent constitutionally empowered institution.

Establishment of the Afghanistan Independent Human Rights Commission (AIHRC) is probably the only institutional approach for human rights that the Afghan government and its international partners have pursued in Afghanistan since Bonn. This is certainly true in the case of security sector institutions. The Afghan government lacked a strategic vision of building a credible and clean security sector, and—apart from the Afghan National Army (ANA)—it failed to transform the notorious image of these institutions.

Afghanistan’s security sector includes a number of institutions responsible for “defending the country, maintaining security and enforcing laws.”² They include the Afghan National Police, the Afghan National Army and the National Directorate of Security. Building the capacity and increasing the capability of the security sector institutions is among the top priorities of the Afghanistan National Development Strategy (ANDS). But given the list of priorities at the ANDS on the security sector, human rights and the establishment of clean security sector institutions, it is still not a priority area for the government of Afghanistan in any of these institutions seven years after the fall of the Taliban.

¹ Bonn Agreement, 4 December 2001.

² Afghanistan National Development Strategy, *The Islamic Republic of Afghanistan* (2008).

Lack of political will to consider a human rights based approach is not because of the absence of public support or a strategy in this field. On the contrary, there is a high level of public support for changing the security sector's past cruel image – an image inherited from the past three decades of war. In addition to overwhelming public support for security sector reform, a number of institutions were also mandated to develop strategies to address the abuses and presence of abusers in public sector institutions.

Among others, the AIHRC was mandated to “undertake national consultations and propose a national strategy for transitional justice and for addressing the abuses of the past” in 2003.³ The result of these consultations was a report and policy recommendations on how to address past abuses and build credible and clean institutions.

In addressing the past through national consultations, the people of Afghanistan have suggested a forward-looking approach that includes a strong desire for institutional reform and building institutions on clean foundations. Other studies, including one conducted by the UN Office of the High Commissioner of Human Rights in the winter of 2005, found that people identify security sector reform as one of the most needed reforms. The majority of people ‘suggested that justice would be promoted if the warlords and human rights abusers are removed from the position of power’, especially from the police and army.⁴

Given the history of the security sector in Afghanistan, the public's desire for the removal of warlords and human rights abusers from office comes as a natural reaction. Individuals working in the security sector have been involved in serious atrocities; the warlords, who were also responsible for the civil war, staffed security sector institutions in the 1990s. Later on, the Taliban defined security as synonymous with the absence of war and made security sector institutions notorious by involving them in gross human rights violations.

The Taliban regime was toppled in November 2001 after a military intervention by the US and its coalition and Afghanistan entered into a transition from war to peace. But the transition in Afghanistan was not preceded by a military victory of one domestic group. The Taliban were defeated by international intervention, mainly the US military's Operation Enduring Freedom. But militants from different Mujahedin groups utilized the opportunity presented by US military intervention and seized power in Kabul, gaining control over the security sector institutions.

Subsequently, it was also agreed at the UN facilitated talks in Bonn to formally allocate all security sector institutions to representatives of the United Front, known as the ‘Northern Alliance.’ The armed militants who were appointed to run the security institutions had neither professional credibility nor a vision to rebuild the collapsed security sector institutions. They also lacked legitimacy because of their involvement in the civil war and serious human rights atrocities, which made it difficult to build trust and confidence with the public.

³ Decree on Establishment of the Afghanistan Independent Human Rights Commission, 6 June 2002.

⁴ Afghanistan Independent Human Rights Commission, *A Call for Justice: A National Consultation on Transitional Justice* (Kabul: AIHRC, 2005).

Some of the newly self-appointed senior officials were participants of the resistance against the Taliban in the late 1990s. While they were not familiar with the rule of law responsibilities of a police officer, neither were they able to understand the new concept of defence and security. Their political base and their participation in the resistance against the Taliban, however, gave them a feeling of entitlement to the positions they occupied. They were hostile toward any human rights oriented reform that would result in their own removal. This situation paralyzed any attempt for institutional reform in the security sector over the past seven years, especially in the police.

Therefore, security sector reform in Afghanistan required an “elastic understanding of security if conflicting interest and values [were] to be accommodated or reconciled,” instead of allowing one group to impose their way of defining security as a means of protecting the interests of factional armed groups at the expense of the long-term security needs of the nation. The leadership of the security sector and its international partners throughout the transition period (2002-04) failed to develop this ‘elastic understanding of security’ and lacked a vision that would go beyond the classic definition of security, which was synonymous with the absence of war.

For many policymakers, it was not known that “security is [also] a subjective state of mind.”⁵ Their view of rebuilding the security sector did not embed a combined notion of “being safe and being non-apprehensive.” Thus, reform in security sector institutions remains dubious, slow and with no substantive changes in institutional culture. This situation hindered the reform process and could not uphold public trust and confidence.

Lack of genuine and insufficient attention to the issues of human rights, with its enormous implications for the security of individuals and society, has further exacerbated the public’s lack of trust in security sector institutions. “If mechanisms to protect the rights of women and prevent human rights abuses are not created in the security sector, the reform process will only serve to perpetuate the gender based discrimination and egregious human rights violations that have characterized the recent history of Afghanistan.”⁶ Efforts since 2004 to develop these ‘mechanisms’ and enable the government to improve public sector institutions have failed so far, due to a lack of political willingness on the part of the government of Afghanistan and the international community. The last one of these attempts was the Action Plan on Peace, Justice and Reconciliation, which was officially launched in December 2006 by the government of Afghanistan. Action two of the plan mandates the government to embark on a comprehensive plan of vetting, including the establishment of an advisory panel to the president for senior government appointments to prevent individuals with unsatisfactory records from being appointed by the president.

⁵ Peter Gastrow, “Institutional Reform: Social & Economic Rights and Right to Security,” in *Transitional Justice and Human Security*, ed. Alex Borain and Sue Valentine (Cape Town: International Centre for Transitional Justice, 2006).

⁶ Mark Sedra, *Confronting Afghanistan’s Security Dilemma: Reforming the Security Sector* (Bonn: Bonn International Centre for Conversion, 2003).

Only after consistent lobbying and advocacy of civil society organizations and public outcries for justice, the reluctant government of Afghanistan and its international partners agreed to reconfirm their commitment to the plan at the London conference through the Afghanistan Compact in March 2006. The action plan also became a benchmark at the Afghanistan National Development Strategy in 2007. But despite repeated endorsement and calls for its implementation by the United Nations Security Council in 2006 and 2007, in December 2007—the year of its official launch—the president publicly denounced the commitment of his government toward implementation of the action plan fearing “that the warlords and powerful people will harm the process and the government.”⁷

Absence of political will to implement the action plan fed the culture of impunity in the country, while further exacerbating the security situation and contributing to an increase in crime. It also affected the public's trust in government institutions. Findings of a study conducted by AIHRC in 2007 confirm that the absence of a mechanism to prevent human rights abusers from holding public office endangered public confidence in the security sector institutions and the government as a whole. People view the government institutions, especially the security sector, with reluctance and fear. The study notes “72% of more than 18,000 people interviewed do not visit government offices to seek remedy for their problems.”⁸ The reason given for this comes directly from a fear of being humiliated and abused by the corrupt officials. This was especially true in the case of police departments.

However, there are many reports indicating that security forces continue to violate human rights and are unable and unwilling to protect those with no link to the power structure against the powerful people. Although most of the attention of the Afghan government and the international community was focused on the security sector and a larger portion of resources and aid money was allocated to this, security apparatuses of the government of Afghanistan seven years after the Taliban have failed to make the Afghan population feel safe.

The following brief but focused review of the main three security sector institutions aims to examine the successes and failures of Afghanistan since the Bonn Agreement to build a credible and trustworthy security sector that upholds human rights and defends and protects the freedom of its citizens.

Afghanistan National Army (ANA)

The Bonn Accord requires “all mujahidin, armed forces and armed groups to come under the command and control of the Interim Authority.” While this provision of the Bonn Accord is formally recognized to compose the Afghan national forces with the members of different armed groups, it reversed the process of disarmament, demobilization and reintegration (DDR), which is an essential task of any post-conflict recovery and peace-building initiative.

⁷ Hamid Karzai, Speech at the National Day of Victims and Day of Universal Declaration of Human Rights, Kabul, 10 December 2007.

⁸ Afghanistan Independent Human Rights Commission, “Social and Economic Rights” (Kabul, 2007).

However, these factional armed groups who composed the entire Afghan armed forces became a subject of demobilization once the need for a functioning, more diverse and nationally trusted army was realized by the Afghan and international leadership in Afghanistan in 2003.

The internationally supported security sector reform programme gives high priority to the creation of the Afghan National Army. Therefore, the old structure of the Afghan armed forces was disbanded and the militia groups part of it became subject to demobilization. A new strategy for the Afghan armed forces was developed with the assistance of the United States and in accordance with the increasing security needs of Afghanistan in countering terrorist attacks.

“To quote Ali Jalili, breaking the war machines in the post conflict period is a prerequisite for sustaining peace.”⁹ Because of a comeback of the Taliban and the need to fight them, the war machine (factional armed groups) of Afghanistan had little time to break with the violent past of the country. But both Afghan and international policymakers realized the need to build a credible national armed force in which the public can have confidence and is able to address the daunting task of fighting terrorists and insurgents.

“Progress in building the US-supported Afghan National Army has been remarkable.”¹⁰ ANA’s capacity was around 85,000 as of December 2008 and is expected to reach its newly set goal of 134,000 by 2010. In its early years of development, the ANA went through a very rigorous merit-based selection process for senior officers. But it lacked a vetting mechanism based on the human rights background of candidates. Apparently, no ‘big fish’ names have appeared as senior officers in the ANA so far. However, most of the senior officers are chosen from among former armed groups, irrespective of their involvement in the civil war as commanding officers.

Nevertheless, in 2006 there was an informal process of not sending ANA officers for training abroad who had questionable human rights records. The AIHRC was providing information on candidates for scholarship or short-term training programmes abroad to the US support team for the ANA. The information focused on whether these individuals had committed serious human rights abuses, resulting in a number of officers—whose human rights backgrounds were questionable—to be denied visas to attend military trainings in the US. This process was carefully implemented by the US and seems to have been transformed into an internal procedure at the ANA. General Amin Nooristani, director of legal affairs at the Ministry of Defense, confirms that “those candidates for scholarship and training abroad would not be able to use the opportunity if they are linked with the illegal armed groups or if there are some information about their past bad human rights records.” In a highly sensitive and fragile situation without access to a proper vetting process, establish-

⁹ Ali A. Jalali, “Demobilizing the War Machines: Making Peace Last,” paper presented at the DPI/NGO Annual UN Conference on *Rebuilding Societies Emerging from Conflict*, 11 September 2002.

¹⁰ Ibid.

ment of mechanisms is of high importance as this process sends a strong message and discourages those with questionable pasts from attempting to join the armed forces.

Afghanistan currently has three National Army training centres. Most of the newly recruited officers and soldiers are trained at the Kabul Military Training Camp (KTC). There are no regular human rights trainings as part of the KTC's curriculum, only sporadic trainings on international humanitarian law (IHL) and human rights law are conducted at the camp, according to General Amin Nooristani. There is at least one hour per week of a law course for students at the Afghanistan National Military Academy (ANMA), which is the core institution to educate and train professional army officers for the ANA. A human rights syllabus is thought to have been developed at the Military College (Harbi Shonzi), an institute that admits school students from grade 10 for a two-year military education before entering the ANMA.

Afghan National Directorate of Security (NDS)

The Afghan National Directorate of Security is a modified version of the Afghanistan State Security Service (Afghanistan Intelligence Service) that has existed since the 1970s. The legacy of the very brutal nature of this institution's past would require a long time to be removed from the memories of Afghans. "After the fall of the Taliban, the United States, with the support of its Central Intelligence Agency, embarked on establishing a professional intelligence service. Most of the top leadership were removed and replaced with the new cadres."¹¹ But most of the KGB-trained officers and those with political affiliation appointed by the different factional groups still make up the majority of the personnel of this institution. The most needed changes and reforms have yet to happen.

There is a public perception that the institution still applies notorious tactics of interrogation. However, although torture was a widespread practice at this institution in the past, the new leadership has made serious attempts to reduce the level of torture of those in its custody. In a bold move, the director of NDS has responded positively to the AIHRC's request for removal of all barriers on regular monitoring of human rights by researchers at NDS detention facilities. A proper change in the public image of this institution would require application of systematic vetting of those with very bad human rights records and a more robust reform process.

The NDS is functioning based on a law that has strangely never been made public. The institution would gain public confidence only if it were to make the law governing its functioning and responsibilities publicly available and if it were to carry out interrogations in a transparent manner.

¹¹ Robert I. Rotberg, *Building a New Afghanistan* (Washington, D.C.: Brookings Institution Press, 2007), p.71.

The Afghan National Police (ANP)

The long-term objective of the Afghan National Police is “to build a professional police force that operates within internationally accepted legal standards, with respect for human rights, and is managed by a professional, adequately trained and paid staff.”¹² Achieving this long-term objective requires both political will and bold actions backed by professionalism to embark on a comprehensive plan of reform and transformation of the existing police forces.

Institutional reform requires two important ingredients: first, a sufficient level of legitimacy, and second, the public support for such a reform agenda. Given the brutal history of the police in Afghanistan—which served as a tool of suppression and violence, carrying out arbitrary detentions, extra-judicial killings, torture, forced disappearances and many other serious human rights atrocities—in the last three consecutive decades of the pro-communist, Mujahedin and Taliban rules, there was a high level of public support for police reform in Afghanistan. “Following the defeat of the Taliban in the fall of 2001, Northern Alliance commanders were quick to exploit the power vacuum and filled many of the district and provincial police forces with private militias who had little or no police training or experience.”¹³ Thus, the post-Taliban police could not be different from its past in the eyes of many Afghans. The new leadership of the police was not only incapable of utilizing public support in bringing about meaningful reform in the institution, they also lacked sufficient legitimacy and credibility to transform the institution into a credible and functioning national police that would uphold human rights in the country.

Unlike the Afghan National Army, the government of Afghanistan had failed, until recently, to develop a vision and a comprehensive plan of reform for the ANP. For the government—throughout the transition and afterward—the question was not the creation of an effective police force that protects people’s rights and establishes the rule of law but rather gaining political control of a key ministry (the Ministry of Interior). This short-term political objective undermined any attempt at transforming the Afghan National Police.

Ali Ahmad Jalali, the former minister of interior, has also said that “one of the major obstacles has been the lack of interest of the militia commanders, who felt that their interest and security were threatened by the reform process. The wartime development of distinctive local patronage networks under the leadership of regional commanders and the weakness of the central government contributed to the problem.”¹⁴ While the Afghan leadership of the ministry was incapable of developing a vision for the Afghan National Police that would also embed human rights as a main component, the international community also lacked a common vision for the ANP and paid very little attention to it. “Yet the police have been at the forefront in fighting terrorism, illegal border incursions, the illicit drug trade, warlords, and organized crime.”¹⁵

¹² Afghanistan National Development Strategy, *Islamic Republic of Afghanistan*.

¹³ Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police*.

¹⁴ Rotberg, *Building a New Afghanistan*, p. 33.

¹⁵ Jalali, “Demobilizing the War Machines.”

Approximately 25 countries and international organizations are involved as donors or providers of technical assistance to the ANP and the Ministry of Interior, with Germany the lead donor before it was superseded by the European Union Police Mission in Afghanistan (EUPOL) in 2007.¹⁶ Like the Afghan leadership of the ANP, human rights has not been one of the top priorities of these 'key partners' either. Nevertheless, Mr. Peter Feith from the EU council secretariat outlines EUPOL's aim "to develop an Afghan police force that respects human rights and operates within the framework of the rule of law."¹⁷ Despite this strong pro-human rights aim, a EUPOL advisor who served under this mission in 2007 and early 2008 believes that "human rights are not a priority for EUPOL."

In absence of a substantive vision for police reform, reform was carried out in a 'minimalist' fashion with full focus on infrastructure and equipment. In the absence of proper training of police and an effective vetting mechanism, sufficient infrastructure will not enhance the efficiency and effectiveness of the police in providing security and strengthening the rule of law.

However, according to a study conducted on the ANP by the Afghanistan Research and Evaluation Unit, the focus of the German Police Project Office from 2002 to 2005 was the training of police. But the AIHRC's study of the training programs in 2003 indicates that proper attention was not given to human rights education as part of the training. Human rights became a component of police education in 2004 at the Afghan Police Academy (APA, formerly the Kabul Police Academy). In 2004, AIHRC accepted a request by General Mosa Naeemi, the then director of the APA, to review the police curriculum and provide human rights training to commissioned and non-commissioned police officers. While conducting training courses on human rights at the academy, the commission recommended that a human rights syllabus be developed as a core course of the police education at the APA, a recommendation that has not yet been fully implemented.

According to the EUPOL human rights advisor—a post that has been removed from the structure of the EUPOL mission to Afghanistan—the review of the Afghan Police Academy curriculum in 2008 showed that there are quite a few hours of human rights related topics but there aren't any proper course descriptions or work plans to demonstrate the actual content of the classes. It seems that the academy is pressed to produce numbers; classes are large and resources are stretched thin. They still need to develop effective teaching methods and skills on how to incorporate human rights values into the system at the ANP. The different police training centres (for example, the Regional Training Centres run by contracted US trainers) and various bilateral police training projects seem to have their own

¹⁶ On February 12, 2007, the EU council agreed on an EU police mission to Afghanistan that would be linked with the wider rule of law, under the European Defence and Security Policy.

¹⁷ Peter Feith, "Building an Afghan Police force as Part of Nation-Building," in *State Security and Economy in Afghanistan: Current Challenges, Possible Solutions*, Liechtenstein Colloquium Report, Volume III (Princeton: Liechtenstein Institute on Self-Determination at Princeton University, 2008), p.21.

curriculum and training program. There is no consistency in the content and methodology of training and they vary on the human rights topics they discuss during training.

However, these randomly conducted human rights trainings have had some positive impacts in the way newly trained police officers are handling their responsibilities regarding the protection of human rights and the establishment of the rule of law. As an example, in June 2007 the AIHRC west regional office in Herat received a complaint from a junior commissioned officer against his senior officer posted in Badghis province. Mr. Abdul Latif's petition was a description of commonly practiced abuse and torture of detainees by his senior officer in Badghis province. Members of the community where AIHRC conducted a verification of the allegation in Badghis province confirmed the charges and told the commission's researcher a unique story of success of human rights education and training. A community elder told an AIHRC researcher:

In the daylight we all were witness of something different, something bold by a junior police officer against his commander. The chief of police ordered this young police officer to beat up a suspect that the police arrested at the village. We knew the arrested person couldn't be involved in the incident. He was a respected elder. Knowing the police and its behavior I feared that he would be badly tortured. To my amazement the young police officer said: "*no sir, it's against the principles we were taught and trained at the human rights training.*" He said it was "*torture and ill-treatment if we use violence and will undermine the law and public trust to us, Sir.*"¹⁸

The story of Abdul Latif didn't end there. He was intimidated by his senior officer and forced to either leave the job or follow the chief of police's practice and orders. Like Abdul Latif, it was very difficult for many other young professional police who had gone through human rights training to maintain their integrity and professionalism while serving under a corrupt and unqualified senior officer in an unreformed institution of police.

It was in this situation in 2005 that international partners who were involved in ANP reform realized that training and infrastructure improvements made over a short period would not result in qualified and effective policing. To address this challenge, efforts have been made to restructure the Ministry of Interior (Mol) and the ANP. "The most important institutional reform initiatives in the police sector have been pay and rank reforms, which [started] to be implemented in late 2005."¹⁹ However, none of the three objectives of these initiatives tests the human rights records of individuals considered for 'pay and rank reform.' But vetting based on 'merit' allowed for the human rights records of those applying for senior positions at the Mol and ANP to be considered important criteria for the reformed positions.

To achieve this goal, a selection committee composed of national and international representatives—including the German police ambassador—was formed and was given the responsibility to review, examine and interview candidates for the reformed positions and then select the candidates for approval by the Minister of Interior and the president. A

¹⁸ AIHRC interview with elders in Badghis, June 2007.

¹⁹ Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police*.

process was established between the selection committee, the United Nations Assistance Mission in Afghanistan (UNAMA) and AIHRC to review the candidate's background and their human rights performance. AIHRC served as the source of information on the human rights background of candidates.

The process was initially successful at presenting human rights protection and police performance as an important element of police culture. It successfully vetted and disqualified a good number of powerful candidates during the first phase of review and selection of 34 senior positions at the MoI and ANP based on their human rights records. "The selection process ran into serious trouble [in the second tier reform of 84 reformed positions] when President Karzai disregarded the recommendations of the selection committee, and instead appointed 14 police chiefs who, among many serious shortcomings, had failed the qualifying exam. After an unusually strong international reaction, and the establishment of a probation board to review the appointments, 11 of the 14 police chiefs were replaced."²⁰ Almost all these 14 police chiefs were involved in serious human rights abuses, primarily during the civil war, and most of them could barely read and write.

In addition to the review of human rights records in police appointment through 'rank and pay reform,' in October 2006, under ministerial directive 020, a Human Rights Unit was established and is now functioning at the Ministry of Interior and most of the police stations around the country. The unit is responsible for "[monitoring] human rights and [investigating] human rights violations" that implicate individuals working in the Ministry of Interior as abusers.²¹ But the directive contains ambiguous language that mixes common crimes and human rights violations, giving the directorate a vague mandate. The directorate currently lacks any professional capacity and has very limited authority to take corrective action against police personnel it finds in breach of human rights standards. Nevertheless, its establishment and presence within the police system is a critical first step in creating a suitable environment for the strengthening of a human rights oriented culture in the law enforcement institutions of the country.

The slow pace of reform, the lack of political will to carry out merit-based appointments and the absence of a commitment to human rights in the ANP has transformed this institution into a corrupt, abusive organ that holds little public trust and confidence. The institution has not been able to provide security or the rule of law to gain legitimacy and public support for the last seven years, while corruption, abuse, torture and nepotism have turned it into one of the most high profile failures of the Afghan government and the international community in the fields of security, rule of law and human rights.

However, with the recent appointment of new leadership in the Ministry of Interior, hope for the substantive reform of the Afghan National Police has been generated. Minister Atmar's show of interest in changing the ANP into a human rights friendly institution in his very first days in his new role is promising. It's time for the Afghan government and its in-

²⁰ Ibid.

²¹ Directive 020 on Establishment of the Human Rights Directorate at the Ministry of Interior, October 2006.

ternational partners to shift the focus from only a physical reconstruction of the ANP to a more 'maximalist approach' of transforming this crucial institution.

Recommendations:

- The government of Afghanistan should take the lead to develop a vision for the ANP that is based on the long-term objectives of the Afghanistan National Development Strategy, which is shared by its international partners involved in police reform, especially the US and EUPOL. This strategic vision should build up the notion of 'human security' and should be human rights oriented. To achieve this shared vision, the Afghan government and its international partners need to also agree on a clear division of labour amongst themselves and within the international community to avoid duplication of work.
- The government must take the lead to coordinate the different activities of donors and those who provide technical support to the ANP.
- The capacity of the Human Rights Unit of the MoI should be developed and it should be tasked, together with the Training Department, to develop nationwide standards for police training.
- With respect to the action plan for peace, justice and reconciliation, the government should build on the lessons learned from the Selection Committee and develop an effective vetting mechanism that includes a proper review of the human rights records of police officers.
- The government must fully utilize the Presidential Advisory Panel for Senior Appointment when selecting chiefs of police and other senior security sector officers. For the purpose of transparency, the decisions or results of the panel's review of each candidate must be made public.
- EUPOL and other international stakeholders, including the United Nations, should place human rights advisors/mentors in the Human Rights Unit to support the development of standards, guidelines and other such tools that enable the ANP to perform its human rights responsibilities.
- All future DDR and DIAG (disbandment of illegal armed groups) initiatives should be carried out with a transitional justice view and with a goal to achieve the benchmarks set by the government of Afghanistan's action plan on peace, justice and reconciliation.

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Chapter 11

Women and Children – Continuing Challenges

Ancil Adrian-Paul

Introduction

War and factional fighting of almost three decades nearly destroyed the foundation of development in Afghanistan. Many roads have been destroyed while most vulnerable communities live in inaccessible mountain regions that are often cut off by heavy snow during the winter. It is estimated that 6.6 million Afghans (20 percent of the population) do not meet their minimum food requirements and more than half of the population live on less

Box 1: Facts about Afghan Women

- There are an estimated 2 million war widows from the civil war, 50,000 of which reside in Kabul alone. There are even more female-headed households.
- Female illiteracy rate: 85.9 percent; male illiteracy rate: 58.6 percent
- Maternal mortality rate: 1,600 per 100,000 live births
- 200 women accounted for 13 percent of the delegates who participated in the June 2004 presidential elections.
- 10.5 million Afghans registered to vote for the 2003 presidential elections; four million, or 41.3 percent were women.
- Afghanistan's first Human Development Report (2004) revealed a Human Development Rank of 173 of 178 ranked countries in terms of life expectancy and standard of living for the overall population.
- The 2004 Human Development Report reveals a Gender Development Index (GDI) of 143 of 145 ranked countries. The GDI measures and reflects disparity between men and women.

Source: Peace Operations Monitor.

than USD1 a day. Around 30 percent of rural Afghans remain malnourished.¹ Much of the population continues to suffer from shortages of housing, clean water, electricity, medical care and jobs.

Thus Afghanistan remains extremely poor, landlocked and highly dependent on foreign aid, farming and trade with neighbouring countries. With such widespread poverty and an overall unemployment rate estimated at 40 percent,² it will probably take the remainder of the decade and continuing donor aid and attention to raise Afghanistan's living standards up from its current status among the lowest in the world.

In collaboration with Afghan authorities, the international community's efforts to bring reconstruction and sustainable peace to the country are starting to bear fruit. For example, economic growth is estimated to have reached 14 percent in 2005/06.³ Successful presidential and legislative elections have been held and reforms begun in the defence, justice and finance sectors. There has also been significant progress in de-mining and nearly 3,000,000 Afghan refugees have been reintegrated into society. Moreover, schools, hospitals and roads are being rebuilt.

The overthrow of the Taliban in 2001 heralded the emergence of a new phase for Afghanistan with the opportunity to recognize anew the potential role and contributions of Afghan women. Since then, progress has been made in improving the status of women. Women now enjoy more rights and economic opportunities with some measure of success in the legal, political, social and educational fields.

Afghanistan is party to a raft of international conventions focusing on human rights including, among others, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action (BPA), the Millennium Development Goals (MDGs), the Convention on International Civil and Political Rights and the United Nations Security Council Resolution on Women, Peace and Security (UNSC 1325).

At the domestic level, the Government of Afghanistan has enshrined gender issues and women's rights in the Compact and the I-ANDS. Nevertheless, over seven years after the fall of the Taliban regime—widely recognized for perpetuating violence and discrimination against girls and women—overall programming to advance gender equality and the rights of girls and women remains a challenge.

Challenges Facing Afghan Women and Children

Economic and Social Development

Poverty, Unemployment and Related Issues

Afghanistan's customs and traditions entitle women to very little decision-making power. Once married, women are regarded as the property of their husband and his extended

¹ UK Foreign and Commonwealth Office, "UK and Afghanistan: Securing Afghanistan's Future," <www.fco.gov.uk/en/fco-in-action/uk-in-afghanistan>.

² International Rescue Committee, "Afghanistan: Rescue a Generation."

³ World Bank, "Afghanistan Reconstruction Trust Fund," <www.worldbank.org/artf>.

patrilineal and patriarchal family. Additionally, Afghan women, irrespective of age, are seen as the bearers of family honour and are thus subject to male authority and protection.⁴ As a result, an Afghan woman's life outside the home is severely restricted with stringent rules applying to relationships between women and men who are not closely related. Men's role as primary breadwinner—particularly in rural areas—contributes to mass poverty among Afghan women. Single Afghan women such as widows, the disabled and female heads of households are especially likely to face serious challenges in accessing social services such as health and education.

Large numbers of refugee women and children returning from Pakistan and Iran face discrimination in accessing basic assistance in terms of education and health as well as in reclaiming private property. According to one recent report, returnees are facing huge problems surviving day-to-day, with a need for food, shelter and other basic items, especially among the families that are scattered across remote and inaccessible provinces such as Farah and Nimroz provinces where few aid agencies operate and where insecurity levels are high.⁵ As a result, many are choosing not to return to Afghanistan.

Moreover, internally displaced women and girls are among the poorest in conflict and post-conflict settings and often work as undocumented labourers in unregulated or illegal jobs, such as domestic workers or prostitution, as has often happened in Afghanistan.⁶ A combination of poverty, displacement and widowhood aggravates the discrimination faced by these women and children, as is highlighted in the extract below:

Anja, Fatima and Salima are neither technically refugees nor returnees. They are internally-displaced people (IDPs in the official language of humanitarian work), made homeless by the years of civil war. Now, as widows with no living male relations to help them, they are among the most destitute people in the new Afghanistan. They were too poor to make the journey into exile during the civil war, and are thus not eligible now for the benefits that have gone and continue to go to the refugees who *were* able to make it across Afghanistan's borders into Iran and Pakistan during the Soviet (1979-1989), *mu-jahideen* (1989-1996) and Taliban (1996-2001) years.⁷

The Afghanistan Ministry of Rural Rehabilitation and Development (MRRD) is mandated to engage in and coordinate activities to improve socio-economic, political and cultural conditions for rural communities and their access to basic social services, especially in remote areas of Afghanistan. The MRRD formulates policies, strategies and guidelines and mobilizes resources from a variety of sources such as the World Bank, the United Na-

⁴ United Nations Office on Drugs and Crime, "Afghanistan: Female Prisoners and their Social Reintegration," UNODC Project AFG/S47: Developing Post-Release Opportunities for Women and Girl Prisoners (2007).

⁵ *Church World Service*, "Afghans sent home from Iran are now internally displaced," 9 May 2007.

⁶ Ramina Johal, "Key Issues for Refugee, Internally Displaced and Returnee Populations," United Nations Division for the Advancement of Women (DAW), Consultative Meeting on "Migration and Mobility and how this movement affects Women," 14 January 2004.

⁷ Caroline Moorehead, "Afghanistan: Land of Widows," *openDemocracy*, 23 June 2003.

tions (UN), the European Commission (EC) and various bilateral donors for rural development and effective sub-governance.

To deliver safe drinking water and sanitation to rural communities, MRRD's Rural Water Supply and Sanitation (WatSan) project will deliver 25 litres of safe water per day per person and sanitation facilities over the next 5 years while its National Area-Based Development Programme (NABDP) aims to promote urgent recovery and longer-term development in identified priority areas of rural development. Additionally, a National Surveillance System (NSS) formulates policies and provides timely and credible information on rural livelihoods, poverty and vulnerability to government and other agencies.⁸

Health

The health care system in Afghanistan was largely destroyed by decades of conflict, having a particularly negative impact on services for women and children. However, the Afghan Ministry of Public Health (MoPH) has had a high degree of success strengthening health provision and addressing the needs of women. For example, since 2001 the number of functioning health clinics across the country has increased by 60 percent, yet health remains a particular challenge and Afghanistan continues to have one of the lowest life expectancies in the world – currently between 44.5 and 45 years per individual.

Women in Afghanistan have one of the highest mortality rates in the world. Afghanistan's maternal mortality rate (MMR) is currently estimated at 1,600 deaths per 100,000 live births on average but the variance between Kabul with 400 per 100,000 and remote rural provinces such as Badakhshan in the far northeast with 6,500 per 100,000 is great. This highlights the fact that many rural women need access to reproductive health care and improved rural health services. Moreover, the deaths of both women and girls may be preventable as many of them result from marriage at too young an age, overall poor health, frequency of child birth and lack of adequate access to gynaecological and obstetrical care.

Afghanistan's children have undoubtedly benefited from the successes of the MoPH.⁹ The rate of Afghans dying before their first birthday has fallen from 165 to 135 per 1,000 live births. This results in 40,000 more successful births each year. Yet, as available data indicates, the mortality rate for children under five (257 per 1,000 live births) remains the world's third highest. In other words, a quarter of all children die before they reach the age of five and the probability of many Afghan children dying at birth and not surviving to age 40 is 0.419.¹⁰

⁸ For more information on MRRD programmes, see the websites for the Rural Water Supply and Sanitation Programme <www.mrrd.gov.af/watsan>; the National Surveillance System Project <www.mrrd.gov.af/nss-vau>; and the Afghanistan Institute for Rural Development <www.mrrd.gov.af/aird>.

⁹ Elaheh Rostami-Povey, *Afghan Women: Identity and Invasion* (Zed Books, 2007).

¹⁰ Peace Operations Monitor, "Relief and Development Efforts: Assistance Needs," <<http://pom.peacebuild.ca/Afghanistanrelief.shtml#needs>>.

Research recently conducted also highlights the fact that malnutrition is widespread in Afghanistan – approximately 69 percent in Faryab province, especially among children under five years of age. There is continuing high infant mortality, low immunization and chronic nutritional deficiencies. For example, 50 percent of Afghan children under five are underweight.¹¹

Women and children's health is also affected by drug use and subsequent drug addiction. Afghanistan produces 93 percent of the world's opium. Women and children are affected by the availability of the drug, which they use to ease pain and prevent children from crying.

The MoPH, together with core donors and a number of supporters – including the UN and national and international non-governmental organizations (Save the Children, the International Rescue Committee, the United Nations Children's Fund, the United Nations Population Fund and others) have been successful in advancing the health agenda. For example, as part of MoPH's national effort to address high maternal and infant mortality rates, Save the Children supports maternal-child health initiatives, including community midwife education and newborn health programmes and the basic package of health services. These programmes provide important services to pregnant women and new mothers as well as to newborn babies and young children. A project to improve the access of adolescent girls to information about their health is also positively affecting attitudes, particularly those of fathers about girls' use of health services, which is a significant development for Afghan girls and women. Save the Children's highly successful nutrition rehabilitation pilot initiatives for children younger than three are also poised to make significant impact nationwide.

Since 2002, under-five infant mortality has declined by 25 percent from an estimated 257 per 1000 live births in 2001 to around 191 per 1000 in 2006. Coverage of the Basic Package of Health Services—which includes maternal health care, immunisation against childhood diseases, provision of micro-nutrients, family planning and addressing communicable diseases, including tuberculosis and malaria—has increased from 9 percent in 2002 to 80 percent in 2007.

Immunization for children less than one year old is now 83 percent and prenatal care for pregnant women has increased from 18 percent in 2001 to 35 percent in 2007. Institutional delivery and skilled birth attendance during labour and delivery has increased dramatically over the last six years and an assessment of over 600 health facilities since 2004, conducted by Johns Hopkins University, has found improvements in the overall quality of care.¹²

¹¹ Save the Children website, "Afghanistan," <<http://www.savethechildren.org/countries/asia/afghanistan.html>>.

¹² It is estimated that 19 percent of pregnant women were attended by a skilled health worker in 2006 and that the number of women receiving pre-natal care has increased from 5 percent (2003) to 30 percent (2006). See: M. Ashraf Haidari, "Women: The Pillars of Afghanistan," *Ariana Media*, 23 October 2007.

Soldiers from the International Security Assistance Force for Afghanistan (ISAF) have been providing state of the art equipment and additional buildings to complement the capacity of hospitals in some provinces and districts.¹³ Also, Afghan National Army (ANA) soldiers accompanied by coalition forces have begun providing village medical outreach (VMOs) programmes in Helmand, Farah and other provinces. These medical teams set up a VMO to treat basic local illnesses and, whereas initially most of the patients attending were men, since the beginning of 2008 there has been a noticeable increase in the attendance of women who are accompanied by their younger children. This development is seen as an "increased willingness of people to interact and accept help from their local government and coalition forces demonstrating their confidence in the ability of the legitimate government of the Islamic Republic of Afghanistan to improve their quality of life."¹⁴

However, as the MoPH itself acknowledges on its website, many challenges remain. One third of all children do not receive vaccinations against tuberculosis – resulting in 12,000 deaths per year. There are not enough women in health facilities and insufficient midwives, female nurses and community midwives. Skilled assistance is still only available to fewer than one in five women and maternal mortality remains high in Badakhshan and generally one of the highest in the world. Health care standards and resources vary throughout the country and security in the south and southeast provinces is a particular challenge. According to IRIN, the news service of the UN Office for the Coordination of Humanitarian Affairs, 21 health clinics in Helmand province were recently forced to close.

Additionally, drug addicted women and children have been left out of treatment programmes as the issue has been largely ignored by the conservative society. This is a tragedy as the United Nations Office on Drugs and Crime (UNODC) estimates that 100,000 women and 60,000 children are drug users.

Education

The centrality of education to the development, growth and stability of Afghanistan cannot be stressed enough.¹⁵ Afghan women and children were prevented from accessing education during the reign of the Taliban. As a result, many Afghan women and children are illiterate. According to a UN report, 86 percent or approximately 4.85 million women in Afghanistan between 15 and 49 years are illiterate, compared to 57 percent of men. The high illiteracy rate among working age women has numerous adverse effects on domestic health, children's education levels and overall economic development.¹⁶

¹³ *North Atlantic Treaty Organisation*, "ISAF troops celebrated the opening of two new structures Saturday," 31 March 2008.

¹⁴ *Bagram Media Center*, "Afghan women participate in medical outreach," 21 February 2008.

¹⁵ Mohammad Haneef Atmar, "National Education Strategic Plan for Afghanistan 1385-1389 (2006-2010)" (Afghanistan: Ministry of Education, 2007).

¹⁶ United Nations, "The Situation of Women and Girls in Afghanistan," *Commission on the Status of Women*, 30 December 2005, E/CN.6/2006/5.

Progress has been made in the education sector. Peace and reconstruction efforts have provided new opportunities and more Afghan females are enrolled in universities across the country – for example, 1,700 of the 7,000 students at Kabul University are female. However, there are many educational challenges that continue to affect women and children. There has been an increase in the number of teachers and more than 3,500 schools have been constructed. But important challenges remain.

Challenges facing children and indeed the government include the destruction of more than half of the country's schools during periods of conflict and turmoil. As a result, many classes are held either in tents outside or in the homes of those who can accommodate such activities. There is also a shortage of teachers—only 20 percent are even minimally qualified—and books and supplies are insufficient. Texts and the curriculum also need to be modernised.¹⁷

It is estimated that in 1993, only 45,000 children were enrolled in Afghanistan's schools. Today, six million children—estimated to be half of all children—are enrolled in school in grades 1 through 6. Of this number one third are girls,¹⁸ whose education has been traditionally undervalued and restricted.¹⁹ The fact that children and especially girls are now attending school is a great step forward, although the lack of sufficient female teachers causes many of them to drop out.

Insecurity has become an increasingly formidable challenge to accessing education and schooling is uneven. Children in rural areas have little or no access to nearby schools. For example, provinces in the south and southeast display continuously low levels of enrolment for girls and boys, with both Zabul and Uruzgan displaying enrolment of one percent each, Helmand six percent and Paktika nine percent. In the face of the Taliban resurgence and the continued destruction of schools, girls once again face grave threats to their security. In urban areas, observers estimate that there is a 1:1 ratio of girls and boys attending primary schools.²⁰

Due to the already low number of education facilities for girls, the increase in school closures has made the education of girls even more difficult. Only 10 percent of girls attend secondary school. In five Afghan provinces in the south, at least 90 percent of school-age girls do not attend school. Only 19 percent of available schools are designated for girls and 29 percent of Afghanistan's 415 educational districts have no school for girls.²¹

Half of school age children, predominantly girls, remain outside school and there are significant differences in enrolment across provinces. In 2006 for example, 5 percent of girls and 20 percent of boys were enrolled in the secondary sector while enrollment in

¹⁷ International Organization of Migration, "Counter-Trafficking Programme," Factsheet, September 2008.

¹⁸ International Rescue Committee, "Afghanistan: Rescue a Generation." The British Foreign Office estimates that 37 percent of this total is girls.

¹⁹ *Ibid.*

²⁰ Peace Operations Monitor, "Relief and Development Efforts: Assistance Needs."

²¹ *Ibid.*

Box 2: Facts about Afghan Children

- 34 percent of school-age girls are in school. This is a high estimate since the rate in rural areas outside Kabul City can be lower than 15 percent.
- 57 percent of girls are married before age 16.
- 1 in 5 Afghans is a school-age child.
- Over 50 percent of the population is under 18 years old.
- 80 percent of students are in the 1st-4th grade.
- 1.2 million girls remain out of school and at home.
- 30 percent of children are working to support their families.
- 1 out of every 3 children (over 1 million children) has lost one or both parents.
- 20 percent of children die before their first birthday, mostly from preventable diseases.
- 50 percent of children suffer from chronic malnutrition.
- About half the 200,000 landmine victims are children.
- An estimated 2 million children were uprooted by war.
- 50,000 street children in Kabul are their family's primary income earners.

Source: Peace Operations Monitor; IRC; IOM.

the primary sector covered 50 percent of the boys and 20 percent of the girls. Although numbers of teachers have grown, their salaries remain low – approximately USD 50-60 per month. Only between 20-22 percent of teachers meet the minimum qualifications of grade 14. Women amount to 28 percent of the total and are found in mainly rural areas. Illiteracy is significant—affecting 11 million Afghans—and although approximately 30,000-40,000 children graduate from high school every year, only one-third of them are admitted to universities, most of the remainder join the unemployed.

The Afghanistan Ministries of Education (MoE) and Higher Education (MoHE), together with partners such as UNICEF, the World Bank and numerous national and international organizations, have been instrumental in the construction of schools and other beneficial activities yet only 40 percent of schools have actual buildings. At the same time, six percent of schools have been burnt or closed due to insecurity and lack of teachers. There is also no new curriculum for secondary schools as curriculum development in the last five years has focused on early primary schooling. Though acknowledged as being of the highest priority, in 2006 education received only 4.3 percent of the core development budget to be shared between primary and secondary education activities.

Good Governance, Rule of Law and Human Rights

Good Governance

Good governance forms a central part of the Afghanistan Compact, which aims to ensure that effective, accountable and transparent administration is established at all levels of

government and that measurable improvements in fighting corruption, upholding justice and the rule of law are implemented.²² The GoA, in recognition of the many challenges facing Afghan women and children, has created the Afghanistan Independent Human Rights Commission (AIHRC) and the Ministry for Women's Affairs (MoWA). Additionally, a National Action Plan for the Women of Afghanistan (NAPWA) is currently being consulted and will be finalised by 2012. The GoA has designed a set of 13 gender-equity benchmark points with respect to gender equity and gender mainstreaming that it expects to deliver by 2012.

At the sub-governance level, the Ministry of Rural Rehabilitation and Development (MRRD) has initiated a number of interrelated and interlinked national priority programmes to enhance the subnational governance structures and human security and promote equitable growth through poverty reduction by empowerment and support to the poorest and most vulnerable people in Afghanistan. A basic tenet of the MRRD's policy is that the reconstruction and development process must be based on equal rights and full participation of all communities and individuals to ensure a sense of ownership and long-term sustainability.

Together, two MRRD programmes, the National Solidarity Programme (NSP) and the NABDP have developed the Community Development Councils (CDCs), which manage the community-driven development process of the NSP. These CDCs are already functioning as governance institutions to drive development initiatives. In this capacity, CDCs have made considerable contributions to the immediate welfare of community members and made important contributions to the inclusion and representation of marginalised groups, particularly women. However, there are barriers to genuine participation of women in both the development and governance functions of the CDCs.

However, international assistance to the reconstruction process lacks coordination and this is very much evidenced in the attempts to address the challenges faced by women, which is to a large extent focused on gender mainstreaming, a term and concept not readily understood. For example, UNDP is said to be modelling it, UNIFEM is implementing it and GTZ (the German Development Agency) is involved in promoting it through the establishment of gender units in various line ministries. Each of the three organizations utilizes a different strategy with the different but often overlapping five or six ministries where they focus their efforts.²³ Moreover, despite the rhetoric on women's inclusion and participation

²² International Crisis Group, "Afghanistan's Endangered Compact," Asia Briefing No. 59, 29 January 2007.

²³ Gender mainstreaming is a strategy for making women's as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres – such that inequality between men and women is not perpetuated. It is the process of assessing the implications for women and men – of any planned action, including legislation, policies or programmes, in any area and at all levels. According to the Government of Afghanistan's Gender Mainstreaming Policy, gender mainstreaming also requires the actual participation and leadership of women.

in governance and other areas, the number of female ministers has been reduced from three to one – the minister in charge of MoWA.

Human Rights and Protection Issues

Violence and Its Effects

Insecurity and poverty dominate the lives of women, hindering equal access to basic needs such as clean water, health services, education, livelihood opportunities and access to justice and legal systems. Afghan women and girls—including widows, the elderly, the disabled, single women, professional and educated women, as well as female refugees and returnees—continue to face many challenges such as sexual and other types of violence, discrimination and insecurity.²⁴ In an interview with a newly elected female parliamentarian in 2006, she succinctly encapsulated the challenges faced by women:

For me violence against women is the main issue and this results from several causes – harmful traditions, economic dependence, lack of education/awareness and the lack of access to justice for women. Violence against women has always been in the family. Now it is even more prevalent because of the psychological problems resulting from the long years of war. Every Afghan—both men and women—has a psychological problem. Apart from the lack of education and awareness I see at least three reasons for this – the brutal environment in which many Afghans have grown up, dependence of women and girls on male members of the family and harmful traditional practices that are more powerful than the Constitution and even religion.²⁵

Violence against Afghan women remains pervasive in both the private and public spheres. In 2007 for example, the United Nations Assistance Mission in Afghanistan received over 2000 complaints of gender-based violence. Research has identified several types of violence against women and girls, including physical violence and brutality as well as sexual and psychological violence. In a recent research report, UNIFEM identified psychological violence as including denial of food or basic needs, refusal of a husband to communicate with his wife, prevention of mother and child contact, verbal insults, physical threats and threats to kill. This study indicates that 82 percent of cases of violence are perpetrated by family members, including 10 percent of the time by female family members of the husband.²⁶

Since 2001, women continue to be murdered without justice sought in their name. The stoning to death of a woman in Badakhshan in 2005, the killing of several female jour-

²⁴ Peace Operations Monitor, "Gender Equality and Peace Operations in Afghanistan," <<http://pom.peacebuild.ca/afghangender.shtml>>; Human Rights Watch, "Killing You Is a Very Easy Thing for Us," 28 July 2003.

²⁵ Interview conducted by the author with a female parliamentarian in March 2006, Kabul, Afghanistan.

²⁶ UNIFEM, "Uncounted and Discounted: A Secondary Data Research Project on Violence against Women in Afghanistan," May 2006.

nalists in 2006 and 2007, the rape and murder of female aid workers, attacks on women election workers and the murder of the head of the Department of Women's Affairs in Kandahar in 2006 have all been documented. Women are equally at risk in their own homes, where they experience physical abuse by their husbands and in-laws, rape, psychological abuse and forced prostitution.²⁷

As indicated in the quote above, abductions, violence and threats are also used to intimidate female political activists thus effectively limiting women's participation in civil society and the public sphere. Women and girls are routinely abducted and sexually abused by soldiers from different militia factions, the police and former warlords. Conservative religious leaders, the Taliban and other insurgents continue to use death threats and physical attacks to intimidate women and men and women working in women's organizations. This has resulted in the closure or scaling back of opportunities and services for women. In 2004, Human Rights Watch reported that as a result of fear of retaliation, women have resorted to self-censorship regarding the fundamental rights of girls and women. Sexual violence curtails their right to education, to work, to privacy and to health care – essentially making many women and girls prisoners in their own homes.²⁸

Several initiatives have been developed at the government level to address the issue, including an Inter-Ministerial Commission on the Elimination of Violence against Women and the collection and analysis of data on violence against women is being systematically institutionalised into the work of several line ministries. Additionally, in an attempt to strengthen programming and enhance gender equality, advocates working to end violence against women (including domestic violence, sexual violence and trafficking in women) launched a large-scale programme in Afghanistan to integrate women's concerns, including the issue of integrating sexual and gender-based violence into peace agendas and enhancing community-level responses aimed at preventing and responding to such violence.²⁹

Child and Forced Marriages

Legally, girls should be at least 16 years of age and boys at least 18 years of age for marriage. Despite Afghanistan's signing and ratification of the Convention on the Rights of the Child (CRC), children are still exposed to violations of their rights. For instance, while marriage is formally regulated by the provisions of the Civil Code of Afghanistan and Shari'a law,³⁰ customary, traditional and cultural practices frequently take precedence over govern-

²⁷ Womankind Worldwide, "Taking Stock Update: Afghan Women and Girls Seven Years On," February 2008.

²⁸ Ibid.

²⁹ UNIFEM, "Report of the United Nations Development Fund for Women on the activities of the fund to eliminate violence against women" in the *Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the United Nations High Commissioner for Human Rights and the Secretary-General*, A/HRC/7/53-E/CN.6/2008/9, 14 December 2007.

³⁰ UNIFEM, "Uncounted and Discounted."

mental and constitutional laws. As a result, many Afghan girls are forcibly married between 7 and 16 years of age. In some cases, girls as young as 4 years old have been known to be given to men much older than themselves.

According to UN and Afghan government figures (2005), most marriages continue to involve girls below the age of 16 years, many of them forced. Early marriage often leads to early pregnancy and motherhood with increased risks of infant and maternal mortality – thus contributing to Afghanistan's high MMR. In a 2007 survey of economic and social rights, the Afghanistan Independent Human Rights Commission (AIHRC) interviewed 10,900 respondents of which 12.3 percent stated that their children had married before the age of 16 years. Girls were the majority of these with 84.7 percent (1,314) whilst 15.3 percent were boys (238). Of the respondents, 54.6 percent stated that the marriages took place as a result of economic problems.³¹

Such marriages can also be drug related. Known as 'opium brides,' daughters of poor poppy farmers are often given in marriage to repay loans made by drug traffickers to their fathers who, as a result of official action to eradicate the illicit crop, may be unable to repay the funds lent to them otherwise. A March 2008 edition of *Newsweek* highlights the case of an illiterate poor farmer in Laghman province who borrowed US\$2,000 from local traffickers in hopes of being able to repay the loan with 24 kilos of opium at harvest time. This was impossible, however, as his two and a half acre poppy farm was destroyed. Unable to repay the debt, the father fled but was located and forced to give his ten year old daughter to the 45-year old drug trafficker to settle the debt.³²

In a climate of gross poverty, violence and continuing insecurity, provincial and district warlords often exercise particular influence over marriages as parents and families are often either too afraid or too poor to refuse the child's hand in marriage.³³ Womankind International noted that warlords can exercise particular influence over marriages as parents and families will often be too scared to refuse the requests of a warlord if he identifies a girl for marriage. Womankind International also reported that honour crimes were on the rise with 47 documented murders in 2005 and 20 until October 2006. Estimates place unreported cases at 5,000. The same report notes that violence against women is usually perpetrated by direct family members and 10 percent of the time by female family members.³⁴

Research conducted highlights the fact that such marriages—between very young girls and older Afghan men—can often result in suicide and self-immolation as indicated in the abstract below:

³¹ Afghanistan Independent Human Rights Commission, "Economic and Social Rights in Afghanistan, 2nd Report," August 2007, p. 14.

³² *Press Trust of India*, "Afghanistan: 'Opium Brides' pay the price," 31 March 2008.

³³ Womankind Worldwide, "Taking Stock Update: Afghan Women and Girls Five Years On," October 2006.

³⁴ *Ibid.*

I married last year and the man I have married is around 55 years and had three more wives before. All of his wives have died. After marriage I saw him and I found him an old person but in any way I had to live with him. He has lots of children from his other wives that some of have married and some live with us. I am happy from his children but not from him. He was always beating me until I burnt myself [survivor of self-immolation].³⁵

Prostitution and Trafficking

Afghan women are often trafficked both internally and externally. Afghanistan is, according to many reports, a source, transit and destination country for the purposes of commercial sexual exploitation and involuntary servitude.³⁶ These reports also indicate trafficking of abducted women and children abroad for sexual slavery and forced labour.³⁷ Afghan women are trafficked to Pakistan and Iran for commercial sexual exploitation while men are trafficked to Iran for forced labour.³⁸ In fact, it is reported that Afghan women are sold into prostitution in Pakistan for around 600 rupees (less than US\$4) a pound, depending on their weight. Reports of trafficking of women within the country include abductions for forced marriage and sexual and domestic servitude.³⁹

A report published in 2005 by the International Organization for Migration (IOM) highlights the fact that many different forms of trafficking affecting women and children (boys and girls) are practiced in Afghanistan, including exploitation of prostitutes, forced labour, slavery, servitude and the removal of body organs. According to the report, such trafficking can be attributed to many factors including the legacy of civil war, lack of internal security, poverty and poor socio-economic perspectives. Some traditions practiced within the country contribute to specific forms of trafficking such as the giving up or exchanging of women to end local feuds.⁴⁰

Women are adversely affected by the deaths of male members of their family due to increased economic burden as they become responsible for their family's security and income, despite having limited economic and educational opportunities. Female-headed households, widows and other vulnerable women with limited economic opportunities tend to enter into illegal activities such as prostitution and drug trafficking to support themselves

³⁵ Ancil Adrian-Paul, "Dying to Be Heard: Self-Immolation among Afghan Women," January 2007.

³⁶ According to the US State Department 2007 report on trafficking of persons, Afghanistan is also a destination for women and girls from China, Iran, and Tajikistan who are trafficked for commercial sexual exploitation. Tajik women and children are also believed to be trafficked through Afghanistan to Pakistan and Iran for commercial sexual exploitation. For more information, see: US Department of State, "Trafficking in Persons Report 2007," June 2007.

³⁷ Human Rights Watch, "Killing You Is a Very Easy Thing for Us," 28 July 2003.

³⁸ US Department of State, "Trafficking in Persons Report 2007" (June 2007).

³⁹ Sonja Wölte, *Armed Conflict and Trafficking in Women: Desk Study* (Germany: GTZ, January 2004).

⁴⁰ International Organization for Migration, "Trafficking in Persons: An Analysis of Afghanistan" (Kabul: International Organization for Migration, 2004).

and their families. Widows—because of their status—are often denied employment opportunities and have to resort to begging to provide for their families.

Trafficking is also a serious problem for children.⁴¹ The IOM argues that Afghanistan remains an important source country for human trafficking and that there are many related human rights abuses. These include forced recruitment of children and young men into armed groups, forced labour for poppy cultivation and the abduction of young men and boys for forced religious training.⁴² Many Afghan children are also routinely trafficked both internally and externally to Iran, Pakistan, Saudi Arabia, Oman and Zimbabwe for commercial sexual exploitation, to settle debts or disputes, for forced marriages or forced begging, debt bondage service as child soldiers, camel jockeys (although this has been addressed by the UAE) and other forms of involuntary servitude.⁴³

Other Types of Violence against Children

Afghanistan remains a generally unsafe place for children – especially street and working children, children who have been institutionalized because of family constraints and children injured by landmines or other accidents.⁴⁴ There are also many girls and boys who are subjected to corporal and psychological punishment in schools and homes. For example, in a recent study conducted in four provinces (2 rural and 2 urban), interviewees stated that corporal punishment is accepted and using violence is a normal way to parent children.⁴⁵ Moreover, some children face discrimination due to ethnicity and faith. For example, the AIHRC has received numerous reports that students belonging to the Sikh and Hindu faiths stopped attending school due to harassment from both teachers and students and that the GoA has failed to implement protection measures to address the issue.⁴⁶

Rule of Law and Justice

Afghanistan's legal system has collapsed. Never strong to begin with, it has been nearly destroyed by years of conflict and misrule. There are few trained lawyers, little physical infrastructure and no complete record of the country's laws. Under successive regimes, laws have been administered for mostly political ends with few protections of the rights of indi-

⁴¹ UNICEF estimates that about 80 children have been abducted from northern Afghanistan since the beginning of 2003. The Human Rights Commission of Afghanistan sees this number to be more than 300. According to the reports, the children are abducted to Saudi Arabia, where they are exploited. See also: Sardar Ahmad, "Child Smugglers Leave Hundreds of Afghan Families Traumatized," *Agence France Presse*, 21 October 2003.

⁴² International Organization for Migration, "Trafficking in Persons."

⁴³ US Department of State, "Trafficking in Persons Report 2007."

⁴⁴ UNICEF estimates that there are 50,000 to 60,000 children, including children begging on the streets of Kabul or engaged in various kinds of petty trade.

⁴⁵ Deborah J. Smith, "Love, Fear and Discipline: Everyday Violence toward Children in Afghan Families," Issue Paper Series (Afghanistan Research and Evaluation Unit, February 2008).

⁴⁶ International Crisis Group, "Afghanistan: Judicial Reform and Transitional Justice," Asia Report No.45, 28 January 2003.

viduals to a fair trial. Although the country has signed up to most international agreements on human rights, abuses have been widespread, and military commanders have enjoyed impunity.⁴⁷

As a result of this, the 25 years of war have left a legacy of fear, humiliation and shame on women and girls. Women rarely report violence and are very reluctant to report rape or sexual abuse as it is a politically and culturally charged and contested area. To break the silence surrounding sexual abuse is problematic as the consequences for female victims are severe. Afghan women are only too well aware that to survive ‘the strict honour code of men’ is to maintain a wall of silence. The climate of fear prevails and is reinforced since, as is highlighted in the case below, the very forces that are meant to protect women are themselves involved in discriminating against and dishonouring them:

14 year old Mubeena is gang raped by the national police in a small village. She files a case of rape with the local authority, the forced medical examination is used to convict her of *zina* (adultery). Mubeena is sentenced to three years imprisonment. She is now stigmatized by the whole community.⁴⁸

The problem is compounded by the fact that public awareness of legal rights and processes is limited. Data from the Ministry of Justice, for example, show that 20 percent of children in custodial institutions are accused of offences such as running away from home, which are not crimes under Afghan law. A recent study of 22 provincial juvenile facilities by UNICEF and the AIHRC revealed that only 24 percent of juveniles had contact with a lawyer during detention, 56 percent reported that their statement was not given voluntarily and only 9 percent were advised of their rights upon arrest.

Lack of Access to Justice

Access to justice as well as service provisions and support are largely absent. Moreover, any infringement perceived as sexual is shrouded in morality and cultural norms, with illiterate elders and officials insisting on their own interpretation of punishment permitted within Shari`a. Additionally, the constitutional laws, as well as those of Shari`a, are themselves open to interpretation by the judiciary, thereby weakening the constitution.

While public access to courts and legal aid is a constitutional right, it remains elusive to the majority of Afghans, especially vulnerable groups including women and children. The Ministry of Justice (MoJ), as well as the Supreme Court and the Attorney General’s Office, remain under-resourced, lacking infrastructure and devoid of sufficient qualified and experienced judges and prosecutors. The establishment of a National Legal Training Centre ensures some training to those called to the judicial or prosecutorial service. However, threats and bribery make it difficult to recruit, deploy and retain qualified justice officials of

⁴⁷ Ibid.

⁴⁸ Gurcharan Virdee, “Paper on Violence against Women in Afghanistan,” paper presented at the World Health Organization (Geneva, Medica mondiale EV, 2006).

integrity. Low salaries, lack of accountability and the absence of effective and fair mechanisms for investigating violations aggravate the situation and facilitate corruption.

Progress has been made in establishing a formal functioning justice system in Afghanistan. A November 2007 *Advocates law* permits the establishment of an independent bar association with over 400 registered attorneys and reassigns responsibility for providing legal aid from the Supreme Court to the MoJ whose new legal aid unit is receiving greater support from international and national stakeholders. For example, existing laws are being reformed in line with the Afghan Constitution, its human rights obligations and Islamic law. *Justice for All – A Ten-Year Strategy for Justice in Afghanistan* (2005) has been produced and a Rule of Law Working Group that is chaired by the Ministry of Interior Affairs, with support from the United Nations Assistance Mission in Afghanistan (UNAMA), is currently reviewing, revising and drafting legislation in line with the *Justice for All* strategy.

Following the July 2007 “Rome Conference on the Rule of Law in Afghanistan,” a National Justice Sector Strategy and a National Justice Programme were developed and will, over the next three years, focus on strengthening Afghan capacity to deliver legal services with integrity and accountability, ensure public access to courts and legal aid and improve public awareness of legal rights and processes, while promoting the coordination of donor activities. Moreover, eight short-term projects that aim to address the immediate needs of the justice sector have already been funded and are currently being implemented.⁴⁹

Women are still disadvantaged and discriminated against. The lives of the vast majority of Afghans continue to be ruled by customary rather than constitutional law where a council of elders (*jirgas*) decide on cases. Often, women are unable to approach the informal justice mechanisms without the assistance of a male relative. This constrains their ability to raise certain issues such as rape and sexual crimes. While the restorative aspect of the informal justice system is in itself a positive concept, it is the manner in which crimes and disputes are settled that can have an extremely harmful impact on the lives of women.

Issues that are particularly detrimental to women include cases of marriage and divorce, mobility, inheritance, domestic violence, forced marriages, running away from home as well as rape and all *zina* (adultery or extra-marital sex). Victims of rape are often treated as guilty *until and if* proven innocent. Women in such situations are themselves often imprisoned for adultery and are shamed and stigmatized by their families and the communities. As a result, many female victims often do not report such crimes.

Afghanistan currently uses the Family Law Code of 1976; however, many judges are ignorant of the rights afforded to women under this domestic law, as well as international standards governing women's human rights. Reform of the Family Law, including nationwide sensitization activities have already begun and must continue to be a top priority for the GoA and the international community.

Thus, despite the advances in legal, civil and constitutional rights, women are still challenged and undermined by continuing high levels of violence against them in the forms

⁴⁹ House of Commons, “Reconstructing Afghanistan,” *International Development Committee*, Fourth Report of Session 2007-08.

of physical violence, intimidation and discrimination in the domain of civil and political rights, and the continuing low socio-economic status of girls and women in Afghan society.

Women and the Justice Sector

There is a lack of women in the justice and rule of law sector. According to Haidari, in Afghanistan—a country of roughly 25 million people where more than half of its citizens are women and children—there are only 60 female judges, 35 female prosecutors, 70 female attorneys and no female defence attorneys. Less than half of these women hold a four-year degree, which may not be in a legal field, while those women who do show up to work lack a physical office with proper equipment. In the western province of Herat, for example, female attorneys take great personal risk to work out of grocery stores to help provide legal protection and services to women.

Women and Children in Prison

Most women who are imprisoned for any reason seldom have access to adequate legal representation and they rarely have access to lawyers at the police station during their first interrogation, even though the constitution and the Interim Criminal Procedure Code provide for legal assistance to poor defendants.⁵⁰ The majority of women in Afghanistan's prisons are incarcerated for allegedly having committed moral crimes, such as prostitution, adultery, or simply running away from their homes or husbands. According to one report, 56 percent of the women in Kabul prisons in 2005 were detained for such crimes. Although running away is not codified as an offence in the formal justice system, according to one study 20 of the women in Kabul's Pul-i-Charkhi prison were accused or convicted of running away from home, with prison terms ranging from 6 months to 14 years.

It is very often the case that girls and women who run away to escape domestic violence or forced marriages are prosecuted, while the perpetrators of violence escape prosecution. At a workshop on gender and criminal justice in Afghanistan, a member of the investigation department of the Attorney General's Office cited the following tragic example of the arrest of a young girl:

I was 7 years old when my father gave me in marriage to a 70-year-old man. My husband wanted to make money by forcing me to have sexual relations with other people, but I didn't accept that. My husband was beating me all the time until finally I ran away with the son of our neighbour. He took me to his cousin's house and raped me there. Then we were arrested.

Transitional Justice

As a part of the Afghan government's commitment to address accountability, the Afghanistan Compact contains a commitment to implement the Action Plan on Peace, Justice and Reconciliation with support from the international community. Launched in December 2006

⁵⁰ United Nations Office on Drugs and Crime, "Afghanistan: Female Prisoners and Their Social Reintegration."

(18 months after it was written), the plan symbolises the first real attempt to deal with the legacy of the conflict years and, as such, has five components: memorialising victims, vetting appointments to state positions for human rights abusers, documenting past conflicts and injustices, promoting reconciliation and establishing accountability mechanisms. As a commitment in the compact, the GoA is required to implement the plan through a monitored process that involves a wide cross-section of civil society and that gives vulnerable populations, particularly women, a real voice.

Security and Security Sector Reform Issues – The Impact on Women and Children

Security is a prerequisite for providing an enabling development and reconstruction environment. The London Compact, the post-Bonn strategic contract between the international community and the GoA, has been endorsed by both the UN Security Council and the General Assembly (2006). The compact prioritises security and security sector reform and promises to address gender issues in line with the Afghan Constitution, the I-ANDS and the Afghanistan Millennium Development Goals (MDGs).

However, since 2006 there has been a growing insurgency and an increase in suicide bombings. In 2007 for example, more than 140 suicide missions were recorded, the highest number since the US-led invasion of 2001.⁵¹ The steady rise of insecurity has impeded development and reconstruction activities and even the AIHRC acknowledged in its 2006 annual report that the deterioration of the security situation in Afghanistan impacted on its ability to conduct its activities.⁵²

Worsening security and violence threaten the many gains that Afghan women have painfully made over the past seven years. The Taliban have been able to regroup and expand their presence in the countryside where 80 percent of women live and where the terrorists carry out suicide attacks daily against military and soft targets. Taliban fighters have killed female teachers and burnt down hundreds of schools, depriving more than 300,000 girls of education in the south and east of Afghanistan.⁵³

Landmines

The security of women and children is also compromised by the prevalence of landmines in areas where they frequently conduct their activities. Afghanistan is estimated to have between 5-7 million landmines and large quantities of unexploded ordinance (UXO) and explosive remnants of war (ERW). In 2004, the UN Mine Action Centre for Afghanistan (UNMACA) recorded 878 new casualties from landmines, UXO and cluster munitions, of which 106 people were killed and 772 injured. Among these were at least 22 females.

⁵¹ ABC News, "Afghan Violence," 31 January 2008.

⁵² Afghanistan Independent Human Rights Commission, "Annual Report 2006," 1 January – 31 December 2006.

⁵³ M. Ashraf Haidari, "Women's Gains at Risk in Afghanistan," *The Culture and Conflict Review* 2:2 (March 2008), <www.nps.edu/Programs/CCs/Journal/Mar08/Haidari.pdf>.

In comparison, the International Committee of the Red Cross (ICRC) recorded 895 mine/UXO casualties with 128 killed and 767 injured during the same time period. Among these were 449 children under 18 years of age and 39 women. An analysis of the ICRC data indicates that the women and children died due to tampering with the devices—probably due to a lack of awareness of what they were—while tending to animals, travelling by vehicle, playing, collecting wood, fuel or scrap metal, farming, travelling on foot or passing by.

In 2006, the ICRC reported a total of 796 casualties, among which were 77 females including 60 girls under the age of 18 years. There were substantial casualties among children – 469 children under 8 years of age, 530 casualties under 21 years, 342 casualties aged between seven and 14 years. A breakdown of the causes highlighted the same activities as in the 2005 report. On the other hand, UNMACA reported at least 79 female casualties. From this data, it appears that children are more at risk of accidents with mines as they collect wood and tend to animals as well as engage in recreational activities.⁵⁴

Security Sector Reform

Security sector reform in Afghanistan falls under five pillars and includes military reform, police reform, judicial reform, counter-narcotics and disarmament, demobilization and reintegration (DDR).⁵⁵ Most of these will be dealt with in detail in subsequent chapters of this publication. Of priority importance to this paper is Afghan women and their security and, linked to this, the DDR process, the reform of the Afghan National Army (ANA) and the Afghan police. In an environment where the police and judicial systems often operate on an “arrest, bribe and release” basis, women are less likely than men to have access to money to bribe themselves out of police stations, courts or prisons and will thus continue to suffer discrimination, loss of human rights and limited access to justice.

Disarmament, Demobilization and Reintegration (DDR)

DDR of ex-combatants and illegal combatants is critical to women’s security. In Afghanistan, the DDR process is conducted through the UN-led Afghanistan New Beginnings Programme (ANBP) and is said to have demobilized around 60,000 militia members. Demobilization teams staffed by NATO countries have been criticized for reportedly conducting house searches of suspected combatants, without using female officers to search houses with female residents. The house searches are disruptive to communities that observe strict gender segregation between men and women who are neither married nor related.

Afghanistan also faces a challenge to complete the reintegration and rehabilitation of a number of former child soldiers. UNICEF estimates that there are a total of 8,000 former child soldiers in Afghanistan, many of whom have already left the fighting forces informally

⁵⁴ Landmine Monitor, *Report 2006: Toward a Mine-Free World*, Mines Action Canada (2006); Landmine Monitor, *Report 2007: Toward a Mine-Free World*, Mines Action Canada (2007).

⁵⁵ Mark Sedra, ed., *Confronting Afghanistan’s Security Dilemma: Reforming the Security Sector*, Brief 28 (Bonn International Center for Conversion, September 2003).

over the past year and all of whom are in urgent need of assistance to fully reintegrate into civilian life, especially in the areas of education and sustainable income generation. In 2004 UNICEF, building on a successful pilot project initiated in 2003, effectively reintegrated and rehabilitated many of these child soldiers in the north-eastern province of Badakhshan and in the central highlands of Afghanistan. The challenge of full and complete rehabilitation, however, remains.

Additionally, UNICEF estimates that there are 8,000 underage former soldiers in the country of which 5,000 still need to be rehabilitated, a process that will include a comprehensive care plan for each child, psychosocial assessment and the development of an information database to facilitate treatment and reintegration.

ANA

As approved by the Joint Coordination and Monitoring Board that has been set up to oversee the progress of the compact, the ANA will comprise a body of 80,000. The ANA currently has 49,000 soldiers – a little over half of the final total. Women in the ANA total nearly 150, including a number of medical personnel, administrative and support staff, two pilots and a distinguished female general.⁵⁶

ANP

Afghanistan's citizens often view the police more as a source of fear than of security. Police reform is critical for establishing the rule of law, building accountable institutions and promoting effective and democratic governance. Police reform efforts also need to urgently address both ethnic and gender imbalances. Of the 63,000 paid police officers in 2006, only 180 were women. This number has since increased and is now estimated to be around 265. Additionally, USD 475,000 has been allocated for a recruitment campaign for women.

Progressive initiatives include a women's only dormitory built by the German government and a donor-supported gender adviser within most ministries including the MoI, which has also initiated a gender mainstreaming unit. Additionally, human rights training provided to the ANP include modules on gender sensitivity training. The Ministry of Interior (MoI), assisted and supported by many donors, line ministries and other organizations held the first ever policewomen conference "Islamic Police Women Contributing to a Secure Future" in October 2007 to provide role models for Afghan policewomen. In addition, between 2006 and 2008, the MoI has facilitated a US-led initiative to create family response units (FRUs) in police stations in Afghan provinces. Since then, 25 FRUs have been created and are staffed by policewomen trained in human rights and violence issues.

While this is progress, not enough has been done to ensure that there are sufficient female police officers – a need that is especially important in Afghanistan where women and men are often segregated and it is culturally inappropriate for a male police officer to interrogate or search a woman. Provision of more female police would help to ensure that

⁵⁶ Salem news.org.

domestic crime against women does not go unrecorded and that women are not imprisoned unlawfully. Additionally, the lack of policewomen to question and search female suspects has reportedly resulted in an increasing number of women being used by drug traffickers to smuggle drugs.

No senior level policewomen have graduated from the Police Academy, although approximately 60 mid-level police women have graduated over the past five years. Some illiterate women have also been recruited within the provinces and have been trained at the regional training centres.

Generally, female staff in the Mol occupy mainly entry-level positions. Female police are limited to tasks such as searching females, including female suspects, or searching buildings where there are women. Until recently there were two females at the level of general within the Mol but one has recently retired and the other now heads the Passport Office.

Until there is a critical mass of women and more gender-aware men in policing, it will be difficult to provide effective security services to women in the population. More women must be recruited and trained and must be given the autonomy to perform responsible police functions. While it is clear that there are obstacles to recruiting women—such as parental disapproval of daughters entering a low-status profession, low police salaries that do not attract literate women, women's lack of mobility (for example, women are often unable to leave their provinces in order to be trained in Kabul), and the lack of overall security for women—these must be overcome.

Conclusion

Women's physical, social and psychological security is an essential prerequisite to their effective participation in peace-building. In addition to violating their human rights, the neglect of women's security needs can compromise the inclusiveness and sustainability of peace-building and efforts to build democratic governance after conflict. Tangible improvement in the status of women remains a major challenge, despite numerous government policies and programmes addressing gender issues. Implementation of the National Action Plan for the Women of Afghanistan has begun through pilot projects. Further progress will depend on political will, the availability of resources and implementation capacity. The challenge of making public and private life safe for women falls on many public institutions, amongst which are the justice sector, police services and prison reform. With proper support, reformed police and prison services will contribute to women's sense of security.⁵⁷

One of the most fundamental obstacles to women's involvement in peace-building is the lack of sustained funding sources for women's community-based organizations. In Af-

⁵⁷ UNIFEM and the United Nations Development Programme, "Policy Briefing Paper: Gender Sensitive Police Reform in Post Conflict Societies" (October 2007); Ancil Adrian-Paul and Partaw Naderi, "UNSC Resolution 1325 on Women, Peace and Security: Issues and Instruments – The Afghan Context," *International Alert*, June 2005.

ghanistan, as elsewhere, there is an influx of donor funds – resulting in intense competition among local women's organizations vying for support. However, some of these funding sources typically dry up once the initial reconstruction phase has passed, leaving women's peace and reconstruction efforts with little or no support, or forcing them constantly to focus on finding alternative and short-term funding options. A longer-term mechanism like the Afghanistan Reconstruction Trust Fund, which has incorporated a gender policy known as the Afghanistan Gender Assessment into its programming and can be used to fund women's community-based initiatives, is therefore crucial to women's peace-building efforts.⁵⁸

In recognition of the challenge and the need, UNIFEM in Afghanistan has established funding mechanisms to provide small grants to women's community-based organizations. The Fund for Community Based Responses to sexual and gender-based violence (SGBV) will support grassroots civil society organizations in their efforts to promote community reconciliation, including participation in the peace *jirgas*, to build women's capacity to take part in community decision making, to prevent sexual and gender based violence and to encourage respect for human rights in customary adjudication.⁵⁹ This is a welcome initiative that could work well, provided that other donors see its usefulness and will use it to create an ongoing and sustainable funding source for women's activities. Long-term funding support is essential to successful and effective gender mainstreaming and sustainable peace and reconstruction, which is beneficial to Afghan women and children.

Recommendations – Economic and Social Development

- *Prioritise stability and coordination*
Of utmost importance is the need for a stable state. This requires coordination of projects and of aid among donors. International assistance should prioritize the needs and demands of Afghans. Donors should work closely with the Afghan government while demanding accountability for benchmarks set and aid provided to different sectors.
- *Include more rural women in poverty alleviation initiatives*
The MRRD programmes are beginning to bear fruit but women, while participating in trainings, are not an integral part of the management of these programmes. Women should play a greater and more effective governance role and should be part of the consultation, training and delivery of services.
- *Make available micro-credit programmes for women*
Gender-sensitive programming in Afghanistan should include providing access to micro-credit programmes for women. For example, Canada and other donors have provided small loans to nearly 150,000 women, supported by the MRRD Microfinance In-

⁵⁸ Peace Operations Monitor, "Relief and Development Efforts: Assistance Needs."

⁵⁹ UNIFEM, "Women Building Peace and Preventing Sexual Violence in Conflict-Affected Contexts," A Review of Community-Based Approaches (October 2007), p.5.

vestment Support Facility for Afghanistan (MISFA), working together with the Microfinance Agency for Development and Rehabilitation of Afghan Communities (MADRAC).

- *Expand the National Skills Development and Market Linkages Programme*
Vulnerable women and men need a source of income. The GoA's national skills development and market linkages programme is an excellent example of how this could be done and should be supported. To date, over 900 women have benefited from the programme but more women—especially from the rural areas—need to be targeted. Among them, the disabled, the elderly and widowed women need particular attention. Employment opportunities for women, as pointed out by Haidari (2007), would assist the more than two million war widows to provide for themselves and their families. Including youths in the programmes is also important as they are almost half of the population and can be useful change agents. This has not been fully appreciated.
- *Recruit, train and retain more female health personnel*
More women are urgently needed in the health service. Access to female health workers will encourage Afghan males to allow their wives and other family members to attend clinics, health centres and hospitals and will benefit the health of entire families. An attractive package for women including recruitment, continuous training, opportunities for advancement and retention will help as will addressing women's concerns regarding security, equal salaries and accommodation. The offer of a hardship allowance to women offered employment in remote areas will also be important.
- *Expand and strengthen the provision of health care in remote areas*
More health care facilities are needed in the provinces and rural districts. Many Afghans have little or no access to fully equipped hospitals or even secondary health clinics due to physical constraints, insecurity or lack of mobility. Quick access can often mean the difference between life and death in some situations, such as in cases of maternal distress, accidental burn victims or serious self-immolation. Training and equipping additional mobile health teams may assist in addressing these challenges in particularly remote areas.
- *Increase government spending on health*
Government spending on health was 4 percent in 2007 and is projected to rise to 6 percent in 2012. It is important that the share of the health budget is increased. Together with a substantial increase, MoPH can use the USD \$33 million provided in 2008 by UNICEF to address priorities such as training more female staff, establishing more maternity homes, increasing the number of female staff in health facilities, expanding the Community Midwifery programme, expanding the immunization programme and addressing serious communicable diseases that affect women.
- *Provide treatment and information to drug addicted women and children*
MoPH and partners who provide treatment should develop strategies to reach drug addicted women and children at home. The conservative culture and traditions prevent

openness and knowledge transfer about the issue, hindering women in particular from accessing treatment. GoA authorities should develop public awareness strategies, including national advocacy and public awareness campaigns to provide information about the issue including the risk of HIV/AIDS.

- *Increase numbers of qualified female teachers*
Develop and promote attractive strategies for the recruitment, training, career development, remuneration and retention of female teachers. Not only will increased numbers of female teachers advance Afghanistan's adherence to international and national laws and priorities (I-ANDS, COMPACT, MDGs, UNSC Resolution 1325 and others) but it will also increase the attendance of girls in schools. It is also important to offer attractive resettlement and hardship packages including commensurate salaries and accommodation for female teachers in, or moving to, rural areas. The pool of well-resourced and well-staffed teacher training colleges should also be expanded, if not in all provinces then in centrally located areas, to provide good access to student teachers and those re-training.
- *Expand community access to education*
Develop, promote and advocate accelerated learning courses targeted at out of school girls who are over-age to facilitate their integration into the formal school system. Additionally, initiate and support closer ties between schools and families through an Afghan form of parent/teacher associations, provide adult literacy classes for women and incorporate human rights training, including women's rights, into the school system.
- *Strengthen the educational infrastructure in rural areas*
Continue the construction of school buildings. Donors and actors (including non-governmental organizations, PRTs, and ISAF) in the education sector should coordinate their activities in constructing and equipping both primary and secondary schools, as well as colleges. Furthermore, it is important to develop strategic partnerships as necessary and to support communities and improve the security of girls attending schools. Up-to-date text books should be distributed to schools at all levels and administrators should discuss, develop, consult and implement an agreed curriculum for secondary schools.

Recommendations – Good Governance, Rule of Law and Human Rights

- *Increase selection and participation of women in governance and sub-governance*
Women participate less in governance functions than in project selection and their participation in general appears to be dependent on the quality of the facilitation. In the absence of facilitation, women's participation suffers at an even faster rate than overall CDC activity. An exception to this seems to be in a few social protection functions. If

women are to truly benefit from these CDCs and contribute effectively to sustainable development and local governance, they need to play a more substantial role.⁶⁰

- *Strengthen coordination for joint policy and programming to benefit women*
Better coordination between the agencies and perhaps a joint strategy for their assistance to women and gender issues would be beneficial to Afghan women and the GoA.⁶¹ Successful gender mainstreaming will require a fundamental alteration of Afghan societal norms over many years.
- *Increase the number of women in governance and train both men and women on gender mainstreaming*
Gender mainstreaming is a difficult concept in the Afghan context. All members of the society need to understand the concept and be trained. As the society is male dominated, it is important that gender initiatives are not perceived as discriminating against men as this has and could continue to result in a backlash against women.

Recommendations – Human Rights and Protection Issues

- *Continue and increase the rate of reform to the rule of law and justice sectors*
Donors supporting legal reform activities are providing the necessary financial and technical assistance to the Afghan government. Italy in particular has supported legal reform activities, alongside several independent organizations working in specific areas. These activities should continue and be of a long-term nature.
- *Accelerate the decentralization of the court system and establish family courts*
The GoA, in cooperation with international partners involved in the reform of the judiciary, is seeking to decentralize the court system and to establish family courts in key provinces. This process should be accelerated and more emphasis placed on updating the legal education of court officials and judges so that they have more awareness and sensitivity of women's human rights. This work has begun to some degree with the Italian Justice project.
- *Train all Afghan judges on sexual violence and its impact on women and children*
Provide training programmes for judges of family law courts and sensitize them to issues surrounding sexual violence. This should include training in international standards of human rights for both women and children.
- *Provide safe shelter and protection for vulnerable women and girls*
Prioritise the building and maintenance of women's shelters and safe houses, together with service provision such as rehabilitation, trauma counselling and livelihood programmes for women and girls escaping violence and for those women who survive violence and need shelter and protection.

⁶⁰ Hamish Nixon, "The Changing Face of Local Governance? Community Development Councils in Afghanistan," Working Paper Series (Afghanistan Research and Evaluation Unit, February 2008).

⁶¹ Anna Wordsworth, "Moving to the Mainstream: Integrating Gender in Afghanistan's National Policy," Working Paper Series (Afghanistan Research and Evaluation Unit, February 2008).

- *Implement the Action Plan on Peace, Justice and Security*
The GoA should implement the Action Plan in consultation with Afghan communities from all provinces. The AIHRC has already conducted broad based meetings with a wide cross-section of the population and the GoA can build on these findings. Good governance, peace, security and sustainable development would be enhanced by the priority treatment of this issue.
- *Recruit, train and retain female judges, lawyers and paralegals*
There are not enough women in this sector. More Afghan women need to be identified and trained. Those who are already in place need retraining and updating of their professional skills. Female judges should be appointed to all courts including the Supreme Court and the Family Courts.

Recommendations – Security and Security Sector Reform Issues: The Impact on Women and Children

- *Reintegrate and rehabilitate remaining underage demobilised soldiers*
Access to education and other social development benefits are crucial for reintegration and rehabilitation of underage child soldiers. Education should focus on re-socialising both the child and the community into which they will be reintegrated and should focus on the positive role that such rehabilitated young people can play in a community. Some may even be used to educate other youth on the dangers of war or drug addiction and as mine awareness advisors.
- *Recruit more Afghan women at higher levels into the Afghan army*
Increasing the presence of women in the ANA will increase the confidence of Afghan women in the restructured army and the GoA. Women should be recruited at higher levels and should not be employed only at administrative and support levels.
- *Publicise and inform women about the FRUs and referral centres*
FRUs have been established in around 25 provinces staffed by police women who have been trained in family violence on how to respond to women victims of crime. UNIFEM and the MoWA have also established referral centres that provide a package of services for women. The MoI, MoWA and partners should devise a strategy to inform women of these initiatives available to them and provide secure telephone lines where they may contact them.
- *Provide effective human rights and violence awareness training*
Police have received training on human rights and violence issues from a number of donor countries. In fact, it is estimated that over 2,000 senior police have been trained in human rights since 2003 at the Kabul Police Academy and over 50,000 junior police have received some training in human rights. This training, however, has been acknowledged to be insufficient. Donors should fund the development, trial and implementation of a 3-day training package on gender issues for all police that will be implemented by Afghan and international trainers.

- *Recruit and train more female police officers*
More trained gender sensitive policewomen would contribute to diversity within the police force, provide better representation of the population and make policewomen available to deal with women in detention, women suspects, and women victims of crime and violence – including sexual violence. A concrete strategy for recruiting policewomen needs to be developed and implemented to ensure that this takes place successfully. The recently deployed European Police Mission should assist the Mol and ensure that the recruitment, training and retention of female police officers is given appropriate priority within the overall imperative of building an efficient and effective police force.⁶²

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Chapter 12

The Media and Peace-building in Afghanistan

Aziz Rafiee

Background

Afghanistan has not yet been able to establish a fully independent media. Until the 18th century, media, as understood today, did not exist at all in the country. Afterwards, the majority of media in the country (mainly printed) has been government owned or at least government controlled. In the second half of the 19th century, the very first official newspaper, *Shams-un-Nanhaar* (Sun of the Day), was produced by Amir Shir Ali Khan under political pressure from Great Britain.¹

Due to various political developments, including the rise of liberation movements and decolonization in Asia in the early 20th century, Afghan media has been reshaped, turning away from its strong pro-government stance into a more social and culture-oriented tool. This era, which belongs to the kingdom of King Mohammad Zahir Shah who governed Afghanistan for forty years, was the most famous of its kind in Afghanistan because the country also experienced its first democratic and semi-independent media. Media laws were enacted and a number of active newspapers were established. However, even in this era the Afghan media continued to be considered predominantly pro-government and controlled by the government.

The Cold War and the influence of the Soviet Union in Afghanistan had a major effect on the country's media progress and development. Media outlets established by the communist regime were controlled by the communist party. During the rule of the communists in Afghanistan, media only reflected the ideas and ideology of the regime under strict control of the government.

¹ Great Britain expected to dispatch propaganda by establishing *Shams-un-Nahaar*, an official newspaper reporting on their presence and activities. Great Britain was also trying to deal with the suppression of the liberation movements on the Indian sub-continent through this tool.

History of Media in Afghanistan

Introduction of Media Laws in the Early 20th Century

The years 1919-1929 belong to the period of King Amanullah Khan's kingdom in Afghanistan. In this era, Afghanistan entered a new period after victory in the third Afghan-British War. Afterwards, Afghanistan achieved political freedom and King Amanullah Khan tried to guide Afghanistan through modern reforms. Afghanistan gained its authority in the region and became a model for other countries. The years 1919-1929 constituted a time for the development of a relatively free and pluralist media in Afghanistan. During this period two important events took place.

In 1924, Afghanistan introduced its first constitution. Article 11 of the constitution provided for the freedom of speech and media as follows: "Media and printing internal newspapers are given freedom according to the law of media. The Afghan government and Afghanistan's citizens have the right to print daily newspapers and the foreign broadcasts are organized or censored by the Government of Afghanistan."

The second event was the establishment of a media law. For the first time, media activities were based on regulations released by the Afghan government. In this regard, The Daily Anis started its publication.

The first constitution of Afghanistan was drafted by Aman Ullah Khan named Nizam Nama Asasi Daulat Afghanistan in 1923. The second constitution was enacted by King Nader Khan in October 1931 and contained 110 articles. The third constitution was enacted in 1964 and established that: "Freedom of expression is safe from harassment. Everyone has the right to publish texts according to the law without precognition of authorities. The right and the privilege of establishing general printing presses and publicity are just given to Afghan citizens according to the law. The establishment of public radio and television is limited to the Afghan government."

However, already in its early times media was subject to restrictions by the Afghan government (Nader Khan's government did not tolerate opposite views), which were not backed by the media law or the constitution.

Kingdom of Zahir Shah

Afghanistan experienced several changes in its media regulations during the forty years (1933-1973) under Mohammad Zahir Shah. In the first 17 years of Zahir's reign, Mohammad Hashem Khan, the Prime Minister of the kingdom of Mohammad Zahir, controlled the media. In this period, media was not permitted to print any negative criticism against government policies and reformist theories and ideas faced strong repercussions. In this time, a number of famous newspaper journalists, poets and intellectuals were labelled subversive and put in jail.

In 1939, an independent Press Department (under the name of Ministry of Information and Culture at that time) was established. Although the establishment of this Department was considered to be a positive step for the development of press in Afghanistan, the gov-

ernment misused this for the implementation of restrictions and the centralized control of the press.

Another notable step was the establishment of the moderate Bakhtar News Agency, which functioned in the framework of the independent Press Department. The establishment of Bakhtar News Agency provided the opportunity for Afghanistan to have organized news coverage of events inside and outside of the country.

At that time, no other press organ existed in Afghanistan. Of all the news that reached Afghanistan, only that which was satisfactory to the ruling authorities and in line with their internal politics was broadcasted. After the Second World War, Afghan society could no longer tolerate such controlled media, which led to the ousting of Hashem Khan's family from their position of power. Subsequently, Shah Mahmood Khan took over the prime minister's position and introduced a number of new political ideas. Shah Mahmood Khan enacted media law in 1950. Radio law was also enacted in 1948 and press law in 1965. In this era, government followed more moderate policies, allowing government officials to talk about democracy and education. The language of teaching was changed from Pashto in Kabul Province in order to win the confidence of Dari speaking people.

Presidency of Daud Khan

Dawood Khan gained power after a coup that he called the White Revolution in 1973. He put an end to all aspects of democratic life through the revocation of the constitution and parliament. Political parties were deemed illegal and independent media was eliminated through the reactivation of censorship. No critical statements regarding the social and political problems in Afghanistan were tolerated. Consequently, Dawood Khan did not allow any independent or nongovernmental press to be established. Instead, government publications were disseminated throughout Afghanistan.

Communist Regime

During the communist regime, the Afghan media functioned in line with the politics of the communist dictatorship. In all publications, mention of Marx and Lenin was required. Government publications during this period had the highest rank of circulation in Afghanistan's press history but the smallest group of readers.² Government publications were distributed among government employees and people bought the publications, although often involuntarily, because they did not want to be identified as anti-government.

During the period of President Dr. Najeeb Ullah, a considerable number of professional, social and cultural publications were published by social organizations and scientific institutions. Dr. Najeeb's government also did not have any media laws. After one decade and several years of debate and dialogue, Dr. Najeeb's government failed to establish stability in the country or acceptance by the people. In the end, the Mujahedin took over Kabul.

² Partaw Naderi, *Situation of Media in Afghanistan* (Kabul: Maiwand Institution of Publications and Media, 2006), p.29.

Role of Mujahedin

During the Mujahedin period, a number of publications were printed in Peshawar, Pakistan. These publications did not have a remarkable number of readers. During the Mujahedin rule, the high variety of cultural and scientific publications could not be maintained so that, in the entire period, only two volumes of a seasonal paper were published. Consequently, law was enacted for publications and it is said that the number of publications grew to 50. Any anti-Islamic publication was strictly forbidden by this law.

Taliban Rule

Under the Taliban, the number of publications in all provinces of Afghanistan hardly reached ten. All publications were under extreme, allegedly religious, control and censorship. The era of the Taliban is a black chapter in Afghan history. There was no concept of independent media. BBC news and certain other news channels, however, had access to report on the situation in Afghanistan.

The Current Media in Afghanistan

Enactment of Media Laws

The Islamic Republic of Afghanistan currently has one of the freest media laws in the South Asia region. This was made possible by conscious efforts to establish democracy following the US-led overthrow of the Taliban regime in late 2001.³ In February 2002, the interim administration announced a media law providing for a free press and freedom of speech. Additionally, the country's constitution, which was ratified in 2004, endorses freedom of the press stating that "every Afghan has the right to print or publish topics without prior submission to the state authorities in accordance with the law." The new law permitted Afghan citizens to establish private radio stations, TV stations and film production companies. This is a privilege that did not exist in any of the previous laws.

Nevertheless, intellectuals, writers, reporters and journalists do not consider this law as fully satisfactory. It is said that some articles exist in the law that limit freedom of expression. Some experts say that this law should be amended while others state that this law should be replaced by another law in accordance with world standards regarding freedom of the press.

In December 2005, the Afghan government issued another detailed media law. It contained a series of guidelines and established five independent media commissions, including a media complaints and violations handling commission tasked with assessing complaints, addressing violations and recommending actions to state authorities. The commission is still active but state authorities often bypass it and take unilateral action. The media

³ USIP, *Media and Conflict: Afghanistan as a Relative Success Story*, Special Report 198 (January 2008).

law also created an independent commission for Radio Television Afghanistan but this commission has been more or less dormant.

Alongside many provisions that support a free media, the law prohibits the publication of any “matter contrary to the principles of Islam and offensive to other religions and sects.” The language used is too broad and exposes the media to arbitrary attacks such as the ones against Mohaqeq Nasab, editor of a magazine who was jailed on charges of blasphemy in 2005. Mohaqeq Nasab was sentenced to two years in jail but was released due to international pressure. Many journalists have been arrested or detained without a review or recommendation of the media commission. The media law also makes no distinction between social and commercial radio stations. This means that the government charges the same license fees to both commercial ventures and stations seeking to serve the community as non-profit organizations. There is a general fear that the media law will be made more restrictive, which would be a major impediment to the Afghan democratic process.

After issuing a new media law in 2004, a remarkable increase has occurred in the number of media outlets and publications. Today, even the Ministry of Information and Culture does not know the specific number of independent nongovernmental publications in Afghanistan because some of the publishers are not registered with this ministry. The figure that is made available by the Ministry of Information and Culture estimates the number of publications in Afghanistan to be around 300. The existing publications of the Karzai period are classified as follows:

- Governmental publications
- Publications of Jihadi troops
- Publications of political parties
- Publications of nongovernmental organizations
- Publications of world donor organizations
- Publications of the United Nations
- Publications by civil institutions
- Publications and newspapers by (independent) journalists
- ISAF publications
- Embassy publications
- Publications of ethnic councils.

In Afghanistan, only a small number of publications are financially self-sustained and can continue to be printed without financial support from external donors. As most of the publications rely on the financial support of others, the question of whether they can be

truly free from external influence and loyal to the freedom of expression arises.⁴ Can they genuinely constitute democracy's fourth pillar?

Another concern is the recent negligence of the press law. Although media is regulated through a specific law in Afghanistan, most of the time government officials take actions that are against the law without any consequences. Some actions of officials even violate the Afghan Constitution. In the 4th article of the media law it is mentioned that "every Afghan has the right of access to information" but unfortunately government officials refuse giving information to people that have a right to know. Some government officials neglect to provide accurate information about the nature of their involvement with the media. Censorship is against both the media law and the Constitution of Afghanistan but it appears that government officials and men in positions of power impose their views on the media, despite the fact that the Afghan Constitution guarantees the freedom of expression.⁵

Recently, it has been observed that a group of journalists working with Radio Television Afghanistan in Balkh province were relieved from their positions because they reported in Dari. Parwiz Kambakhsh, a university student in Balkh province, is one of the victims arrested by police after distributing articles downloaded from the internet, which is considered by local officials to be against Islam. Again, this behaviour by government officials negates vital articles of the Afghan Constitution such as freedom of speech.

The Government's Attitude towards Media

Despite the fact that the media in Afghanistan is regulated by a law designed to facilitate the work of media employees and journalists, the government limits their freedom through its unwillingness to cooperate and the provision on untrue information. Government officials regularly deny journalists interviews and other types of dialogue. The Government of Afghanistan is not a reliable resource for its people, often intentionally providing inaccurate and misleading news to the Afghan people.

Accuracy of Reporting

In order to ensure that media outlets effectively report on conflicts, it is essential that the root causes, patterns of violence and current dynamics be clearly understood. This requires an accurate approach by professional and specialized employees.⁶ Moreover, conflict should be considered circular rather than linear, with the stages of pre-, mid- and post-violent conflict overlapping one another and without any necessary preset course. In this regard, a conflict may theoretically pass from the latent pre-conflict phase to the overt conflict stage and then to the post-conflict stage, which might also become the pre-conflict stage for another phase of violent conflict.

⁴ Michael J. Barker, "Democracy or Polyarchy? US-funded Media Developments in Afghanistan and Iraq post 9/11," *Media, Culture & Society* 30:1 (2008): 109–30.

⁵ Freedom House, *Freedom in the World 2007: Afghanistan* (Washington: Freedom House, 2008).

⁶ Krishina Kumar, "International Assistance to Promote Independent Media in Transition and Post-conflict Societies," *Democratization* 13:4 (August 2006), p.656.

Box 1: Restrictions on Media Coverage of Security Issues in Afghanistan

In June 2006, the National Security Directorate of Afghanistan issued a number of so-called guidelines to media outlets on the coverage of national security issues. Noting that the public media plays a 'significant role' as a "bridge between people and government," the directive sets out to 'ban or restrict' coverage that will "deteriorate the moral of the public, cause security problems and... [is] against the national interest."

This includes the "publication and broadcasting of provocative statements of armed organizations and terrorist groups," "exaggerated reports against national unity," "conducting interviews with high ranking well known commanders of terrorist groups who have participated in armed conflict against the government," as well as "broadcasting and publications of religious decrees of terrorists."

Human Rights Watch has reported that representatives of major Afghan media outlets were called to a meeting at the National Security Directorate and that a list of these restrictions was later distributed to journalists.

President Hamid Karzai later issued a statement denying that these guidelines were restrictions on media freedom in Afghanistan. Instead, he referred to these guidelines as a 'request' to media outlets across the country during a difficult time in Afghanistan's history.

Sources: HRW, Afghanistan: Remove New Restrictions on Media, 21 June 2006; "Islamic Republic of Afghanistan," undated document.

Ethnic and Linguistic Conflict Lines within the Afghan Media

The religious, ethnic and political composition of the media community can be crucial in determining its ideological orientation and possible propensity to biases. Without diversity in its composition, there is a risk that the media will fail to reflect the needs and concerns of the different streams of society.

In this regard, the legitimate and equal usage of both national languages, Dari and Pashto, is significant in Afghan society. During 250 years of governance through Pashto Kings in Afghanistan, a conflict line has evolved around these two languages that still cannot be ignored. Although both languages are national languages in Afghanistan, Dari words are increasingly replaced by Pashto terms leading to a dominance of the Pashto language, which is rejected by Dari speakers. For example, fixed Dari terms that were commonly used for the description of objects of national interest, such as the term 'Negarestan,' were changed by the Ministry of Information and Culture into the English word 'gallery.' Another example is the suspension of a journalist from Radio Television Afghanistan (RTA) from his job in Balkh by the same ministry because of using the Dari words *Danishgah*, *Danishkad* and *Danishjo* meaning university, faculty and teacher, respectively, instead of the corresponding Pashto words.

Nevertheless, there have also been positive developments as to the use of Dari and Pashto in Afghan media. Importantly, it has become increasingly common for both official languages to be mixed on radio stations. It is not uncommon, for instance, for radio stations

to air interviews where questions are asked in Dari and answers given in Pashto, and vice versa. In this sense, the practice of intermixing language, instead of creating further division has, to quote a recent report, "played a more integrative role in Afghanistan" instead of "fragmenting the country along ethnic and religious lines as in some other interventions [as in Bosnia and Iraq]."⁷

Media Restrictions in the Name of Religion

Afghanistan is a religious country in which religion is integrated in all aspects of daily life and is strongly intertwined with the traditions of the population. Journalists, authors, and other intellectuals often face problems. For many, the concepts of democracy and human rights are in opposition with Islamic law. While secular law places importance on women's rights, Islamic law differs. In Islam, one woman's right is half of her brother's right in heritage, while under a human rights approach, the rights of women and men are equal. Pointing out this paradox on paper often creates problems for authors, intellectuals and journalists that report on issues in contradiction with Islam.

Afghanistan's existing laws are largely abused by Afghan authorities, including politicians and religious leaders (sometimes Mullahs) for their own purposes. For instance, Parwiz Kambakhsh, a teacher at Balkh University, was excommunicated and sentenced to death by the religious court of Balkh province. He was accused of having distributed papers with information about other religions. This case is just one example but there are many other cases in which the Afghan courts' judgments violate the Afghan Constitution as well as Islamic law.

Regional Political Influences

The majority of people in Afghanistan still put a strong emphasis on ethnic and local values. Such attitudes and habits cover all aspects of life in Afghanistan and are recognizable even in media and publications. On Shamshad TV for example, which was founded by Pashtoons, Pashtoon values and traditions are telecasted. The picture of Ahmad Shah Masood, who has become a national hero especially for non-Pashtoons, is never broadcast by Shamshad TV. Instead, Noorin TV, which was founded by Tajiks, regularly broadcasts Ahmad Shah Masood's picture and messages.

Political affiliations have also had a major influence on the composition of the government. The Ministry of Information and Culture was initially lead by a Tajik minister who was subsequently replaced by a Pashtoon. The same happened in the Ministry of Defence when a Tajik minister was replaced by a Pashtoon after 9/11.

The Power of Broadcasting Media

Afghan radio can roughly be divided into the following categories: the state owned Radio Television of Afghanistan (RTA), which has affiliates in many provinces and more than 50 independent local FM stations, including those based in Kabul; a national radio broadcast

⁷ USIP, *Media and Conflict*, p. 3.

funded by Internews; and the BBC, Radio Free Europe and Voice of America. There are also stations and programmes funded by NATO and the US coalition forces.

FM radio is the dominant media device in Afghanistan in terms of outreach and audience. This is due to a number of socioeconomic factors. First, the majority of Afghans are illiterate (the literacy rate is of 29 percent for men and 12.6 percent for women), which makes market penetration of newspapers and magazines challenging. Second, the majority of Afghans cannot afford a television set and, also, difficult terrain and a lack of infrastructure make newspaper and magazine distribution extremely difficult outside of Kabul.⁸

Television has also become a tool for both information dissemination and entertainment but is limited to urban centres and areas with electricity. The largest television networks are RTA, TOLO TV, Ariana TV and Tamadon TV. While the provision of information and raising people's awareness is a major task of the Afghan media, entertainment broadcasts are even more widespread. However, entertainment programmes are largely characterized by violence. For example, there are cartoons that include weapons and fighting, wrestling shows, and the like.

Some radio and television broadcasts have political and historical content. TOLO television is one of the well-known TV stations in Afghanistan that provides good political, social and historical documentaries and news. Debates and dialogues about solving the social and political problems between different parties, communities and social streams of Afghanistan are promoted through the broadcasting of round tables, talk shows, discussions and dramas.⁹ Nevertheless, sometimes some of the aforementioned types of programmes have negative effects on the process of peace-building. However, the impact of such programmes is not very strong since the people of Afghanistan continue to be predominantly influenced by their tribal, religious and linguistic affiliations.

Media and Conflict

The Role of Media in Fuelling Conflicts and Building Peace

There are a number of issues to consider when assessing the interrelationship between media and conflict. One must first look at the information being published and broadcasted by media outlets. Media content that promotes conflict prevention and resolution can even have a positive impact on facilitating conflict resolution and prevention. In contrast, some content provokes conflict, including reporting which is intended to stir emotions based upon an imagined need to take pre-emptive action and reporting which dulls opposition to conflict based upon a historical view. If the surrounding environment is conducive for the spread of conflict, both these types of content can fuel violence, whether they deliberately promote hatred or inadvertently do so due to low professional standards.

⁸ Ibid, p.2.

⁹ Australian Broadcasting Corporation, "Journalism in Afghanistan," Interview Transcript, 22 June 2006.

Box 2: International Assistance for Independent Media in Post-Conflict Societies

The international community has promoted the development of a free media as an essential element of democratization in post-conflict reconstruction. This stemmed, at first, from recognition of the role that underground media outlets played in undermining authoritarian regimes in Eastern Europe and the former Soviet Union. More generally, it comes from the belief that a free and independent media will enable democracies to flourish by exposing corruption, developing alternative sources of information to state controlled media and enabling opposition politicians and public figures to reach a wider audience.

Recent experiences in places such as Rwanda and Yugoslavia have also informed donors invested in media development of the dangers of an unregulated media in conflict and post-conflict societies. In both Rwanda and Yugoslavia, to name only two examples, media controlled by ethnic factions proved to be an activating force in directing violence against minorities and thus derailed democratization and reconciliation processes.

With this in mind, major donor agencies in post-conflict societies have generally focused aid for media development on a five main priorities. First, professional training programs for journalists in post-conflict regions have often been a priority, as journalists in these situations often lack adequate training facilities. Second, the international community, in addition to providing financial support to selected media outlets, has also put emphasis on improving the economic viability of independent media outlets (that is addressing the challenge of running media enterprises as self-sustaining entities). Finally, international experts have also recognized that a 'sound legal and regulatory framework' is essential for an independent media that promotes inter-ethnic reconciliation to flourish. In particular, laws that guarantee freedom of the press and laws that permit private ownership of media have been pursued.

In Afghanistan, the reconstruction of media outlets under US direction was undertaken by USAID's Office of Transition Initiatives (OTI) and also with important funding from the European Union. Since 2001, the OTI has laid out three major goals for its work in Afghanistan:

1. To "increase the Afghan government's responsiveness to citizens' needs"
2. To "increase citizen awareness of and participation in democratic processes"
3. To "increase the capacity of the Afghan media."

Sources: Krishina Kumar, "International Assistance....," 4 August 2006; USAID, "USAID/OTI Afghanistan Field Report," April 2005.

The type of media that is characterized by pre-emptive action, as described above, serves to engender an unsubstantiated belief that pre-emptive action is required for self-defence. Such perceptions are often based on a lack of information and understanding of the intentions and circumstances of others and a focus on myths and stereotypes, perceived inequalities and injustices, and previous tensions between communities (although

the two communities may have a far longer history of cooperation and mutual tolerance).¹⁰ This can create hysteria, drowning out more moderate voices in society.

Linked with the 'pre-emptive action' model and of equal concern is the creation of justifications for the outbreak of conflict through media claiming that violent conflict is unavoidable. Although this may be steered by or is favoured by only a small minority, such media broadcasts can manipulate the collective will of communities to resist the path to conflict. The promotion of such self-fulfilling prophecies is usually achieved through portraying violent conflict as a normal pattern or ongoing historical process. In this way, violence is promoted as normal and acceptable behaviour and an effective way to address grievances or to rectify perceived wrongs. In addition, the dehumanization of communities and the creation of a stereotypical image of the enemy as a group rather than individuals with different orientations and interests, serves to make violence less personal and therefore easier to justify. The role of media in providing balanced and objective information is therefore essential.

In order for the media to be able to effectively address conflict, it is essential that the root causes, patterns of violence and current dynamics are clearly understood. This process requires a detailed and specialized approach, upon which assessments of thematic issues should ideally be based. Reliable, accurate and objective media, whether mainstream, alternative or traditional, can help to prevent and resolve conflict through the responsible dissemination of information, raising awareness and knowledge, promoting participatory and transparent governance and addressing perceived grievances.

Furthermore, a professional and free media is a central component of stable plural democracies. As the 'fourth estate,' the media acts as the "guardians of democracy, defenders of the public interest, revealing abuses of state authority and defending the democratic rights of citizens." In this regard, it is assumed that strong, well-grounded democracies are less prone or vulnerable to conflict. A professional and vigorous media community can thus both prevent and resolve conflict through the automatic functions of disseminating information, furthering awareness and knowledge, promoting participatory and transparent governance and addressing perceived grievances. Although the influence of media during periods of conflict has long been recognized, it is only in recent years that it has been specifically addressed by the international development community as a means for positively impacting on conflict, both through its function to communicate information as well as to address issues and events in an objective, reliable and accurate manner.¹¹

The effects of media on conflict can be viewed both in terms of the negative repercussions that overtly propagandistic media may have in terms of fuelling tensions and provoking conflict, as well as the potential positive impact it may have if based on professional

¹⁰ Krishina Kumar, "International Assistance to Promote Independent Media in Transition and Post-conflict Societies," p. 654.

¹¹ The Institute for the Studies on Free Flow of Information, *The Role of Media in Peace-Building and Reconciliation: Central Sulawesi, Maluku and North Maluku*, Thematic Assessment (July 2004).

standards, combined with diverse access to information, reasonable financial resources and adherence to ethical codes. Such media can contribute to societal reconciliation, reduce misperceptions and broaden understanding of the causes and consequences of conflict.

The media is therefore a double-edged sword. It can be a frightful weapon of violence when it propagates messages of intolerance or disinformation that manipulate public sentiment. But it also can be an instrument of conflict resolution and transformation, if the information it presents is reliable, respects human rights and represents diverse views.

The negative effects of violent conflict on media are well-known. In conflict-developing situations, it is freedom of expression and the impartiality of the media that are often the initial victims. In weak democracies where editorial independence is not sufficiently ensured, both state and non-state entities often succeed in making the media a tool for nationalistic and xenophobic propaganda. This is the case in regards to both the state and independent media. Conflict-generating propaganda in the media can serve to provoke or escalate violence and is also often a convenient occasion for the authorities to crack down on press freedoms and freedom of expression.

The current Afghan media has experienced restrictions on freedom of expression. It is predominantly used as a tool by groups for the promotion of their interests rather than as an objective means of disseminating information of public interest. Media companies predominantly broadcast programmes that are in line with the company's tribal, ethnic, political and linguistic affiliations. As mentioned above, Shamshad TV never mentions the name of Ahmad Shah Masood. In dialogue sessions telecasted by media in Afghanistan, most of the issues are presented from the point of view of political parties and regional powers.

The Impacts of the Afghan Media on Conflicts in Afghanistan

Negative Impacts of Afghan Media on the Conflict Situation

Some programmes telecasted by the media fuel conflict between people. Today in Afghanistan, a number of stations are active and are mostly in contest with each other. Marketing is one of the vital issues among the media, especially television, which influences the programmes they show. Programmes broadcasted are mostly horror films, action films or programmes that do not support peace but encourage conflict.

Positive Impacts of Afghan Media on the Conflict Situation

In Afghanistan, a small number of media agencies and journalists work for the promotion of peace and unification through eliminating hostile perceptions and divisions among the Afghan people. Most of the constructive ideas are found in print media. However, peace messages cannot reach the majority of the people as most Afghans are illiterate. The current media in Afghanistan therefore plays a marginal role in bringing peace to Afghanistan.

Box 3: Media Monitoring of Police Violence in Afghanistan

A 2008 article published by Sayid Yaqub Ibrahim, a reporter at the Institute for War and Peace Reporting (IWPR), prompted Afghan police to dismiss five police officers accused of raping a teenage girl.

The report by Ibrahim corroborated proof of the implications of police officers in the rape of a 12 year-old girl in the province of Sar-e-Pul, in the north of Afghanistan. Yaqub was particularly insistent at a press conference, asking difficult questions to the head of the local police and the central government.

As a result of Sayed Yayed Ibrahim's report, the local police chief and four of his colleagues were fired and are now facing charges of criminal negligence. One of the police officers has been arrested, while the other four are still on the run.

Sources: Institute of War and Peace Reporting, IWPR Article on Sexual Assault of Child Prompts Police Sacking, August 2008.

Major Obstacles towards Conciliatory Reporting: The Security Situation

The unstable security situation and regular threats and intimidation against journalists are a major obstacle for a more objective and peace promoting media in Afghanistan. The issue of the journalist and his three colleagues who worked with RTA in Balkh province and were suspended from their jobs by the minister of information and culture after using the Dari names for university, faculty and university student in a report is one example of how conflict and personal threats influence media reporting and, in turn, fuel conflict through repercussions by Dari speakers.

Major Obstacles towards Conciliatory Reporting: The Lack of Capacity Building of Media Personnel

Perhaps the largest obstacle to professional reporting remains the lack of education and professionalism among media practitioners. Conceptual understanding and practical skills for objective and independent reporting are weak, particularly after more than 30 years of media being controlled by the central state.

Many media outlets and professionals have received support and participated in workshops conducted by national and international NGOs and associations, UN agencies and international donors. However, even with this new knowledge, structural obstacles still remain in the media community preventing the practice of these skills. In addition, local interpretation of how to address content issues is often taken for granted. Lack of professionalism in the media has seemingly fuelled rumours and misperceptions in the past, often with disastrous consequences. The four areas identified for recommended activities include: (i) strengthening the media environment at the provincial level; (ii) developing professional

skills and resources; (iii) facilitating information flows and access; and (iv) supporting community-based communication.¹²

Major Concerns

Journalism in Afghanistan is further constrained by the imperfect market for advertising and the general lack of an advertising culture. The still recovering economy does not have enough companies with the means to advertise their products, making it impossible for media to survive solely on advertising revenues. Direct donor funding to the media has also recently been drastically reduced. As an alternative, some media organizations have approached political parties or individuals—including former warlords—for funding, which could cause the media to compromise their integrity. This trend applies to both print and broadcast media.

The more rural provinces still lack independent media for a variety of reasons, such as the ongoing military battles and a lack of donors for supporting the private sector. The provinces without local media are Uruzgan and Zabul in the south, Nimroz and Farah in the west, Sar-e-pul and Jawzjan in the north and Kunar, Laghman and Nuristan in the east.

Concluding Remarks and Recommendations

Although the Afghan media has made great progress in terms of professionalism and freedom of speech since the Taliban regime, in recent years it has again been subjected to increasing setbacks. Freedom of speech and the press have been curtailed and media tools have been abused for the advancement of personal objectives or propaganda for specific ethnic groups.¹³ Instead of promoting the unification of Afghans, the Afghan media is more conducive for fuelling conflicts among the different ethnic groups. Therefore, a solid and powerful national information network that seeks to provide accurate and as objective information as possible, education and entertainment to all people of Afghanistan is still missing.

Additionally, the majority of the Afghan population is still not effectively reached by the media. The media has also been unable to sufficiently cover areas that really matter to the people vis-à-vis the Afghan process, including developments in reconstruction, human rights, education, health, accountability, corruption and civil society. Consequently, more attention must be given to improve the media in the provinces, with the aim of ensuring that every province has at least one local radio station and one weekly publication. The development of local media serving local needs and interests should be a key part of capacity-building efforts in order to get public support for advancing the Afghan democratic reconstruction process.

¹² The Killid Group and Inter Press Service, *Media is Development: Afghanistan Media and Civil Society Forum – Report of Proceedings* (Kabul, Afghanistan: The Killid Group, 2007).

¹³ Freedom House, *Freedom in the World 2007: Afghanistan*.

Media Outreach of Political and Religious Leaders as Opposed to Civil Society

That political and religious leaders continue to remain the main providers of news, information and opinion confirms that the voice of Afghan civil society is still not strong enough. Little or nothing is known amongst the Afghan population about the role and accomplishments of civil society in the transition process from war to peace. The voices and opinions of civil society actors have not been adequately disseminated and Afghan civil society has not been given the space for playing the role it should and could play for the promotion of democracy. Since the link between the media and civil society is still weak, Afghan civil society organizations have to increase their relations with media, organize more public events and give interviews.

Integration of Media Development in the Reconstruction Process

The gap between government-run and independent media is worse in the provinces in terms of skills, capacity and technical support. There continues to be a strong need for integrating the development of a strong and effective public and independent media into the reconstruction process and for receiving information about ongoing development efforts through the Afghan media. The environment created by the free flow of information will help to enhance national security and stability. The actual status of issues will be investigated. While becoming more involved in the national reconstruction process, it is important that—apart from capacity building—the Afghan media receives initial support to move towards becoming self-sufficient and sustainable.

In order to achieve a society in which the culture and freedom of thinking is highly valued, freedom of speech in television and radio is a must. The media should disclose shortcomings by the government and raise the awareness of the people in order to achieve their increased participation in political processes as well as their willingness for cooperation.

Specifically, the government should strive to establish a professional media in Afghanistan that promotes the peace-building process by fostering unification and reconciliation. This can be achieved by facilitating capacity-building programmes for journalists, editors, civil society and government information officers on the role of a human rights perspective in helping the country to move towards an open, free and tolerant society. On the other hand, strengthening public awareness of the need to protect marginalized and vulnerable individuals, and to support associations that are engaged in defending human rights, is also important.

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Chapter 13

The Role of Civil Society in Security Sector Oversight

Christian Dennys

Introduction

Afghan civil society is a complex and long-standing element of Afghan society and governance structures. Its relationship with the oversight and provision of security is closely linked with Afghan perceptions of security. Afghan civil society, however, as Afghanistan itself, is not isolated from the influence of its own modernisers and international civil society – which both bring different aspects of civil society engagement on security to the fore.

Any security sector, the process of its reform and modes of oversight also reflect the fault lines of the ‘traditional,’ ‘modern’ and ‘international’ in a society. The ‘traditional,’ ‘modern’ and ‘international’ elements of civil society impact on the different perceptions of security in complex, at times contradictory ways. This chapter explores some of these fault lines and the attempts civil society has made at influencing security sector reform.

Afghan civil society is not often associated with holding its government to account, especially on security issues. It then may be unsurprising that surveys of Afghan civil society have indicated that the vast majority are not involved with advocacy or representation (towards the government). Within the groups advocating change, few work directly on security.¹ This may be in part because civil society as a whole, both Afghan and international,

¹ FCCS, “Afghan Civil Society Baseline Survey Provincial Analysis” (Kabul: FCCS, 2007), 15–17, 58–59. Of 2136 organisations surveyed, 194 or 9% considered their primary role to be ‘advocacy and representation.’ In Counterpart International’s initial survey of civil society, 11% of 1,954 individuals from 678 organisations saw advocacy as a key training need (the second largest category behind fundraising with 20%) (Counterpart International, p.37). It is worth noting that Counterpart’s survey indicates that of the 678 responding organisations, nearly 300 are involved in advocacy. It is not clear from the survey who the advocacy activities were aimed at (government, communities, private sector, other) and the sectoral activities of their respondents indicates that no major group of respondents was working on rule of law (except for election awareness raising) or security (Counterpart International, 32–33). Neither of these surveys is fully representative due to the challenges with engaging ‘modern’ with ‘traditional’ civil society actors but they do give an indication of some of the dynamics within Afghan civil society.

has shied away from 'hard' aspects of security sector reform and has focused on 'soft' issues such as reintegration of ex-combatants and human rights advocacy.² It is also a reflection of the rapid changes in recent times in the Afghan security sector and civil society.

It would be misleading to argue, however, that Afghan civil society has not, both historically and now, played a significant role in the oversight of Afghan governments and of the security sector – and in some respects on much 'harder' issues than international civil society has addressed. There are patterns of engagement by Afghan civil society actors that do address security issues but it may be hard, however, for external actors to appreciate the complexities of that engagement from outside.

Civil Society: 'Traditional,' 'modern,' 'international'

Defining civil society in Afghanistan is inherently problematic given its diversity and changeable nature. Trying to identify the shades of grey between when a local council may move between being a state actor or a civil society actor, or when a group may be un-civil is complex and probably not going to result in a useable definition that will be specific to the Afghan context.³

A broader definition that accepts the blurred nature of some parts of civil society may act as a starting point:

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy, and power.⁴

Accepting blurred groups does not help bring out the blocs within Afghan civil society that engage with the security sector. There are both 'traditional' and 'modern' streams within Afghan civil society,⁵ to which it is helpful to add in the discussion about security sector reform and the 'international' stream.

² Michael Bhatia and Mark Sedra, *Afghanistan, Arms and Conflict: Armed Groups, Disarmament and Security in a Post-war Society* (New York: Routledge, 2008).

³ Kristian Berg Harpviken, Arne Strand, and Karin Ask, *Afghanistan and Civil Society* (Bergen: Chr. Michelsen Institute, 2002), 2–4.

⁴ Centre for Civil Society – London School of Economics, *What is Civil Society*, 1 March 2004. The definition goes on to say, "Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups."

⁵ Masoud Kamali, "Civil Society and Islam: A Sociological Perspective," *European Journal of Sociology* 42:3 (2001): 457–82.

In Afghanistan it is often hard to see the defining lines between governance and society and the long-running conflict that has led to a fracturing and reformation of some social structures. This means that agreeing who is in and out of Afghan civil society is still openly debated and there are several nuanced variations which reflect a number of ideological and political paradigms. There are for instance real debates about whether the Community Development Councils (CDCs) form a part of civil society, or part of the expanding governance structures of the Afghan state.⁶ In addition, with regard to security, where do the *arbakee* lie—as a socially organised armed group, or as a state organised armed group—both of which have implications for legality and control.⁷ Perhaps most critically, how does one classify the tribal mechanisms (Shuras or Jirgas), which provide what would now be called command and control for an *arbakee*?

These are questions and debates that still run through Afghan civil society but there are, generally speaking, three streams within a broad conception of Afghan civil society:

- *'Traditional Civil Society'*

The first is an expansive understanding of civil society, which includes all 'traditional' Shuras, Jirgas and councils as long as they are operationally independent from the state. This group also includes religious actors as well as 'modern' manifestations of civil society including unions, social support groups and NGOs.

- *'Modern Civil Society'*

The second group provides a more discreet concept of civil society, which excludes 'traditional' Shuras and Jirgas but retains the 'modern' manifestations of civil society.

- *'International Civil Society'*

Finally, a third allied group brings in 'international' norms and perspectives, particularly in the field of human rights, and has formed a number of councils, consortia and other organisations. These organisations may or may not hold an exclusive view of Afghan civil society.⁸

⁶ Hamish Nixon, *The Changing Face of Local Governance? Community Development Councils in Afghanistan* (Kabul: AREU, 2008); NSP Facilitating Partners, *Consolidated Position Paper on the CDC Bylaw* (NSP Facilitating Partners, 2007). See <http://www.nspafghanistan.org/facilitating_partners.shtm>.

⁷ Conrad Schetter, Rainer Glassner, and Masood Karokhail, "Beyond Warlordism: The Local Security Architecture in Afghanistan," *Journal for International Relations and Global Trends* 2 (Friedrich Ebert Stiftung, 2007): 137–52.

⁸ For further debate on the exclusive nature of international interpretations of Afghan civil society see Amnesty International, "Human Rights Defenders in Afghanistan: Civil Society Destroyed" (1999) and the response to it by Harpviken, Strand and Ask: "In [Amnesty International's] report, civil society is largely equated with the so-called intelligentsia – professionals, politicians and artists with a background in the modern system of higher education. The extremely narrow definition of civil society applied by Amnesty in this report is exactly what led it to conclude that there was no civil society in the Taliban's Afghanistan, since it did not look anywhere beyond the intelligentsia to

Organizations adhering to the second and third groups draw on international experiences and to some extent funding, which impacts on their approaches and engagement with the security sector from a civil society perspective.

Security and Reform: 'Traditional,' 'Modern' and 'International' Civil Society

It is also important to remember that Afghan society does not necessarily relate to its security sector in the ways that are expected or 'defined' in international best practice manuals and this, in its own way, reflects shifts in the 'traditional,' 'modern' and 'international' aspects of the security sector. The Afghan security sector—and its reform—is a mix of these three elements which, while overlapping, do not necessarily integrate well.

Traditional views of the security sector rely on both state and local perceptions of security and notions of what the state should provide. Traditional views about security encompass concepts of personal security, tribal and social honour and the protection of the nation by an army (often drawn from the tribes directly).

A *firman* (a decree issued by the sovereign) from Abdur Rahman Khan in 1898 implies that there is a reciprocal relationship between the provision of taxes to pay for the army and the army's protection of the people: "Whatever money and goods I, the king of Afghanistan, take from the people is spent every month for you the people of the army... and all that you pay to your government is given back to your brothers, sons and tribesmen."⁹ The raising of armies from the tribes by a ruler has been a consistent part of Afghan history.¹⁰ But the army was not solely involved in external conflicts; it has also been consistently engaged in combat directed at supporting the state and have engaged in issues of domestic security.¹¹

While the armed forces were being reformed, the space available in the late 19th and early 20th centuries for debate and discussion about security related state policy was circumscribed – even with the reforms of Amanullah's 1923 Constitution.¹² These reforms were reversed by Nadir Shah's 1931 Constitution, which revoked many of the powers that had begun to be ascribed to non-executive branches of government, and allowed little or

identify civil society...[it] builds on the related assumption that civil society is, if not non-existent, at least very weak" (p. 1).

⁹ David B. Edwards, *Heroes of the Age: Moral Fault Lines on the Afghan Frontier* (Berkeley, CA: University of California Press, 1996), p. 81.

¹⁰ See Ludwig W. Adamec, *Historical Dictionary of Afghan Wars* (Lanham, MD: Rowman and Littlefield, 2005) and Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (New Haven, CT: Yale University Press, 2002).

¹¹ Adamec, *Historical Dictionary of Afghan Wars*.

¹² Leon Poullada, *Reform and Rebellion in Afghanistan, 1919-1929; King Amanullah's Failure to Modernize a Tribal Society* (New York, NY: Cornell University Press, 1973).

no scope for civil society to engage in national security issues – except through the provision of personnel for the armed forces.¹³

'Traditional' conceptions of security stopped short of 'modern' interpretations of the security sector, which includes both national defence and policing, partly because the policing function would have often been performed by traditional actors themselves. The police as an institution rarely functioned outside the cities and provincial capitals prior to the Soviet invasion and in some senses the dichotomy between 'traditional' security/ 'modern' security and 'traditional' civil society/'modern' civil society is analogous to (and it is also in a sense a reflection of) the rural-urban split in Afghan society. However, neither the modern nor traditional conceptions of security are static; they evolve and change and are varied across the country. Local perceptions of security in Badakhshan, for example, are different from those in Loya Paktia or the Hazarajat, and all have differing social structures to interact with security issues.¹⁴

International security is reflected in the recent attempts to bring Afghanistan's security sector up to international standards and is embodied in the language surrounding security sector reform in its most expansive sense: the police, army, judiciary, disarmament and counter-narcotics. They also specifically promote international standards, human security frameworks and human rights in setting the benchmarks for establishing the 'correct' security sector framework. Interestingly, a collection of essays on Afghanistan published in the mid-1970s, which purports to cover almost all sectors of 'modern' Afghanistan, contains almost no references to security reform, whether that is the police, army or judiciary.¹⁵ These standards and concepts of security are an evolution of international statebuilding and are not always easily accessible to Afghan civil society, nor necessarily resonate with 'traditional' or even 'modern' conceptions of security.

The following sections attempt to describe how various blocs within what some but not all would define as civil society have attempted to engage with what we now view as security sector reform. There have been several attempts—both historically and in the recent past—by civil society to engage with the security sector, with varying degrees of success.

'Traditional Civil Society'

Historical Attempts at Civil Society Oversight of Armed Forces

Early forms of oversight of the Afghan armed forces were not frequent during the 18-20th centuries and much of the oversight provided by civil society (at this point primarily the tribes but also religious leaders) consisted of a significant amount of participation. Historically, there were not necessarily discreet distinctions made between state and civil soci-

¹³ Louis Dupree, *Afghanistan* (Oxford: Oxford University Press, 1973).

¹⁴ For further discussions on this see Schetter, Glassner and Karokhail, "Beyond Warlordism" or Christian Dennis, "Disarmament, Demobilization and Rearmament? The Effects of Disarmament in Afghanistan" (Japan Afghan NGO Network (JANN), 2005).

¹⁵ Louis Dupree and Linette Albert, eds., *Afghanistan in the 1970s* (New York, NY: Praeger, 1974).

ety—particularly tribal organizations—which could provide much of their own security and justice systems and were required to provide their own members to become part of the national army.¹⁶ The tribes were intimately linked with ensuring security locally but also nationally and participated in the uprising against Bacha-i Saqao in 1929 under the leadership of the ‘rebel’ Nadir Khan – a former army general.¹⁷ The tribes, working alongside a reconstituted army, then went on to assist Nadir Khan in suppressing at least six rebellions in the next four years.¹⁸ It is interesting to note that the tribal forces that reached Kabul and ousted Bacha-i Saqao then went on to sack the city, a notable lapse of oversight of the armed forces. This was perhaps inevitable given Nadir Khan’s inability to pay the forces anything for their engagement after Bacha-i Saqao drained state resources during his short reign.¹⁹

The areas of contestation between the state and tribes regarding the army focused on the use of the army and forms of conscription.²⁰ A Safi tribal elder once told General Daud in 1945, “[t]hese soldiers whom you call brave and courageous are the brothers and children that we have given you to protect the soil, the homeland, honor, Islam, and they must be used for this. You should not set brother against brother.”²¹ The ownership of the army, according to the tribes, would therefore lie with the tribe and not with the state, a position in opposition to Abdur Rahman Khan’s view in 1898 that “...a common soldier who stands with a gun on his shoulder to fulfil his duty has the lowest rank in all the military, but he shall look downward to the common subjects who are even lower in rank than him.”²²

When the tribes believed that the government was not adhering to their principles, or attempted to reform them, relations between the tribes and government armies became antagonistic.²³ Tribes often refused to provide forces for the army or, as in some cases, openly rebelled against the government – sometimes citing changes to control of the army or the conduct of the army (as in the Pech uprising of 1945) as their motivation.²⁴

The other major group that could impact the state was religious leaders. Under Abdur Rahman they had largely been repressed, were ignored by Habibullah and had their power

¹⁶ Masood Karokhail and Susanne Schmeidl, “Integration of Traditional Structures into the State-building Process: Lessons from the Tribal Liaison Office in Loya Paktia,” in *Publication Series on Promoting Democracy under Conditions of State Fragility* (Heinrich Boll Foundation, 2006).

¹⁷ Dupree, *Afghanistan*.

¹⁸ Adamec, *Historical Dictionary of Afghan Wars*. By way of comparison, Amir Abdur Rahman Khan suppressed at least 17 revolts between 1881-1896 (Dupree, *Afghanistan* and Adamec, *Historical Dictionary of Afghan Wars*).

¹⁹ Dupree, *Afghanistan*.

²⁰ For a discussion on this issue see: Edwards, *Heroes of the Age*; David B. Edwards, *Before Taliban* (Berkeley, CA: University of California Press, 2002), and Poullada, *Reform and Rebellion in Afghanistan*.

²¹ Edwards, *Before Taliban*, p. 104.

²² Edwards, *Heroes of the Age*, p. 81.

²³ Poullada, *Reform and Rebellion in Afghanistan*, p. 148.

²⁴ Edwards, *Before Taliban*, 97–131.

reduced by the constitutional reforms of Amanullah by the formal separation of state and religion.²⁵ The constitutional reforms of Amanullah's reign did not change the tribal and religious power structures but his administrative reforms did strengthen central government control, particularly in relation to the military draft lottery imposed in the tribal areas. They also laid the foundation of the modern state that emerged after the reign of Bacha-i Saqao.²⁶ The opposition to Amanullah's proposed reforms at a Loya Jirga in 1928, led by the Hazrat of Shor Bazaar, were critical in the re-balancing of the tribal-government-religion relationship during the subsequent reign of Nadir Shah.²⁷

Religious influence over the military was considerable, however, in the early 20th century – primarily at an individual level, rather than that of grand strategy. The army encouraged its officers and soldiers to develop Pir and Murid (master and disciple) relationships with spiritual leaders. This in effect created an army corps with many competing masters of which the head of state was only one,²⁸ which may have been a contributing factor in its frequent disintegration. Nadir Shah's ascent to the throne and the 1931 Constitution returned many of the religious establishments' powers and authority, giving them a virtual veto over legislation and a key check on state power,²⁹ in addition to their day-to-day influence.

Recent Actions by Traditional Civil Society

Given the conflict of the last thirty years there have been varying degrees of fragmentation of and resistance by traditional groups, some of which could be defined as civil society. Civil society actors of all shades were sidelined from challenging the government of the day on a number of issues, including security. However, this does not mean that civil society simply disappeared during this period. Local Jirgas and Shuras predictably tended to focus on local security issues and local concerns about oversight rather than grand strategies,³⁰ orders of battle or worrying about international norms.

Given the local level of these interactions and the limited research conducted during this period, much of what is known about these relationships is anecdotal, making it difficult to gain a clear picture of how traditional civil society influenced armed groups operating in their areas. It is also clear that Afghan perceptions of the boundaries between security, conflict and reform are blurred, which presents problems in matching the actions of some actors neatly to the international paradigm of security sector reform.

There were negotiations between some tribal groups at the local level in the south eastern region to encourage local mujahidin groups to place their training camps at some distance from inhabited areas for fear of civilian casualties caused by Democratic Republic

²⁵ Dupree, *Afghanistan*.

²⁶ Poullada, *Reform and Rebellion in Afghanistan*, p. 147.

²⁷ *Ibid.*, p. 169.

²⁸ *Ibid.*, p. 119.

²⁹ Dupree and Albert, *Afghanistan in the 1970s*.

³⁰ Though the tribes did make attempts to unify the resistance.

of Afghanistan (DRA) or Soviet attacks. Further, in areas under more stable administration by mujahidin parties, they were able to regularise security structures and legal systems – even if they were locally anachronistic and not necessarily in tune with traditional norms.³¹ Finally, social and ethnic groups organised local defence forces. In the southeast, this has a long-standing tradition through the *arbakee* but there are also accounts of village defence groups in areas such as the Hazarajat – some of whom would eventually end up in disarmament programmes.³²

These interactions have continued to the current period, where having moved from a situation prior to the 1978 coup of having an army and a small police force, there are now intelligence officials and local commanders. Anecdotal evidence suggests that there has been consistent ongoing dialogue between traditional councils and security institutions (of whichever form) regarding the provision of local level security. There has unfortunately been little systematic documentation of these processes and much of it remains opaque, or focused on specific regions or examples. The most high profile example of which is the Joint Peace Jirga that was convened in August 2007 between “700 people including members of the parliaments, political parties, religious scholars, tribal elders, provincial councils, civil society and business community of” Afghanistan and Pakistan.³³

Secondly, there is a number of organisations working alongside traditional forms of civil society with regard to peace and conflict resolution, which attempt to mobilise local understanding of security to reduce conflict.³⁴ The projects these organisations run focus on training local councils in conflict resolution across a number of districts in twelve provinces. From monitoring by CPAU in its areas of operation, about two thirds of conflicts the Peace Councils deal with involve more than one family unit and about a third are between groups in different communities and villages. The single biggest cause of conflict is access to land and water which, while often small in scale, should involve a number of security organs in their resolution including the police (or at times the army) and the courts.³⁵ In response to calls from the parties to the conflicts, the Peace Councils make and maintain relationships across the spectrum of local security providers to find negotiated settlements to those conflicts as they arise and promote more peaceful resolutions to conflicts.

³¹ Mervyn Paterson, “The Shiwa Pastures, 1978-2003: Land Tenure Changes and Conflict in North-eastern Badakhshan” (Afghanistan Research and Evaluation Unit, May 2004), available online at: <<http://afghanistan.developmentgateway.org/uploads/media/afghanistan/The%20Shiwa%20Pastures.pdf>>.

³² Dennys, “Disarmament, Demobilization and Rearmament?”

³³ Afghan-Pakistan Joint Peace Jirga, *Declaration*, 12 August 2007, available online at: <http://missions.itu.int/~pakistan/2005_Statements/P_PM_FM/stjirga_12aug07.htm>.

³⁴ There are at least 15 Afghan organisations involved in locally organised conflict resolution or peacebuilding activities.

³⁵ Cooperation for Peace and Unity, “Trends in Local Afghan Conflicts Synthesis” (June 2009), available online at <http://www.cpau.org.af/Research/Docs_our_publications/Trends%20in%20local%20Afghan%20conflicts%20Synthesis%20June%202009%20Final.pdf>.

There is also evidence that Community Development Councils (CDCs), a product of a donor-driven development programme called the National Solidarity Programme (NSP), are also engaged in conflict resolution and addressing local security issues – though the ways in which they do so are not uniform.³⁶ Facilitating partners of the NSP have struggled at times to cope with the CDCs as they move into conflict resolution and at times have asked for support from conflict resolution civil society organisations to provide expertise and training.

Finally, another form of engaging traditional actors in security sector oversight has been pioneered by the Tribal Liaison Office (TLO), which has worked to support tribal groups in presenting their concerns across a range of issues including development but also on security and reconciliation to government institutions.³⁷ The work of the TLO has focused on areas where the tribal structures are strong and can provide a counterbalance to the vacuum left by a lack of government institutions at a local level. The fact that local councils of all hues—traditional, peace or development related—are involved in addressing conflict is unsurprising given the fact that as much as 80% of the Afghan population may be resolving conflicts through the informal justice sector.³⁸

Historically, religious civil society has played an important role in legitimising Afghan governments, including the regulation and use of armed force.³⁹ In recent times, religious civil society has been sidelined by much of the international development community in search of ‘service providers’ for programmes rather than critical voices. Religious actors have been employed in advocating some government policies relating to security sector reform, such as pronouncing *fatwas* (religious edicts) against opium production and sale.⁴⁰ However, religious actors take exception to the government cherry-picking their opinions when it supports a government position or policy and then ignoring religious actors when they do not need them anymore.⁴¹

Religious civil society has also sought to influence judicial reform, strongly supporting the use of Sharia law in the legal system. This is reflected in the 2003 Constitution but their ability to implement Sharia law has been incomplete, despite voicing strong opinions regarding several high profile cases where they were seeking the death penalty.⁴² The case

³⁶ Nixon, *The Changing Face of Local Governance?*

³⁷ A short case study of TLO’s work is given in Afghan Women’s Educational Center (AWEC), *Annual Report (2007)*, available online at: <http://www.awec.info/index.php?view=category&id=45%3AAnnual-report-2007&option=com_content&Itemid=68>.

³⁸ CPHD, *Afghanistan Human Development Report 2007: Bridging Modernity and Tradition Rule of Law and the Search for Justice* (Kabul: CPHD, 2007).

³⁹ Poullada, *Reform and Rebellion in Afghanistan*.

⁴⁰ Kaja Borchgrevink, *Religious Actors and Civil Society in Post-2001 Afghanistan* (Oslo: PRIO, 2007), 44–5.

⁴¹ Kanishka Nawabi, Mirwais Wardak, and Idrees Zaman, *Religious Civil Society: The Role and Functions of Religious Civil Society in Afghanistan – Case Studies from Wardak and Kunduz* (Kabul: CPAU, 2007), 64–80.

⁴² *Ibid.*, p. 69 and 75–80.

of Abdul Rahman⁴³ highlights tensions between the differing streams of civil society being seen as a failure of influence for religious civil society while being seen as a success by most elements of modern Afghan civil society and international civil society.⁴⁴

'Modern Civil Society'

Modern Afghan civil society has in fact a relatively long history – since at least the early 20th century with the founding of newspapers and a number of unions and political parties.⁴⁵ Many pinpoint the emergence of modern elements of Afghan civil society with Mahmud Tarzi and the founding of Seraj-ul-Akhbar-Afghaniye in 1911 during the rule of Habibullah Khan.⁴⁶ Tarzi and his publication aimed to establish a constitutional monarchy (thereby separating state powers, including sharing oversight of the armed forces between an elected assembly and the King).⁴⁷

The reforms the movement pushed for were not realised until King Amanullah, working with Tarzi, succeeded Habibullah and enacted the 1923 constitution, which enshrined a high council (Darbar-e ali) to hold the King to account (including regarding military matters) and the officially delegated day-to-day military affairs to the Minister for Military Affairs, with the King remaining as Commander in Chief.⁴⁸

This elevation of civilian oversight was welcomed but the reforms of Amanullah were short-lived. It was not until the periods of the Liberal Parliament (1949-52) and the New Democracy (1964-73) when intellectuals were given limited freedoms.⁴⁹ Attempts by intellectuals and unions to engage in debates outside of politics and the media were present and some have argued this was the first time that civil society had been able to have an impact on government policy.⁵⁰ This opportunity was squandered, however, as civil society interlocutors were never credibly engaged by Zahir Shah.⁵¹ The next attempt to engage civil society was under Najibullah's Hizb-e Watan and the DRA. This never attracted a broad spectrum of engagement with many groups in the country bent on overthrowing the government.

⁴³ Abdul Rahman was charged with apostasy in 2006, a charge which should result in the death penalty according to Afghan religious civil society members (Nawabi, Wardak and Zaman, *Religious Civil Society*, p.69 and 75–80). He was taken out of the country and given asylum in Italy. For more information on the case see: *BBC News*, "Afghan convert 'arrives in Italy,'" 29 March 2006.

⁴⁴ Amnesty International, "Afghanistan: Case of Abdul Rahman Underlines Urgent Need for Judicial Reform," AI Public Briefing (London: Amnesty International, 2008).

⁴⁵ Dupree, *Afghanistan*.

⁴⁶ Adamec, *Historical Dictionary of Afghan Wars*.

⁴⁷ Asadullah Walwaliji, *Democracy and Civil society in Afghanistan* (in Dari), Afghan Civil Society Forum (Kabul: Maiwand Publishing House, 2006).

⁴⁸ Poullada, *Reform and Rebellion in Afghanistan*.

⁴⁹ Rubin, *The Fragmentation of Afghanistan*, p.72.

⁵⁰ Walwaliji, *Democracy and Civil Society in Afghanistan*.

⁵¹ Dupree, *Afghanistan*.

However, it is necessary to understand that even if civil society had been engaged with fully during the democratic era there was a lack of 'security' entities for civil society to actually engage with – making comparisons with today's environment difficult.

Abdur Rahman Khan is credited with helping to create the first stable national army of Afghanistan, which was maintained under the rule of Habibullah and proved relatively effective against British forces in the third Afghan war of 1919 (then fighting under Amanullah).⁵² However, the (divided) relationship between the army and the state was not continued in the 20th century, despite the reforms and foreign input of several states in training the army. The army thus disintegrated in 1929 and was reformed and restructured again under Nadir Shah and Zahir Shah but began to disintegrate once more after the People's Democratic Party of Afghanistan (PDPA) coup in 1978 and collapsed after the Mujahidin captured Kabul.⁵³

The last legitimate police force in Afghanistan broke down after the Soviet invasion,⁵⁴ and was believed to number around 15,000 at the time of the April 1978 coup.⁵⁵ Najibullah did attempt to form a professional police force in 1989 with the founding of the Kabul Police Academy but the capture of Kabul in 1992 by the Mujahidin led to the closure of the facility and disbandment of the police.⁵⁶ The lack of continuity in the armed forces and the small number of police has meant that there has been little for 'modern' civil society to engage with in terms of security sector reform for most of the 20th century. Who would be the primary interlocutor when the army is still derived from tribal power and the police is only present in the cities?

Furthermore, the politicisation of unions, newspapers and resistance groups from the 1970s onwards meant that the space for civil society to engage on security issues was extremely narrow.⁵⁷ It was therefore not until the mid-1980s and the expansion of the NGO sector assisting Afghan refugees and Afghans within Afghanistan that the expansion of 'modern' civil society was accelerated.⁵⁸

⁵² Antonio Giustozzi, "Auxiliary Force or National Army, Afghanistan's 'ANA' and the Counter-Insurgency Effort, 2002-2006," *Small Wars & Insurgencies* 18:1 (2007), 45–46.

⁵³ Dupree, *Afghanistan*; Adamec, *Historical Dictionary of Afghan Wars*; Poullada, *Reform and Rebellion in Afghanistan*; and Giustozzi, "Auxiliary Force or National Army, Afghanistan's 'ANA' and the Counter-Insurgency Effort," 23–4.

⁵⁴ Mark Sedra, "Police Reform in Afghanistan: An Overview," in *Confronting Afghanistan's Security Dilemma: Reforming the Security Sector*, ed. Mark Sedra (Bonn: BICC, 2004), p. 32.

⁵⁵ Musá Khan Jalalzai, *Afghan National Army: State Security, Nuclear Neighbors and Internal Security Threats* (Lahore: Al-Abbas International, 2004).

⁵⁶ Sedra, "Police Reform in Afghanistan: An Overview," p. 32.

⁵⁷ Arguably, this process started in the 1960s with Parcham and Khalq factions recruiting members within the security forces (Dupree, *Afghanistan*).

⁵⁸ FCCS, *Afghan Civil Society Baseline Survey Provincial Analysis* (Kabul: FCCS, 2007), p. 13, 56. The FCCS survey has indicated that there were some 126 civil society organisations registered in Afghanistan prior to 1990, with 535 registering over the next decade (1991-2001) or 25% of the sample of 2136 organisations. Registration of civil society organisations responding to the survey

The expansion of 'modern' civil society was followed by the establishment of the Afghanistan Interim Authority in 2001, which allowed the influx of large amounts of donor funding for civil society accompanied by returning Afghans who had taken on some motivations and perceptions of the role of civil society and an international community that now championed civil society as a key element of state-building.⁵⁹

The massive increase in funding to a number of Afghan civil society organisations (a large number of which were service orientated non-governmental organisations) has not resulted in a significant expansion of 'modern' civil society actors engaging in security issues. This is in part because of the fluctuating nature of power relations over the last seven years across Afghanistan, which has meant that 'modern' elements of Afghan civil society have had to focus on very immediate local security issues rather than abstract debates about progress in security sector reform. Afghan CSOs have been notably absent from mainstream debates about the formation of the army, police reform and counter-narcotics – all of which have attracted increasing international civil society attention (see below).

'Modern' Afghan civil society has also tended not to engage in disarmament at a conceptual level but has engaged in vociferous local campaigns to improve local security. A part of this dialogue process has been the consistent reporting of demonstrations relating to perceived or real increases in child abductions, appointments of 'warlords,' setting up of illegal check points and other reasons.⁶⁰

rose sharply after 2001; 2002 (200), 2003 (384), 2004 (313); before returning to pre-Bonn levels in 2005 (64) and 2006 (51).

⁵⁹ From the outset of the Bonn process, civil society groups were supposed to be assisting with the state building enterprise: "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" (Bonn Agreement 2001).

⁶⁰ Michael Bhatia, "The Future of the Mujahideen: Legitimacy, Legacy and Demobilization in Post-Bonn Afghanistan," *International Peacekeeping* 14:1 (February 2007): 95–96.

A review of security incidents from 2003-05 indicates there were over 200 demonstrations in Afghanistan. Not all of these demonstrations are without political bias but they were generally carried out by non-tribal groups. The subjects of the demonstrations varied from education enrolment to solidarity with Iraq, amongst other issues. Thirty-five demonstrations regarding local security arrangements occurred across 13 provinces.⁶¹ In these demonstrations, local groups were calling for the removal of warlords, illegal checkpoints and improving policing. Nineteen of the incidents were related to disarmament and the reform of the MoD, which led to a large number of personnel being 'retired' from the Ministry. The fact that there were regular demonstrations that seem free of bias and relate to security indicates that there is a consistent level of input by Afghan civil groups into the structure, focus and form of local security structures that should not be ignored.

'International Civil Society'

International civil society actors have taken a significant interest, especially in the post-2001 period, in the control and supervision of the security sector in Afghanistan. This has, however, tended to focus on softer areas of security and has put the focus on international understandings of security and international standards. International organisations have worked on issues directly but have also sought to encourage indigenous, although 'internationalised,' civil society groups to tackle security reform through support, partnerships and coalitions.

Working with International Civil Society

The desire of many Afghans for the removal of armed groups, commanders or warlords can be seen in the demonstrations outlined above and the results of surveys, which indicated that in 2003 and 2004 a significant number of Afghans would support extensive disarmament and expansion of the Afghan National Security Forces (ANSF).⁶² However, there was not an organised civil society structure that could access the resources, networks and language to put Afghan views in the context of international norms in security sector reform.

In order to bridge this gap, some initiatives have been started to 'Afghanise' debate about security sector reform, which primarily focused on two areas of security and legal reforms. The first was the establishment of the Human Rights Research and Advocacy Consortium (HRRAC) in 2003, which along with working on political and education rights also conducted a significant amount of research and subsequent lobbying on local perceptions of security. The work of HRRAC is linked with the rights-based approach supported by many of its international members who have provided support to the HRRAC secretariat

⁶¹ The provinces were Badakhshan, Balkh, Daikundi, Farah, Faryab, Herat, Jawzjan, Kabul, Kandahar, Khost, Kunduz, Laghman and Nangarhar.

⁶² HRRAC, *Take the Guns Away: Afghan Voices on Security and Elections* (Kabul: HRRAC, 2004); HRRAC, *Speaking Out: Afghan Opinions on Rights and Responsibilities* (Kabul: HRRAC, 2003), p. 15.

and assisted it in its work. The second key area was in legal reform, where the International Legal Foundation (ILF) has sought to provide public defenders for cases tried in the formal Afghan judicial system. The ILF, which also supports entities in Nepal and Rwanda, is driven by two principles: (i) laws must be drafted with an appreciation of the cultural realities of the country in which they will function; and (ii) defence lawyers—as guardians of due process—are indispensable to any fair system of justice and must be provided to anyone accused of a crime.⁶³

These two principles attempt to meld together local and international norms in the reform of a judicial system in a post-conflict context.⁶⁴ This is a task which is neither easy nor one that will satisfy all sides – particularly those from the human rights sector who contend that cultural realities are trumped by human rights standards. However, the work of the ILF again takes it into the territory of a provider rather than an advocate of oversight, but it is an important area of cooperation where an international organisation has sought to bring in international expertise that can function within the evolving Afghan judicial system.

Along with international organisations establishing local consortia or subsidiaries, there has been a strong tendency among international civil society to carry out activities related to the reform of the security sector.

International Civil Society and International Aspects of Oversight

Underpinning some of the work by Afghan NGOs, particularly on security sector reform, are a number of international organisations seeking to fulfil their mandates, including ActionAid, Oxfam, Human Rights Watch or Amnesty International. Some, though not all, of these organisations have offices in Afghanistan and they generally seek to apply internationally agreed norms and 'best practice' to the Afghan security sector.

For organisations working in Afghanistan, these efforts have tended to focus on the 'soft' side of security sector reform, for example the programmatic issues of reintegration of ex-combatants or demining. A number of organisations took part in the reintegration phase of the Disarmament, Demobilisation and Reintegration (DDR) programme and others such as ActionAid and the Japan Centre for Conflict Prevention (JCCP) ran independent reintegration programmes.

There have also been a number of studies and research projects by international civil society actors, including universities and NGOs looking at disarmament. The lobbying and advocacy activities of these research projects were not always immediately clear and were not always linked with Afghan civil society processes, though they tended to be critical of the disarmament process as it was undertaken in Afghanistan.

Those working outside the country, particularly among the human rights groups, have been able to tackle harder issues such as the Coalition use of armed groups alleged to

⁶³ ILF, *International Legal Foundation* (2005).

⁶⁴ *Ibid.*

have committed human rights violations.⁶⁵ It is interesting to note that attempts at improving the use of small weapons already in circulation and attempts to question the types and volumes of supplies by international forces to Afghanistan have been markedly small and largely unsuccessful.⁶⁶

In 2006, Oxfam promoted a dialogue, initially amongst civil society, on small and light weapons and the role that civil society could play in reducing the impact of the large number of small arms in circulation. Afghan civil society participants at a seminar held by Oxfam noted that in 2006 there were signs of rearmament across society due to the deteriorating security situation.⁶⁷

Another area where significant work has been carried out by international civil society has been on civilian casualties which, though less related to reform of the security sector, is linked to attempts to create professional and law abiding security forces in Afghanistan. There have been a number of statements, reports and initiatives by international actors to highlight civilian casualties and calls for all sides of the conflict to respect the laws of war.⁶⁸ While many of these campaigns and lobbying processes have been laudable in their principles, they have not always been able to adequately translate internationally regarded best practices into a mobilising factor for indigenous Afghan civil society.

Conclusion

Civil society in Afghanistan is a long-standing part of Afghan society and governance structures. Its ability to influence and provide oversight of government security institutions has fluctuated and is a reflection of the changes in power relations between the Afghan state, tribal structures, religious orders and the emerging 'modern' civil society. There are still strong debates within Afghan groups about what civil society means to them and how all the elements of a broad civil society can effectively be engaged with and how civil society's concerns should be reflected in the Afghan state. The differences between the beliefs and perspectives of 'traditional,' 'modern' and 'international' branches of civil society are strong – especially when attempting to encourage oversight of the security sector.

However, it should not be forgotten that the security sector in Afghanistan means different things to different groups—not least the government, the international community, and Afghan civilians—particularly in rural settings. There are strong institutions that have retained 'traditionalist' approaches to security, those with 'modernist' tendencies and an internationally driven attempt for security sector reform. There are a number of not neces-

⁶⁵ Human Rights Watch, *Afghanistan: Poor Rights Record of Opposition Commanders Backgrounder* (HRW, 2001).

⁶⁶ Amnesty International, "Afghanistan: Arms Proliferation Fuels Further Abuse," AI Public Briefing (London: Amnesty International, 2008).

⁶⁷ Bhatia and Sedra, *Afghanistan, Arms and Conflict*, 150–52.

⁶⁸ For additional information see the archives of Amnesty International (www.amnesty.org/en/region/asia-and-pacific/south-asia/afghanistan) and Human Rights Watch (www.hrw.org/doc?t=asia&c=afghan).

sarily compatible institutions and systems, which compete for influence and authority leading to the obvious question – which part of civil society should try and influence which part of security?

This is particularly important when trying to assess how civil society has engaged with and can continue to engage with oversight of the armed forces. Is it enough for civil society to be present in steering committees, to be consulted on policy or engaged to talk about security sector reform? When security for most Afghans is deeply localised, the impact of these processes must be candidly acknowledged. While these national debates are important, the difficulties in implementing policies in Afghanistan, especially in a uniform manner, means that civil society must also continue its engagement in local security.

There are a number of individual, institutional and financial relationships and dynamics that deserve attention in order to strengthen civil society's engagement and make it a more robust actor in security sector oversight. While a long list would not necessarily be helpful here, three points seem clear:

- There needs to be greater effort by Afghan actors to link-up the district/provincial activities of their colleagues, partners and contacts with national debates and an acceptance of the diversity in civil society, even if this can be challenging.
- An openness on the part of the Afghan government to critically address areas where civil society's role has historically been and is currently important.
- A more nuanced and mature relationship between international civil society and Afghan civil society, less dominated by financial partnerships and more able to embody a healthy two-way relationship that gives space for Afghan civil society to develop while taking the best that international actors have to offer is critical.

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Chapter 14

Regional Dimensions of Afghan Security

Anna Paterson

It is increasingly recognized that focusing narrowly on country-level peacebuilding efforts is unlikely to yield significant changes in peacebuilding outcomes – especially in regions where conflicts have interlocking political, security and economic dynamics. Yet, international approaches to peacebuilding remain almost exclusively at the country level.¹

Although direct regional involvement specifically in Afghan security sector reform (SSR) has been very limited, regional cooperation is seen as vital to guaranteeing Afghanistan's long-term security and stability more broadly. This chapter considers both the limited regional involvement in Afghan SSR and the increasing calls from policymakers, academics and analysts for a more effective framework of regional cooperation in support of Afghan peace.

Attention to the regional dimensions of Afghan peace-building is something of a departure from earlier post-Taliban years, during which there was less emphasis from the US and its allies upon regional cooperation for Afghanistan, certainly where multilateral arrangements were concerned. The minimal effort given to regional cooperation in the early years following the fall of the Taliban may have complicated any future attempts to bring about imaginative tools for the coordination and cooperation of regional partners with the US and NATO-led reconstruction in Afghanistan. Opportunities have been missed to gather regional players to communicate on the Afghan problem and regional mistrust of the US presence in Afghanistan, as well as existing dynamics of animosity between regional players, have deepened since 2001.

There are many factors inhibiting cooperation between regional players over Afghanistan and between regional players and the US-led intervention in Afghanistan since 2001. These range from the mutual animosity between the US and Iran, the mutual suspicions between Russia and NATO, to Indian-Pakistani regional competition. Nonetheless, the

¹ Neclâ Tschirgi, *Post-Conflict Peacebuilding Revisited: Achievements, Limitations, Challenges* (New York, NY: International Peace Academy, 2004), p. 13.

need for regional guarantees for Afghanistan can be expected to increase in importance as external actors from further afield reduce the level of their involvement in that country over the long term.

For some, too much involvement of regional countries in some areas of Afghan SSR, such as military reform and training, has been seen as inappropriate due to the history of negative regional involvement in Afghan conflicts. However, cooperation from adjacent states is crucial in supporting, or at least in not undermining, SSR, especially on issues such as border control. Regional cooperation is even more important in promoting security more broadly in Afghanistan and creating a sustainable security environment for Afghan nation-building. Broader notions of security, including a focus on the regional level of analysis, are applicable to Afghanistan, where the current US involvement may have temporarily suppressed the indigenous regional dynamic but has not removed the perceived threats radiating from the surrounding region to Afghanistan and from Afghanistan to the region.

Defining the Region

The regional dimensions of local conflicts are often not emphasised in academic literature on conflict and some authors have noted that “in the cartography of the political economy of internal wars, maps tend to be drawn at two levels: the national and the global.”² However, it is sometimes difficult to define the borders of these maps at the regional level. In political geography and international relations, the term ‘region’ is used with many, often overlapping meanings. The most obvious sense of a region is of a group of countries that share common borders. However, a region is as much an ‘imagined community’ as is a nation and regions are constructed by states that are perceived, and perceive themselves, as having a shared identity – economic, geopolitical, cultural, or otherwise.

This raises an important point concerning Afghanistan, namely, that there is no commonly held definition amongst the players in the area around Afghanistan on the nature, name, or parameters of the region that connects them to Afghanistan. The country has traditionally been viewed as being on the periphery of regions, and ‘in between’ regions rather than at their centre. During the nineteenth century, Afghanistan was a ‘buffer zone’ between the British and Russian imperial powers and between cold-war ideological blocs for much of the twentieth century.

Today, Afghanistan is variously included in the Middle East, Central Asia, Eurasia, wider Central Asia, South Central Asia, or South Asia, depending on the political and geographical position of the observer. Some authors question whether Afghanistan belongs to any region. As one report has noted, “Afghanistan finds itself trapped between regions, each with its own set of security challenges” and hence, Afghanistan does not belong to any ‘security community’ since such a community “presumes not only common problems,

² Michael Pugh, Neil Cooper, and Jonathan Goodhand, *War Economies in a Regional Context: Challenges of Transformation* (London: Lynne Rienner Publications, 2004), p.23.

but also a concerted effort to tackle those problems, almost inevitably through an institutionalized process.”³

Economic ties have also had an impact in the way regions are constructed. The perceived growth in regional integration after the Cold War was often identified in terms of increased flows of goods, money and societal interaction. These flows were seen by some as “creating an inexorable momentum towards the further integration of economies within and across regions.”⁴ Arguably, regions are easiest to identify in economic terms, where they can be linked to volumes of shared trade or the existence of trading agreements or regional trade organizations. Many neo-liberal narratives, popular amongst policymakers, have linked economic integration with security cooperation, arguing that the two are bound in a virtuous circle. Regional organisations are seen as important in this framework and this approach often assigns “‘regions’ to organisations” seeing them as interchangeable, as, for example, with the EU.⁵ In Asia, the Association of Southeast Asian Countries (ASEAN) is seen as a particularly praiseworthy example of an economic and nation building organisation that acquired a conflict resolution and even an environmental protection role. This organisation, which has subscribed to the principles of ‘democratic peace’ or the belief that regional peace and stability will be achieved through democratization and the spread of democratic processes, has naturally appealed to those seeking to export models of regional democratization and security to other geographical areas. However, and this point is developed further below, Afghanistan is not strongly integrated into any one economic region.

If it is hard to ascribe a region to Afghanistan in terms of economic, cultural or institutional terms. Afghanistan has often been attributed to a region that is defined by conflict. The country is frequently described by analysts as a key link in a regional crucible of insecurity and war incorporating a number of conflicts, from Kashmir to the Ferghana valley in Central Asia and sometimes including Middle Eastern conflicts and Chechnya. As one author noted, “several networks have linked Afghanistan to a wider arc of conflict formation, stretching from Moscow to Dubai.”⁶ This draws upon an international relations notion describing formations of mutually reinforcing linkages between conflicts in a regional subsystem, involving both state and non-state actors and making conflicts more entrenched. In looking at the regional dimensions of conflict in Afghanistan some authors have referred to Wallensteen and Sollenberg’s identification of regionalized violent conflict complexes in the

³ Kristian Berg Harpviken, “Afghanistan: From Buffer State to Battleground to Bridge between Regions?” in *New and Critical Security and Regionalism: Beyond the Nation State*, ed. Jamez J. Hentz and Morten Bøås (Aldershot: Ashgate Publishing Ltd., 2003), 127–49.

⁴ Robert D. Hormats, “Making Regionalism Safe,” *Foreign Affairs* 73:2 (March/April 1994): 97–108.

⁵ Mathias Albert and Paul Reuber, “The Production of Regions in the Emerging Global Order – Perspectives on ‘Strategic Regionalisation,’” *Geopolitics* 12:4 (October 2007), p. 551.

⁶ Barnett R. Rubin and Andrea Armstrong, “Regional Issues in the Reconstruction of Afghanistan,” *World Policy Journal* 20:1 (Spring 2003), p. 40, using a concept employed by Raimo Varynen and others and developed in Buzan’s “regional security complex theory.”

post Cold War period, of which Central Asia is listed as one. These authors define regional conflict formations as follows:

... situations where neighbouring countries experience internal or interstate conflict and with significant links between the conflicts. These links may be so substantial that changes in conflict dynamics or the resolution of one conflict will have an affect on a neighbouring conflict. One type of such linkage is a 'transborder incompatibility' – e.g. when there is an ethnic group straddling an international border. Another type consists of interaction and cooperation, such as direct military and political alliances or significant direct or indirect support (economic, military, territorial etc.) to a governmental or non-governmental group in another state. A minimum requirement is that two armed conflicts are registered for the period under study.⁷

The danger here is of seeing all conflicts as being linked to each other across an implausibly wide canvas, and of making conflicts appear more intractable than they are, by portraying them as a part of some much larger scheme. For example, it is difficult to ascertain the impact of the armed conflict in Afghanistan on Central Asia and Russia, since Central Asian and Russian officials have been accused of exaggerating the scale and interconnectedness of Islamist terrorism in their countries in order to legitimize repressive policies in the name of counter terrorism. On the other hand, the increasingly clear links between the Afghan insurgency and militant groups in Pakistan that are also linked to the Kashmir conflict certainly suggest a situation where changes in the dynamics of conflict, insurgency and terrorism in Afghanistan, Pakistan and even Indian-administered Kashmir, are connected.

Past and Present Regional Security Organisations

As we have suggested, bilateralism has dominated relations between the Afghan government and its neighbours and attempts at cooperation between these neighbours, the US and NATO regarding Afghanistan. This has meant that the security organisations with a focus on Afghanistan that do exist in the region do not act as partners in the NATO-led Afghan reconstruction.

However, a more dedicated framework for engaging the region on Afghanistan may become more important since achieving effective multilateral regional arrangements for Afghan development and security could potentially become more important as the international forces reduce their involvement over time. There have been an increasing number of press and academic reports calling for more engagement with regional powers on promoting peace in Afghanistan. Rubin and Rashid called for the involvement of direct neighbours and also India and Russia in the region's stabilisation "so that Afghanistan does not be-

⁷ Peter Wallensteen and Margareta Sollenberg, "Armed Conflict and Regional Conflict Complexes 1989-1997," *Journal of Peace Research* 35 (1998): 623–4.

come a test of wills between the US and Russia as Georgia has become.”⁸ In 2003, Barnett Rubin was more cautious in his calls for regional cooperation, noting that because of the past interference of regional neighbours, especially Pakistan, but also Russia and Central Asia, Afghans were “wary of engaging these same neighbours, at least without adequate security guarantees from third parties.”⁹ The history of negative involvement by neighbours in Afghanistan is certainly an obstacle to constructive regional cooperation but the increasing calls for more regional involvement show a developing consensus that more regional engagement is necessary in spite of such obstacles. The complexity, but also the benefits, of striving for regional arrangements to support peacebuilding in countries that have endured protracted regionalized conflicts have been widely acknowledged:

Although interested regional parties often wield considerable local influence... they also may be interested in seeing a particular faction represent an important security, cultural, or economic interest that could skew reconstruction efforts. In regions where post-conflict reconstruction efforts occur, the mechanisms to channel regional interests into productive and supportive relationships are often limited. The existence of regional security arrangements can help curtail the detrimental influence of those who wish to continue violence or to bend the reconstruction efforts to their own advantage.¹⁰

A multilateral framework for Afghanistan would inevitably be hampered by the conflicting interests of Afghanistan’s neighbours. The failures of previous attempts to reach a solution of the Afghan problem through negotiations involving regional players such as the ‘six-plus-two’ group, also suggest that a regional framework for Afghan peace and stability alone may not be sufficient to achieve this outcome. However, it has become increasingly clear that Afghan peace-building cannot be sustainably achieved without the cooperation of regional partners.

The ‘Six-plus-two’ Group

The ‘six-plus-two’ multilateral contact group, comprising the six states bordering Afghanistan—Pakistan, Iran, Turkmenistan, Uzbekistan, Tajikistan and China—plus the US and Russia, was a diplomatic process, under the auspices of the UN, for promoting resolution of the Afghan conflict from 1997. This process aimed to bring about a cessation of violence and a peace process, supported by a regional consensus and an arms embargo. In terms of these aims, the process was a resounding failure. This failure was attributed to the incapacity or unwillingness of the states involved to control non-state actors and networks supporting the Afghan conflict. However, the ‘six-plus-two’ process was hampered by lack of

⁸ Barnett R. Rubin and Ahmed Rashid, “From Great Game to Grand Bargain: Ending Chaos in Afghanistan and Pakistan,” *Foreign Affairs* 87:6 (November/December 2008), p. 9.

⁹ Rubin and Armstrong, “Regional Issues in the Reconstruction of Afghanistan,” p. 35.

¹⁰ Scott Feil, “Building Better Foundations: Security in Post-conflict Reconstruction,” *The Washington Quarterly* 25:4 (2002), p. 105.

political will on the part of the international community as well as regional powers.¹¹ The six-plus-two group was involved in consultations with the Special Representative of the UN Security Council Lakhdar Brahimi in 2001 when the US began its military campaign against the Taliban. However, the group ceased to operate after 2002.

There have been calls for some variation on the 'six-plus-two' contact group to be reformed. The Uzbek government used the NATO summit in the Romanian capital Bucharest in April 2008 to suggest the establishment of an expanded 'six-plus-two' format framework, again under UN auspices and involving Afghanistan's neighbours, Russia, the US and NATO, to discuss a roadmap for peace in Afghanistan, including negotiations with Taliban leaders. The Uzbek proposal controversially excludes the Afghan government.

The Shanghai Cooperation Organisation (SCO)

The SCO incorporates China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, with Iran, Mongolia, India and Pakistan holding observer status. The SCO, which originated as the 'Shanghai five' in 1999, has developed into a unique organisation with both economic and security activities, such as the SCO Regional Anti-Terrorist Structure (RATS) and the anti-terrorist centre, set up in Uzbekistan in 2004. The SCO summit in the summer of 2007 produced a document pledging to increase cooperation with Afghanistan. Afghanistan has not applied for observer status of the SCO. It is important to note that the SCO's stated security role does not have a peace-keeping mandate or extend to a security guarantee for members:

Its mandate includes cooperation on security matters, such as measures to combat illicit proliferation of conventional weapons and the establishment of a rapid reaction capacity to regional crises, but does not commit SCO member states to collective defence.¹²

Some analysts have spoken of an emerging anti-US Russia-Iran-China nexus and have seen the strengthening of the Shanghai Cooperation Organisation (SCO) as just such an attempt at 'balancing' US hegemony at both regional and systemic levels. The SCO has periodically issued statements critical of the US role in the region. In theory, the SCO does represent an alternative mechanism and an alternative vision of regional cooperation to those supported by the US and its allies. This much was implied by a US State Department representative, Evan A. Feigenbaum, Deputy Assistant Secretary for South and Central Asian Affairs, who contrasted the SCO with American supported mechanisms in an address, calling for integration "whether through the Shanghai Cooperation Organization or through the mechanisms we Americans promote" (my emphasis). He added "while we know that Russia and China have important interests in Central Asia, we look to Russia

¹¹ Hanif Atmar and Jonathan Goodhand, "Coherence or Cooption? Politics, Aid and Peace-building in Afghanistan," *Journal of Humanitarian Assistance* (30 July 2001).

¹² Anna Matveeva and Antonio Giustozzi, "The SCO: A Regional Organisation in the Making," London School of Economics Crisis States Research Centre Working Paper 39 (September 2008), p.4.

and China, too, to respect America's interests, our presence, and our role in Central Asia."¹³

Members view the SCO as an organisation with a large degree of tolerance for different economic and political policies by its member states. But the very different approaches and different perceived interests of SCO members also prevent it from becoming the powerful regional organisation which it claims to be. The extent of commitment to make the SCO a strong regional player on the part of the two regional hegemon, Russia and China, is in question. Roy Allison points out that "regional hegemon, by their nature, avoid deep commitments to institutions that limit their freedom of action," hence "Russia in the CIS, like the United States on a global scale, is reluctant to abandon its unilateralism, which makes it difficult to take seriously its apparently multilateral activities."¹⁴

The Collective Security Treaty (CSTO)

Russia's increasing suspicion of the US presence in Central Asia and an atmosphere of US/Russian competition for influence in Central Asia may have helped motivate a more assertive attempt to extend Russian-led security structures from 2002. Under the banner of counter terrorism, Russia attempted in 2002 to revive the 1992 Tashkent Collective Security Treaty (CST) of the Commonwealth of Independent States (CIS), transforming it into the Collective Security Treaty Organisation (CSTO). The CSTO comprises Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan. Uzbekistan had opted out of the CST in 1999 but joined the CSTO in the summer of 2006, following the souring of its relations with the US over the latter's criticism of Uzbek human rights abuses and the departure of US troops from the Uzbek Khanabad airbase at the end of 2005.

The CSTO has ambitious aims including a rapid reaction force, a regional air defence system and "coordination of foreign and security policy." A CSTO working group visited Kabul in March 2007 to discuss Islamic radicalism and drug trafficking and the perceived 'inadequate response' to these issues by the US and NATO. During the NATO Bucharest summit in April 2008, at which Russia signed a land-transit agreement with NATO, Russian Foreign Minister Sergei Lavrov urged NATO to adopt a treaty of cooperation on Afghanistan with the CSTO, to facilitate the wider use by NATO of Russian and Central Asian transport supply lines into Afghanistan.

Most recently, the CSTO held a meeting in Moscow in June 2009, at which it created a new Collective Operational Reaction Forces (CORF).¹⁵ This rapid reaction force has not yet been established at the time of writing.

¹³ Evan A. Feigenbaum, "The Shanghai Cooperation Organisation and the Future of Central Asia," Address at the Nixon Center (6 September 2007).

¹⁴ Roy Allison, "Regionalism, Regional Structures and Security Management in Central Asia," *International Affairs* 80:3 (2004), p. 468.

¹⁵ Eurasia Daily Monitor, The Jamestown Foundation, Volume 6, Issue 115, 16 June 2009.

Regional Organisations with a Mainly Economic Focus

There have been some grandiose visions of regional cooperation in the region surrounding Afghanistan. S.F. Starr, for example, envisions a Greater Central Asia (GCA) that would link the post Soviet republics of Central Asia with their neighbours in Western and Southern Asia and the Middle East in a virtuous circle of trade and democratization:

Thanks to the collapse of the USSR, whose closed border stood like a wall across the heart of Eurasia, to China's decision to open trade across its western border, and to the gradual return of Afghanistan to the community of nations, continental trade spanning the entire Eurasian land mass is again becoming possible. Western Europe, China, the Middle East, and the Indian sub-continent can, in time, connect with one another and with the lands between.¹⁶

However, these dreams of economic integration, leading to increased societal and security cooperation, appear distant when viewed from Kabul. A short survey of the economic organisations and mechanisms to promote regional trade in which Afghanistan is involved reveals the weakness of interaction on this level.

The South Asian Association for Regional Cooperation (SAARC): Afghanistan was admitted to SAARC in November 2005, joining Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. SAARC has a South Asia Free Trade Agreement that entered into force on 1 January 2006. As a regional mechanism for greater regional cooperation, SAARC has been compared to ASEAN, but the rivalry between India and Pakistan prevents it from achieving similar stature.

The Economic Cooperation Organisation (ECO): ECO was established in 1985 and now includes Iran, Pakistan, Turkey, Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. ECO has two transit trade agreements, agreed in 1995 and 1998. Afghanistan has signed the ECO Trade Agreement (ECOTA) of 2003, designed to reduce tariffs in the region, but only five of the ECO member states have signed this agreement and only two have ratified it. Internal differences have prevented ECO from establishing itself as a strong economic bloc and facilitator of trade in the region.

The Central and South Asia Transport Trade Forum (CSATTF): Established in 2003 and including Afghanistan, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan, CSATTF is designed to improve transit corridors and promote equitable growth in the region. The Chairmanship and Secretariat are held by the Asian Development Bank.

Central Asian Regional Economic Cooperation (CAREC): In November 2005, Afghanistan was admitted to CAREC, which facilitates greater policy coordination in former Soviet Central Asia.

¹⁶ S. Frederick Starr, "Introduction," in *The New Silk Roads: Transport and Trade in Greater Central Asia*, ed. S. Frederick Starr, Central Asia-Caucasus Institute & Silk Road Studies Program (Johns Hopkins University & Uppsala University, 2007), p. 5.

Trans-Afghan Pipeline: The heavily hyped prospect of exporting Turkmen gas through Afghanistan to Pakistan and India, known as the Trans-Afghan Pipeline (TAP), is not a regional trade organisation but it does represent a major plank of Afghanistan's dreams of economic integration with its neighbours. The pipeline attracted the interest of the Argentinean company Bridas and then of American petroleum company Unocal in the 1990s. With the ouster of the Taliban in 2001, proposals to build the Trans-Afghan pipeline re-emerged and Turkmenistan, Afghanistan and Pakistan signed a framework agreement in December 2002. The Asian Development Bank conducted a feasibility study of the Trans-Afghan pipeline and announced in April 2005, after significant delay, that the pipeline was commercially viable. However, the viability of the project is contested by many analysts. There are several factors that undermine the prospects for the pipeline's realisation, including "the fragile security situation in Afghanistan [and] doubts about prospects for India-Pakistan cooperation (if gas is not sold in India as well as Pakistan, then the economics of the project are problematic)."¹⁷

Measured in terms of existing trade and economic integration, certainly of licit trade, Afghanistan is not strongly connected to the states of its immediate region and this region as a whole has a weak 'economic' identity. A World Bank study has shown that regional trade is relatively small in size and that trade between Central Asian region countries and their second-tier neighbours such as China, India, Russia, Turkey and the United Arab Emirates (UAE) is much higher (50% of total trade) than between the countries of the immediate region.¹⁸ Afghanistan is arguably the country in the region that most urgently needs greater economic integration but it is in a weak position to achieve this. Afghanistan has little leverage in negotiating favourable bilateral trading agreements, let alone in promoting integration amongst a groups of neighbours with dramatically different economies and economic policies.

The Regional Players

This section briefly considers each of the main actors in Afghanistan's immediate and wider region as well as the more distant international players who have become key actors in building Afghan security. The role of these countries in the region and their perceived contributions, positive or negative, to the post Taliban state- and security-building effort is considered, as are the main donors and international actors in Afghan security sector reform who are not players from Afghanistan's immediate region. Regional actors are frequently accused of 'interference' or of acting as 'spoilers' in post-Taliban Afghanistan, and the section approaches these allegations by considering how post-Taliban Afghanistan looks from

¹⁷ Martha Brill-Olcott, *Central Asia's Second Chance* (Washington DC: Carnegie Endowment for International Peace, 2005), p. 103.

¹⁸ William A. Byrd, Martin Raiser, Anton Dobronogov, and Alexander Kitain, "Prospects for Regional Development and Economic Cooperation in the Wider Central Asian Region," paper prepared for the Kabul Conference on Regional Economic Development Cooperation, 4-5 December 2005, p. 6.

the perspective of these actors as well as the way their involvement is viewed by Kabul and its current international backers.

The US, UK and Other NATO Players

The US is by far the largest player in Afghan security as a military player and has a leading role in security sector reform specifically. As a donor, the US has responsibility for military reform and building the Afghan National Army under the division of responsibilities agreed in the Geneva Group of Eight G8 donors' conference of April and May 2002. At the same time, four other 'pillars' of SSR in Afghanistan were identified and allocated 'lead nations' from amongst Afghanistan's main donors. Police reform was allocated to Germany as the lead nation, counter narcotics to the UK, judicial reform to Italy and the demobilisation and reintegration (DDR) of former combatants to Japan. A lack of coordination in the lead-nation system and allegations of territorialism by lead nations have drawn criticism. Authors such as Mark Sedra have identified imbalances and resource disparities between the pillars, as a result of this lack of harmony.¹⁹ The 'lead nation' system was superseded by the Afghanistan Compact, agreed between the government of Afghanistan and its international donors in London in 2006, which established Afghanistan itself as the lead nation in SSR.

Lead nations were intended as a coordinating or key partner role, but the US has come to dominate in many SSR-related pillars, both as a donor and in exerting pressure on the direction of policy. This is exemplified in the police reform pillar, in which the US has been involved since early 2003 and where it is the largest single donor by far in terms of human and financial resources. According to one study, the US contribution in 2007 alone was expected to reach US\$2.5bn, compared to a total contribution from 2002 to 2007 of US\$80m from former lead nation in this pillar, Germany. The US role also dwarfs the EU contribution of around half of the US\$330m supplied by donors to the Law and Order Trust Fund for Afghanistan (LOTFA) for police salaries.²⁰ The press widely reported ongoing disagreements between the UK, technically lead nation on counter narcotics from 2002-06, and the US, which has long favoured eradication of opium crops using aerial spraying. In the sphere of police reform the US was strongly advocating from late 2006 for an increase in the size of the Afghan National Police (ANP), largely due to the growing insurgency, authorized by the JCMB in April 2007, a decision that was not supported by all international actors involved in police reform.²¹

The US dominance in SSR in terms of resources and influence over policy directions is a reflection of the US dominance in the post-Taliban state building effort more widely. The US has been the largest donor to Afghanistan in terms of overall development aid and technical assistance with some US\$ 13.628bn pledged, \$8.326bn committed and \$5.022bn

¹⁹ Cyrus Hodes and Mark Sedra, *The Search for Security in Post-Taliban Afghanistan*, IISS Adelphi Paper 391 (London: Routledge, 2007), p. 52.

²⁰ Andrew Wilder, *Cops or Robbers: The Struggle to Reform the Afghan National Police* (Kabul: AREU Issues Paper, July 2007), p. viii.

²¹ *Ibid.*, p. iv.

disbursed in development projects and to trust funds such as the Afghanistan Reconstruction Trust Fund (ARTF) as of April 2007.²² Security-related pledges, such as Afghan National Army (ANA) and Afghan National Police (ANP) training, have been estimated at US\$7bn, or roughly half of the total aid pledged. The total aid pledged at the donors conferences in Tokyo in 2002, Kabul in 2005, the London conference in 2006 and since are estimated at US\$30bn.²³ Other major donors include the World Bank, which has committed US\$1.311bn (of which US\$875m are grants and US\$436m are credits) and has disbursed US\$607m and the UK, which has pledged and committed US\$1.469bn and disbursed US\$1.047bn.

The evidence that spending on US military operations has outweighed development spending is clear. Total US spending (disbursed) on Afghanistan from the fall of the Taliban up to 2007 is estimated at US\$21bn, according to a report by the Congressional Research Service, and “the incremental costs of US operations in Afghanistan appear to be running at US\$2bn per month.”²⁴ The US is the largest military force in Afghanistan, contributing around 33,600 soldiers, 15,000 of whom are part of the 44,000-strong NATO-led ISAF force.²⁵ The UK is the second largest contributor of troops with over 8,000 UK soldiers mainly stationed in the troubled southern province of Helmand. The US, UK, Canada and the Netherlands have borne the brunt of fighting against the Taliban in Afghanistan. US and UK appeals for other NATO countries to pledge more troops to actively fight the neo-Taliban insurgency were repeatedly made in 2008, but many countries such as Germany, France, Italy and Spain are operating under ‘national caveats’ imposed by parliaments, which dictate and often limit where and how troops can be deployed. In February 2009, US President Barack Obama ordered 17,000 additional troops for Afghanistan, amid an increasingly strong Taliban insurgency in the south of the country.²⁶

Not only is the US the largest military force on the ground but the US also wields unique power in determining the military strategy of the counter-insurgency campaign. There are two military commands of foreign forces in Afghanistan: the NATO-led International Security Assistance Force (ISAF) and the forces of Operation Enduring Freedom (OEF), the latter under the direct command of the US, headquartered at Bagram airbase and with a counter-insurgency mandate. OEF previously contained some British, Canadian and Italian troops but almost all of these have now been subsumed in the expanded NATO/ISAF mission. Of the US troops in Afghanistan, some 12,000 are under OEF com-

²² Islamic Republic of Afghanistan Ministry of Finance, *Donor Profile of the US* (2007). The figures for aid committed and disbursed may be inaccurate due to uneven reporting of different agencies to the Ministry of Finance.

²³ Figures drawn from Kenneth Katzman, *Afghanistan: Post-War Governance, Security and US Policy* (Congressional Research Service, 2008), pp.43 & 46.

²⁴ *Ibid.*, pp.1 & 21.

²⁵ *Ibid.*, p. 1.

²⁶ *Los Angeles Times*, “Obama Orders More Troops to Afghanistan,” 18 February 2009.

mand.²⁷ Thus, as well as playing a dominant role in ISAF, the US has OEF forces in Afghanistan who do not operate under the multilateral command. In addition there is an unknown number of US Special Operations Forces (SOF) in Afghanistan, whose counter-terrorism operations are frequently planned and directed not by OEF but by the US Special Operations Command (USSOCOM) in Tampa, Florida. By the second half of 2007, these parallel structures under separate command and with different mandates, were attracting increasing criticism and were allocated part of the blame for the perceived failures of the counter insurgency at that point in time.²⁸

In spite of the many-layered involvement of different NATO players in providing security and in supporting SSR in Afghanistan, and in spite of the lack of consensus or coordination between these players on many fronts, there is a strong impression in the region of US dominance of the military and state-building agenda in Afghanistan. The US and UK have emerged as a particularly important alliance in Afghanistan and in the wider 'war on terror' on all its fronts.

Regional Responses to the US Presence

It is important to consider the implications of this perceived US dominance in Afghanistan for regional powers. The responses of other powers to US primacy in Afghanistan, and indeed in Iraq, can be interpreted in different ways. Realist international relations analysts might expect regional powers to display 'balancing' behaviour, forming coalitions to countervail US influence, or, less likely, to engage in 'bandwagoning', allying with the US. Some analysts have spoken of an emerging anti-US Russia-Iran-China nexus and have seen the strengthening of the SCO as just such an attempt at 'balancing' US hegemony at both regional and systemic levels.

According to Barry Buzan and Ole Waever's theory of security complexes at the regional level, the US penetration of the affairs of regions such as Europe, East Asia, South America and the Middle East is seen as 'superpower overlay.' But the US cannot, according to these authors, become a member of these 'regional security complexes,' since the US has the possibility of voluntary or involuntary disengagement from these regions, an option that is not available to the countries geographically locked into them.²⁹ This principle is important in the Afghan context, because the regional players here certainly believe that they are 'locked in' to Afghanistan in a way the US is not, which is one reason why they do not feel motivated to relinquish their own patron-client networks of influence in Afghanistan. As Barnett Rubin points out:

²⁷ Ibid.

²⁸ Timo Noetzel and Sibylle Scheipers in *Coalition Warfare in Afghanistan: Burden Sharing or Disunity?* (Chatham House and Oxford University, October 2007).

²⁹ Barry Buzan, Ole Waever, and Jaap de Wilde, *Security: A New Framework for Analysis* (London: Lynne Rienner Publications, 1998), p. 472.

Despite repeated assurances by American officials...few in the region feel confident that either the US commitment to rebuild Afghanistan or the internationally sponsored government will last.³⁰

All regional powers must therefore have a strategy for the eventuality that the US departs the region. This could be far more distant than current agendas imply but it could also be sooner. As one security analyst, writing about motivations for states to cooperate in the international system, pointed out in the 1970s: "minds can be changed, new leaders can come to power, values can shift, new opportunities and dangers can arise," arguably nowhere more true than in Afghanistan and its neighbours and indeed in US domestic politics.³¹

Pakistan

The full extent of Pakistan's role in Afghan security in the broadest sense became ever clearer over the course of 2008. And it is the Pakistan connection that has led international players to increasingly view the Afghan conflict as a regionalized one, inextricable from the dynamics of state and non-state actors in neighbouring countries. In terms of the country's involvement in current Afghan reconstruction, Pakistan pledged US\$250m in grants to Afghanistan from 2002 to 2007, of which US\$200 have been committed and US\$9.8m disbursed. This aid has focused on road infrastructure, education, food aid and other projects and have concentrated on the Pakistani border areas. Involvement in the security sector has been minimal, beyond the controversial area of border control, but Pakistan has trained 37 police in the Islamabad Police Academy.³² In spite of the return of an estimated 1.75 million Afghan refugees from Pakistan to Afghanistan since the collapse of the Taliban, Pakistan continues to be home to as many as 3m Afghan refugees.³³

Pakistan has adopted a highly interventionist role in Afghanistan since the Soviet invasion of the latter in 1979-89, during which it was a key conduit for US and Saudi assistance to the anti-Soviet Mujahidin. The instrumental role of the Pakistani Inter-Services Intelligence Directorate (ISI), itself dominated by ethnic Pashtuns, in helping the Taliban to power in Afghanistan in the 1990s has been systematically alleged in the media. Different Pakistani actors had different reasons to support the Taliban. Many in Islamabad felt that the Taliban could divert Pashtun nationalism within Pakistan from the disputed border between Afghanistan and Pakistan, the 'Durand line' drawn to separate British India from Afghanistan, which now divides Pashtun communities in two. Moreover, Pakistani foreign policy elites have long seen Afghanistan as providing them with 'strategic depth' against their rival, India. Support for the Taliban could also have been motivated by a desire to stabilize Afghanistan and facilitate the creation of an overland trade route to and from Central

³⁰ Rubin and Armstrong, "Regional Issues in the Reconstruction of Afghanistan," p. 33.

³¹ Robert Jervis, "Cooperation and the Security Dilemma," *World Politics* 30:2 (1978): 167-214.

³² Islamic Republic of Afghanistan Ministry of Finance, *Donor Profile of Pakistan* (2007).

³³ Katzman, *Afghanistan: Post-War Governance*, p. 39.

Asia to Pakistan's sea ports, on Pakistan's terms.³⁴ Relations between post-Taliban Afghanistan and Pakistan have been troubled. Kabul continues to dispute the legality of the Durand line, perceives little will on the Pakistani side to change its policy of using Afghanistan to play out its other regional rivalries and suspects that many Pakistani players, notably within the ISI, desire a return to power of the Taliban.

Pakistan has been a nominal ally of the US in the 'war on terror' since the beginning of the US campaign in Afghanistan and has benefited from significant US financial support as a result. But the US and other international actors have become more and more convinced that insurgents fighting the Afghan government are actively supported by agencies within the Pakistani security apparatus. Moreover, one of Pakistan's most important roles as a US ally in Afghanistan, namely its use for the transit of US military supplies into Afghanistan, has been increasingly compromised by terrorist attacks on the transit routes used for these supplies.

The dramatic change in Pakistani politics, with the swearing in of new President Asif Ali Zardari in September 2008, did not immediately lead to deterioration of Pakistan's relations with Afghanistan and the US over the former's alleged lack of cooperation in dealing with Taliban and Al Qaeda fighters in the tribally administered areas along Pakistan's border with Afghanistan. Throughout 2006, 2007 and 2008, Afghanistan and Pakistan exchanged increasingly public accusations over the issue of security along their shared border. Afghanistan accused Pakistan of failing to prevent cross-border incursions by forces that are fighting the Afghan government and NATO forces in Afghanistan and of allowing these fighters to have sanctuary.

Under increasing pressure from the US, military raids against the insurgents were stepped up, and 2007 and 2008 saw some intense clashes between the Pakistani army (with the suspected support of US soldiers) and militants in the border areas, especially in Waziristan. But the ability and/or will to eliminate these militants across all elements of the Pakistani security establishment remained in doubt and September 2008 saw a series of alleged raids and missile strikes by US forces on Pakistani territory and there have even been reported shooting incidents between Pakistani troops and US troops patrolling the Afghan side of the border. The role of the ISI continues to be controversial. In August 2008, a coalition government led by then Prime Minister Zardari's People's Party of Pakistan (PPP) attempted to bring the ISI under the control of the Ministry of Interior but was forced to back down after a strong negative reaction from the army. Since the attack on the Indian embassy in Kabul in July 2007, attention has been refocused in Kabul diplomatic and development circles on the possible role of agents of the Pakistani state in Afghan insecurity and Afghan officials claimed they had evidence of ISI involvement in this attack.³⁵

³⁴ Mohammad Reza Djalili, "New Foreign Policies for New States: Transcaucasia and Central Asia in the International Arena," in *The OSCE and The Multiple Challenges of Transition: the Caucasus*, ed. Farian Sabahi and Daniel Warner (MPG Books, 2004), 13–36.

³⁵ Katzman, *Afghanistan: Post-War Governance*, p. 41.

If Pakistan once wanted to promote trade across Afghanistan, it is not making a conspicuous show of promoting this aim now. Although statistics show that Pakistan is Afghanistan's largest trading partner, official trade across the Afghan-Pakistani border has been subjected to disputes and delays, obstruction and corruption by Pakistani border officials.³⁶ Unofficial trade across the Afghan-Pakistani border, including smuggling of illicit goods and the illegal opium trade, has been an issue of concern, particularly to the US, which has moved over recent years to tighten controls at border ports such as Torkham. Politically, Islamabad has long advocated negotiations with the Taliban, and Pakistan may yet see the realization of this strategy which now appears to have increasing support amongst Afghanistan's international backers, at least where 'moderate' Taliban are concerned, but is still vehemently opposed by Russia, Iran and India.

India

India has become a significant player in Afghan reconstruction and the country was the fifth largest bilateral donor to Afghanistan in September 2007, having pledged US\$750m, committed US\$701.7m and distributed US\$204.3m, including US\$200,000 annually to the ARTF. This aid has been disbursed in various sectors, including infrastructure, communications, healthcare, social welfare, training for officials, including for police, and institution building. India's aid has been mostly channelled through the Afghan government, with the result, as noted by one author, that it has not been subject to the allegations of inefficiency and wastage that have dogged other donors using contractors, sub-contractors, PRTs and other less direct means of disbursing aid.³⁷

India sees its involvement in Afghanistan as a direct counterweight to Pakistan's influence in the region. India has nine consulates in Afghanistan, including in key provinces bordering Pakistan, such as Nangahar and Kandahar. Indian policy in Afghanistan is also designed to undermine the support of rebel groups in Pakistan for separatist movements in Indian administered Kashmir, and to prevent any 'spillover' from the Afghan conflict. This aim has become all the more important given the political upheaval in Pakistan in 2008. India fears that a weakening of central control in Pakistan, coupled with increased pressure on Islamist militants in the tribally administered areas, could lead to a reorientation of some of these militants towards Kashmir and possibly to targets in India more broadly. The pattern of terrorist attacks in India in 2007 and 2008 has shown that areas outside Kashmir are increasingly being targeted. The terrorist attacks from 26 to 29 November 2008 in India's commercial capital Mumbai, in which 170 people were killed, were the bloodiest example yet of this trend. India claims these attacks were carried out by an Islamist group based in Pakistan, Lashkar-e-Taiba, a group which was established with the help of the

³⁶ Anna Paterson, *Going to Market: Trade and Traders in Six Afghan Sectors*, AREU Synthesis Paper (July 2006), p. 13.

³⁷ Shanthie Mariet D'Souza, "India's Aid to Afghanistan: Challenges and Prospects," *Strategic Analysis* 31:5 (2007), p. 833.

Pakistani ISI to fight the Soviet invasion of Afghanistan, but which now focuses on the Kashmir conflict.

From 1992 to 2002, India had a perceived interest in containing the Afghan conflict, and preventing its spillover into Kashmir. Although the Taliban did represent a more stable government in Kabul, compared to the Mujahidin infighting that had preceded them, this government was seen by India as excessively pro-Pakistani and likely to support groups linked to Islamist extremism and separatism in India. For this reason, India supported the Northern Alliance against the Taliban. India has maintained these affiliations, as have the Northern Alliance's other supporters, Iran and Russia, and India is opposed to any negotiations with 'moderate' Taliban.

Like China, India is a growing economic power in the region and on the economic front India has been particularly keen to encourage Afghanistan's integration into South Asian trade. India hopes thereby to gain access to Central Asian, Iranian and Russian markets, and potentially to open up a transit route to supply its own increasing domestic energy demand. Afghanistan stands to gain from access to Indian markets since India is already a key market for Afghan raisins. However India would be reliant upon the 'good offices' of Pakistan in allowing transit rights for goods going in both directions should such a transport corridor emerge. Moreover, the Central Asian and Iranian markets are currently not a high priority for India.

Iran

By the end of December 2006, Iran had pledged US\$304m in grants to Afghanistan from 2002 to 2007, of which US\$222m had been committed and US\$212.96m disbursed. Projects have focused on road infrastructure, construction of transmission lines to import Iranian electricity, border facilities, education centres and scholarships, and have concentrated on the areas alongside the Iran-Afghanistan border. Direct involvement in the security sector has been restricted to issues of border control,³⁸ including reported assistance in the sphere of counter-narcotics. The refugee question caused some friction between the two countries in 2007, when Iran expelled around 52,000 Afghan refugees that it claimed were unregistered. Some 300,000 Afghan refugees in Iran have returned home since the fall of the Taliban but an estimated 1.2m remain.³⁹

Iran's involvement in Afghanistan has been profound due to its long shared border, shared language and culture (certainly in Dari-speaking areas and areas near the Iranian border), shared religion (in the case of the significant Shiite minority in Afghanistan) and a shared history that dates back to the Persian empire. The Taliban advance in Afghanistan was not welcomed by Tehran as the ultra-conservative Taliban variant of Sunni Islam views Shiites as infidels. Initially, Iran channelled anti-Taliban support to Shiite minorities, particularly ethnic Hazara in the Central Highlands of Afghanistan. However, with the

³⁸ Islamic Republic of Afghanistan Ministry of Finance, *Donor Profile of Iran* (2006).

³⁹ Katzman, *Afghanistan: Post-War Governance*, p. 40.

northward advance of the Taliban, Iran was forced to expand its assistance to other Northern Alliance factions, which it carried out in coordination with Russia and India.

There is profound and increasing disagreement between regional players, and between the US and Afghanistan itself, over the nature of Iran's role in Afghanistan in recent years. In the summer of 2007, allegations emerged from US military sources that the Iranian Revolutionary Guard had been supplying weapons to the Taliban in Afghanistan and that shipments of these weapons had been intercepted by US soldiers. These allegations have not been echoed by President Karzai, who received Iranian President Ahmadinejad on a state visit to Kabul in August 2007, and who has repeatedly described the Iranian role in Afghanistan as a positive one. Russia and India also regard the Iranian role in Afghanistan as largely positive. The alleged weapons seizures may well have other explanations than direct government-sanctioned Iranian support for the Taliban. There is no love lost between any agencies of the Iranian state and the Taliban. Iranian and Taliban forces came near to direct conflict in 1998 when news reached Tehran that nine of its diplomats had been killed in a Taliban offensive. However, Iran is undoubtedly still supporting its clients in Afghanistan and it is possible that any weapons convoys were intended for these clients.

The allegations over Iranian meddling in Afghanistan came against the background of a sharp deterioration in Iran's relationship with the US and with the UK (at the time of writing, it remained unclear whether US President Obama's goal of engaging the Iranian regime would bear fruit). The US and Iran have a long list of mutual grievances, including US allegations of Iranian support for Middle Eastern Shiite extremism in Lebanon, and recently in Iraq. Iran's continuation of its nuclear programme has caused a war of words with the US and a fresh wave of sanctions from the latter. The Iranian relationship with the UK, previously much more dialogue-based than with the US, has taken an even sharper downward turn, marked by a diplomatic skirmish in 2007 over Iran's detention of fifteen British naval officers allegedly caught in Iranian waters.

Iran views the US involvement in Afghanistan and in Central Asia with particular alarm, all the more so since the war in Iraq in 2003, which has left Iran sandwiched between large US military presences to the east and west. In view of its particularly bad relations with the US in 2007 and early 2008, Iran perceives an ever increasing interest in balancing US influence in the region, arguably much more so than do the allies with which it hopes to achieve this balancing, Russia and China. Iran has expressed interest in increasing engagement with the SCO and Iranian President Mahmoud Ahmadinejad's attendance of an SCO summit in the summer of 2007 sparked reports that the SCO was becoming an anti-US bloc and drew criticism from the US. As one analyst has argued, "Iran envisions Sino-Russian endeavors for the evolution of a multipolar world as an arrangement within which it might be able to balance the awesome power of the United States with other powers."⁴⁰

⁴⁰ M. Ehsan Ahrari, "Iran, China and Russia: The Emerging Anti-US Nexus?," *Security Dialogue* 32:1 (2001), p.458.

Russia and the Central Asian States

The states of former Soviet Central Asia have minimal involvement in post-Taliban reconstruction in Afghanistan. However, these states remain potentially important trading partners for Afghanistan and their participation would be vital to the realisation of Afghanistan's ambitions to become a trade bridge between Central and South Asia. Trade across border regions takes place, and there are several initiatives to improve this including a new bridge to Tajikistan and an energy project between Uzbekistan and Afghanistan. But trade-exchanges have so far been inhibited by the closed nature of some Central Asian economies and Central Asian fears over opening their borders, due to the (perceived and real) threats posed by flows of illicit goods, arms and dangerous ideologies from Afghanistan. In political and security terms, these states have remained in Russia's orbit, although Uzbekistan, Kyrgyzstan and to a lesser extent Tajikistan enjoyed a brief pro-US interlude from 2001 to 2005, when Uzbekistan and Kyrgyzstan hosted US airbases.

Russian involvement in post-Taliban reconstruction has been relatively inconspicuous since 2001 and the country's most significant gesture has been related to the aftermath of the large scale Soviet engagement in Afghanistan, namely the issue of Afghanistan's debt to Russia. Only in the London conference on the future of Afghanistan in January 2006 did Russia open the possibility of forgiving Afghanistan's debt to Russia, estimated by Russia at around US\$ 11bn, a figure that controversially included economic and military aid. Some 90% of Afghanistan's Soviet-era debt to Russia, or US\$ 10bn was cancelled in an agreement signed between Russian Finance Minister, Alexei Kudrin and his Afghan counterpart, Anwar-ul-Haq Ahadi, in Moscow in August 2007.

Russia has contributed small amounts of emergency aid and has engaged in training of Afghan and Central Asian counter narcotics officials at the Russian Domodedovo Counter-Narcotics Training Centre, conducted under the auspices of the NATO-Russia council. Via the OSCE, Russia and the Central Asian states have facilitated training for Afghan police officers in Central Asia. Russian companies have expressed an interest in greater involvement in Afghan reconstruction contracts and especially in the extractive industries sector, but with limited success so far, compared to countries such as China, discussed below. Russian cooperation with NATO in Afghanistan is likely to gain in importance as the US and NATO look for new transit lines to supply troops in Afghanistan. The land-transit agreement signed by Russia with NATO in the Bucharest summit of April 2008 allows for the transit of non-lethal and humanitarian supplies through Russia. Following the effective closure of Pakistani supply routes at the end of 2008, the US and NATO are considering a number of alternative routes.

Nonetheless, Afghanistan is perceived as a key security concern by Russian foreign policy and military elites. Afghanistan is seen as an exporter of militant Islamism and instability into Central Asia. A threat to the stability of Central Asia is considered as a direct threat to Russia by Russian policymakers, many of whom have never regarded these post-Soviet states as fully 'sovereign.' Many Russian sources on Afghanistan explicitly include Russia in the same region not only as Central Asia but also as Afghanistan. Roy Allison

has pointed out that Russian attitudes to the US presence in Central Asia are premised on the belief that “while the Americans are here now, we are in the region for ever.”⁴¹ This means that Russia is simultaneously happy for the US to be taking on the burden of ‘stabilising’ Afghanistan and wary of US attempts to use its position in Afghanistan to project its influence in the region more widely. Having itself been burned militarily in Afghanistan, Russia is also aware of the possibility of US failure in, or withdrawal from, Afghanistan. With one eye on this possible outcome, Russia maintains ties with its own clients in Afghanistan, Tajik and Uzbek forces of the Northern Alliance, supporting their political agendas and arguing for their greater inclusion in government. Russia vocally opposes any negotiation with ‘moderate’ Taliban, along with its allies in Afghanistan, Iran and India. In so far as Russia does engage in regional security organisations and arrangements, these are outside the US-led structures operating in Afghanistan.

In Russian eyes, the threat posed by civil conflict and instability in Afghanistan to the security of Central Asia was evidenced during the Tajik civil war from 1992 to 1997, in which certain factions were heavily supported by patronage networks on the other side of the Afghan border. Russian forces were heavily involved in the Tajik war, including skirmishes on the Afghan border and, reportedly, in air strikes against bases in Northern Afghanistan. Russia provided logistical and military aid to the Taliban’s Northern Alliance opponents until 2001/2002, and repeatedly claimed that Chechen and Islamic Movement of Uzbekistan (IMU) fighters were being trained in Afghanistan. Some 1,700 Russian border guards remained in Tajikistan from 1997 to 2005 to police the Afghan border. Russia continues to view Afghanistan as a source of political and religious militancy and also, increasingly, of narcotics, potentially turning Central Asia into a major hub of the international drugs trade. It is unclear what percentage of Afghan opiates ends up in Russia but in 2003 Afghan sources were thought to supply almost all of Russia’s heroin market and two-thirds of the European heroin market.⁴² Russian officials in 2007 spoke of a ‘heroin invasion’ into Russia, emanating from Afghanistan. However, since heroin is a demand driven market, Russia must also bear some responsibility for creating the demand.

Russian fears of growing US influence in the region have been somewhat allayed by a re-orientation of Central Asian states to Russia, after their increasing disillusionment with the US, especially in the case of Uzbekistan. Uzbek cooperation with the US after September 11 appeared to reinforce what was already seen by Russia as the drifting away of Uzbekistan from its sphere of influence. However, the Uzbek regime has proved much easier to ‘do business with’ for Russia than for the US. Following strong US criticism of its handling of the Andijan riots in May 2005, Uzbekistan demanded US withdrawal from the Qarshi-Khonobod (K2) airbase, which was completed in November 2005. Russia, on the other hand, endorsed Uzbek President Islam Karimov’s account of the Andijan riots, repeating Uzbek claims that the rioters had been supported by terrorists crossing into the country

⁴¹ Roy Allison, “Strategic Reassertion in Russia’s Central Asia Policy,” *International Affairs* 80:3 (2004), p.277.

⁴² Mark Schoofs, “Russian Official Criticises US for Afghan Heroin Surge.”

over the Afghan border. The two countries signed a pact of allegiance in November 2005 pledging mutual assistance in the event of an act of aggression against either country with Karimov declaring that Uzbekistan had shown "with whom we will bind our future."

Russia has also recovered from the blow of Tajikistan's demand for the withdrawal of Russian border guards from the Tajik/Afghan border in 2003, leading to the final departure of all Russian border troops in 2005. At the time of the request for withdrawal there was speculation that Tajikistan planned more cooperation with NATO. There were no US bases on Tajik soil but the government had allowed US planes to refuel in the country and use its airspace en route to Afghanistan. However, Tajikistan has remained Russia's strongest ally in the region since Russia's military involvement in the Tajik civil war from 1992-1997. Even in the midst of the withdrawal of its border guards, Russia opened its largest military base abroad in Tajikistan in November 2004. Moreover, Russia is not opposed to any additional help that the US can offer in securing this border, and certainly stands to gain from the US support, to the tune of US\$13m, that has been targeted at building the capacity of Tajik customs officers and border guards.

The death of president Sapurmurat Niyazov in December 2006 and the swearing in of Kurbanguly Berdymukhamedov as new president in February 2007 appears not to have dramatically altered Turkmenistan's role in the region and the country's stance towards either Afghanistan, the US presence there or towards Russia. The deceased President Niyazov saw the US presence in the region "as validating his policy of 'positive neutrality.'"

China

China has pledged US\$150m to Afghanistan (US\$75m as grants and US\$75m as loans), of which US\$73.8m have been committed and US\$24.8m has been disbursed. These contributions have focused on health and nutrition, natural resource management, public administration reform and economic management, national police, law enforcement and stabilisation.⁴³ In addition, Chinese companies have shown particular interest in bidding for reconstruction contracts in Afghanistan and have participated in some major infrastructure projects, including World Bank-funded road construction projects. Most recently, a Chinese company won the tender to develop the Aynak copper deposit in Logar province south of Kabul, a highly significant economic asset in the Afghan context. Aynak is the second largest (according to some estimates the largest) unexploited copper reserve in the world, with a production potential that could supply 1.3% of the world's yearly copper demand and place Afghanistan amongst the world's top 15 copper producers. The state-owned company China Metallurgical Group, which agreed to invest nearly US\$3bn in this high-risk project, was chosen from an initial list of bidders that included other regional companies: two Russian companies and one Kazakh firm. Chinese economic interests in Afghanistan, and indeed in Central Asia, are also very visible in the sphere of trade in consumer goods.

⁴³ Islamic Republic of Afghanistan Ministry of Finance, *Donor Profile of China* (2007).

China's security concerns with regard to Afghanistan are bound up with its fear of Islamism and separatism. China fears the spread of Islamic extremism and political instability from Afghanistan into Central Asia because of the secessionist demands of its own Turkic Muslim minority Uighurs, living in Xinjiang on the border with Central Asia. The fact that Uighurs had been able to pass through Afghanistan into Tajikistan and then further north led to the tighter regulation by China of its borders with Central Asia, which also initiated a 'special regime' along its border with Afghanistan. China alleged that Uighurs had been trained in terrorist camps in Afghanistan during the Taliban period and some analysts claimed that Uighur language documents were discovered at abandoned Al Qaeda buildings following US bombing in 2001/2002.⁴⁴ Other analysts see this as a shrewd move on China's part to seize an opportunity to "link Uighur nationalist movements to Islamic militants pursued by the USA, without distinguishing between the violent or non-violent groups in Xinjiang."⁴⁵ The concern over Uighur separatism must be seen against the context of China's other separatist issues as represented in its fear of Mongolian nationalism and in the 'one China policy,' which opposes the independence of Taiwan. Afghanistan for its part underlined its support for one China when it signed the Afghanistan-China Friendship and Cooperation Treaty in 2006.

China's political and economic influence in the Asian region as in the world has been growing consistently for two decades. It is interesting to ask how this growing power regards the other great powers exerting their influence in its north-western region, especially Russia in Central Asia and the US in Afghanistan. China certainly regards the US role in this region with alarm and on some levels "from Beijing's perspective, America is using the events of September 11 as an excuse to impose its supremacy on the world."⁴⁶ This was especially the case during the tenure of US airbases in Central Asia, which was perceived as an encroachment on China's sphere of influence in Beijing, in equal measure to the sense of encroachment felt in Moscow. This sense of alarm at the US presence, which China shares with Russia and Iran, has been at the root of what some see as an emerging China-Russia-Iran nexus, discussed above. The Shanghai Cooperation Organisation (SCO), of which China and Russia are key members, in which Iran has observer status, has become a key forum for Russia and China to attempt to challenge and balance US influence in Central Asia.

However, as with Russia and to some extent Iran, Chinese alarm at the US role in the region has been tempered by China's interest in the stabilisation of Afghanistan. Moreover, especially since the realignment of Central Asian states towards Russia, China competes both with the USA and with Russia for influence in Central Asia. Russel Ong argues that Central Asian states have sometimes regarded links with China as a balance against Russian regional dominance. Although Russia is also a member of the SCO, the Chinese role prevents Russia from dominating.

⁴⁴ Brill-Olcott, *Central Asia's Second Chance*, p. 63.

⁴⁵ Russel Ong, "China's Security Interests in Central Asia," *Central Asian Survey* 24:4 (2005), p. 430.

⁴⁶ *Ibid.*, p. 434.

Conclusions

To a large extent, the regional players in post-Taliban Afghanistan are 'doing their own thing,' playing out their own rivalries, supporting their clients in Afghanistan, making some largely symbolic attempts at balancing the power of the US and other regional powers, and attempting to mitigate perceived security threats from Afghanistan. All these powers are incorporating possible scenarios of US withdrawal from the region into their calculations.

The results for Afghan SSR and for security in Afghanistan more broadly are largely negative. The Pakistani unwillingness or inability to deal with Islamist militants in its own territory has fuelled the insurgency in Afghanistan, leading to a rapid deterioration of Afghanistan's security, militarily and in terms of human security in the areas most affected by the insurgency. Meanwhile, regional powers such as Russia, Iran and India continue to support their own favoured groups in Afghanistan. This support is nowhere near the levels it reached during the 1990s and the groups involved are not engaged in the insurgency, but their support by Russia, Iran and India has been against the spirit of attempts at disarmament, demobilization and reintegration of armed groups in Afghanistan and hence has undermined the SSR agenda.

Meanwhile, there has been no concerted attempt by the US and NATO to build a regional consensus, or promote a cooperative regional dialogue on the Afghan conflict. Such regional engagement will be difficult given regional rivalries, clashing interests and political cultures and the increased mistrust in the region of the US and NATO presence in Afghanistan. However, as a recent report has noted:

A multilateral forum might ease mutual suspicion and create a structure for sustained positive involvement. This of course would be even more important in the future, when international interest in maintaining a military presence and in funding the reconstruction tapers off. At that time, Afghanistan will again become heavily dependent upon relations with its neighbors.⁴⁷

Although regional cooperation on Afghanistan is not a simple proposition, the success or failure of engagement on the regional level will be one of the ingredients determining the future of the post-Taliban state-building effort in the medium and long term.

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⁴⁷ Astri Suhrke, Kristian Berg Harpviken and Arne Strand, "Conflictual Peacebuilding: Afghanistan Two Years After Bonn" (Oslo: International Peace Research Institute, 2004), p. 54.

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Chapter 15

The Role of ISAF in SSR in Afghanistan

Vahan Galoumian

Introduction

NATO's Afghan mission, named the International Security and Assistance Force (ISAF), is the first deployment of the transatlantic alliance outside Europe. Its mission has been to guarantee security and bring stability in Afghanistan to facilitate the reconstruction of the country. For ISAF, security sector reform (SSR) has been, on paper at least, a focal point of its reconstruction mission.

Thus far, the internationally supported stabilisation and reconstruction process in Afghanistan has not been an outright success. In addition to deteriorating security conditions in Afghanistan, there have been many serious shortcomings to ISAF's role in facilitating security sector reform. This chapter investigates these shortcomings and seeks to answer the following questions: How was SSR included in the post-conflict reconstruction efforts of the international community in Afghanistan? What has been ISAF's role in Afghanistan and what part does it play in the overall SSR strategy in the country? How has this strategy been implemented in practice? And finally, to what are attributable the shortcomings of ISAF's involvement in the SSR process?

The chapter first lays out the context of ISAF's mission in Afghanistan and the goals of the international community in bringing SSR to its peace-building strategy, as defined in the Bonn Agreement of 2001. The second and third sections of this chapter examine ISAF's role in SSR in Afghanistan and how it has been implemented in practice. The fourth section examines the shortcomings and causes of ISAF's role in Afghanistan. The last section concludes.

ISAF's Mission in the Context of Post-Taliban Afghanistan

The work of ISAF in rebuilding the security sector in Afghanistan has not happened in a vacuum. Three factors in particular—the conduct of the initial military campaign to oust the Taliban, the security environment post-2001, and the reach of other international actors

operating in Afghanistan—have all impacted and limited the ability of ISAF to successfully build and reform national security institutions in Afghanistan.

Most importantly perhaps, initial overt reliance and legitimization of warlords impeded international efforts to build strong and effective national Afghan institutions. In search of a quick victory to the initial military campaign, the US and coalition forces committed a minimal amount of ground troops and relied heavily on the Northern Alliance and other military factions to win the battle against the Taliban. This reliance on sub-national military commanders, commonly known as *warlords*, continued in the aftermath of the victory against the Taliban. Following victory against the Taliban in 2001, the CIA heavily funded warlords, who in turn recruited hundreds of militiamen. The wealth of warlord factions, whose leaders now made thousands and sometimes millions of dollars in profit, contrasted with the poverty of the central government.¹

The US did not conceal its reliance on forces outside the reach of the central government headed by Hamid Karzai. To the contrary, this division of power within Afghanistan was for many months supported and publicly recognized by high-ranking officials in the US administration. In 2002, US Defense Secretary Donald Rumsfeld famously insinuated that warlords ought to share power with the central government for stability to take place. Speaking on the security situation in Afghanistan, he declared: “How ought security to evolve in that country depends on really two things; one is what the interim government decides they think ought to happen, what the warlord forces in the country decide they think ought to happen, and the interaction between those two.”²

Empowering warlords to win the initial battle against the Taliban eventually impaired the ability of the central government to build a national army and a national police force. It often proved difficult to recruit soldiers and policemen when militias paid monthly salaries twice or three times as high. For long, the government of Hamid Karzai had no state income, and for four months had no money to pay its public servants.³ Warlords were also often more successful at ensuring security than nascent Afghan forces, thus hindering the legitimization of national institutions. To be sure, sub-state militias had always existed in Afghanistan, but in the years following 2001 the US and its allies were heavily funding them, while at the same time trying to build pan-Afghan national institutions.

Support for Afghan warlords also retarded the expansion of ISAF. ISAF was created by United Nations Security Council Resolution 1386 in December 2001. Its initial mandate was “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 the personnel of the United Nations can operate in a secure environment.”⁴ Initially, and until 2005, there was

¹ Ahmed Rashid, *Descent into Chaos: The US and the Disaster in Pakistan, Afghanistan and Central Asia* (London: Penguin Books, 2008), p. 131

² <www.defense.gov/transcripts/transcript.aspx?transcriptid=3410>.

³ Rashid, *Descent into Chaos*, p. 129

⁴ UN Security Council Resolution 1386 on the situation in Afghanistan, 20 December 2001, S/RES/1386.

strong reluctance from the US to expand the mission of ISAF beyond the capital. Stability, as Rumsfeld reminded, would be a compromise between the actions of the central government and warlords forces. Only in 2003 did the UN Security Council agree to expand ISAF's mission beyond Kabul and hand command of ISAF to NATO. ISAF, under NATO command, was expanded to the whole of Afghanistan in four main stages shortly thereafter.⁵ Stage 3 and Stage 4 (launched in October 2006) expanded NATO's mission in the south and east of the country. There, ISAF's mission rapidly came to involve counterinsurgency activities; NATO troops first came to work alongside US troops attached to Operation Enduring Freedom (OEF), and later replaced them, in the fight against the Taliban and other insurgents.⁶ Today, ISAF has approximately 55,000 troops from 26 NATO and 15 non-NATO countries.

This is the context in which ISAF worked to implement SSR in Afghanistan. Factors peripheral to the assistance force seriously hindered its ability to work to build a successful security sector. But this, in and out of itself, does not explain the shortcomings of ISAF towards SSR. Weaknesses intrinsic to ISAF, the inadequacies of the 'Lead Nation Approach,' national caveats, uncertain adjustments to deteriorating security conditions in the country and the lack of Afghan ownership of the SSR process also impeded SSR. This, however, was not due to a lack of commitment to reform of the security sector, as SSR was an initial focus of international development efforts in Afghanistan.

The International Community and Security Sector Reform in Afghanistan

SSR was recognized early in the reconstruction process as a key objective of reconstruction efforts. The Bonn process (the series of meetings between various Afghan factions initiated in 2001 intended to re-create an Afghan government after the fall of the Taliban regime) indirectly addressed security sector reform by calling for an international security force to be placed in Afghanistan until such time as an Afghan security force could be developed (paving the way for ISAF). It also called for "all mujahidin, Afghan armed forces and armed groups in the country [to] come under the command and control of the Interim Authority, and be reorganised according to the requirements of the new Afghan security and armed forces."⁷

One year later, in 2002, at two international conferences held in Geneva and Tokyo, major donors formally devised an SSR strategy for Afghanistan. The strategy that emerged from these meetings laid out a five pillar approach to SSR in Afghanistan, with each pillar

⁵ NATO, "International Security and Assistance Force: Chronology."

⁶ Mark Weber, "NATO: The United States, Transformation and the War in Afghanistan," *The British Journal of Politics & International Relations* 11:1 (2009), p. 54.

⁷ Bonn Agreement, para V1 and Annex 1.

Table 1: 2002 Five Pillar Approach to Security Sector Reform.

<i>Lead Nation</i>	<i>SSR Pillar</i>
United States	Military Reform
Germany	Police Reform
Italy	Justice Reform
Japan	DDR
United Kingdom	Counter-narcotics

to be overseen by a lead-donor nation.⁸ The United States would oversee the creation of the Afghan National Army (ANA), Germany would be leading efforts to create the Afghan National Police (ANP), Italy would lead justice reform, the United Kingdom would be the lead nation in counter-narcotics and Japan would lead the disarmament, demobilization and reintegration process (DDR).

The rationale behind the lead pillar approach was that lead-donor nations would take responsibility for each pillar and ensure long-term funding for each of these pillars. In practice, as discussed below, it has resulted in poor policy planning and coordination.

ISAF's Role in Security Sector Reform in Afghanistan

The current SSR role of ISAF is spelled out in the Interim Afghanistan National Development Strategy (I-ANDS)—a national development strategy for Afghanistan developed at the London Conference in 2006—and in NATO's operational plan. The I-ANDS seeks to accelerate development, strengthen governance and increase security. In so doing, it has identified the major and interdependent pillars of activity to guide development action between 2006 and 2011:

1. A security pillar (priority given to strengthening the ANA and the ANP);
2. A governance, rule-of-law and human rights pillar; and
3. An economic and social development pillar.

Under this plan, ISAF would lead efforts on the first security pillar and emphasize the role of SSR in that process.

SSR is also outlined in the operational plan (OPLAN) under which ISAF operates in Afghanistan.⁹ OPLAN details the terms of engagement of NATO in the country. Under this plan, the goal of the ISAF mission is to achieve "a self-sustaining, moderate, and democratic Afghan government able to exercise its sovereign authority, independently, throughout Afghanistan."¹⁰

⁸ Mark Sedra, *Security Sector Transformation in Afghanistan*, Working Paper No.143 (Geneva Centre for the Democratic Control of Armed Forces, 2004), p.3.

⁹ Afghanistan National Development Strategy, "London Conference on Afghanistan, 31 January – 01 February 2006."

¹⁰ International Security and Assistance Force, *Operational Plan* (2006), p. 1.

To achieve this objective, the ISAF OPLAN lists a number of 'Key Military Tasks' and 'Key Support Tasks.' The first of these key military tasks is to "assist the Afghan government in extending its authority across the country, including stimulation of the security sector reform process."¹¹ SSR is spelled out to be the most important objective of ISAF in Afghanistan. ISAF acted early in the reconstruction process to build and train a six-hundred men battalion that would act as a Presidential Guard to President Hamid Karzai.¹² It also played a leading role in building the Afghan National Army (ANA) and the Afghan National Police (ANP).¹³

ISAF currently conducts stability and security operations with the ANA and the ANP, mentoring and supporting the ANA and supporting the Disbandment of Illegal Armed Groups (DIAG) programme. In addition, key supporting tasks include support for the ANP, support for the Afghan government's counter-narcotics efforts and, when requested, support humanitarian operations conducted by the government of Afghanistan.¹⁴

Today, ISAF's operations are divided into what NATO refers to as *security* and *stability* operations. Security operations are carried out by robust military battalions against insurgents, mostly in the south and south-east of the country. These actions range from protection efforts to "decisive, pro-active military ground and air manoeuvres."¹⁵ In theory, security operations will provide the space for ISAF's stability operations to function. Stability operations, in turn, are conducted principally by Provincial Reconstruction Teams.

Provincial Reconstruction Teams (PRTs)

Provincial Reconstruction Teams (PRTs) have been ISAF's principal mechanism for implementing SSR. PRTs were created to facilitate reconstruction and provide security for aid efforts at the provincial level in Afghanistan. First operating under the command of OEF, PRTs were gradually transferred to the authority of ISAF in 2004, with the last PRTs in the south and east of the country transferred to ISAF in 2006, leaving ISAF in charge of all 26 PRTs then in Afghanistan.¹⁶ The stated mission of PRTs has been to "assist the government of Afghanistan to extend its authority in order to facilitate the development of a stable and secure environment" and also to "enable security sector reform and the reconstruction effort."¹⁷

¹¹ Peter Dahl Thruelsen, *NATO in Afghanistan: What Lessons Are We Learning, and Are We Willing to Adjust?*, DIIS Report (2007), p. 11.

¹² Rashid, *Descent into Chaos*, p. 203

¹³ The Afghan National Army and the Afghan National Police are addressed in chapters 1 and 2 of this book.

¹⁴ International Security and Assistance Force, *Operational Plan*.

¹⁵ *Ibid.*

¹⁶ Afghanistan Research and Evaluation Unit, *The A to Z Guide to Afghanistan Assistance*, Seventh Edition (Kabul: AREU, 2009), p. 66.

¹⁷ Emma Sky, "Increasing ISAF's Impact on Stability in Afghanistan," *Defence and Security Analysis* 23:1 (March 2007), p. 20.

NATO recognized the utility of the PRT model in Kabul and soon extended them to the country. Emphasis was given to the flexibility of PRTs; their structure and approach could vary according to the needs of the provinces in which they are operating. In the long run, however, the emphasis placed on 'flexibility' and the lack of overall national strategy would cut back some of the achievements of specific PRTs. Early on, the PRT model brought significant additions in personnel and funding from other coalition countries, which in turn conferred greater legitimacy to the multilateral effort in Afghanistan.¹⁸

PRTs are currently led by various countries and vary in size, command, reach, structure and mission. While each PRT varies, there are broadly three types of structures:

- PRTs led by a military commander—emphasizing high impact development projects—usually found in the south of Afghanistan and other volatile regions (the so-called 'US model,' average of 80 personnel of which 3 to 5 are civilians)
- PRTs led by a civilian commander—emphasizing local capacity building—capable of operating in volatile regions (the 'UK model', average of 100 personnel of which 30 are civilians)
- PRTs 'dual-headed' by one military and one civilian leader—emphasising long-term sustainable development—operating in stable security environments (the 'German model,' average of 400 personnel of which 20 are civilians).¹⁹

In practice, PRTs carry out small developments projects, help train the Afghan administration officials and aim to create minimal security conditions for local and international NGOs to perform their work. For instance, in the Bamyán province, the traditional homeland of the Hazara people, the New Zealand-led PRT has achieved considerable success in rebuilding schools and Bayman University.²⁰ In Mazar-e-Sahrif the PRT achieved success in mediating between General Atta and General Dostum. Others, such as the US PRTs in the Pashtun areas in the South of Afghanistan have no authority to help mediate local disputes, all they can carry out is to listen to complaints.²¹

There are at present 26 PRTs under the command of 11 countries (Canada, the Czech Republic, Germany, Hungary, Italy, the Netherlands, Norway, Spain, the United States, the United Kingdom and New Zealand) operating throughout Afghanistan, as detailed in Table 2.

¹⁸ Michael J. McNeerney, "Stabilization and Reconstruction in Afghanistan: Are PRTs a Model or a Muddle?," *Parameters* 35:4 (Winter 2005-2006), p.38.

¹⁹ Nina Abbaszadeh, et al., *Provincial Reconstruction Teams: Lessons and Recommendations*, Graduate Policy Workshop Final Report (Princeton, NJ: Princeton University, Woodrow Wilson School, 2008).

²⁰ Rashid, *Descent into Chaos*, p. 199.

²¹ *Ibid.*

Table 2: Provincial Reconstruction Teams across Afghanistan.²²

Regional Command North – RC(N)	Regional Command West – RC(W)	Regional Command South – RC(S)	Regional Command East – RC(E)
Konduz (Germany), Konduz province	Herat (Italy), Herat province	Kandahar (Canada), Kandahar province	Bamyan (New Zealand), Bamyan province
Mazar-e-Sharif (Sweden), Balkh province	Farah (United States), Farah province	Lashkar-Gah (United Kingdom), Helmand province	Bagram (US), Parwan province
Feyzabad (Germany), Badakhshan province	Qala-e-Naw (Spain), Badghis province	Tarin Kowt (The Netherlands), Uruzgan province	Nurestan (US), Nurestan province
Pol-e-Khomri (Hungary), Baghlan province	Chaghcharan (Lithuania), Ghowr province	Qalat (United States), Zabul province	Panjshir (US), Panjshir province
Meymaneh (Norway), Faryab province			Gardez (US), Paktika province
			Ghazni (US), Ghazni province
			Khowst (US), Khowst province
			Sharan (US), Paktika province
			Jalalabad (US), Nangarhar province
			Asadabad (US), Kunar province
			Mihtarlam (US), Laghman province
			Wardak (TU), Wardak province
			Logar (Czech Republic), Logar province

PRTs were born in a changing and volatile environment following the fall of the Taliban regime. From the start, flexibility was a key aspect of PRTs: PRTs were to monitor developments, assist in coordinating various bodies and agencies and facilitate cooperation.²³ Quickly, however, the emphasis on ‘flexibility’ resulted in ambiguity and ultimately incoherence of the mission of PRTs. As one commentator has argued, the “impression was that PRTs were observing and facilitating everything—being all things to all people—but not

²² NATO, “International Security and Assistance Force: Provincial Reconstruction Teams.”

²³ McNerney, “Stabilization and Reconstruction in Afghanistan,” p. 36.

Box 1: The Canadian-led PRT in Kandahar

The Canadian PRT is located in Kandahar province, one of the most unstable regions of Afghanistan. The PRT is composed of 330 people and includes officers from the Canadian International Development Agency (CIDA), the Department of Foreign Affairs and International Trade, Correctional Services Canada (CSC) and the Royal Canadian Mounted Police (RCMP). Additionally, approximately 2,500 Canadian troops are deployed in Kandahar under ISAF Command.

The PRT mission statement is to “conduct coordinated inter-departmental operations to promote good governance and assist the government of Afghanistan in extending its authority in order to facilitate the development of a stable, secure and self-sustaining environment.” Its key tasks are to build the capacity of the Afghan government in Kandahar, coordinate with local, provincial, national and international actors and to facilitate short-term and long-term development. To name one example of recent development projects, Canada has invested heavily in the rehabilitation of the Dahla Dam located in the province of Kandahar.

One of the most pressing concerns for Canada's involvement in Afghanistan has been the general deterioration of security conditions in Kandahar. Resurgent Taliban attacks have claimed the lives of more than 100 Canadian soldiers and have undermined development efforts in the province. It has also hindered one of Canada's key goals in Afghanistan – the training of ANA and ANP forces.

Sources: Government of Canada, “Canada's engagement in Afghanistan: Kandahar Provincial Reconstruction Team,” June 2008, p. 2; Abbaszadeh, et al., Provincial Reconstruction Teams: Lessons and Recommendations, Woodrow Wilson School Graduate Policy Workshop Final Report, 2008, Annex 1.

actually accomplishing anything vital to the political or military missions.”²⁴ In many parts of the country PRTs could not provide security to the population in their respective provinces, as many were not allowed to mediate in conflicts between Afghans or engage in armed conflict with insurgents.²⁵

Impact on the SSR Process in Afghanistan

The accomplishments of ISAF in facilitating SSR in Afghanistan cannot be discarded. For one, ISAF is to be commended for its largely positive role in reforming, or rather establishing, the Afghan National Army.²⁶ A recent UN report rightly underlined ISAF's achievements in Afghanistan since 2003. The report stresses that ISAF has facilitated reconstruc-

²⁴ Ibid.

²⁵ Rashid, *Descent into Chaos*, p. 199.

²⁶ For instance, see: *The Long March: Building an Afghan National Army* (Washington: RAND, 2009).

tion, disarmament and reintegration and has proved to be “an effective vector for the Afghanization of security.”²⁷

These accomplishments are especially noteworthy given the considerable difficulties of consolidating security sector institutions in Afghanistan. The regional reach of Afghan governments has always been limited in Afghanistan and the central government has always had to negotiate with regional power brokers to assert its authority outside Kabul. Three decades of civil war had left a population decimated by poverty, illiteracy and ethnic and tribal tensions.²⁸

Despite this, ISAF has also presided over a deteriorating security situation in Afghanistan since 2001. At the time of writing, in 2008, insurgent attacks had risen and narcotic production by the Taliban had gained a significant presence in the south and south-east of the country.²⁹ Given the multitude of international actors engaged in Afghanistan and the daunting task, the rising level of attacks cannot be directly or solely attributed to ISAF's failures.

Yet, problems intrinsic to ISAF have significantly impeded NATO's mission in Afghanistan. These include national imposed caveats on the use of troops by member countries, the inadequacies of the lead nation approach, the lack of purpose and coordination of PRTs, the ambiguity of ISAF's response to the growing insurgency and, more generally, the lack of Afghan ownership in the SSR process.

National Caveats

From the beginning of ISAF's mission, many NATO contributing countries imposed restrictions on the deployment of troops in Afghanistan and the tasks that they could undertake, referred to as 'national caveats.'

The list of restrictions about what different national troops can and cannot do is far-reaching. For instance, some troops cannot operate after dark or help with UN disarmament projects; others are disallowed to help eradicate drug production while still others are not authorized to attack the Taliban. Most cannot protect schools, government buildings, NGOs, and major infrastructure projects.³⁰

National caveats have been problematic for a number of reasons. First, these caveats diminish the overall effective use of ISAF's capabilities in the country. They also create friction among allies as all contributing nations do not seem to contribute to the mission and do not share risks equally.³¹ For instance, Germany's restrictions on its contingent of 3,300 troops to the relatively secure and quiet north of the country imposes very different strains

²⁷ United Nations General Assembly, “The Situation in Afghanistan and its Implications for International Peace and Security” (10 March 2009).

²⁸ Fatima Ayub, Sari Kouvo, and Rachel Wareham, “Security Sector Reform in Afghanistan,” IFP Security Cluster (International Centre for Transitional Justice, April 2009), p. 10.

²⁹ Weber, “NATO: The United States, Transformation and the War in Afghanistan,” p. 55.

³⁰ Rashid, *Descent into Chaos*, p. 354

³¹ Renée de Nevers, “NATO's International Security Role in the Terrorist Era,” *International Security* 31:4 (Spring 2007): 34–66.

than those faced by American, British, Dutch and Canadian troops in the south of the country. In total, only six contributing countries operate without national caveats in Afghanistan.

To be sure, 'national caveats' in peacekeeping missions are not unique to the current stabilization mission in Afghanistan. National caveats also exist in the current international peacekeeping mission in Bosnia and have figured in other UN peacekeeping missions; in all instances they have caused ineffectiveness and nuisances.³² However, many commentators and the American military have been adamant in their criticism of self-imposed national caveats. To quote NATO General James Jones, a high-ranking US military commander who publicly decried these caveats, "It is not enough to simply provide forces if these forces have restrictions on them that limit them from being effective."³³ He added that the seventy-one currently listed caveats have become "NATO's operational cancer [...] a sign of weakness and an impediment to success."³⁴ In a recent report, the Committee on Foreign Affairs of the European Parliament also emphasized the need to extend troop deployments in Afghanistan. The report states "a major strengthening of political will and commitment is necessary" and "this should be followed up not only by a willingness to provide additional combat troops in the most difficult areas, unrestricted by national caveats."³⁵

Inadequacies of the Lead Nation Approach

In practice, the lead nation approach has failed to accomplish its purported goals. The wide range of competing political visions of lead donors has obstructed coordination and joint planning, it has advanced 'turf' wars between donors and it has deprived the process of cross-pillar coordination and initiative.³⁶ As Emma Sky puts it:

The lead nation approach has resulted in stovepipes, little Afghan ownership of reforms, and inefficient targeting of resources. It *de facto* undermines the nascent government of Afghanistan, with foreign nations pushing the SSR agenda, controlling virtually all the resources and setting the time-frame. Too often members of the international commu-

³² Ibid., p. 51.

³³ Congressional Research Service, "NATO in Afghanistan: A Test of the Transatlantic Alliance," CRS Report for Congress (CRS, 23 October 2008), p. 6.

³⁴ Rashid, *Descent into Chaos*, p. 354.

³⁵ European Parliament (Committee on Foreign Affairs), "Stabilization of Afghanistan: Challenges for the EU and International Community" (2008). However, because of the accrued political pressure on contributing countries over deteriorating security conditions in Afghanistan, national caveats may be a lesser evil that NATO and ISAF commanders have to deal with: the political pressure that some contributing countries governments face means that the choice is often not whether to impose 'national caveats' but whether to deploy troops with 'national caveats' or not to deploy at all.

³⁶ Sedra, *Security Sector Transformation in Afghanistan*, p. 3.

nity put the achievement of targets set in their national capitals ahead of building Afghan capacity.³⁷

For instance, until very recently, police reform (under the leadership of Germany) and justice reform (under Italian leadership) had been advanced in parallel and with very little overlap or coordination.³⁸ The lead nation approach also *creates* undue overlap between agencies and bureaucracies, especially on matters that affect more than one of these pillars, such as the fight against drug production and trafficking.

PRTs: Ambiguity of Purpose and Lack of Inter-Agency Coordination

There are no fixed guidelines for PRTs and many tend to be dominated by military and not civilian forces. This has elicited a lot of criticism from the development community which argues that this military dominance hinders reconstruction efforts. These criticisms are not totally unjustified as the presence of troops in certain parts of the country can irritate local communities and create more, rather than less, conflict.³⁹ If PRTs are to continue to be the leading model of reconstruction, military personnel should at least be better equipped and better trained at delivering development aid.

However, ISAF's official website states that it is "a common misconception that the PRT is all about the physical reconstruction of Afghanistan. This is not the way we do business. Our concept of operations and development priorities are primarily concerned with a) Government Institution Building and b) *Security Sector Reform*."⁴⁰ It is only "by strengthening the security sector and the local government," ISAF states, that "NGOs will have freedom to operate and people will be prepared to invest in the future."⁴¹

Moreover, there is little coordination and little coherence between various PRTs, which operate under the guidance of different donor countries and whose objectives may conflict. A recent report³⁷ by the Afghanistan Study Group suggested that PRTs function without an overarching goal, that the services delivered by PRTs are often overlapping and without an identifiable chain of command, and frequently do not coordinate between each other or exchange information.⁴²

Nevertheless, the role of PRTs cannot be rejected as a whole. There are certainly many success stories of PRTs across Afghanistan. Evidence, however, tends to be anecdotal and does not speak to the success of the overall strategy. As Emma Sky puts it, "The contribution that PRTs are making to stability across the country is varied and not nearly as much as it could be."⁴³

³⁷ Sky, "Increasing ISAF's Impact on Stability in Afghanistan," p. 11.

³⁸ Ayub, Kouvo, and Wareham, "Security Sector Reform in Afghanistan," p. 8.

³⁹ Sky, "Increasing ISAF's Impact on Stability in Afghanistan," p. 21.

⁴⁰ NATO, "Provincial Reconstruction Team North (West)," emphasis added.

⁴¹ Ibid.

⁴² Congressional Research Service, "NATO in Afghanistan," p. 8.

⁴³ Sky, "Increasing ISAF's Impact on Stability in Afghanistan," p. 20.

ISAF's Ambiguous Adjustments to Deteriorating Security Conditions in Afghanistan

The deteriorating security conditions in Afghanistan have harmed the peace process and ISAF's role in SSR specifically. The insurgency—which not long ago was contained to small areas—now affects a large part of the country, spreading across the south and east, the west and limited areas in the north of the country.⁴⁴

Despite deteriorating security conditions in the country, ISAF's mandate does not officially cover military operations other than peacekeeping.⁴⁵ Its limited mandate is due in no small part to the resistance of contributing countries to take on counter-terrorism and counter-insurgency activities. As Renée de Nevers rightly points out,

the ambivalence toward ISAF is partly explained by the fact that even governments that acknowledged the dangers confronting their troops were surprised by the strength of the insurgency in Afghanistan; in other participating states, the failure to prepare their publics for the true nature of the mission damaged support for ISAF.⁴⁶

In particular, European contributing nations had gained support by promising their populations that their Afghan missions would be peace stabilisation endeavour; that their soldiers would be building schools, hospitals and promoting post-conflict reconstruction. There was little mention in European parliaments that troops in Afghanistan could be engaged in warfare.⁴⁷ National caveats were implemented to reassure populations that this would not occur. Thus, when the insurgency grew in Afghanistan, many national troops were ill-equipped to engage in counter-insurgency operations, let alone implement reconstruction projects in an increasingly volatile security environment.

Lack of Afghan Ownership of the SSR Process

Following three decades of war, Afghan state capacity was extremely limited after the fall of the Taliban regime. Bureaucracies were either non-existent or decimated by corruption as well as coordination and planning problems. However, the approach of the international community and of ISAF in particular has largely hindered rather than helped resolve these problems. To be sure ISAF, by communicating and dealing with the Afghan government in varying and at times contradictory ways depending on the region, lead-nation pillar or circumstances, has exacerbated these problems. As Emma Sky puts it,

even a mature Western bureaucracy would find it difficult to manage relations with all the different NATO countries, let alone absorb the support which they offer through different mechanisms, different reporting requirements, and with different strings attached.

⁴⁴ International Crisis Group, *Afghanistan's Election Challenges*, Asia Report No.171 (24 June 2009).

⁴⁵ Ali A Jalali, "The Future of Afghanistan," *Parameters* 36:1 (2006): 4–19.

⁴⁶ de Nevers, "NATO's International Security Role in the Terrorist Era," p.51.

⁴⁷ Rashid, *Descent into Chaos*, p.352

There is considerable overlap between international agencies, both military and civilian, governmental and non-governmental.⁴⁸

In 2009, more than thirty countries were contributing troops to ISAF in Afghanistan. More than fifty large donor institutions and a myriad of NGOs were involved in providing aid to the country, many of which had a SSR component.⁴⁹ These organisations were supposed to be coordinating with one another, but frequently they did not. This left little room for the Afghan government to implement a coherent, nation-wide SSR process.

Conclusion

Many commentators have contrasted the swiftness of the initial military victory against the Taliban and the difficulties of 'winning the peace' in Afghanistan. The two, however, are not unrelated: overreliance and legitimization of warlords in the early phases of the war ultimately hindered efforts at building national institutions and reforming the security sector.

While SSR has been a central objective of the international community's efforts in Afghanistan and of ISAF's mandate, it has not been effectively implemented in practice. National caveats, the short-sighted vision of the lead nation approach, the lack of purpose and coordination of PRTs, the ambiguity of ISAF's response to the growing insurgency and the lack of Afghan ownership have impeded ISAF's ability to effectively contribute to SSR.

The shortcomings of ISAF in assisting reform of the security sector in Afghanistan cannot be explained solely in terms of the coordination and lack of commitment problems outlined above. They are also, in great part, a result of the security conditions of the country, which have greatly worsened since 2006. To quote Mark Sedra, "security sector reform cannot be implemented in a security vacuum. It is a long term process that requires a minimum level of security and stability to function."⁵⁰

Ultimately, the success of security sector reform in Afghanistan lies primarily in the hands of Afghans. Donor countries and the international community can assist this process in a positive way but, ultimately, they cannot make up for a lack of commitment or ownership on the part of those implementing reforms.⁵¹ Ultimately also, SSR assistance that "bypasses or overwhelms the government, exacerbates horizontal and vertical inequalities, fails to create a peace dividend [...] or strengthens unaccountable elites"⁵² is unlikely to foster sustainable SSR.

In practice, ISAF, as the lead international institution entrusted with security sector reform in Afghanistan, has both helped *and* hindered reform of the security sector. Its ac-

⁴⁸ Sky, "Increasing ISAF's Impact on Stability in Afghanistan."

⁴⁹ International Crisis Group, "Afghanistan: The Need for International Resolve" (Brussels, 6 February 2008).

⁵⁰ Sedra, *Security Sector Transformation in Afghanistan*, p. 19.

⁵¹ Laurie Nathan, *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform* (University of Birmingham, 2007).

⁵² Jonathan Goodhand and Mark Sedra, "Who Owns the Peace? Aid, Reconstruction, and Peacebuilding in Afghanistan," *Disasters* 34:S1 (January 2010): s78-s102.

complishments and shortcomings have been addressed here. The forthcoming years, and the ability of ISAF and the international community to address these shortcomings and their response to the growing insurgency in the South of the country will be decisive for the success of SSR in Afghanistan.

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Chapter 16

International, Regional and Bilateral Security Arrangements

Vahan Galoumian

Overview

The fate of post-Taliban Afghanistan remains closely linked to its relations with neighbouring states, regional organizations and international actors.

This report documents Afghanistan's bilateral and regional security arrangements enacted after the fall of the Taliban regime in 2001 until the end of 2010. These agreements, protocols, and strategic partnerships are divided into arrangements concluded with international and regional organizations on the one hand and with other states on the other.

Each section first gives an overview of the engagement of Afghanistan with the regional organizations or bilateral partner, details all relevant security arrangements and appraises the relevance of these agreements. All agreements and other documents referenced in this paper are available in full in the Annex section at the end of the report.

Afghanistan's future and that of its neighbours are closely bound. Constructive partnerships involving Afghanistan and regional states and international organizations, as documented in this report, are essential to bringing about regional stability. These partnerships are also essential to ensure long-term stability, security, and development of Afghanistan.

Analysis: Regional Security Arrangements

North Atlantic Treaty Organization (NATO)

The NATO International Security Assistance Force (ISAF) has been deployed in Afghanistan since 2001 under the authorization of the United Nations and has been under the NATO command since 2003. ISAF's mission in Afghanistan is sanctioned by UN Security Council Resolution 1386 and 9 subsequent resolutions.

NATO further spearheaded the Tripartite Commission, a task-force that brings together NATO, Afghan and Pakistani military officials to discuss issues of common concern. NATO also leads a military training mission in Afghanistan named "NATO Training Mission – Afghanistan (NTM-A)."

ISAF Command and UN-Mandate

ISAF is not a UN force *per se* but has a peace-enforcement mission mandate under Chapter VII of the United Nations Charter. In establishing ISAF, the UN Security Council (Res. 1386) au-

thorized it, and later put under NATO command, 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 the personnel of the U.N. can operate in a secure environment.” Further, the United Nations called on Member States participating in the ISAF “to help the Afghan Interim Authority in the establishment and training of new Afghan security and armed forces.” ISAF was first limited to the Kabul area, and its command was assumed by ISAF nations on a rotational basis; it was expanded outside of Kabul in 2003. This mandate was later expanded to the maintenance of security in other areas of Afghanistan, to the protection of other international civilian personnel, and to providing security assistance to the Afghan government.

Resolution 1386 gives ISAF authority, under Chapter VII of the U.N. Charter, to “take all necessary measures” to implement its mandate. Under the Military Technical Agreement signed on 31 December 2001, ISAF has unimpeded freedom of movement throughout Afghanistan and is authorized to use military force in order to protect ISAF and its mission. Eleven other UN Security Council Resolutions relate to ISAF, namely: 1413, 1444, 1510, 1563, 1623, 1707, 1776, 1833, 1817, 1890 and 1917 (on 22 March 2010).¹

Technical Military Agreement between ISAF and Afghanistan

A detailed Military Technical Agreement agreed between the ISAF Commander and the Afghan Transitional Authority in January 2002 provides additional guidance for ISAF operations.

The Agreement requires from the Interim Administration to provide the ISAF with “any information relevant to the security and safety of the ISAF mission, its personnel, equipment and locations.” The ISAF’s responsibility to provide security and ‘law and order’ includes maintenance and support of a recognized Police Force operating in accordance with “internationally recognized standards and Afghanistan law.” Under the Agreement, the Interim Administration will ensure that all Afghan military units come under its command and control “in accordance with the Bonn Agreement.” The Agreement provides the ISAF with ‘complete and unimpeded’ freedom of movement throughout Afghanistan’s territory and airspace.

Annex A of the Agreement provides that the ISAF and supporting personnel, including associated liaison personnel, are immune from personal arrest or detention, and may not be “surrendered to, or otherwise transferred to the custody of, an international tribunal or any other entity or State without the express consent of the contributing nation.” Annex A obliges the ISAF forces to respect the laws and culture of Afghanistan.

NATO-Afghanistan-Pakistan Tripartite Commission

The Tripartite Commission brings together NATO, Afghan, and Pakistani military leaders on both sides of the Afghanistan-Pakistan border to discuss security issues of mutual concern, particularly security problems at the Pakistan-Afghanistan border. The commission has worked to deepen intelligence-sharing among parties and further cooperation in countering improvised explosive devices.

In April 2008, as part of the Tripartite Commission’s work, the three countries agreed to set up five “border coordination centers” – which will include networks of radar nodes to give liaison officers a common view of the border area. Only one has been established to date, near the

¹ NATO, “Topic: ISAF’s Role in Afghanistan,” <www.nato.int/cps/en/natolive/topics_8189.htm>.

Torkham Gate at the Khyber Pass.² Most recently, the Tripartite Commission met in Kabul in August 2010. ISAF Commander General Petraeus, Afghan National Army Chief of General Staff General Sher Muhammad Kirm and General Ashfaq Parvez Kayani, Pakistan Vice Chief of Army Staff exchanged views on the new counter-terrorism policy chalked out to curb the menace prevailing in the region.³

NATO Training Mission-Afghanistan

NATO established the NATO Training Mission-Afghanistan in 2009, drawing on NATO's experience in training in Iraq, to oversee higher level training for the Afghan National Army while training and mentoring the Afghan National Police. NTM-A, joined with CSTC-A on 21 November 2009 to create a comprehensive training program for Afghanistan.

The objective of NATO Training Mission-Afghanistan (NTM-A) is to oversee higher level training for the Afghan National Army (ANA) and training and mentoring for the Afghan National Police (ANP). NATO asserts that "the establishment of a coordinated training mission under a single NATO framework will help to focus Allied and partner contributions, allowing improvements to the international training effort."⁴

Long-term NATO-Afghan Cooperation

On 6 September 2006, NATO and Afghanistan signed a "Common Framework for Enduring Cooperation in Partnership." This document acknowledges the complex security and development challenges of Afghanistan. It underlines that "security cannot be provided by military means alone" but also acknowledges that Afghanistan cannot currently meet its own security challenges, and therefore welcomes NATO's participation in stabilizing the country. The document, signed by NATO Secretary General Jaap de Hoop Scheffer and President Hamid Karzai, puts the rapid development of Afghan national security and defence institutions as the top priority for partnership.

Key Documents

- UNSC Resolutions 1386 (2001); 1444 (2002); 1510 (2004); 1943 (2010); 1623 (2005); 1707 (2006); 1776 (2007); 1817 (2008); 1833 (2008); 1890 (2009); 1917 (2010).
- Military Technical Agreement between the International Security Assistance Force and the Interim Administration of Afghanistan (2005)
- NATO-Afghanistan, Common Framework for Enduring Cooperation in Partnership (2006)
- ISAF's Strategic Vision: Declaration by the Heads of State and Government of the Nations contributing to the UN-mandated NATO-led International Security Assistance Force (ISAF) in Afghanistan (2008).

United Nations Assistance Mission in Afghanistan (UNAMA)

The United Nations established the United Nations Assistance Mission in Afghanistan (UNAMA)

² Kenneth Katzman, *Afghanistan: Post-Taliban Governance, Security, and US Policy*, CRS Report for Congress (Washington, D.C.: Congressional Research Service, 21 July 2010).

³ *Daily Times*, "Kayani meets Karzai, discusses anti-terrorism strategy," 10 August 2010, <www.dailytimes.com.pk/default.asp?page=2010\08\10\story_10-8-2010_pg7_7>.

⁴ NATO, "News: NATO Training Mission – Afghanistan," 4 April 2009, <www.nato.int/cps/en/natolive/news_52802.htm>.

on 28 March 2002. The original mandate of UNAMA was to support the Bonn Agreement (December 2001); it has been reviewed annually since. UNAMA was last renewed until 23 March 2011 UNSC Resolution 1917.

UNAMA works to provide “political and strategic advice for the peace process,” “provide good offices” and “help the government to implement the Afghanistan Compact.”

Bonn Agreement

In December 2001, a number of prominent Afghans met under UN auspices in Bonn, Germany, to decide on a plan for governing the country. The series of meeting resulted in the Afghan Interim Authority (AIA), inaugurated on 22 December 2001. AIA was to govern for a six-month mandate and to be followed by a two-year Transitional Authority, after which elections were to be held. The Bonn Agreement also led the way to the establishment of the NATO-led International Security Assistance Force.

The Bonn Agreement called for a ‘Loya Jirga’ to establish a Transitional Authority and to draft a constitution based on the 1964 Constitution.

Resolution 1386 of the United Nations Security Council subsequently established ISAF.

The Bonn Agreement also called for a judicial commission to rebuild the justice system in accordance with “Islamic principles, international standards, the rule of law, and Afghan legal traditions.” The new Afghan constitution was adopted by the Loya Jirga on 4 January, 2004.

Key Documents

- Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions (Bonn Agreement) (2001)
- UNSC Resolutions 1386 (2001); 1662 (2006); 1746 (2007); 1806 (2008); 1868 (2009).

Six-Plus-Two Group

The Six-Plus-Two Group, also known as 6 plus 2 Contact Group or ‘6 plus 2,’ is a diplomatic initiative that brings together Afghanistan, its immediate geographical neighbours, the United States and Russia. The idea for the group was first discussed during a meeting between Uzbek President Islam Karimov and Lakhdar Brakhimi in August 1997.

Kabul Declaration of Good-Neighbourly Relations

The Group initially formed to assist in the establishment of a broadly representative and multi-ethnic Afghan government. Prior to the fall of the Taliban regime in 2001, the Group adopted a number of declarations on Afghanistan, including the Tashkent Declaration “On Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan” in 1999.

In December 2002, China, Pakistan, Iran, Uzbekistan, Tajikistan and Turkmenistan together with Russia and the United States formally formed the Six-Plus-Two and joined with Afghanistan in the signing of a Kabul Declaration of Good-Neighbourly Relations.

Since 2002, a number of important meetings and conferences have been held under the framework of the 6+2 initiative of the UN at the UN Headquarters in New York, in Tashkent, the capital of Uzbekistan and other venues. The group had pledged to support the Afghan people in the political process and throughout reconstruction.⁵

⁵ Marvin G. Weinbaum, *Afghanistan and Its Neighbors: An Ever Dangerous Neighborhood*, Special Report 162 (USIP, June 2006).

Six Plus Two meetings remain relevant as they provide a rare meeting place for Americans to sit around at the same table for indirect talks with Iran on Afghanistan. Most recently, Islam Karimov, President of Uzbekistan, suggested at the NATO Bucharest Summit in April 2008 transforming the '6 plus 2' group into '6 plus 3,' which foresees the involvement of 6 neighbouring countries to Afghanistan plus the United States, Russia and NATO.⁶ Karimov urged that the 6 plus 3 members evolve a common long-term Afghan strategy and develop a new model of national reconciliation with international support that both provides an interim solution of the Afghan crisis and fosters long-term peace.

Discussion

The Six-Plus-Two Group does not have a Secretariat or a functioning budget; it remains an informal meeting group of Afghanistan, its immediate neighbours and the United States and Russia. Despite its inherent limitations, by bringing together the United States and Iran at the same table, it can be a relevant avenue for further regional initiatives.

Documents

- Declaration on the Situation in Afghanistan by the Foreign Ministers and other senior representatives of the 'Six plus Two' (2001)
- Kabul Declaration of Good-Neighbourly Relations (2002).

Shanghai Cooperation Organization (SCO)

The Shanghai Cooperation Organisation (SCO), an intergovernmental security organisation founded in 2001 by China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan has emerged as an important organization in Eurasia. The SCO is primarily centred on its member nations' security-related concerns, described as being "terrorism, separatism and extremism." India, Iran, Mongolia and Pakistan currently have observer status at the Organization. Afghanistan is neither a member nor an observer at the SCO but has been a focus of concern of the organization since its inception.

Afghan-CSO Relations

Afghanistan came to the forefront of the agenda of the SCO at its June 2004 summit in Tashkent, Uzbekistan when a unanimous decision was reached to establish the SCO-Afghanistan Contact Group (SCO-ACG). At the SCO summit in November 2005, the protocol on the establishment of the SCO-ACG was officially signed, with the purpose of building cooperation on issues of mutual interest: counter-trafficking, counter-terrorism, and to ensure economic reconstruction of Afghanistan. The ACG consists of permanent member states of the SCO secretariat, secretariat officers and senior Afghan diplomats posted at the country's embassy in China. Protocols stipulate that representatives of other SCO bodies and experts of SCO member states and Afghanistan can be involved in the meetings of the ACG if required.⁷

In March 2009, at an international conference of the SCO in Moscow, foreign ministers and officials from the SCO and 28 other countries met to discuss security and development issues in

⁶ Address by President Islam Karimov at the NATO Summit, 3 April 2008, http://press-service.uz/en/content/glava_gosudarstva/#en/news/show/vistupleniya/address_by_president_islam_karimov_at_th.

⁷ Meena Singh Roy, "Role of the Shanghai Cooperation Organisation in Afghanistan: Scope and Limitations," *Strategic Analysis* 34:4 (July 2010): 545–61.

Afghanistan. This was the first time that senior officials from the US and NATO were invited to an SCO meeting, and thus they formally recognised the SCO's role in Afghanistan. The joint declaration of the summit states that the SCO is one of the relevant organizations "for a wide dialogue with participation of partners on the Afghanistan related issues in the context of joint efforts of the international community and Afghanistan and for practical interaction between Afghanistan and its neighbouring states in combating terrorism drug trafficking and organised crime."

The conference also adopted the SCO-Afghanistan action plan, which calls for joint operations in combating terrorism, drug trafficking and organised crime; for improving the military efficiencies of Afghanistan's national army, police and other law enforcement agencies, and strengthening their coordination and cooperation with the International Security Assistance Force (ISAF). It also invites relevant Afghan bodies to take part in joint law-enforcement exercises conducted by the SCO and provides for SCO-CSTO (Collective Security Treaty Organisation) collaboration for undertaking joint anti-narcotic and anti-terrorist efforts.⁸

The joint statement adopted by the SCO on Afghanistan in 2009 calls "for wider cooperation between the SCO, CSTO and CIS on the anti-drug and counter-terrorism tracks" and recalls the importance of the *Operation Channel* carried out under the CSTO auspices to combat drug trafficking. It also calls for the "full operationalization of the Central Asia Regional Information and Coordination Centre established to combat illicit trafficking in narcotic drugs" and stresses that the participation of Afghanistan will strengthen control over the illicit production in Central Asia.

Discussion

It is too early to assess the impact of the new impetus of interest of the SCO in Afghanistan. The protocol and plan of action of the SCO on Afghanistan speak of a genuine interest for multilateral action and do offer specific and practical avenues of cooperation for the organization in the country. However, many factors impede the work of the SCO as a multilateral organization in Afghanistan. First, despite member states' stated commitment to work multilaterally for cooperation on security issues through the SCO, until now SCO member states have cooperated on issues such as counter-narcotics and migrations issues on a bilateral basis with the government of Afghanistan rather than adhering to the SCO's states multilateral approach. Second, there is a lack of funds for the many objectives of the organization. Finally, the conflicting interests of India and Pakistan, both of whom have observer status at the SCO, further obstruct any effort of formulating a regional approach towards Afghanistan under the SCO framework.⁹

Key Documents

- Protocol on the establishment of SCO-Afghanistan contact group between SCO and Islamic Republic of Afghanistan (2005)
- Statement by the Shanghai Cooperation Organization Member States and the Islamic Republic of Afghanistan on combating terrorism, illicit drug trafficking and organized crime (2009)
- Plan of Action of the Shanghai Cooperation Organization Member States and the Islamic Republic of Afghanistan on combating terrorism, illicit drug trafficking and organized crime (2009).

⁸ Russia: Lavrov's Full Statement at Opening of Conference on Afghanistan, Ministry of Foreign Affairs, Russia, in BBC Monitoring Global Newline – Former Soviet Union Political, 28 March 2009; available at <www.monitor.bbc.co.uk> (accessed 20 August 2010).

⁹ Roy, "Role of the Shanghai Cooperation Organisation in Afghanistan."

Analysis: Bilateral Security Arrangements

United States – Afghanistan Relations

Since 2001, the United States has taken a leading role in the overall reconstruction process of Afghanistan, particularly by training and developing the Afghan National Army (ANA).

The “Joint Declaration of the US-Afghanistan Strategic Partnership” is the major agreement signed between the United States and Afghanistan since the fall of the Taliban regime; the United States has to this date not signed a “Status of Forces Agreement” with the Government of Afghanistan.

US forces operating in Afghanistan as part of ISAF are further bound by all formal security arrangements signed between NATO and Afghanistan.

*Joint Declaration of the US – Afghanistan Strategic Partnership, May 2005*¹⁰ (In Annex)

Presidents Hamid Karzai and President George Bush signed the “Joint Declaration of the United States-Afghanistan Strategic Partnership” in 2005, laying out the overall goals and purposes of the cooperation between the two countries.

Taking note that Afghanistan “confronts important challenges to its security and its efforts to build a government based on democratic principles, respect for human rights, and a market economy,” the Joint Declaration aims to build on a number of key principles: “dedication to the rule of law, protection of human rights and civil liberties of all individuals regardless of ethnic affiliations or gender, support for democratic governance, and reliance on the free market.”

The Joint Declaration calls for the United States and Afghanistan to work closely in the fields of ‘Democracy and Governance,’ ‘Prosperity,’ and ‘Security.’ It states that the United States will, *inter alia*, “help organize, train, equip and sustain Afghan security forces”; “consult with respect to taking appropriate measures in the event that Afghanistan perceives that its territorial integrity, independence, or security is threatened or at risk”; and work and provide assistance to the government of Afghanistan in the fields of security sector reform, counter-narcotics, counter-terrorism, intelligence sharing and to strengthen Afghanistan’s ties with NATO.

In order to achieve these objectives, US forces are to have access to various Afghan facilities and “are to continue to have the freedom of action required to conduct appropriate military operations based on consultations and pre-agreed procedure” as may “be mutually determined” by the US and Coalition forces.

Domestic Discussions

The signing of the Strategic Partnership between the United States and Afghanistan, an idea long championed by President Hamid Karzai, has elicited some negative reactions among Afghans who accused Karzai of surrendering Afghan sovereignty to the United States.¹¹

Critics argue that Afghanistan should have instead signed a “Status of Forces Agreement” to cover American, as well as other foreign forces and contractors in Afghanistan. More than nine years after the establishment of an Afghan government pursuant to the Bonn Agreement, the U.S. and other international forces continue to operate without an agreement with the government of Afghanistan.

¹⁰ Source: <www.embassyofafghanistan.org/govpress/op38.html>.

¹¹ Ahmed Rashid, *Descent into Chaos* (New York: Penguin Books, 2008), p. 336.

A Status of Forces Agreement would clarify that the United States and NATO are committed to the stabilization of Afghanistan over the long term, and that they do not intend to utilize support for such an objective to establish permanent military bases that could be used against Afghanistan's neighbors.¹²

Key Documents (in Annex)

- Joint Declaration of the US–Afghanistan Strategic Partnership (2005).

Afghanistan–Iran Relations

Since 2001, the Afghan government has engaged in cordial relations with Iran despite Afghanistan's strategic partnership with the United States and deteriorating relations between Iran and the United States due to American objections to Iran's nuclear program.

Iran perceives Western Afghanistan as its traditional sphere of influence (Herat and much of Western Afghanistan were part of the Persian Empire) and has worked to exert its influence and protect Shia and Farsi-speaking populations inside Afghanistan.

Iran has provided the Afghan Government with more than \$ 1 billion in bilateral assistance, particularly to rebuild Afghanistan's infrastructure and provide 'electricity and shops' for Afghan cities around the Iranian-Afghan border.¹³

Proposals for a Joint Iran–Afghanistan Strategic Partnership

Iran was particularly irritated in 2005 when Afghanistan signed the Joint Declaration of the US–Afghanistan Strategic Partnership with the United States, at initiative of President Hamid Karzai.

Shortly thereafter, Iran proposed such an agreement between itself and Afghanistan, providing, among other things, that Afghanistan would not permit its territory to be used against Iran.¹⁴

Afghanistan did not acquiesce to Iran's proposal and no strategic partnership has been signed between the two countries. Karzai has stated to both the United States and to Iran that Afghanistan must become a field of dispute between the United States and Iran.¹⁵

Afghanistan–Iran Joint Declaration

In May 2006, at a Joint Declaration following a diplomatic visit to Teheran, President Karzai and President Ahmadinejad reaffirmed the need for mutually beneficial diplomatic relations and underlined Afghanistan's request for Iran's support in building Afghan infrastructure and industry.

Iran and Afghanistan reaffirmed their commitment to the counter-narcotics efforts in Afghanistan and to renewing their commitments outlined above, paying the way for the repatriation of Afghan refugees from Iran (based on the agreement of the tripartite commission of Iran, the UN and Afghanistan).

Both sides condemned terrorism and asked for joint cooperation in counter-terrorist efforts. Tellingly, the Joint Declaration contains a provision that enunciates the "rights of the countries for obtaining new technologies including that of nuclear technology for peaceful use."

¹² S. Frederick Starr, *A Regional Approach to Afghanistan and Its Neighbours* (The National Bureau of Asian Research, 2008).

¹³ Katzman, *Afghanistan: Post-Taliban Governance, Security, and US Policy*, p.63.

¹⁴ *Asia Society*, "Back From the Brink? A Strategy for Stabilizing Afghanistan-Pakistan," April 2009.

¹⁵ Katzman, *Afghanistan: Post-Taliban Governance, Security, and US Policy*, p.62.

Afghanistan–Iran–Tajikistan Joint Statement

This agreement, signed as part of a tripartite meeting between Afghanistan, Iran, and Tajikistan held in the Tajik capital in March 2008, reiterates the commitment of the parties to a number of different tripartite issues.

These include the construction of a railroad linking the three countries, building power lines from Tajikistan to Afghanistan, and other intentions for continued coordination.

Iran, Afghanistan and Tajikistan also pledged mutual support to regional economic and political coordination. The three countries also announced their readiness to combat extremism, terrorism, organized crimes and drug trafficking which pose serious threats to their security and stability.

Key Documents

- Afghanistan-Iran Joint Declaration (2006)
- Afghanistan, Iran, Tajikistan Foreign Ministers' Joint Statement (2008).

Afghanistan–Pakistan Relations

The Southern regions of Afghanistan and the Northern regions of Pakistan are both inhabited by Pashto tribesmen and Afghanistan and Pakistan have close long-rooted historical, religious, cultural, linguistic and ethnic ties, as well as multiple trade and economic ties.

No Afghan government has ever recognized the Durand Line as the official border between the two states. Afghanistan claims that the Durand Line Agreement has been void in the past due to violations by Pakistan as well as other reasons.

Pakistan is said to view Afghanistan as providing 'strategic depth' in the event of a war with neighbouring India and many Pakistanis see in Afghanistan and Afghans a common bond based on religion, history, culture, language and ethnic ties.

The Afghan government has accused Pakistan of using its intelligence agency, the ISI, in aiding the Taliban militants. This assertion is unanimously supported by numerous intelligence reports.

Afghanistan–Pakistan Peace Jirga

A 'peace jirga' process—a series of meetings of notables on each side of the border—was launched in September 2006 at a dinner hosted by President Bush for Karzai and Musharraf, and meetings of 700 Pakistani and Afghan tribal elders were held in August 2007 and again during 27-28 October, 2008. The latter was held on the Afghan side and headed by former Foreign Minister Dr. Abdullah and resulted in a declaration to endorse efforts to try to engage militants in both Afghanistan and Pakistan to bring them into the political process. In the clearest sign of closer ties, Zardari visited Kabul and met with Karzai on 9 January 2009, where the two signed a joint declaration against terrorism – an issue that affects both countries.¹⁶

In April 2008, in an extension of the Tripartite Commission's work, the three countries agreed to set up five "border coordination centers" – which will include networks of radar nodes to give liaison officers a common view of the border area. These centers build on an agreement in May 2007 to share intelligence on extremists' movements. Three have been established to

¹⁶ "Afghanistan: Post-Taliban Governance, Security, and U.S. Policy," *Congressional Research Service*, 17 August 2010.

date, including one near the Torkham Gate at the Khyber Pass, one at Nawa, and one at Liwara. In June 2008, Pakistan ended a six-month suspension in attendance at meetings of the Tripartite Commission under which NATO, Afghan, and Pakistani military leaders meet regularly on both sides of the border.¹⁷

Afghanistan–Pakistan Transit Trade Agreement

The Afghanistan-Pakistan Transit Trade Agreement is a major overhaul of the last transit agreement in place between the two countries that dated back to 1965. The Trade Agreement, signed in July 2010, updates and improves the joint transit system to reflect current economic conditions, infrastructure, technology, and transport practices. The new transit regime increases the number of transport routes available to trucks from both countries, lowering the cost of imports and making exports more competitive in the global market. Unlike the 1965 Agreement, APTTA does not limit Afghanistan and Pakistan to the two current trade routes and one railway system.

Afghanistan-Pakistan Railroad Agreement – Dubai Process

The Dubai Process is a series of workshops that bring together Afghan border officials to enhance confidence and mutual understanding and to undertake targeted joint management projects.

Trough the Dubai Process, the Governments of Afghanistan and Pakistan have agreed to develop a MoU to open their three legal crossing points seven days per week, as opposed to five previously. Other concrete developments include an agreement to conduct reciprocal visits of immigration and law enforcement officials, along with an agreed timeline on which to draft bilateral Memorandums of Understanding on law enforcement, counter-narcotics and the movement of people.¹⁸ Most recently, the seizure of 15.8 tonnes of chemicals used in the process of heroin involving Pakistani officials trained under UNODC and the World Customs Organization program funded by Canada is an example of success of the Dubai process.

Key Documents

- Joint Declaration on Next Steps in Afghanistan-Pakistan Comprehensive Cooperation (2010)
- Afghanistan-Pakistan Transit and Trade Agreement.¹⁹

Afghanistan–China Relations

Relations between China and Afghanistan remained friendly during most of the 20th century and until the Soviet invasion of Afghanistan. In 1979, The Chinese government condemned the Soviet invasion and did not recognize the Soviet-backed regime in Afghanistan until its demise in 1992. China also strongly opposed the Taliban because of its assistance to Uygur rebels and backed the Northern Alliance.

Since 2001, China has set up a policy of ‘pragmatic engagement’ in Afghanistan. While China’s involvement in Afghanistan get little media attention, Beijing has pragmatically devel-

¹⁷ Ibid.

¹⁸ Government of Canada, “The Dubai Process: Bilateral Cooperation Workshops,” <www.afghanistan.gc.ca/canada-afghanistan/news-nouvelles/2009/2009_04_03.aspx?lang=eng, June 2009>.

¹⁹ This document was not yet available online as this report went to press and was not included here.

oped political relations, assisted in the rebuilding of the country, increased economic exchanges, investments, and has reinforced communication and transportation routes.²⁰

Treaty of Good-Neighborly Friendship and Cooperation between the Islamic Republic of Afghanistan and the People's Republic of China

In 2006, China and Afghanistan signed the "Treaty of Good-Neighborly Friendship and Cooperation between the Islamic Republic of Afghanistan and the People's Republic of China." Both countries commit to maintain high-level exchanges, to expand bilateral contacts between governments, military forces and "deepen mutually beneficial cooperation on economy, trade, agriculture, education and public health."

In the Treaty, Afghanistan commits to help China against Uygur separatism (Article V) and Afghanistan further commits to the 'one-China' policy, reaffirming that the Government of the People's Republic of China is "the sole legal government representing the whole China and that Taiwan is an inalienable part of Chinese territory."

Key Documents

- Treaty of Good-Neighborly Friendship and Cooperation between the Islamic Republic of Afghanistan and the People's Republic of China (2006).

Afghanistan–Russia Relations

Relations between Russia and Afghanistan have remained tainted by the 1978 communist coup known as the Saur Revolution and the ensuing Soviet invasion of Afghanistan in 1979.

In recent years, Russia has expressed its concern over the deteriorating security conditions in the North of Afghanistan and is concerned that the insurgency might spread to its former Soviet neighbours, Russia's envoy to Kabul said.

Russia has recently stepped up anti-narcotic operations in Afghanistan involving Russian agents. In October 2010, President Hamid Karzai denounced Russia after Russian and American forces entered the country without permission to conduct a drug bust by claiming that Russia has "violated Afghan sovereignty."²¹

Russia and Afghanistan signed an extradition treaty in 2005, the first extradition treaty signed by the Karzai government.²² Most recently, Russia and Afghanistan, together with Pakistan and Tajikistan signed an anti-drug treaty on 8 December 2010.²³

Key Documents

- Russia-Afghanistan Extradition Treaty (2005)²⁴
- Russia-Afghanistan-Pakistan-Tajikistan Anti-Drug Treaty (2010).²⁵

²⁰ Thierry Kellner, "La Chine et l'Afghanistan dans la période post-11 septembre," *Relations internationales* 2:138 (2009): 111–38.

²¹ "Karzai Condemns Russian Involvement in Afghan Drug Bust," *The Washington Post*, 30 October 2010.

²² "Russia, Afghanistan sign extradition treaty," *PakTribune*, 24 March 2005, <www.paktribune.com/news/index.shtml?98973>.

²³ *RFE/RL Russia*, "Afghanistan agree to beef up heroin fight," <<http://in.reuters.com/article/idINIndia-53435520101208>>.

²⁴ This document was not yet available online as this report went to press and was not included here.

International & Regional Security Arrangements: Key Documents

United Nations Security Council Resolution 1386 (20 December 2001)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1378 (2001) of 14 November 2001 and 1383 (2001) of 6 December 2001,

Supporting international efforts to root out terrorism, in keeping with the Charter of the United Nations, and reaffirming also its resolutions 1368 (2001) and 1373 (2001),

Welcoming developments in Afghanistan that will allow for all Afghans to enjoy inalienable rights and freedom unfettered by oppression and terror,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves,

Reiterating its endorsement of the Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions, signed in Bonn on 5 December 2001 (S/2001/1154) (the Bonn Agreement),

Taking note of the request to the Security Council in Annex 1, paragraph 3, to the Bonn Agreement to consider authorizing the early deployment to Afghanistan of an international security force, as well as the briefing on 14 December 2001 by the Special Representative of the Secretary-General on his contacts with the Afghan authorities in which they welcome the deployment to Afghanistan of a United Nations authorized international security force,

Taking note of the letter dated 19 December 2001 from Dr. Abdullah Abdullah to the President of the Security Council (S/2001/1223),

Welcoming the letter from the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland to the Secretary-General of 19 December 2001 (S/2001/1217), and taking note of the United Kingdom offer contained therein to take the lead in organizing and commanding an International Security Assistance Force,

Stressing that all Afghan forces must adhere strictly to their obligations under human rights law, including respect for the rights of women, and under international humanitarian law,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of the International Security Assistance Force, in consultation with the Afghan Interim Authority established by the Bonn Agreement,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Authorizes*, as envisaged in Annex 1 to the Bonn Agreement, the establishment for 6 months of an International Security Assistance Force 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 the personnel of the United Nations can operate in a secure environment;

2. *Calls upon* Member States to contribute personnel, equipment and other resources to the International Security Assistance Force, and invites those Member States to inform the leadership of the Force and the Secretary-General;

3. *Authorizes* the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil its mandate;

4. *Calls upon* the International Security Assistance Force to work in close consultation with the Af-

²⁵ This document was not yet available online as this report went to press and was not included here.

ghan Interim Authority in the implementation of the force mandate, as well as with the Special Representative of the Secretary-General;

5. *Calls upon* all Afghans to cooperate with the International Security Assistance Force and relevant international governmental and non-governmental organizations, and welcomes the commitment of the parties to the Bonn Agreement to do all within their means and influence to ensure security, including to ensure the safety, security and freedom of movement of all United Nations personnel and all other personnel of international governmental and non-governmental organizations deployed in Afghanistan;

6. *Takes note* of the pledge made by the Afghan parties to the Bonn Agreement in Annex 1 to that Agreement to withdraw all military units from Kabul, and calls upon them to implement this pledge in cooperation with the International Security Assistance Force;

7. *Encourages* neighbouring States and other Member States to provide to the International Security Assistance Force such necessary assistance as may be requested, including the provision of over-flight clearances and transit;

8. *Stresses* that the expenses of the International Security Assistance Force will be borne by the participating Member States concerned, requests the Secretary-General to establish a trust fund through which contributions could be channelled to the Member States or operations concerned, and encourages Member States to contribute to such a fund;

9. *Requests* the leadership of the International Security Assistance Force to provide periodic reports on progress towards the implementation of its mandate through the Secretary-General;

10. *Calls on* Member States participating in the International Security Assistance Force to provide assistance to help the Afghan Interim Authority in the establishment and training of new Afghan security and armed forces;

11. *Decides* to remain actively seized of the matter.

United Nations Security Council Resolution 1444 (27 November 2002)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001) of 20 December 2001 and 1413 (2002) of 23 May 2002,

Reaffirming also its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Supporting international efforts to root out terrorism, in keeping with the Charter of the United Nations, and reaffirming also its resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves, welcoming in this respect the efforts of the Afghan Transitional Authority to establish fully representative, professional and multi-ethnic army and police forces, and welcoming also the cooperation of the Afghan Transitional Authority with the International Security Assistance Force,

Expressing its appreciation to Turkey for taking over the lead from the United Kingdom in organizing and commanding the International Security Assistance Force from 20 June 2002, and recognizing with gratitude the contributions of many nations to the International Security Assistance Force,

Welcoming the joint letter from the Foreign Minister of Germany and the Foreign Minister of the Netherlands to the Secretary-General of 21 November 2002 (S/2002/1296, annex) expressing the willingness of Germany and the Netherlands to jointly assume from Turkey the lead in Commanding the International Security Assistance Force, and anticipating offers in due course to succeed Germany and the Netherlands in leading that command,

Recalling the letter dated 19 December 2001 from Dr. Abdullah Abdullah to the President of the Security Council (S/2001/1223),

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of the International Security Assistance Force, in consultation with the Afghan Transitional Authority and its successors established by the Bonn Agreement,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the authorization, for a period of one year beyond 20 December 2002, of the International Security Assistance Force, as defined in resolution 1386 (2001);
2. *Authorizes* the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil the mandate of the International Security Assistance Force;
3. *Calls upon* Member States to contribute personnel, equipment and other resources to the International Security Assistance Force, and to make contributions to the Trust Fund established pursuant to resolution 1386 (2001);
4. *Requests* the leadership of the International Security Assistance Force to provide quarterly reports on implementation of its mandate, through the Secretary-General;
5. *Decides* to remain seized of the matter.

United Nations Security Council Resolution 1510 (13 October 2003)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001) of 20 December 2001, 1413 (2002) of 23 May 2002 and 1444 (2002) of 27 November 2002,

Reaffirming also its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Reaffirming also its resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001 and reiterating its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves and *welcoming* the continuing cooperation of the Afghan Transitional Authority with the International Security Assistance Force,

Reaffirming the importance of the Bonn Agreement and recalling in particular its annex 1 which, *inter alia*, provides for the progressive expansion of the International Security Assistance Force to other urban centres and other areas beyond Kabul,

Stressing also the importance of extending central government authority to all parts of Afghanistan, of comprehensive disarmament, demobilization and reintegration of all armed factions, and of security sector reform including reconstitution of the new Afghan National Army and Police,

Recognizing the constraints upon the full implementation of the Bonn Agreement resulting from concerns about the security situation in parts of Afghanistan,

Noting the letter dated 10 October 2003 from the Minister for Foreign Affairs of Afghanistan (S/2003/986, annex) requesting the assistance of the International Security Assistance Force outside Kabul,

Noting the letter dated 6 October 2003 from the Secretary-General of the North Atlantic Treaty Organization (NATO) to the Secretary-General (S/2003/970) regarding a possible expansion of the mission of the International Security Assistance Force,

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of the International Security Assistance Force, in consultation with the Afghan Transitional Authority and its successors,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Authorizes* expansion of the mandate of the International Security Assistance Force to allow it, as resources permit, to support the Afghan Transitional Authority and its successors in the maintenance of security in areas of Afghanistan outside of Kabul and its environs, so that the Afghan Authorities as well as the personnel of the United Nations and other international civilian personnel engaged, in particular, in reconstruction and humanitarian efforts, can operate in a secure environment, and to provide security assistance for the performance of other tasks in support of the Bonn Agreement;
2. *Calls upon* the International Security Assistance Force to continue to work in close consultation with the Afghan Transitional Authority and its successors and the Special Representative of the Secretary-General as well as with the Operation Enduring Freedom Coalition in the implementation of the force mandate, and to report to the Security Council on the implementation of the measures set out in paragraph 1;
3. *Decides also* to extend the authorization of the International Security Assistance Force, as defined in resolution 1386 (2001) and this resolution, for a period of twelve months;
4. *Authorizes* the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil its mandate;
5. *Requests* the leadership of the International Security Assistance Force to provide quarterly reports on the implementation of its mandate to the Security Council through the Secretary-General;
6. *Decides* to remain actively seized of the matter.

United Nations Security Council Resolution 1563 (17 September 2004)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001) of 20 December 2001, 1413 (2002) of 23 May 2002, 1444 (2002) of 27 November 2002 and 1510 (2003) of 13 October 2003,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Reaffirming also its resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001 and reiterating its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves and *welcoming* the continuing cooperation of the Afghan Transitional Administration with the International Security Assistance Force,

Reaffirming the importance of the Bonn Agreement and the Berlin Declaration, and recalling in particular annex 1 of the Bonn Agreement which, inter alia, provides for the progressive expansion of the International Security Assistance Force to other urban centres and other areas beyond Kabul,

Stressing also the importance of extending central government authority to all parts of Afghanistan, of conducting free and fair elections, of comprehensive disarmament, demobilization and reintegration of all armed factions, of justice sector reform, of security sector reform including reconstitution of the Afghan National Army and Police, and of combating narcotics trade and production, and recognizing certain progress that has been made in these and other areas with the help of the international community,

Recognizing the constraints upon the full implementation of the Bonn Agreement resulting from concerns about the security situation in parts of Afghanistan, in particular in the light of the upcoming elections,

Welcoming in this context the commitment by NATO lead nations to establish further Provincial Reconstruction Teams (PRTs), as well as the readiness of the International Security Assistance Force and the Operation Enduring Freedom Coalition to assist in securing the conduct of national elections,

Expressing its appreciation to Eurocorps for taking over the lead from Canada in commanding the International Security Assistance Force, to Canada for its leadership of the International Security Assistance Force during the past year, and recognizing with gratitude the contributions of many nations to the International Security Assistance Force,

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of the International Security Assistance Force, in consultation with the Afghan Transitional Administration and its successors,

Acting for these reasons under Chapter VII of the Charter of the United Nations:

1. *Decides* to extend the authorization of the International Security Assistance Force, as defined in resolution 1386 (2001) and 1510 (2003), for a period of twelve months beyond 13 October 2004;
2. *Authorizes* the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil its mandate;
3. *Recognizes* the need to strengthen the International Security Assistance Force, and in this regard *calls upon* Member States to contribute personnel, equipment and other resources to the International Security Assistance Force, and to make contributions to the Trust Fund established pursuant to resolution 1386 (2001);
4. *Calls upon* the International Security Assistance Force to continue to work in close consultation with the Afghan Transitional Administration and its successors and the Special Representative of the Secretary-General as well as with the Operation Enduring Freedom Coalition in the implementation of the force mandate;
5. *Requests* the leadership of the International Security Assistance Force to provide quarterly reports on implementation of its mandate to the Security Council through the Secretary-General;
6. *Decides* to remain actively seized of the matter.

United Nations Security Council Resolution 1623 (13 September 2005)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001) of 20 December 2001, 1413 (2002) of 23 May 2002, 1444 (2002) of 27 November 2002, 1510 (2003) of 13 October 2003 and 1563 (2004) of 17 September 2004,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Reaffirming also its resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001 and reiterating its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves and *welcoming* the cooperation of the Government of the Islamic Republic of Afghanistan with the International Security Assistance Force,

Recalling the importance of the Bonn Agreement and the Berlin Declaration, in particular annex 1 of the Bonn Agreement which, inter alia, provides for the progressive expansion of the International Security Assistance Force to other urban centres and other areas beyond Kabul,

Stressing also the importance of extending central government authority to all parts of Afghanistan, of respect for democratic values, of full completion of the disarmament, demobilization and reintegra-

tion process, of the disbandment of illegal armed groups, of justice sector reform, of security sector reform including reconstitution of the Afghan National Army and Police, and of combating narcotics trade and production, and *recognizing* certain progress that has been made in these and other areas with the help of the international community,

Recognizing the challenges facing Afghanistan with regard to the security situation in parts of the country,

Welcoming in this context the commitment by NATO lead nations to establish further Provincial Reconstruction Teams (PRTs),

Further welcoming the role played by the International Security Assistance Force and the Operation Enduring Freedom Coalition in assisting in securing the conduct of national elections,

Expressing its appreciation to Italy for taking over the lead from Turkey in commanding the International Security Assistance Force, and to those nations who contributed to Eurocorps, and *recognizing* with gratitude the contributions of many nations to the International Security Assistance Force,

Taking note of the letter dated 1 September 2005 from Dr. Abdullah Abdullah, Minister for Foreign Affairs of the Islamic Republic of Afghanistan to the Secretary-General of the United Nations (S/2005/574, annex),

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of the International Security Assistance Force, in consultation with the Government of the Islamic Republic of Afghanistan,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the authorization of the International Security Assistance Force, as defined in resolution 1386 (2001) and 1510 (2003), for a period of twelve months beyond 13 October 2005;
2. *Authorizes* the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil its mandate;
3. *Recognizes* the need to strengthen the International Security Assistance Force, and in this regard *calls upon* Member States to contribute personnel, equipment and other resources to the International Security Assistance Force, and to make contributions to the Trust Fund established pursuant to resolution 1386 (2001);
4. *Calls upon* the International Security Assistance Force to continue to work in close consultation with the Government of the Islamic Republic of Afghanistan and the Special Representative of the Secretary-General as well as with the Operation Enduring Freedom Coalition in the implementation of the force mandate;
5. *Requests* the leadership of the International Security Assistance Force to provide quarterly reports on implementation of its mandate to the Security Council through the Secretary-General;
6. *Decides* to remain actively seized of the matter.

United Nations Security Council Resolution 1707 (12 September 2006)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001) of 20 December 2001, 1413 (2002) of 23 May 2002, 1444 (2002) of 27 November 2002, 1510 (2003) of 13 October 2003, 1563 (2004) of 17 September 2004, 1623 (2005) of 13 September 2005 and 1659 (2006) of 15 February 2006,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, *Reaffirming also* its resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001 and reiterating its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves and welcoming the cooperation of the Government of the Islamic Republic of Afghanistan with the International Security Assistance Force (ISAF),

Recognizing once again the interconnected nature of the challenges in Afghanistan, reaffirming that sustainable progress on security, governance and development, as well as on the cross-cutting issue of counter-narcotics, is mutually reinforcing and welcoming the continuing efforts of the Afghan Government and the international community to address these challenges,

Stressing, in this regard, the importance of the Afghanistan Compact and its annexes, launched at the London Conference, which provide the framework for the partnership between the Afghan Government and the international community,

Expressing its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activity by the Taliban, Al-Qaida, illegally armed groups and those involved in the narcotics trade, which has resulted in increased Afghan civilian casualties,

Reiterating its call on all Afghan parties and groups to engage constructively in the peaceful political development of the country and to avoid resorting to violence including through the use of illegal armed groups,

Stressing, in this context, the importance of the security sector reform including further strengthening of the Afghan National Army and Police, disbandment of illegal armed groups, justice sector reform and counter-narcotics,

Expressing, in this context, its support for the Afghan Security Forces, with the assistance of ISAF and the Operation Enduring Freedom (OEF) coalition in contributing to security in Afghanistan and in building the capacity of the Afghan Security Forces, and welcoming the extension of ISAF into Southern Afghanistan, with effect from 31 July 2006, the planned further ISAF expansion into Eastern Afghanistan and the increased coordination between ISAF and the OEF coalition,

Expressing its appreciation to the United Kingdom for taking over the lead from Italy in commanding ISAF, and recognizing with gratitude the contributions of the North Atlantic Treaty Organization (NATO) and many nations to ISAF,

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of ISAF, in consultation with the Government of the Islamic Republic of Afghanistan,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the authorization of the International Security Assistance Force (ISAF), as defined in resolution 1386 (2001) and 1510 (2003), for a period of twelve months beyond 13 October 2006;
2. *Authorizes* the Member States participating in ISAF to take all necessary measures to fulfil its mandate;
3. *Recognizes* the need to further strengthen ISAF, and in this regard calls upon Member States to contribute personnel, equipment and other resources to ISAF, and to make contributions to the Trust Fund established pursuant to resolution 1386 (2001);
4. *Calls* upon ISAF to continue to work in close consultation with the Government of the Islamic Republic of Afghanistan and the Special Representative of the Secretary-General as well as with the OEF coalition in the implementation of the force mandate;
5. *Requests* the leadership of ISAF to provide quarterly reports on implementation of its mandate to the Security Council through the Secretary-General;
6. *Decides* to remain actively seized of this matter.

United Nations Security Council Resolution 1776 (19 September 2007)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001), 1510 (2003), 1707 (2006) and 1746 (2007),

Reaffirming also its resolutions 1267 (1999), 1368 (2001) and 1373 (2001), and *reiterating* its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recalling its resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict and its resolution 1325 (2000) on women and peace and security,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghan Authorities and *welcoming* the cooperation of the Afghan Government with the International Security Assistance Force (ISAF),

Recognizing the multifaceted and interconnected nature of the challenges in Afghanistan, *reaffirming* that sustainable progress on security, governance and development, as well as the cross-cutting issue of counter-narcotics is mutually reinforcing and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges in a coherent manner through the comprehensive framework provided by the Afghanistan Compact,

Stressing the central role that the United Nations continues to play in promoting peace and stability in Afghanistan, *noting*, in the context of a comprehensive approach, the synergies in the objectives of the United Nations Assistance Mission in Afghanistan (UNAMA) and of ISAF, and *stressing* the need for further sustained cooperation, coordination and mutual support, taking due account of their respective designated responsibilities,

Reiterating its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups and those involved in the narcotics trade, and the links between terrorism activities and illicit drugs, resulting in threats to the local population, national security forces and international military and civilian personnel,

Expressing also its concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida, and other extremist groups on the capacity of the Afghan Government to guarantee the rule of law, to provide basic services to the Afghan people, and to ensure the full enjoyment of their human rights and fundamental freedoms,

Reiterating its support for the continuing endeavours by the Afghan Government, with the assistance of the international community, including ISAF and the Operation Enduring Freedom (OEF) coalition, to improve the security situation and to continue to address the threat posed by the Taliban, Al-Qaida and other extremist groups, and *stressing* in this context the need for sustained international efforts, including those of ISAF and the OEF coalition,

Condemning in the strongest terms all attacks, including Improvised Explosive Device (IED) attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and *condemning further* the use by the Taliban and other extremist groups of civilians as human shields,

Expressing its concern about all civilian casualties, and *reiterating* its call for all feasible steps to be taken to ensure the protection of civilian life and for international humanitarian and human rights law to be upheld,

Recognizing the robust efforts taken by ISAF and other international forces to minimize the risk of civilian casualties, notably the continuous review of tactics and procedures and the conduct of after-action reviews in cooperation with the Afghan Government in cases where civilian casualties have re-

portedly occurred,

Stressing the need for further progress in security sector reform, including further strengthening of the Afghan National Army and Police, disbandment of illegal armed groups, justice sector reform and counter-narcotics,

Stressing in this context the importance of further progress in the reconstruction and reform of the Afghan prison sector, in order to improve the respect for the rule of law and human rights therein,

Reiterating its call on all Afghan parties and groups to engage constructively in peaceful political dialogue within the framework of the Afghan Constitution and in the socio-economic development of the country, and to avoid resorting to violence including through the use of illegal armed groups,

Recognizing the importance of the contribution of neighbouring and regional partners for the stabilization of Afghanistan, and *stressing* the crucial importance of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan,

Welcoming the completion of ISAF's expansion throughout Afghanistan, the continued coordination between ISAF and the OEF coalition, and the cooperation established between ISAF and the European Union presence in Afghanistan, in particular its police mission (EUPOL Afghanistan),

Expressing its appreciation for the leadership provided by the North Atlantic Treaty Organization (NATO), and for the contributions of many nations to ISAF and to the OEF coalition, including its maritime interdiction component,

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of ISAF, in coordination with the Afghan Government,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the authorization of the International Security Assistance Force, as defined in resolutions 1386 (2001) and 1510 (2003), for a period of twelve months beyond 13 October 2007;
2. *Authorizes* the Member States participating in ISAF to take all necessary measures to fulfil its mandate;
3. *Recognizes* the need to further strengthen ISAF to meet all its operational requirements, and in this regard *calls upon* Member States to contribute personnel, equipment and other resources to ISAF, and to make contributions to the Trust Fund established pursuant to resolution 1386 (2001);
4. *Stresses* the importance of increasing the effective functionality, professionalism and accountability of the Afghan security sector in order to provide long-term solutions to security in Afghanistan, and *encourages* ISAF and other partners to sustain their efforts, as resources permit, to train, mentor and empower the Afghan national security forces, in particular the Afghan National Police;
5. *Calls upon* ISAF to continue to work in close consultation with the Afghan Government and the Special Representative of the Secretary-General as well as with the OEF coalition in the implementation of the force mandate;
6. *Requests* the leadership of ISAF to keep the Security Council regularly informed, through the Secretary-General, on the implementation of its mandate, including through the provision of quarterly reports;
7. *Decides* to remain actively seized of this matter.

United Nations Security Council Resolution 1817 (11 June 2008)

The Security Council,

Recalling its previous resolutions on Afghanistan, in particular its resolutions 1659 (2006), 1776 (2007) and 1806 (2008), and the statement of its President on 17 June 2003 (S/PRST/2003/7),

Recalling its resolutions 1267 (1999) and 1735 (2006), and *reiterating* its support for international

efforts to combat terrorism in accordance with international law, including the Charter of the UN,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Reaffirming its continued support for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of sustainable peace and constitutional democracy and assume their rightful place in the community of nations,

Noting with concern the existing links between international security, terrorism and transnational organized crime, money-laundering, trafficking in illicit drugs and illegal arms, and in this regard *emphasizing* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge,

Reiterating its concern about the security situation in Afghanistan, in particular the continued violent and terrorist activities by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade, and the links between illicit drugs trafficking and terrorism, and

Calling upon the Afghan Government, with the assistance of the international community, including the International Security Assistance Force and Operation Enduring Freedom coalition, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade,

Welcoming the ongoing efforts of the Government of Afghanistan in the fight against narcotic drugs and also welcoming the efforts of neighbouring countries to address the impact on the region of the production of illicit drugs in Afghanistan, including through interdiction activities, and encouraging the international and regional organizations to enhance their role in the fight against illicit trafficking in narcotics and precursors, Paying homage to the sacrifice of members of the security forces of Afghanistan and its neighbouring countries in the fight against drug traffickers,

Reiterating its support for the fight against illicit production and trafficking of drugs from and chemical precursors to Afghanistan, in neighbouring countries, countries on trafficking routes, drug destination countries and precursors producing countries, encouraging increased cooperation between those countries to strengthen anti-narcotics controls to curb the drug flow, including through border management cooperation, and expressing its support for the Paris Pact Initiative, for the outcome of the Second Ministerial Conference organized in Moscow in June 2006, and for the meeting organized in Kabul in October 2007 in the framework of the Paris Pact Initiative; Stressing the need for Member States to take measures, with the support of relevant international actors to combat the laundering of proceeds of criminal activity, corruption and illicit trafficking in narcotics and precursors in line with the outcome of the Moscow Conference,

Recalling that achieving a sustained and significant reduction in the production and trafficking of narcotics with a view to eliminating the narcotics industry has been identified as a cross-cutting priority by the 'Afghanistan Compact' adopted in London in 2006, which provides the framework for the partnership between the Afghan Government and the international community, as well as the Government of Afghanistan's National Drug Control Strategy,

Stressing the importance of a comprehensive approach to address the drug problem of Afghanistan, which, to be effective has to be integrated into the wider context of efforts carried out in the three areas of Security, Governance, Rule of Law and Human Rights, and Economic and Social Development, stressing that the development of alternative livelihood programmes is of key importance in the success of the efforts in counter-narcotics in Afghanistan, and reiterating that extensive efforts have also to be made to reduce the demand of drugs globally in order to contribute to the sustainability of the elimination of illicit cultivation in Afghanistan,

Expressing utmost concern at the increase of illegal smuggling, for illicit use, to and within Afghani-

stan of chemical precursors needed to produce heroin, in particular acetic anhydride, and also hydrochloric acid and acetone, linked to the high level of opium cultivation, production and trafficking, and noting that most of the opium produced in Afghanistan is now processed in the country,

Recalling the Political Declaration adopted by the General Assembly at its twentieth special session, in which Member States decided to establish the year 2008 as a target date for States to eliminate or significantly reduce, inter alia, the diversion of precursors, and recognizing that action against the world drug problem is a common and shared responsibility requiring an integrated and balanced approach in full conformity with the purposes and principles of the Charter of the United Nations and international law,

Acknowledging the role of the Commission on Narcotic Drugs of the Economic and Social Council as the central policymaking and coordinating body within the United Nations system on international drug control issues, and *welcoming* its intention to consider the issue of precursors control as one of the central questions to be discussed during the high-level segment of the fifty-second session of the Commission on Narcotic Drugs,

Acknowledging the mandate and the leading role played by the International Narcotics Control Board (INCB), as an independent treaty body, in the implementation of the United Nations international drug control conventions and the international control of precursors,

Stressing the central role played by the United Nations Office on Drugs and Crime (UNODC) in assisting Member States, notably by providing technical assistance, in the fight against illicit drugs,

1. *Expresses* utmost concern at the high level of opium cultivation, production and trafficking, which involves in particular the diversion of chemical precursors, and stresses once again the serious harm that it causes to the security, development and governance of Afghanistan as well as to the region and internationally, and to the success of the international efforts;

2. *Calls upon* all Member States to increase international and regional cooperation in order to counter the illicit production and trafficking of drugs in Afghanistan, including by strengthening the monitoring of the international trade in chemical precursors, notably but not limited to acetic anhydride, and to prevent attempts to divert the substances from licit international trade for illicit use in Afghanistan;

3. *Invites* all Member States, in particular chemical precursors producing countries, Afghanistan, neighbouring countries, and all countries on the trafficking routes to increase their cooperation with the INCB, notably by fully complying with the provisions of article 12 of United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, in order to eliminate loopholes utilized by criminal organizations to divert chemical precursors from licit international trade;

4. *Urges* exporting States to ensure the systematic notification of all exports of relevant chemical precursors, upon request from importing States, in accordance with provisions of the 1988 Convention, and encourages importing States to request the systematic notification of such exports; also urges the Governments that have not yet done so to register with and utilize the online system for the exchange of pre-export notifications (PEN Online);

5. *Calls upon* States that have not done so to consider ratifying or acceding to, and State parties to implement fully the multilateral treaties whose aim is to fight against the illicit trafficking of narcotic drugs, notably the United Nations Single Convention on Narcotic Drugs, 1954, as amended by the Protocol of 25 March 1972 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, underlines the importance for all States parties to these treaties to implement them fully, and stresses that nothing in this resolution will impose on State parties new obligations with regard to these treaties;

6. *Expresses* its continued support to the commitment and efforts of Afghanistan to achieve a sustained and significant reduction in the production and trafficking of narcotics with a view to complete elimination, *Expresses also* its support to the Afghan National Drug Control Strategy and calls on the

Afghan Government, with the assistance of the international community, to accelerate its implementation, as discussed at the seventh meeting of the Joint Coordinating and Monitoring Board (JCMB) held in Tokyo in February 2008, and *Calls for* additional international support for the priorities identified in that Strategy;

7. *Calls upon* all Member States, in particular chemical precursors producing countries, Afghanistan, neighbouring countries and all countries on the trafficking routes to adopt adequate national legislation, consistent with the requirements of relevant international conventions to which they are parties, where it has not yet been done, and to strengthen their national capacities in the areas of (i) regulation and monitoring of manufacture and trade of chemical precursors, with a view to controlling the final destination of such chemicals and (ii) specialized enforcement operations against the diversion of precursors, including for their detection and disposal in Afghanistan and the region, and for strengthening border controls;

8. *Invites* the international community to provide financial and technical assistance and support, in building national capacity in the fields referred to in paragraph 7, to Afghanistan and, where appropriate and upon request, neighbouring countries, including through voluntary contributions to UNODC; *stresses* in particular the importance of training and equipping law enforcement agencies, including border police and customs officers, so as to allow them to deal efficiently with such tasks as detection, scanning, stockpiling, transportation and destruction of chemical precursors; and *encourages* Afghanistan and its neighbours to make full use of such assistance;

9. *Reiterates* its support for the Paris Pact Initiative aimed at facilitating counter-narcotics cooperation and coordination among countries seriously affected by the trafficking of narcotic drugs produced in Afghanistan, for the outcome of the Second Ministerial Conference organized in Moscow in June 2006 (S/2006/598), in cooperation with UNODC, and for other international and/or regional relevant initiatives, such as Project Cohesion, and calls upon Paris Pact partners to further promote international and regional initiatives;

10. *Welcomes* the launch, under the guidance of UNODC and the Project Cohesion Task Force, of the Targeted Anti-Trafficking Regional Communication, Expertise and Training (TAR CET) initiative, targeting precursors used in the manufacture of heroin in Afghanistan, and urges the Paris Pact partners to cooperate closely in a view to achieve its successful implementation;

11. *Recognizes* the legitimate need of industry to have access to precursors and its important role in preventing the diversion of precursors, and *encourages* all Member States, in particular producing countries, Afghanistan and its neighbours to develop partnerships with the private sector so as to prevent the diversion of precursors;

12. *Looks forward* to the outcome of the international conference in support of Afghanistan, which will be held in Paris on 12 June 2008, and encourages the participants to the Conference to make concrete proposals on the ways to address the problem of diversion of chemical precursors for illicit use, in the wider framework of the discussions on the strengthening of counter-narcotics activities in the Afghanistan National Development Strategy and National Drug Control Strategy;

13. *Encourages* Member States to submit to the Committee established pursuant to resolution 1267 (1999) for inclusion on the Consolidated List names of individuals and entities participating in the financing or support of acts or activities of Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, using proceeds derived from the illicit cultivation, production, and trafficking of narcotic drugs produced in Afghanistan and their precursors, in order to give full effect to the relevant provisions of resolution 1735 (2006);

14. *Requests* the Secretary-General to include, as appropriate, in his regular reports to the Security Council and the General Assembly on the situation in Afghanistan, in close consultation with UNODC and INCB, observations and recommendations on the fight against drug production and trafficking,

notably on the issue of the illicit traffic of chemical precursors to and within Afghanistan;

15. *Invites* the Commission on Narcotic Drugs to consider, in accordance with its mandate, ways to strengthen regional and international cooperation to prevent the diversion and smuggling of chemical precursors to and within Afghanistan, and further opportunities for Member States to support the Afghan Government in developing capacities to tackle precursors and trafficking;

16. *Decides* to remain seized of the matter.

United Nations Security Council Resolution 1833 (22 September 2008)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001), 1510 (2003), 1776 (2007) and 1806 (2008),

Reaffirming also its resolutions 1267 (1999), 1368 (2001), 1373 (2001) and 1822 (2008), and *reiterating* its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recalling its resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, its resolutions 1325 (2000) and 1820 (2008) on women and peace and security, and its resolution 1612 (2005) on children and armed conflict,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghan Authorities, stressing the role of the International Security Assistance Force (ISAF) in assisting the Afghan Government to improve the security situation and *welcoming* the cooperation of the Afghan Government with ISAF,

Recognizing once again the interconnected nature of the challenges in Afghanistan, *reaffirming* that sustainable progress on security, governance and development, as well as the cross-cutting issue of counter-narcotics is mutually reinforcing and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges through a comprehensive approach,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, *noting*, in this context, the synergies in the objectives of the United Nations Assistance Mission in Afghanistan (UNAMA) and of ISAF, and *stressing* the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated responsibilities,

Expressing its strong concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade, and the increasingly strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

Encouraging ISAF to further, effectively support, within its designated responsibilities, Afghan-led sustained efforts to address, in cooperation with relevant international and regional actors, the threat posed by the illicit production of and trafficking in drugs,

Expressing also its concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups on the capacity of the Afghan Government to guarantee the rule of law, to provide security and basic services to the Afghan people, and to ensure the full enjoyment of their human rights and fundamental freedoms,

Reiterating its support for the continuing endeavours by the Afghan Government, with the assistance of the international community, including ISAF and the Operation Enduring Freedom (OEF)

coalition, to improve the security situation and to continue to address the threat posed by the Taliban, Al-Qaida and other extremist groups, and *stressing* in this context the need for sustained international efforts, including those of ISAF and the OEF coalition,

Condemning in the strongest terms all attacks, including Improvised Explosive Device (IED) attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and *condemning* further the use by the Taliban and other extremist group of civilians as human shields,

Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats, *expressing* its serious concern with the high number of civilian casualties in this context, *noting* relevant statements of Afghan authorities and high-ranking UN officials, as well as Press Statements of the President of the Security Council, in this regard, and *calling* for compliance with international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians,

Recognizing the efforts taken by ISAF and other international forces to minimize the risk of civilian casualties, and *calling on* them to take additional robust efforts in this regard, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Afghan Government in cases where civilian casualties have occurred and when the Afghan Government finds these joint investigations appropriate,

Stressing the need for further progress in security sector reform, including further strengthening of the Afghan National Army and in particular of the Afghan National Police, disbandment of illegal armed groups, justice sector reform and counter narcotics,

Stressing in this context the importance of further progress in their construction and reform of the prison sector in Afghanistan, in order to improve the respect for the rule of law and human rights therein,

Reiterating its call on all Afghan parties and groups to engage constructively in peaceful political dialogue within the framework of the Afghan Constitution and in the socio-economic development of the country and to avoid resorting to violence including through the use of illegal armed groups, and *encouraging* the implementation of Afghan-led reconciliation programmes within the framework of the Afghan Constitution and with full respect of the implementation of measures introduced by the Security Council in its resolution 1267 (1999) and other relevant resolutions of the Council,

Recalling the leading role that the Afghan Authorities will play for the organization of the next presidential elections, with the assistance of the United Nations, and *stressing* the importance of the assistance to be provided to the Afghan Authorities by ISAF in ensuring a secure environment conducive to the elections,

Recognizing the importance of the contribution of neighbouring and regional partners for the stabilization of Afghanistan, and *stressing* the crucial importance of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan,

Welcoming the continued coordination between ISAF and the OEF coalition, and the cooperation established between ISAF and the European Union presence in Afghanistan, in particular its police mission (EUPOL Afghanistan),

Expressing its appreciation for the leadership provided by the North Atlantic Treaty Organization (NATO), and for the contributions of many nations to ISAF and to the OEF coalition, including its maritime interdiction component, which operates within the framework of the counter-terrorism operations in Afghanistan and in accordance with the applicable rules of international law,

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of ISAF, in coordination with the Af-

ghan Government,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the authorization of the International Security Assistance Force, as defined in resolution 1386 (2001) and 1510 (2003), for a period of twelve months beyond 13 October 2008;
2. *Authorizes* the Member States participating in ISAF to take all necessary measures to fulfil its mandate;
3. *Recognizes* the need to further strengthen ISAF to meet all its operational requirements, and in this regard *calls upon* Member States to contribute personnel, equipment and other resources to ISAF, and to make contributions to the Trust Fund established pursuant to resolution 1386 (2001);
4. *Stresses* the importance of increasing, in a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector, *encourages* ISAF and other partners to sustain their efforts, as resources permit, to train, mentor and empower the Afghan national security forces, in order to accelerate progress towards the goal of self-sufficient and ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country, *welcomes* in this context the progress achieved by the Afghan Authorities in assuming lead security responsibility for Kabul, and *stresses* the importance of supporting the planned expansion of the Afghan National Army;
5. *Calls upon* ISAF to continue to work in close consultation with the Afghan Government and the Special Representative of the Secretary-General as well as with the OEF coalition in the implementation of the force mandate;
6. *Requests* the leadership of ISAF to keep the Security Council regularly informed, through the Secretary-General, on the implementation of its mandate, including through the provision of quarterly reports;
7. *Decides* to remain actively seized of this matter.

United Nations Security Council Resolution 1890 (8 October 2009)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001), 1510 (2003), 1833 (2008) and 1868 (2009),

Reaffirming also its resolutions 1267 (1999), 1368 (2001), 1373 (2001) and 1822 (2008), and *reiterating* its support for international efforts to root out terrorism in accordance with the Charter of the UN,

Recalling its resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, and its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghan Authorities, stressing the role of the International Security Assistance Force (ISAF) in assisting the Afghan Government to improve the security situation and *welcoming* the cooperation of the Afghan Government with ISAF,

Recognizing once again the interconnected nature of the challenges in Afghanistan, *reaffirming* that sustainable progress on security, governance and development, as well as the cross-cutting issue of counter-narcotics is mutually reinforcing and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges through a comprehensive approach,

Stressing in this context the need for further efforts by the Afghan Government to fight corruption,

promote transparency and increase its accountability,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, *noting*, in this context, the synergies in the objectives of the United Nations Assistance Mission in Afghanistan (UNAMA) and of ISAF, and *stressing* the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated responsibilities,

Expressing its strong concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade, and the increasingly strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

Encouraging ISAF to further, effectively support, within its designated responsibilities, Afghan-led sustained efforts to address, in cooperation with relevant international and regional actors, the threat posed by the illicit production of and trafficking in drugs, and *recognizing* the important role played by the UNODC in fighting the negative impact of drug production and trade on security and stability in the region,

Expressing also its concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups on the capacity of the Afghan Government to guarantee the rule of law, to provide security and basic services to the Afghan people, and to ensure the full enjoyment of their human rights and fundamental freedoms,

Reiterating its support for the continuing endeavours by the Afghan Government, with the assistance of the international community, including ISAF and the Operation Enduring Freedom (OEF) coalition, to improve the security situation and to continue to address the threat posed by the Taliban, Al-Qaida and other extremist groups, and *stressing* in this context the need for sustained international efforts, including those of ISAF and the OEF coalition,

Condemning in the strongest terms all attacks, including Improvised Explosive Device attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and *condemning* further the use by the Taliban, Al-Qaida and other extremist groups of civilians as human shields,

Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats,

Expressing its serious concern with the high number of civilian casualties, and *calling* for compliance with international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians,

Recognizing additional efforts taken by ISAF and other international forces to minimize the risk of civilian casualties, *welcoming* their intention to undertake continued enhanced efforts in this regard including the increased focus on protecting the Afghan population as a central element of the mission, and *noting* the importance of conducting continuous reviews of tactics and procedures and after-action reviews and investigations in cooperation with the Afghan Government in cases where civilian casualties have occurred and when the Afghan Government finds these joint investigations appropriate,

Acknowledging the progress made in security sector reform, *welcoming* supports provided by the international partners in this regard, in particular the establishment of the North Atlantic Treaty Organization (NATO) Training Mission in Afghanistan, the planned European Gendarmerie Force (EGF) contribution to this mission and assistance extended to the Afghan National Police including through the European Union police mission (EUPOL Afghanistan), and *stressing* the need for Afghanistan together with international donors to further strengthen the Afghan National Army and the Afghan National Police, and increase its efforts in disbandment of illegal armed groups, and counter narcotics,

Stressing in this context the importance of further progress by the Afghan Government in ending impunity and strengthening judicial institutions, the rule of law and respect for human rights within Afghanistan, including for women and girls and in the reconstruction and reform of the prison sector,

Reiterating its call on all Afghan parties and groups to engage constructively in peaceful political dialogue within the framework of the Afghan Constitution and to work together with international donors for the socio-economic development of the country and to avoid resorting to violence including through the use of illegal armed groups, and *encouraging* the implementation of the Afghan Government-led reintegration and reconciliation programmes within the framework of the Afghan Constitution and with full respect of the implementation of measures introduced by the Security Council in its resolution 1267 (1999) and other relevant resolutions of the Council,

Noting the leading role played by the Afghan Authorities in organizing the 2009 presidential and provincial council elections, and the support of the United Nations and ISAF and *recognizing* the need for timely and orderly preparations for the 2010 elections and for the international support in this regard,

Recognizing the importance of the contribution of neighbouring and regional partners as well as regional organizations to the stabilization of Afghanistan, *stressing* the crucial importance of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan and *welcoming* the regional efforts in this regard,

Welcoming the continued coordination between ISAF and the OEF coalition, and the cooperation established between ISAF and the European Union presence in Afghanistan,

Expressing its appreciation for the leadership provided by NATO, and for the contributions of many nations to ISAF and to the OEF coalition, including its maritime interdiction component, which operates within the framework of the counter-terrorism operations in Afghanistan and in accordance with the applicable rules of international law,

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of ISAF, in coordination with the Afghan Government,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the authorization of the International Security Assistance Force, as defined in resolution 1386 (2001) and 1510 (2003), for a period of twelve months beyond 13 October 2009;
2. *Authorizes* the Member States participating in ISAF to take all necessary measures to fulfil its mandate;
3. *Recognizes* the need to further strengthen ISAF to meet all its operational requirements, and in this regard *calls upon* Member States to contribute personnel, equipment and other resources to ISAF;
4. *Stresses* the importance of increasing, in a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector, *encourages* ISAF and other partners to sustain their efforts, as resources permit, to train, mentor and empower the Afghan national security forces, in order to accelerate progress towards the goal of self-sufficient, accountable and ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country, *welcomes* the increasing leadership role played by the Afghan Authorities in security responsibilities throughout the country, and *stresses* the importance of supporting the planned expansion of the Afghan National Army and the Afghan National Police;
5. *Calls upon* ISAF to continue to work in close consultation with the Afghan Government and the Special Representative of the Secretary-General as well as with the OEF coalition in the implementation of the force mandate;
6. *Requests* the leadership of ISAF to keep the Security Council regularly informed, through the Secretary-General, on the implementation of its mandate, including through the provision of quarterly reports;

7. *Decides* to remain actively seized of this matter.

United Nations Security Council Resolution 1917 (22 March 2010)

The Security Council,

Recalling its previous resolutions on Afghanistan, in particular its resolution 1868 (2009) extending through 23 March 2010 the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) as established by resolution 1662 (2006), and its resolution 1659 (2006) endorsing the Afghanistan Compact, and *recalling also* the report of the Security Council mission to Afghanistan, 21 to 28 November 2008 (S/2008/782),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Stressing the importance of a comprehensive approach to address the situation in Afghanistan, and *recognizing* that there is no purely military solution to ensure the stability of Afghanistan,

Reaffirming its continued support for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of sustainable peace and constitutional democracy and assume their rightful place in the community of nations,

Welcoming the London Conference communiqué (S/2010/65), which set a clear agenda and agreed priorities for the way ahead on Afghanistan, underpinned by a comprehensive strategy to be taken forward by the Government of Afghanistan with the support of the region, the international community and with a central and impartial coordinating role for the United Nations,

Reaffirming in this context its support for the implementation, under the ownership of the Afghan people, of the Afghanistan Compact, of the Afghanistan National Development Strategy (ANDS) and of the National Drugs Control Strategy, and *noting* that sustained and coordinated efforts by all relevant actors are required to consolidate progress made towards their implementation and to overcome continuing challenges,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, including, jointly with the Government of Afghanistan, the coordination and monitoring of efforts in implementing the Afghanistan Compact through the Joint Coordination and Monitoring Board (JCMB) in support of the priorities set up by the Government of Afghanistan and *expressing* its appreciation and strong support for the ongoing efforts of the Secretary-General, his newly appointed Special Representative for Afghanistan and in particular the women and men of UNAMA who are serving in difficult conditions to help the people of Afghanistan,

Welcoming the continued commitment of the international community to support the stability and development of Afghanistan, and also *welcoming* in this regard international and regional initiatives including commitments made at the Istanbul Summit on Friendship and Cooperation in the 'Heart of Asia' held on 26 January 2010 with the participation of Afghanistan and its neighbours and the London Conference on Afghanistan held on 28 January 2010, and looking forward to the Afghan Government's concrete action plans and targets in anticipation of an international conference in Kabul,

Recalling the importance of the Kabul Declaration of 22 December 2002 on Good-Neighbourly Relations (Kabul Declaration) (S/2002/1416), the special conference on Afghanistan under the aegis of the Shanghai Cooperation Organization held in Moscow on 27 March 2009, and Istanbul Statement of 26 January 2010 (S/2010/70), *looking forward* to the Fourth Regional Economic Cooperation Conference on Afghanistan (RECCA) to be held in Turkey, and *stressing* the crucial importance of advancing regional cooperation as an effective means to promote security, governance and economic and social development in Afghanistan,

Welcoming the efforts of countries that are increasing their civilian and humanitarian efforts to as-

sist the Government and the people of Afghanistan and encouraging the international community to further enhance their contributions in a coordinated manner with the Afghan authorities and UNAMA,

Stressing the need for a transparent, credible and democratic process that preserves stability and security through the election period, and *welcoming* the Government of Afghanistan's commitment to ensure the integrity of the 2010 national legislative elections and to prevent irregularities and misconduct,

Recognizing once again the interconnected nature of the challenges in Afghanistan, *reaffirming* that sustainable progress on security, governance, human rights, the rule of law, and development, as well as the cross-cutting issues of anti-corruption, counter-narcotics and transparency are mutually reinforcing and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges through a comprehensive approach,

Stressing the importance of a comprehensive approach in addressing the challenges in Afghanistan and *noting*, in this context, the synergies in the objectives of UNAMA and of the International Security Assistance Force (ISAF) as also noted in resolution 1890 (2009), and *stressing* the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated responsibilities,

Stressing the need of urgently addressing the humanitarian situation through improving the reach, quality and quantity of humanitarian aid, ensuring efficient, effective and timely coordination and delivery of humanitarian assistance through enhanced coordination among the United Nations agencies, funds and programmes under the authority of the Special Representative of the Secretary-General and between the United Nations and other donors, and through the expansion and strengthening of the United Nations humanitarian presence in the provinces, where it is most needed,

Condemning attacks against humanitarian workers, emphasizing the attacks impede efforts to aid the people of Afghanistan, and *underlining* the need for all parties to ensure safe and unhindered access of all humanitarian actors, including United Nations staff and associated personnel, and comply fully with applicable international humanitarian law,

Reiterating its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade, and the increasingly strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

Expressing also its serious concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups on the capacity of the Afghan Government to guarantee the rule of law, to provide security and basic services to the Afghan people, and to ensure the improvement and protection of their human rights and fundamental freedoms,

Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats,

Recalling its resolutions 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, *expressing* its concern at the high number of civilian casualties, the significant majority of which are caused by the Taliban, Al-Qaida and other extremist groups, *welcoming* the progress by Afghan and international forces in reducing civilian casualties *reiterating* its call for all feasible steps to be taken to ensure the protection of civilians, and *calling for* compliance with international humanitarian and human rights law as applicable,

Expressing also concern with the serious threat that anti-personnel mines, remnants of war and improvised explosive devices may pose to the civilian population, and *stressing* the need to refrain from the use of weapons and devices prohibited by international law,

Welcoming the Afghan Government's achievements in banning Ammonium Nitrate fertilizer, and *urging* prompt action to implement regulations for the control of all explosive materials and precursor

chemicals, thereby reducing the ability of insurgents to use them for improvised explosive devices,

Recalling the declaration addressed to the International Narcotics Control Board (INCB) by the Government of Afghanistan that there is no legal use for acetic anhydride in Afghanistan for the time being and that producing and exporting countries should abstain from authorizing the export of this substance to Afghanistan without the request from the Afghan Government, and *encouraging*, pursuant to resolution 1817 (2008), Member States to increase their cooperation with the INCB, notably by fully complying with the provisions of article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988,

Expressing its support for the Afghan-Pakistani Peace Jirga process,

Recalling its resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, its resolutions 1325 (2000), 1820 (2008) and 1888 (2009) and 1889 (2009) on women and peace and security, and its resolution 1612 (2005) and 1882 (2009) on children and armed conflict, and *taking note* of the report of the Secretary-General (S/2008/695) on Children and Armed Conflict in Afghanistan,

1. *Welcomes* the report of the Secretary-General of 10 March 2010 (S/2010/127);
2. *Expresses* its appreciation for the United Nations long-term commitment to work with the Government and the people of Afghanistan and *reiterates* its full support to the work of UNAMA and the Special Representative of the Secretary-General;
3. *Decides* to extend until 23 March 2011 the mandate of UNAMA, as defined in its resolutions 1662 (2006), 1746 (2007), 1806 (2008) and 1868 (2009), and paragraphs 4, 5 and 6 below;
4. *Calls on* the United Nations, with the support of the international community, to support the Government of Afghanistan's priorities on the issues of security, governance and economic development, and regional cooperation, and to support the full implementation of mutual commitments made on these issues at the London Conference, as well as on continuing implementation of the National Drug Control Strategy, and *requests* that UNAMA assist the Government of Afghanistan in the transition towards Afghan leadership, including by supporting the preparation of the Conference to be held in Kabul later this year;
5. *Decides* further that UNAMA and the Special Representative of the Secretary-General, within their mandate and guided by the principle of reinforcing Afghan ownership and leadership, will continue to lead the international civilian efforts, in accordance with the London Conference Communiqué, and with a particular focus on the priorities laid out below:
 - a) promote, as co-chair of the Joint Coordination and Monitoring Board (JCMB), more coherent support by the international community to the Afghan Government's development and governance priorities, including through mobilization of resources, coordination of international donors and organizations, and direction of the contributions of United Nations agencies, funds and programmes, in particular for counter-narcotics, reconstruction and development activities; at the same time, support efforts to increase the proportion of development aid delivered through the Afghan Government, and support efforts to increase the transparency and effectiveness of the Afghan Government's use of such resources;
 - b) strengthen the cooperation with ISAF and the NATO Senior Civilian Representative at all levels and throughout the country, in accordance with their existing mandates, in order to improve civil-military coordination, to facilitate the timely exchange of information and to ensure coherence between the activities of national and international security forces and of civilian actors in support of an Afghan-led development and stabilization process, including through engagement with provincial reconstruction teams and engagement with non-governmental organizations; and support the process of provincial transition to Afghan-led security responsibility taking into account the respective mandates of UNAMA and ISAF;

- c) provide political outreach as well as good offices to support, if requested by the Afghan Government, the implementation of Afghan-led reconciliation and reintegration programmes, including through proposing and supporting confidence building measures within the framework of the Afghan constitution and with full respect for the implementation of measures and application of the procedures introduced by the Security Council in its resolutions 1267 (1999), 1822 (2008) and 1904 (2009) as well as other relevant resolutions of the Council;
 - d) support, at the request of the Afghan authorities, and taking into account progress on commitments on electoral reform agreed at the London Conference, preparations for the upcoming national legislative elections, by providing technical assistance, coordinating other international donors, agencies and organizations providing assistance and channelling existing and additional funds earmarked to support the process; and support, through civil society, the robust participation of the Afghan people in the elections and the electoral reform process;
6. *Also reaffirms* that UNAMA and the Special Representative will continue to lead international civilian efforts in the following priority areas:
- a) through a strengthened and expanded presence throughout the country, promote at the local level the implementation, of the ANDS and the National Drugs Control Strategy, and facilitate inclusion in and understanding of the Government's policies;
 - b) support and strengthen efforts to improve governance and the rule of law including transitional justice and to combat corruption at the local and national levels, and to promote development initiatives at the local level with a view to helping bring the benefits of peace and deliver services in a timely and sustainable manner;
 - c) play a central coordinating role to facilitate the delivery of humanitarian assistance in accordance with humanitarian principles and with a view to building the capacity of the Government of Afghanistan, including by providing effective support to national and local authorities in assisting and protecting internally displaced persons and to creating conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons;
 - d) continue, with the support of the Office of the United Nations High Commissioner for Human Rights, to cooperate with the Afghan Independent Human Rights Commission (AIHRC), to cooperate also with relevant international and local non-governmental organizations and the Government of Afghanistan, to monitor the situation of civilians, to coordinate efforts to ensure their protection, to promote accountability, and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights;
 - e) support regional cooperation to work towards a stable and prosperous Afghanistan;
7. *Calls upon* all Afghan and international parties to coordinate with UNAMA in the implementation of its mandate and in efforts to promote the security and freedom of movement of United Nations and associated personnel throughout the country;
8. *Reiterates* the need to ensure security of United Nations staff and its support for the measures already taken by the Secretary-General in this regard, and looks forward to an analysis of the United Nations security requirements in Afghanistan;
9. *Stresses* the importance of strengthening and expanding the presence of UNAMA and other United Nations agencies, funds and programmes in the provinces, *encourages* the Secretary-General to continue his current efforts to take necessary measures to address the security issues associated with such strengthening and expansion, and strongly supports the authority of the Special Representative of the Secretary-General in the coordination of all activities of United Nations agencies, funds and programmes in Afghanistan;

10. *Underscores* the importance of the upcoming national legislative elections to Afghanistan's democratic development, *calls for* all efforts to be made to ensure the credibility, safety, and security of the elections, *recognizes* the challenges that face the Afghan Independent Election Commission (IEC) and the Afghan Electoral Complaints Commission (ECC), *underlines* the need for those two bodies to effectively discharge their functions in preparing and monitoring elections, and *encourages* the Government of Afghanistan to work together with UNAMA to ensure that the IEC and ECC are strong, independent and provide the proper checks and balances required by the Constitution;

11. *Welcomes* the commitment of the Government of Afghanistan to work closely with the United Nations to build on the lessons learned from the 2009 elections to deliver improvements to the electoral process in 2010 and beyond, and, taking into account the commitments on electoral reform made at the London Conference, *reaffirms* UNAMA's leading role in supporting the realization of these commitments at the request of the Afghan Government, and *requests* that UNAMA provides technical assistance to the National Assembly and civil society to support constructive electoral reforms; and further *calls upon* members of the international community to provide assistance as appropriate;

12. *Welcomes* the renewed efforts of the Afghan Government, including through the national Peace Jirga to be held this year, to promote dialogue with those elements in opposition to the Government who are ready to renounce violence, break ties with Al-Qaida and other terrorist organizations, denounce terrorism and accept the Afghan Constitution, particularly as it relates to gender and human rights issues, and encourages the Government of Afghanistan to make use of UNAMA's good offices to support this process as appropriate, in full respect of the implementation of measures and procedures introduced by the Security Council in its resolution 1267 (1999), 1822 (2008) and 1904 (2009) as well as other relevant resolutions of the Council;

13. *Welcomes* also the Government's commitment to develop and implement an effective, inclusive, transparent and sustainable national Peace and Reintegration Programme, *stresses* the role of the UNAMA in supporting this Programme as mandated in this Resolution, and *encourages* the international community to assist the efforts of the Government of Afghanistan in this regard including through a Peace and Reintegration Trust Fund;

14. *Welcomes* ongoing efforts by the Government of Afghanistan and its neighbouring and regional partners to foster trust and cooperation with each other as well as recent cooperation initiatives developed by the countries concerned and regional organizations, including the Fourth Trilateral Summit of Afghanistan, Pakistan and Turkey held in Istanbul, the Istanbul Summit held with the participation of Afghanistan and its neighbours, and the London Conference on Afghanistan, *further welcomes* the reaffirmation in the London Conference Communiqué of the principles set out in the Good Neighbourly Relations Declaration of 2002, and *stresses* the importance of increasing cooperation between Afghanistan and its partners against the Taliban, Al-Qaida and other extremist groups, in promoting peace and prosperity in Afghanistan and in fostering cooperation in the economic and development sectors as a means to achieve the full integration of Afghanistan into regional dynamics and the global economy;

15. *Reaffirms* the central role played by the JCMB in coordinating, facilitating and monitoring the implementation of the Afghanistan National Development Strategy and *calls upon* all relevant actors to enhance their cooperation with the JCMB in this regard with a view to further improve its efficiency;

16. *Calls on* international donors and organizations and the Afghan Government to adhere to their commitments made at the International Conference in Support of Afghanistan, held in Paris on 12 June 2008 and at the London Conference on Afghanistan on 28 January 2010, and *reiterates* the importance of further efforts in improving aid coordination and effectiveness, including by ensuring transparency, combating corruption; and enhancing the capacity of Government of Afghanistan to coordinate aid;

17. *Calls upon* the Afghan Government, with the assistance of the international community, including ISAF and the Operation Enduring Freedom coalition, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade;

18. *Condemns* in the strongest terms all attacks, including Improvised Explosive Device attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and *condemns further* the use by the Taliban and other extremist groups of civilians as human shields;

19. *Welcomes* the achievements to date in the implementation of the Mine Action Programme of Afghanistan, and encourages the Government of Afghanistan, with the support of the United Nations and all the relevant actors, to continue its efforts towards the removal of anti-personnel landmines, anti-tank landmines and explosive remnants of war in order to reduce the threats posed to human life and peace and security in the country; and *expresses* the need to provide assistance for the care, rehabilitation, and economic and social reintegration of victims, including persons with disabilities;

20. *Recognizes* the progress made by ISAF and other international forces in minimizing the risk of civilian casualties, as described in the January 2010 UNAMA report on the protection of civilians in armed conflict, and *calls on* them to continue to take robust efforts in this regard, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Afghan Government in cases where civilian casualties have occurred and when the Afghan Government finds these joint investigations appropriate;

21. *Emphasizes* the importance of ensuring access for relevant organizations, as applicable, to all prisons and places of detention in Afghanistan, and *calls for* full respect for relevant international law including humanitarian law and human rights law;

22. *Expresses* its strong concern about the recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children as a result of the conflict, *reiterates* its strong condemnation of the recruitment and use of child soldiers in violation of applicable international law and all other violations and abuses committed against children in situations of armed conflict, in particular attacks against schools, and the use of children in suicide attacks, *calls for* those responsible to be brought to justice, *stresses* the importance of implementing Security Council resolution 1612 (2005) and 1882 (2009), in this context, and *requests* the Secretary-General to continue to strengthen the child protection component of UNAMA, in particular through the appointment of child protection advisers;

23. *Reiterates* the importance of increasing, in a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector through appropriate vetting procedures, training, mentoring, equipping and empowerment efforts, for both women and men, in order to accelerate progress towards the goal of self-sufficient and ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country;

24. *Welcomes* in this context the continued progress in the development of the Afghan National Army and its improved ability to plan and undertake operations, and *encourages* sustained training efforts, including through the contribution of trainers, resources and Operational Mentoring and Liaison Teams through the NATO Training Mission-Afghanistan, and advice in developing a sustainable defence planning process as well as assistance in defence reform initiatives;

25. *Takes note* of the ongoing efforts of the Afghan authorities to enhance the capabilities of the Afghan National Police, *calls for* further efforts towards that goal, including through the Focused District Development, and *stresses* the importance, in this context, of international assistance through financial support and provision of trainers and mentors, including the contribution of the NATO Training

Mission – Afghanistan, the European Gendarmerie Force (EGF) contribution to this mission and the European Union through its police mission (EUPOL Afghanistan);

26. *Welcomes* the progress in the implementation by the Afghan Government of the programme of disbandment of illegal armed groups, and *calls for* accelerated efforts for further progress, with support from the international community;

27. *Takes note* of the recent progress in addressing opium production, *remains concerned* at the serious harm that opium cultivation, production and trafficking and consumption continue to cause to the security, development and governance of Afghanistan as well as to the region and internationally, *calls on* the Afghan Government, with the assistance of the international community, to accelerate the implementation of the National Drug Control Strategy, including through alternative livelihood programmes, and to mainstream counter-narcotics throughout national programmes, and *encourages* additional international support for the four priorities identified in that Strategy; *commends* the support provided by the UNODC to the Triangular Initiative and the Central Asian Regional Coordination and Information Centre (CARICC) within the framework of the Paris Pact Initiative and the Rainbow Strategy; as well as the contribution of Domodedovo Police Academy of Russia;

28. *Calls upon* States to strengthen international and regional cooperation to counter the threat to the international community posed by the illicit production, trafficking, and consumption of drugs originating in Afghanistan, in accordance with the principle of common and shared responsibility including through strengthening the law enforcement capacity in drug control and cooperation for the fight against the illicit trafficking in drugs and precursor chemicals and against money-laundering and corruption linked to such trafficking, taking into account the outcome of the Second Ministerial Conference on Drug Trafficking Routes from Afghanistan organized by the Government of the Russian Federation in cooperation with the United Nations Office on Drugs and Crime held in Moscow in 2006 (S/2006/598), within the framework of the Paris Pact initiative and its 'Paris-Moscow' process, and, in this regard, *calls for* full implementation of its resolution 1817 (2008);

29. *Calls for* the continuation of the Paris Pact initiative in counteracting illicit production, trafficking and consumption of narcotics and the elimination of poppy crops, drug laboratories and stores as well as the interception of drug convoys, underlines the importance of border management cooperation and *welcomes* the intensified cooperation of the relevant United Nations institutions with the OSCE in this regard;

30. *Reiterates* the importance of the full, sequenced, timely and coordinated implementation of the National Justice Programme, by all the relevant Afghan institutions and other actors in view of accelerating the establishment of a fair and transparent justice system, eliminating impunity and contributing to the affirmation of the rule of law throughout the country;

31. *Stresses* in this context the importance of further progress in the reconstruction and reform of the prison sector in Afghanistan, in order to improve the respect for the rule of law and human rights;

32. *Notes with strong concern* the effects of widespread corruption on security, good governance, counter-narcotics efforts and economic development, and *urges* the Afghan Government, with the assistance of the international community, to vigorously lead the fight against corruption, and to enhance its efforts to establish a more effective, accountable and transparent administration;

33. *Encourages* all Afghan institutions, including the executive and legislative branches, to work in a spirit of cooperation, *calls on* the Afghan Government to pursue continued legislative and public administration reform in order to ensure good governance, with full representation of all Afghan women and men, and accountability at both national and sub-national levels, and *stresses* the need for further international efforts to provide technical assistance in this area;

34. *Calls for* full respect for human rights and fundamental freedoms and international humanitarian law throughout Afghanistan, *notes with concern* the restrictions on freedom of media, and attacks

against journalists, *commends* the AIHRC (Afghanistan Independent Human Rights Commission) for its courageous efforts to monitor respect for human rights in Afghanistan as well as to foster and protect these rights and to promote the emergence of a pluralistic civil society, and *stresses* the importance of full cooperation with the AIHRC by all relevant actors; and *supports* broad engagement across government agencies and civil society for the realization of the mutual commitments made at the London Conference, including the commitment to provide sufficient government financing for the AIHRC;

35. *Recognizes* that despite progress achieved on gender equality, enhanced efforts are necessary to secure the rights of women and girls, *strongly condemns* continuing forms of discrimination and violence against women and girls, in particular violence aimed at preventing girls from attending schools, *stresses* the importance of implementing Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), and 1889 (2009) *supports* efforts to accelerate implementation of the National Action Plan for Women in Afghanistan, welcomes the Afghan Government's commitment to strengthen the participation of women in all Afghan governance institutions, including elected and appointed bodies and the civil service, and *requests* the Secretary-General to continue to include in its reports to the Security Council relevant information on the process of integration of women into the political, economic and social life of Afghanistan;

36. *Welcomes* the cooperation of the Afghan Government and UNAMA with the Security Council Committee established pursuant to resolution 1267 (1999) with the implementation of resolution 1904 (2009), including by providing relevant information for updating the Consolidated List, and by identifying individuals and entities participating in the financing or support of acts or activities of Al-Qaida and the Taliban using proceeds derived from illicit cultivation, production and trafficking of narcotic drugs and their precursors, and *encourages* the continuation of such cooperation;

37. *Calls for* strengthening the process of regional economic cooperation, including measures to facilitate regional trade, to increase foreign investments and to develop infrastructure, noting Afghanistan's historic role as a land bridge in Asia;

38. *Recognizes* the importance of voluntary, safe, orderly return and sustainable reintegration of the remaining Afghan refugees for the stability of the country and the region, and *calls for* continued and enhanced international assistance in this regard;

39. *Affirms* also the importance of voluntary, safe, orderly return and sustainable reintegration of the internally displaced persons;

40. *Requests* the Secretary-General to report to the Council every three months on developments in Afghanistan, include in his next report, evaluation of progress made against the benchmarks for measuring and tracking progress in the implementation of UNAMA's mandate and priorities as set out in this resolution, and *calls on* all actors concerned to cooperate with UNAMA in this process;

41. *Decides* to remain actively seized of the matter.

United Nations Security Council Resolution 1943 (13 October 2010)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001), 1510 (2003), 1833 (2008), 1890 (2009) and 1917 (2010),

Reaffirming also its resolutions 1267 (1999), 1368 (2001), 1373 (2001), 1822 (2008) and 1904 (2009), and reiterating its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recalling its resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, and its resolutions 1612 (2005) and 1882 (2009) on

children and armed conflict,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghan Authorities, stressing the role of the International Security Assistance Force (ISAF) in assisting the Afghan Government to improve the security situation and build its own security capabilities, and welcoming the cooperation of the Afghan Government with ISAF,

Welcoming the communiqués of the London Conference (S/2010/65) and the Kabul Conference which set a clear agenda and agreed priorities for the way ahead on Afghanistan,

Recognizing once again the interconnected nature of the challenges in Afghanistan, reaffirming that sustainable progress on security, governance, human rights, rule of law and development as well as the cross-cutting issues of counter-narcotics, anti-corruption and accountability are mutually reinforcing and welcoming the continuing efforts of the Afghan Government and the international community to address these challenges through a comprehensive approach,

Stressing in this context the need for further efforts by the Afghan Government to fight corruption, promote transparency and increase its accountability, in line with the Afghan Government's commitment to strengthen measures to combat corruption after the London and Kabul Conferences,

Recognizing the commitment by the international community to support the phased transition to full Afghan responsibility for security including through the establishment of the Joint Afghan NATO Inteqal 'Transition' Board to determine mutually-agreed criteria to commence the Transition process, and the imperative for the international community to continue to train, mentor and partner with the Afghan National Security Forces in order to support the international and Afghan objective for Afghan National Security Forces leadership on military and civilian police operations by the end of 2014, noting that these issues will be discussed at the forthcoming NATO Summit in Lisbon, and stressing the long-term commitment of the international community to support the further development and professionalization of the ANSF,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, noting, in this context, the synergies in the objectives of the United Nations Assistance Mission in Afghanistan (UNAMA) and of ISAF, and stressing the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated responsibilities,

Expressing its strong concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, other illegal armed groups and criminals, including those involved in the narcotics trade, and the increasingly strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, as well as to the national security forces and international military and civilian personnel,

Welcoming the efforts of the Government of Afghanistan to update and improve the National Drug Control Strategy, with a particular emphasis on a partnership approach to ensure joint, effective implementation and coordination, encouraging ISAF to further, effectively support, within its designated responsibilities, Afghan-led sustained efforts to address drug production and trafficking, in cooperation with relevant international and regional actors, recognizing the threat posed by illicit drug production, trade, trafficking to international peace and stability in different regions of the world, and the important role played by the United Nations Office on Drugs and Crime (UNODC) in this regard,

Expressing also its concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups on the capacity of the Afghan Government to guarantee the rule of law, to provide security and basic services to the Afghan people, and to ensure the full enjoyment of their human rights and fundamental freedoms,

Reiterating its support for the continuing endeavours by the Afghan Government, with the assistance of the international community, including ISAF and the Operation Enduring Freedom (OEF) coalition, to improve the security situation and to continue to address the threat posed by the Taliban, Al-Qaida and other extremist groups, and stressing in this context the need for sustained international efforts, including those of ISAF and the OEF coalition,

Condemning in the strongest terms all attacks, including Improvised Explosive Device (IED) attacks, suicide attacks, assassinations and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and condemning further the use by the Taliban, Al-Qaida and other extremist groups of civilians as human shields,

Welcoming the Afghan Government's achievements in banning ammonium nitrate fertilizer, and urging continued action to implement regulations for the control of all explosive materials and precursor chemicals, thereby reducing the ability of insurgents to use them for improvised explosive devices,

Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats,

Expressing its serious concern with the increased high number of civilian casualties in Afghanistan, in particular women and children casualties, the large majority of which are caused by Taliban, Al-Qaida and other extremist groups, reaffirming that all parties to armed conflict must take all feasible steps to ensure the protection of affected civilians, calling for all parties to comply with their obligations under international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians, and recognizing the importance of the ongoing monitoring and reporting to the United Nations Security Council, including by ISAF, of the situation of civilians and in particular civilian casualties,

Taking note of the progress made by ISAF and other international forces in minimizing the civilian casualties, as described in the August 2010 UNAMA report on the protection of civilians in armed conflict, urging ISAF and other international forces to continue to undertake enhanced efforts to prevent civilian casualties including the increased focus on protecting the Afghan population as a central element of the mission, and noting the importance of conducting continuous reviews of tactics and procedures and after-action reviews and investigations in cooperation with the Afghan Government in cases where civilian casualties have occurred and when the Afghan Government finds these joint investigations appropriate,

Expressing its strong concern about recruitment and use of children by Taliban forces in Afghanistan as well the killing and maiming of children as a result of the conflict, welcoming the establishment of the Afghan Inter-Ministerial Steering Committee on Children and the Afghan Government's intention to develop an action plan on the prevention of recruitment of children under 18 years of age, and the appointment of the focal point by the Ministry of the Interior dealing with child protection issues,

Acknowledging the progress made in security sector reform, welcoming the support and assistance extended to the Afghan National Police by the international partners in this regard, in particular the continued commitment of the North Atlantic Treaty Organization (NATO) Training Mission in Afghanistan, the European Gendarmerie Force (EGF) contribution to this mission and assistance extended to the Afghan National Police including through the European Union police mission (EUPOL Afghanistan), and stressing the need for Afghanistan together with international donors to further strengthen the Afghan National Army and the Afghan National Police to ensure Afghan capability to assume increasing responsibilities and leadership of security operations and maintain public order, law enforcement, the security of Afghanistan's borders and the preservation of the constitutional rights of the Afghan citizens as well as to increase its efforts in disbandment of illegal armed groups and counter-narcotics, as outlined in the London Conference and the Kabul Conference communiqués,

Stressing in this context the importance of further progress by the Afghan Government in ending impunity and strengthening judicial institutions, in the reconstruction and reform of the prison sector, and the rule of law and respect for human rights within Afghanistan, including for women and girls, and in particular women's rights under the Constitution to fully participate in the political, economic and social spheres of Afghan life,

Reiterating its call on all Afghan parties and groups to engage constructively in peaceful political dialogue as requested by participants at the Consultative Peace Jirga held in Kabul in June 2010 within the framework of the Afghan Constitution and to work together with international donors for the socio-economic development of the country and to avoid resorting to violence including through the use of illegal armed groups, supporting the aims of the High Peace Council, and encouraging the Afghan Government-led peace process, in particular the implementation of the Afghan Peace and Re-integration Program, within the framework of the Afghan Constitution and with full respect for the implementation of measures and application of the procedures introduced by the Security Council in its resolutions 1267 (1999), 1822 (2008) and 1904 (2009) as well as other relevant resolutions of the Council, and pledging to continue supporting this work as requested by the Afghan Government,

Noting the leading role played by the Afghan Independent Election Commission and the Electoral Complaints Commission in organizing the 2010 parliamentary elections, and the support of the United Nations and ISAF, and the Afghan Government's commitment in the Kabul Conference communiqué to address long-term electoral reform, based on lessons learned in previous elections,

Recognizing the importance of the contribution of neighbouring and regional partners as well as regional organizations including EU, OSCE, Shanghai Cooperation Organization and the CSTO to the stabilization of Afghanistan, stressing the crucial importance of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan, welcoming the regional efforts in this regard, and looking forward to the inaugural meeting in November 2010 in Istanbul of the Core Group established in support of enhanced regional cooperation in conjunction with the Kabul Conference,

Welcoming the efforts of the international community carried out to strengthen the coherence of military and civilian actions, including those within the framework of ISAF,

Welcoming the continued coordination between ISAF and the OEF coalition, and in-theatre cooperation established between ISAF and the European Union presence in Afghanistan,

Expressing its appreciation for the leadership provided by NATO and for the contributions of many nations to ISAF and to the OEF coalition, which operates within the framework of the counter-terrorism operations in Afghanistan and in accordance with the applicable rules of international law,

Determining that the situation still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of ISAF, in coordination with the Afghan Government,

Acting for these reasons under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the authorization of the International Security Assistance Force, as defined in resolution 1386 (2001) and 1510 (2003), for a period of 12 months until 13 October 2011;
2. *Authorizes* the Member States participating in ISAF to take all necessary measures to fulfil its mandate;
3. *Recognizes* the need to further strengthen ISAF to meet all its operational requirements, and in this regard calls upon Member States to contribute personnel, equipment and other resources to ISAF;
4. *Stresses* the importance of increasing, in a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector, encourages ISAF and other partners to sustain their efforts, as resources permit, to train, mentor and empower the Afghan national security forces, in order to accelerate progress towards the goal of self-sufficient, accountable and ethnically

balanced Afghan security forces providing security and ensuring the rule of law throughout the country, welcomes the increasing leadership role played by the Afghan Authorities in security responsibilities throughout the country, and stresses the importance of supporting the planned expansion of the Afghan National Army and the Afghan National Police as endorsed by the Joint Coordination and Monitoring Board in January 2010;

5. *Calls upon* ISAF and the NATO Senior Civilian Representative to continue to work in close consultation with the Afghan Government and the Special Representative of the United Nations Secretary-General in accordance with the Security Council Resolution 1917 (2010) as well as with the OEF coalition in the implementation of the ISAF mandate;

6. *Requests* the leadership of ISAF to keep the Security Council regularly informed, through the United Nations Secretary-General, on the implementation of its mandate, including through the timely provision of quarterly reports;

7. *Decides* to remain actively seized of this matter.

United Nations Security Council Resolution 1662 (23 March 2006)

The Security Council,

Recalling its previous resolutions on Afghanistan, in particular its resolution 1589 (2005) extending the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) through 24 March 2006, and its resolution 1659 (2006) endorsing the Afghanistan Compact,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Reaffirming in this context its support for the implementation by the Afghan Government and all members of the international community and international organizations of the Afghanistan Compact under the ownership of the Afghan people and its support for the interim Afghanistan National Development Strategy (iANDS),

Pledging its continued support for the Government and people of Afghanistan as they build on the successful completion of the Bonn Process in rebuilding their country, strengthening the foundations of a constitutional democracy and assuming their rightful place in the community of nations,

Stressing the inalienable right of the people of Afghanistan freely to determine their own future and *welcoming* the successful holding of the Parliamentary and Provincial elections on 18 Sept. 2005,

Determined to assist the Government and people of Afghanistan in building on the successful London Conference held on 31 January-1 February 2006,

Recognizing the interconnected nature of the challenges in Afghanistan, *affirming* that sustainable progress on security, governance, development as well as the cross-cutting issue of counter-narcotics, which necessarily involves capacity-building, is mutually reinforcing, and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges,

Recognizing the continuing importance of combating increased terrorist attacks caused by the Taliban, Al-Qaida and other extremist groups and narcotic threat,

Expressing concern at the increasing threat to the local population, national security forces, international military and international assistance efforts by extremist activities and *stressing* the importance of the security and safety of the United Nations staff,

Recalling the importance of the Kabul Declaration of 22 December 2002 on Good-Neighbourly Relations (Kabul Declaration) (S/2002/1416), and *stressing* that regional cooperation constitutes an effective means to promote security and development in Afghanistan,

Expressing its appreciation and strong support for the ongoing efforts of the Secretary-General and his Special Representative for Afghanistan,

Stressing the central and impartial role that the United Nations continues to play in promoting

peace and stability in Afghanistan, including the coordination and monitoring of efforts in implementing the Afghanistan Compact,

1. *Welcomes* the report of the Secretary-General of 7 March 2006 (S/2006/145);
2. *Welcomes* the United Nations long-term commitment to work with the people and Government of Afghanistan;
3. *Decides* to extend the mandate of UNAMA, as laid out in the report of the Secretary-General of 7 March 2006, for an additional period of 12 months from the date of adoption of this resolution;
4. *Reiterates* its call on the Afghan Government, and on all members of the international community and international organizations, to implement the Compact and its annexes in full;
5. *Emphasizes* the importance of meeting the benchmarks and time lines of the Compact for progress on security, governance and development as well as the cross-cutting issue of counter-narcotics and of increasing the effectiveness and coordination of the assistance to Afghanistan;
6. *Calls on* all Afghan parties and groups to engage constructively in the peaceful political development of the country and avoid resorting to violence;
7. *Welcomes* the substantial progress in the disarmament, demobilization and reintegration (DDR) process in accordance with the Bonn Agreement, including the completion of disarmament and demobilization; *encourages* the Afghan Government to complete the DDR process by June 2006; *calls for* determined efforts by the Afghan Government, including its security authorities, to disband illegal armed groups and to dispose of ammunition stockpiles; and *requests* the international community to extend further assistance for these efforts, taking fully into account the guidance by UNAMA;
8. *Welcomes* the development of the Afghan National Army and Afghan National Police and the ongoing efforts to increase their capabilities as important steps towards the goal of Afghan security forces providing security and ensuring the rule of law throughout the country; and *further welcomes* in this regard the outcome of the Doha Conference on Border Management on 28 February 2006;
9. *Welcomes* the inauguration of the new Afghan National Assembly; *commends* Afghan efforts to ensure its efficient functioning, which will be critical to the political future of Afghanistan; *welcomes* the international efforts to provide technical assistance; and *encourages* all the institutions to work in a spirit of cooperation;
10. *Calls on* the Afghan Government to ensure continued public administrative reform and anti-corruption efforts, as described in the Compact;
11. *Welcomes* the finalization of the 10-year strategy for justice reform in Afghanistan, as detailed in the 'Justice for All' paper presented by the Ministry of Justice; and *invites* the Afghan Government, with the assistance of the international community, to continue to work towards the establishment of a fair and transparent justice system, including the reconstruction and reform of the correctional system, as highlighted in the Compact, in order to strengthen the rule of law throughout the country and eliminate impunity;
12. *Calls for* full respect for human rights and international humanitarian law throughout Afghanistan; in this regard, *requests* UNAMA, with the support of the Office of the United Nations High Commissioner for Human Rights, to continue to assist in the full implementation of the human rights provisions of the Afghan constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights; *commends* the Afghan Independent Human Rights Commission for its courageous efforts to monitor respect for human rights in Afghanistan as well as to foster and protect these rights; *welcomes* the adoption of the Action Plan on Peace, Justice and Reconciliation on 12 December 2005; and *encourages* international support for this Plan;
13. *Welcomes* iANSD presented at the London Conference; *calls on* the Afghan Government to further provide strong leadership in its implementation; and *encourage* the fulfilment of the pledges

made by the participants at the Conference, including financial assistance available for the implementation of the Strategy, which has reached \$10.5 billion;

14. *Recognizes* the risk that opium cultivation, production and trafficking poses to the security, development and governance of Afghanistan as well as to the region and; internationally *welcomes* the updated National Drug Control Strategy presented by the Afghan Government at the London Conference; *calls on* the Afghan Government, with support provided by the international community, to pursue early implementation of the strategy; and *encourages* additional international support for the four priorities identified in that Strategy including through contributions to the Counter Narcotics Trust Fund;

15. *Emphasizes* the important role in monitoring the implementation of the Compact to be played by the Joint Coordination and Monitoring Board, which will be co-chaired by the Secretary-General's Special Representative and the Government of Afghanistan and supported by a small secretariat;

16. *Welcomes* the proposal of the Secretary-General to extend the reach of regional offices, security circumstances permitting;

17. *Calls upon* all Afghan and international parties to continue to cooperate with UNAMA in the implementation of its mandate and to ensure the security and freedom of movement of its staff throughout the country;

18. *Calls upon* the Afghan Government, with the assistance of the international community, including the Operation Enduring Freedom coalition and the International Security Assistance Force, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, other extremist groups and criminal activities;

19. *Encourages* the promotion of confidence-building measures between Afghanistan and its neighbours in the spirit of the Kabul Declaration in order to foster dialogue and cooperation in the region in full respect for the principles of territorial integrity, mutual respect, friendly relations and non-interference in each other's internal affairs;

20. *Requests* the Secretary-General to report to the Council every six months on developments in Afghanistan;

21. *Decides* to remain actively seized of the matter.

United Nations Security Council Resolution 1746 (23 March 2007)

The Security Council,

Recalling its previous resolutions on Afghanistan, in particular its resolution 1662 (2006) extending through 23 March 2007 the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) as laid out in the report of the Secretary-General of 7 March 2006 (S/2006/145), and its resolution 1659 (2006) endorsing the Afghanistan Compact, and *recalling also* the report of the Security Council mission to Afghanistan, 11 to 16 November 2006 (S/2006/935), *Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Reaffirming its continued support for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of sustainable peace and constitutional democracy and assume their rightful place in the community of nations,

Reaffirming in this context its support for the implementation, under the ownership of the Afghan people, of the Afghanistan Compact, of the Afghanistan National Development Strategy (ANDS) and of the National Drugs Control Strategy, and *noting* that sustained efforts by all relevant actors are required to consolidate progress made towards their implementation and to overcome current challenges,

Recalling that the Afghanistan Compact is based on a partnership between the Afghan Government and the international community, with a central and impartial coordinating role for the UN,

Recognizing once again the interconnected nature of the challenges in Afghanistan, *reaffirming*

that sustainable progress on security, governance and development, as well as the cross-cutting issue of counter-narcotics is mutually reinforcing and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges in a coherent manner through the comprehensive framework provided by the Afghanistan Compact,

Noting, in the context of a comprehensive approach, the synergies in the objectives of UNAMA and of the International Security Assistance Force (ISAF), and *stressing* the need for continued cooperation and coordination, taking due account of their respective designated responsibilities,

Reiterating its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups and those involved in the narcotics trade, and the links between terrorism activities and illicit drugs, resulting in threats to the local population, national security forces and international military and civilian personnel, and *stressing* the importance of the security and safety of the United Nations and associated personnel,

Expressing also its concern over the harmful consequences of the insurgency on the capacity of the Afghan Government to provide security and basic services to the Afghan people, and to ensure the full enjoyment of their human rights and fundamental freedoms,

Recalling the importance of the Kabul Declaration of 22 December 2002 on Good-Neighbourly Relations (Kabul Declaration) (S/2002/1416), *welcoming* the New Delhi Declaration adopted at the Second Regional Economic Cooperation Conference on Afghanistan on 19 November 2006, *looking forward* to the Third Regional Economic Cooperation Conference on Afghanistan to be held in Islamabad, Pakistan in 2007, and *stressing* the crucial importance to all parties of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan,

Recalling its resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006) on the protection of civilians in armed conflict and its resolution 1325 (2000) on women and peace and security,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, including, jointly with the Government of Afghanistan, the coordination and monitoring of efforts in implementing the Afghanistan Compact, and *expressing* its appreciation and strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the women and men of UNAMA,

1. *Welcomes* the report of the Secretary-General of 15 March 2007 (S/2007/152);
2. *Expresses its appreciation* for the United Nations long-term commitment to work with the Government and the people of Afghanistan;
3. *Decides* to extend the mandate of UNAMA, as established by resolution 1662 (2006), until 23 March 2008;
4. *Stresses* the role of UNAMA to promote a more coherent international engagement in support of Afghanistan, to extend its good offices through outreach in Afghanistan, to support regional cooperation in the context of the Afghanistan Compact, to promote humanitarian coordination and to continue to contribute to human rights protection and promotion, including monitoring of the situation of civilians in armed conflict;
5. *Welcomes* UNAMA's expanded presence in the provinces, through regional and provincial offices, which support efforts at the central level to coordinate and monitor the implementation of the Afghanistan Compact and assist the efforts of the Government of Afghanistan and its international partners in improving the delivery of services to Afghan citizens throughout the country, and *encourages* further progress in this regard, including in the southern and eastern provinces, security circumstances permitting;
6. *Reiterates* its call on the Afghan Government, and on all members of the international community and international organizations, to implement the Afghanistan Compact and its annexes in full;

7. *Emphasizes* the importance of meeting the benchmarks and timelines of the Compact for the progress on security, governance and development as well as the cross-cutting issue of counter-narcotics and of increasing the effectiveness and coordination of the assistance to Afghanistan;
8. *Acknowledges* the central role played by the Joint Coordination and Monitoring Board in facilitating and monitoring the implementation of the Compact, *stresses* the role of the JCMB to support Afghanistan by, inter alia, coordinating international assistance and reconstruction programmes, *encourages* efforts to strengthen the JCMB Secretariat, *welcomes* the results of the JCMB meeting at senior officials level held in Berlin on 30 and 31 January 2007, and *encourages* further efforts to provide appropriate high level political guidance and promote a more coherent international engagement;
9. *Calls on* all Afghan parties and groups to engage constructively in an inclusive political dialogue, within the framework of the Afghan Constitution and Afghan-led reconciliation programmes, and in the social development of the country, and *stresses* the importance of these factors to enhance security and stability;
10. *Stresses* the need for further progress on security sector reform, inter alia in order to advance towards the goal of ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country, *welcomes* in this regard the ongoing efforts to increase functionality, professionalism and accountability of the security sector, including the Afghan National Army and the Afghan National Police, including the recent proposed contributions by the United States and other partners, and *calls for* proper monitoring of the deployment of the Auxiliary Police to ensure its accountability to central authorities;
11. *Welcomes* the decision by the European Union to establish a mission in the field of policing with linkages to the wider rule of law and counter narcotics, to assist and enhance current efforts in the area of police reform at central and provincial levels, and looks forward to the early launch of the mission;
12. *Welcomes* the successful conclusion of the disarmament, demobilization and reintegration (DDR) process started in October 2003, as well as the launch of the programme of disbandment of illegal armed groups (DIAG) and the commitments made in this regard at the Second Tokyo Conference on Consolidation of Peace in Afghanistan on 5 July 2006, *calls for* determined efforts by the Afghan Government to pursue at all levels the timely implementation of the programme throughout the country, including through the implementation of the newly adopted Action Plan, and *requests* the international community to extend further assistance to these efforts, taking fully into account the guidance by UNAMA;
13. *Stresses* the need for accelerated progress in the implementation of the 10-year strategy for justice reform in the framework of the Afghanistan Compact, including through definition of responsibilities and provision of adequate resources, *invites* the Afghan Government, with the assistance of the international community, to continue to work towards the establishment of a fair and transparent justice system, including the reconstruction and reform of the correctional system, in order to strengthen the rule of law throughout the country and eliminate impunity, and *takes note* with interest of the initiative to organize in Rome a Conference on Rule of Law in Afghanistan to enhance Afghan and international commitment to justice sector reform;
14. *Welcomes* the continued efforts by the Afghan authorities to promote legislative reform, and stresses the importance of international support for capacity building in such reform and its implementation;
15. *Welcomes* the establishment of the provincial councils in accordance with the Afghan Constitution, *encourages* all institutions to work in a spirit of cooperation, *calls on* the Afghan Government to pursue continued public administrative reform in order to ensure good governance, full representation and accountability at both national and local levels, and *stresses* the need for further international efforts to provide technical assistance in this regard, particularly at the local level;

16. *Calls upon* the Afghan Government, with support from the international community, to begin planning and preparation for Afghanistan's next election cycle, including the establishment of a permanent Civil Voter Registry (CVR) as called for in the Afghanistan Compact, the passage and implementation of an updated Election Law, and financial and political support for the Independent Election Commission (IEC) to ensure that it possesses the resources needed, and to ensure that Afghanistan is set on the path to the creation of affordable and sustainable systems that will contribute to free, fair and transparent elections;
17. *Notes with concern* the effects of widespread corruption on security, good governance and counter-narcotics efforts, and *calls on* the Afghan Government, with the assistance of the international community, to vigorously lead the fight against corruption and to sustain its efforts to establish a more effective, accountable and transparent administration, and *welcomes* recent steps by the Afghan Government in this regard;
18. *Calls for* full respect for human rights and international humanitarian law throughout Afghanistan; *requests* UNAMA, with the support of the Office of the United Nations High Commissioner for Human Rights, to continue to assist in the full implementation of the human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a state party, in particular those regarding the full enjoyment by women of their human rights; *commends* the Afghan Independent Human Rights Commission for its courageous efforts to monitor respect for human rights in Afghanistan as well as to foster and protect these rights;
19. *Stresses* the importance of the ongoing process of national reconciliation undertaken by the Government of Afghanistan and *encourages* the full and timely implementation, with international support, of the Action Plan on Peace, Justice and Reconciliation in accordance with the Afghanistan Compact, without prejudice to the implementation of measures introduced by the Security Council in its resolution 1267 (1999) of 15 October 1999 and other relevant resolutions of the Security Council;
20. *Welcomes* the cooperation of the Afghan Government and UNAMA with the Security Council's Committee established pursuant to resolution 1267 (1999) with the implementation of resolution 1735 (2006), and *encourages* the continuation of such cooperation;
21. *Welcomes* the progress made in the implementation of the ANDS, *stresses* the need for continued leadership by the Afghan Government in its implementation, and *encourages* the participants at the London Conference to continue to fulfil and consider increasing their pledges, including financial assistance for the implementation of the Strategy;
22. *Expresses* its concern at the serious harm that increasing opium cultivation, production and trafficking causes to the security, development and governance of Afghanistan as well as to the region and internationally; *calls on* the Afghan Government, with the assistance of the international community, to pursue effective implementation of the National Drug Control Strategy; and *encourages* additional international support for the four priorities identified in that Strategy, including through contributions to the Counter Narcotics Trust Fund and continued regional cooperation for the fight against the illicit trafficking in drugs and precursors and against money-laundering linked to such trafficking;
23. *Welcomes* the outcome of the Second Ministerial Conference on Drug Trafficking Routes from Afghanistan organized by the Government of the Russian Federation in cooperation with the United Nations Office on Drugs and Crime held in Moscow from 26 to 28 June 2006 (S/2006/598), within the framework of the Paris Pact initiative, and *calls upon* States to strengthen international and regional cooperation to counter the threat to the international community posed by the illicit production and trafficking of drugs originated in Afghanistan;
24. *Calls upon* all Afghan and international parties to continue to cooperate with UNAMA in the implementation of its mandate and in efforts to promote the security and freedom of movement of United Nations and associated personnel throughout the country;

25. *Calls upon* the Afghan Government, with the assistance of the international community, including the International Security Assistance Force and Operation Enduring Freedom coalition, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, other extremist groups and criminal activities, welcomes the completion of ISAF's expansion throughout Afghanistan and *calls upon* all parties to uphold international humanitarian and human rights law and to ensure the protection of civilian life;
26. *Welcomes* the ongoing efforts by the Government of Afghanistan and its neighbouring and regional partners to foster trust and cooperation with each other, *stresses* the importance of increasing cooperation between Afghanistan and the partners against the Taliban, Al-Qaida and other extremist groups, in promoting peace and prosperity in Afghanistan and in fostering cooperation in the economic and development sectors as a means to achieve the full integration of Afghanistan into regional dynamics and the global economy, and further *welcomes* progress in this regard;
27. *Recognizes* the importance of voluntary, safe, orderly return and sustainable reintegration of the remaining Afghan refugees for the stability of the country and the region, and *calls for* continued and enhanced international assistance in this regard;
28. *Requests* the Secretary-General to report to the Council every six months on developments;
29. *Decides* to remain actively seized of the matter.

United Nations Security Council Resolution 1806 (20 March 2008)

The Security Council,

Recalling its previous resolutions on Afghanistan, in particular its resolution 1746 (2007) extending through 23 March 2008 the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) as established by resolution 1662 (2006), and *recalling also* its resolution 1659 (2006) endorsing the Afghanistan Compact,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Reaffirming its continued support for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of sustainable peace and constitutional democracy and assume their rightful place in the community of nations,

Reaffirming in this context its support for the implementation, under the ownership of the Afghan people, of the Afghanistan Compact, of the Afghanistan National Development Strategy (ANDS) and of the National Drugs Control Strategy, and *noting* that sustained and coordinated efforts by all relevant actors are required to consolidate progress made towards their implementation and to overcome continuing challenges,

Recalling that the Afghanistan Compact is based on a partnership between the Afghan Government and the international community, based on the desire of the parties for Afghanistan to progressively assume responsibility for its own development and security, and with a central and impartial coordinating role for the United Nations,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, including, jointly with the Government of Afghanistan, the coordination and monitoring of efforts in implementing the Afghanistan Compact, and *expressing* its appreciation and strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the women and men of UNAMA,

Recognizing once again the interconnected nature of the challenges in Afghanistan,

reaffirming that sustainable progress on security, governance and development, as well as the

cross-cutting issue of counter-narcotics is mutually reinforcing and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges through a comprehensive approach,

Stressing the importance of a comprehensive approach in addressing the challenges in Afghanistan and *noting*, in this context, the synergies in the objectives of UNAMA and of the International Security Assistance Force (ISAF), and *stressing* the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated responsibilities,

Reiterating its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade, and the increasingly strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

Stressing the importance of ensuring safe and unhindered access of humanitarian workers, including United Nations staff and associated personnel,

Expressing also its concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups on the capacity of the Afghan Government to guarantee the rule of law, to provide security and basic services to the Afghan people, and to ensure the improvement and protection of their human rights and fundamental freedoms,

Recalling the importance of the Kabul Declaration of 22 December 2002 on Good-Neighbourly Relations (Kabul Declaration) (S/2002/1416), *looking forward* to the Third Regional Economic Cooperation Conference on Afghanistan to be held in Islamabad, and *stressing* the crucial importance of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan,

Welcoming the holding of the Afghan-Pakistani Peace Jirga in Kabul on August 2007 and the collective determination expressed at the Jirga to bring sustainable peace to the region, including by addressing the terrorist threat, and *expressing its support* for the relevant follow-up processes,

Recalling its resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006) on the protection of civilians in armed conflict, its resolution 1325 (2000) on women and peace and security, and its resolution 1612 (2005) on children and armed conflict, and *taking note with appreciation* of the 7th report of the Secretary-General (S/2007/757) on Children and Armed Conflict of 21 December 2007,

1. *Welcomes* the report of the Secretary-General of 6 March 2008 (S/2008/159);
2. *Expresses its appreciation* for the United Nations long-term commitment to work with the Government and the people of Afghanistan;
3. *Decides* to extend the mandate of UNAMA, as defined in its resolutions 1662 (2006) and 1746 (2007), until 23 March 2009;
4. *Decides* further that UNAMA and the Special Representative of the Secretary-General, within their mandate and guided by the principle of reinforcing Afghan ownership and leadership, will lead the international civilian efforts to, inter alia:
 - a) promote, as co-chair of the Joint Coordination and Monitoring Board (JCMB), more coherent support by the international community to the Afghan Government and the adherence to the principles of aid effectiveness enumerated in the Afghanistan Compact, including through mobilization of resources, coordination of the assistance provided by international donors and organizations, and direction of the contributions of United Nations agencies, funds and programmes, in particular for counter-narcotics, reconstruction and development activities;
 - b) strengthen the cooperation with ISAF at all levels and throughout the country, in accordance with their existing mandates, in order to improve civil-military coordination, to facilitate the timely exchange of information and to ensure coherence between the activities of national and interna-

tional security forces and of civilian actors in support of an Afghan-led development and stabilization process, including through engagement with provincial reconstruction teams and engagement with non-governmental organizations;

- c) through a strengthened and expanded presence throughout the country, provide political outreach, promote at the local level the implementation of the Compact, of the ANDS and of the National Drugs Control Strategy, and facilitate inclusion in and understanding of the Government's policies;
 - d) provide good offices to support, if requested by the Afghan Government, the implementation of Afghan-led reconciliation programmes, within the framework of the Afghan Constitution and with full respect of the implementation of measures introduced by the Security Council in its resolution 1267 (1999) and other relevant resolutions of the Council;
 - e) support efforts, including through the Independent Directorate for Local Governance, to improve governance and the rule of law and to combat corruption, in particular at sub-national level, and to promote development initiatives at the local level with a view to helping bring the benefits of peace and deliver services in a timely and sustainable manner;
 - f) play a central coordinating role to facilitate the delivery of humanitarian assistance in accordance with humanitarian principles and with a view to building the capacity of the Afghan Government, including by providing effective support to national and local authorities in assisting and protecting internally displaced persons and to creating conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons;
 - g) continue, with the support of the Office of the United Nations High Commissioner for Human Rights, to cooperate with the Afghan Independent Human Rights Commission (AIHRC), to cooperate also with relevant international and local non-governmental organizations, to monitor the situation of civilians, to coordinate efforts to ensure their protection and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a state party, in particular those regarding the full enjoyment by women of their human rights;
 - h) support, at the request of the Afghan authorities, the electoral process, in particular through the Afghan Independent Electoral Commission (AIEC), by providing technical assistance, coordinating other international donors, agencies and organizations providing assistance and channelling existing and additional funds earmarked to support the process;
 - i) support regional cooperation to work towards a stable and prosperous Afghanistan;
5. *Calls upon* all Afghan and international parties to coordinate with UNAMA in the implementation of its mandate and in efforts to promote the security and freedom of movement of United Nations and associated personnel throughout the country;
 6. *Stresses* the importance of strengthening and expanding the presence of UNAMA and other United Nations agencies, funds and programmes in the provinces, and *encourages* the Secretary-General to pursue current efforts to finalize the necessary arrangements to address the security issues associated with such strengthening and expansion;
 7. *Calls on* the Afghan Government, and the international community and international organizations, to implement the Afghanistan Compact and its annexes in full, and *stresses* in this context the importance of meeting the benchmarks and timelines of the Compact for progress on security, governance, rule of law and human rights, and economic and social development, as well as the cross-cutting issue of counter-narcotics;
 8. *Reaffirms* the central role played by the JCMB in coordinating, facilitating and monitoring the implementation of the Compact, *stresses* the need to strengthen its authority and capacity to, inter alia,

measure progress towards the benchmarks outlined in the Afghanistan Compact and facilitate the coordination of international assistance in support of the ANDS, and *calls upon* all relevant actors to cooperate with the JCMB in this regard, including by reporting assistance programmes to the Afghan Government's aid coordination unit and to the JCMB;

9. *Welcomes* the progress made by the Afghan Government in the finalization of the ANDS, *looks forward* to its launch, and *stresses* the importance, in this context, of adequate resource mobilization, including through the fulfilment of the pledges made at the London Conference, possible new pledges and increased assistance to the core budget;

10. *Notes* with interest the intention, expressed by JCMB members at the Political Directors Meeting on Afghanistan held in Tokyo on 5 February 2008, to prepare an international conference to review progress on the implementation of the Afghanistan Compact, *welcomes* the offer of France to host such conference in Paris in June 2008, and *requests* the Secretary-General to report to the Security Council on its outcome and to include in this report, if necessary, further recommendations concerning UNAMA's mandate;

11. *Calls upon* the Afghan Government, with the assistance of the international community, including the International Security Assistance Force and Operation Enduring Freedom coalition, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade;

12. *Condemns* in the strongest terms all attacks, including Improvised Explosive Device (IED) attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and *condemns further* the use by the Taliban and other extremist groups of civilians as human shields;

13. *Reiterates* its concern about all civilian casualties, *calls* for compliance with international humanitarian and human rights law and for all appropriate steps to be taken to ensure the protection of civilians, and *recognizes* in this context the robust efforts taken by ISAF and other international forces to minimize the risk of civilian casualties, notably the continuous review of tactics and procedures and the conduct of after-action reviews in cooperation with the Afghan Government in cases where civilian casualties have reportedly occurred;

14. *Expresses its strong concern* about the recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children as a result of the conflict, *reiterates its strong condemnation* of the recruitment and use of child soldiers in violation of applicable international law and all other violations and abuses committed against children in situations of armed conflict, and *stresses* the importance of implementing Security Council resolution 1612 (2005); in this context, *requests* the Secretary-General to strengthen the child protection component of UNAMA, in particular through the appointment of child protection advisers;

15. *Stresses* the importance of increasing, in a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector through training, mentoring and empowerment efforts, in order to accelerate progress towards the goal of self-sufficient and ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country;

16. *Welcomes* in this context the continued progress in the development of the Afghan National Army and its improved ability to plan and undertake operations, and *encourages* sustained training efforts, including through the Operational Mentoring and Liaison Teams (OMLTs), and *advise* in developing a sustainable defence planning process as well as assistance in defence reform initiatives;

17. *Calls* for further efforts to enhance the capabilities of the Afghan National Police in order to reinforce the authority of the Afghan Government throughout the country, *welcomes* the increasing role played by the International Police Coordination Board in policy setting and coordination, and *stresses*

- the importance, in this context, of the contribution of the European Union through its police mission;
18. *Calls* for further progress in the implementation by the Afghan Government, with support from the international community, of the programme of disbandment of illegal armed groups (DIAG);
19. *Expresses* its concern at the serious harm that increasing opium cultivation, production and trafficking causes to the security, development and governance of Afghanistan as well as to the region and internationally; *calls on* the Afghan Government, with the assistance of the international community, to accelerate the implementation of the National Drug Control Strategy as discussed at the JCMB meeting held in Tokyo in February 2008, in particular at the local level, and to mainstream counter-narcotics throughout national programmes; *encourages* additional international support for the four priorities identified in that Strategy, including through contributions to the Counter Narcotics Trust Fund;
20. *Calls upon* States to strengthen international and regional cooperation to counter the threat to the international community posed by the illicit production and trafficking of drugs originated in Afghanistan, including through border management cooperation in drug control and cooperation for the fight against the illicit trafficking in drugs and precursors and against money-laundering linked to such trafficking, taking into account the outcome of the Second Ministerial Conference on Drug Trafficking Routes from Afghanistan organized by the Government of the Russian Federation in cooperation with the United Nations Office on Drugs and Crime held in Moscow from 26 to 28 June 2006 (S/2006/598), within the framework of the Paris Pact initiative;
21. *Welcomes* the adoption by the Afghan authorities, in accordance with the outcome of the Rome Conference on the Rule of Law in Afghanistan, of the National Justice Programme launched at the JCMB meeting held in Tokyo in February 2008, and *stresses* the importance of its full and timely implementation by all the relevant actors in order to accelerate the establishment of a fair and transparent justice system, strengthen the rule of law throughout the country and eliminate impunity;
22. *Stresses* in this context the importance of further progress in the reconstruction and reform of the prison sector in Afghanistan, in order to improve the respect for the rule of law and human rights therein;
23. *Notes with concern* the effects of widespread corruption on security, good governance, counter-narcotics efforts and economic development, and *calls on* the Afghan Government, with the assistance of the international community, to vigorously lead the fight against corruption and to enhance its efforts to establish a more effective, accountable and transparent administration;
24. *Encourages* all Afghan institutions, including the executive and legislative branches, to work in a spirit of cooperation, *calls on* the Afghan Government to pursue continued legislative and public administration reform in order to ensure good governance, full representation and accountability at both national and sub-national levels, *stresses* the need for further international efforts to provide technical assistance in this area, and *recalls* the role of the Senior Appointments Panel in accordance with the Afghanistan Compact;
25. *Encourages* the international community to assist the Government of Afghanistan in making capacity-building and human resources development a crosscutting priority;
26. *Notes* the leading role that the Afghan institutions will play in the organization of the next elections, *encourages* the Afghan Government, with support from the international community, to accelerate the planning and preparation of such elections, *stresses the need* to establish a permanent *emphasizes* the importance of free, fair, inclusive and transparent elections in order to sustain the democratic Civil Voter Registry (CVR) in accordance with the Afghanistan Compact, and progress of the country;
27. *Calls for* full respect for human rights and fundamental freedoms and international humanitarian law throughout Afghanistan, *notes with concern* the increasing restrictions on freedom of media, *commends* the AIHRC for its courageous efforts to monitor respect for human rights in Afghanistan

- as well as to foster and protect these rights and to promote the emergence of a pluralistic civil society, and stresses the importance of full cooperation with the AIHRC by all relevant actors;
28. *Recognizes* the significant progress achieved on gender equality in Afghanistan in recent years, *strongly condemns* continuing forms of discrimination and violence against women and girls, *stresses* the importance of implementing Security Council resolution 1325 (2000), and *requests* the Secretary-General to continue to include in its reports to the Security Council relevant information on the process of integration of women into the political, economic and social life of Afghanistan;
29. *Calls for* enhanced efforts to ensure the full implementation of the Action Plan on Peace, Justice and Reconciliation in accordance with the Afghanistan Compact, without prejudice to the implementation of measures introduced by the Security Council in its resolution 1267 (1999) of 15 October 1999 and other relevant resolutions of the Security Council;
30. *Welcomes* the cooperation of the Afghan Government and UNAMA with the Security Council Committee established pursuant to resolution 1267 (1999) with the implementation of resolution 1735 (2006), including by identifying individuals and entities participating in the financing or support of acts or activities of Al-Qaida and the Taliban using proceeds derived from illicit cultivation, production and trafficking of narcotic drugs and their precursors, and encourages the continuation of such cooperation;
31. *Welcomes* ongoing efforts by the Government of Afghanistan and its neighbouring and regional partners to foster trust and cooperation with each other, including recent cooperation initiatives developed by regional organizations, and *stresses* the importance of increasing cooperation between Afghanistan and the partners against the Taliban, Al-Qaida and other extremist groups, in promoting peace and prosperity in Afghanistan and in fostering cooperation in the economic and development sectors as a means to achieve the full integration of Afghanistan into regional dynamics and the global economy;
32. *Calls for* strengthening the process of regional economic cooperation, including measures to facilitate regional trade, to increase foreign investments and to develop infrastructure, noting Afghanistan's historic role as a land bridge in Asia;
33. *Recognizes* the importance of voluntary, safe, orderly return and sustainable reintegration of the remaining Afghan refugees for the stability of the country and the region, and *calls for* continued and enhanced international assistance in this regard;
34. *Requests* the Secretary-General to report to the Council every six months on developments in Afghanistan, in addition to the report requested in paragraph 10 of this resolution;
35. *Decides* to remain actively seized of the matter.

United Nations Security Council Resolution 1868 (23 March 2009)

The Security Council,

Recalling its previous resolutions on Afghanistan, in particular its resolution 1806 (2008) extending through 23 March 2009 the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) as established by resolution 1662 (2006), and its resolution 1659 (2006) endorsing the Afghanistan Compact, and *recalling also* the report of the Security Council mission to Afghanistan, 21 to 28 November 2008 (S/2008/782),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Stressing the importance of a comprehensive approach to address the situation in Afghanistan, and *recognizing* that there is no purely military solution to ensure the stability of Afghanistan,

Reaffirming its continued support for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of sustainable peace and constitutional democracy and assume their rightful place in the community of nations,

Reaffirming in this context its support for the implementation, under the ownership of the Afghan people, of the Afghanistan Compact, of the Afghanistan National Development Strategy (ANDS) and of the National Drugs Control Strategy, and *noting* that sustained and coordinated efforts by all relevant actors are required to consolidate progress made towards their implementation and to overcome continuing challenges,

Recalling that the Afghanistan Compact is based on a partnership between the Afghan Government and the international community, based on the desire of the parties for Afghanistan to progressively assume responsibility for its own development and security, and with a central and impartial coordinating role for the United Nations,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, including, jointly with the Government of Afghanistan, the coordination and monitoring of efforts in implementing the Afghanistan Compact, and *expressing* its appreciation and strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the women and men of UNAMA,

Welcoming the continued commitment of the international community to support the stability and development of Afghanistan, and also *welcoming* in this regard international initiatives including the special conference on Afghanistan under the aegis of the Shanghai Cooperation Organization to be held in Moscow on 27 March 2009, the International Conference on Afghanistan to be held in The Hague on 31 March 2009 and the Outreach Session of the G8 Ministerial Meeting to be held in Trieste on 26 to 27 June 2009,

Welcoming ongoing efforts to ensure an orderly, open, fair and democratic process that preserves stability and security through the election period, *underscoring* the challenges that the Afghan Independent Electoral Commission (IEC) is successfully confronting, and *welcoming* the announcement by the IEC to hold presidential and provincial council elections in August 2009,

Recognizing once again the interconnected nature of the challenges in Afghanistan, *reaffirming* that sustainable progress on security, governance and development, as well as the cross-cutting issue of counter-narcotics is mutually reinforcing and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges through a comprehensive approach,

Stressing the importance of a comprehensive approach in addressing the challenges in Afghanistan and *noting*, in this context, the synergies in the objectives of UNAMA and of the International Security Assistance Force (ISAF), and *stressing* the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated responsibilities,

Stressing the need of urgently addressing the humanitarian situation through improving the reach, quality and quantity of humanitarian aid, ensuring efficient, effective and timely coordination and delivery of humanitarian assistance through enhanced coordination among the United Nations agencies, funds and programmes under the authority of the Special Representative of the Secretary-General and between the United Nations and other donors, and through the expansion and strengthening of the United Nations humanitarian presence in the provinces, where it is most needed,

Condemning the increasing attacks against humanitarian workers, and *underlining* the need for all parties to ensure safe and unhindered access of all humanitarian actors, including United Nations staff and associated personnel, and comply fully with applicable international humanitarian law,

Reiterating its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade, and the increasingly strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and in-

ternational military and civilian personnel,

Expressing also its serious concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups on the capacity of the Afghan Government to guarantee the rule of law, to provide security and basic services to the Afghan people, and to ensure the improvement and protection of their human rights and fundamental freedoms,

Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats,

Recalling its resolutions 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, *expressing* its concern at the high number of civilian casualties as stated in the recent report of the Secretary-General on the situation in Afghanistan, *reiterating* its call for all feasible steps to be taken to ensure the protection of civilians, and *calling for* compliance with international humanitarian and human rights law as applicable,

Expressing also concern with the serious threat that anti-personnel mines, remnants of war and improvised explosive devices may pose to the civilian population, and *stressing* the need to refrain from the use of weapons and devices prohibited by international law,

Welcoming the declaration addressed to the International Narcotics Control Board (INCB) by the Government of Afghanistan that there is no legal use for acetic anhydride in Afghanistan for the time being and that producing and exporting countries should abstain from authorizing the export of this substance to Afghanistan without the request from the Afghan Government, and

encouraging, pursuant to resolution 1817 (2008), Member States to increase their cooperation with the INCB, notably by fully complying with the provisions of article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988,

Recalling the importance of the Kabul Declaration of 22 December 2002 on Good-Neighbourly Relations (Kabul Declaration) (S/2002/1416), *looking forward* to the Third Regional Economic Cooperation Conference on Afghanistan to be held in Islamabad, and *stressing* the crucial importance of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan,

Expressing its support for the Afghan-Pakistani Peace Jirga process,

Recalling its resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, its resolutions 1325 (2000) and 1820 (2008) on women and peace and security, and its resolution 1612 (2005) on children and armed conflict, and *taking note* of the report of the Secretary-General (S/2008/695) on Children and Armed Conflict in Afghanistan,

1. *Welcomes* the report of the Secretary-General of 10 March 2009 (S/2009/135);
2. *Expresses its appreciation* for the United Nations long-term commitment to work with the Government and the people of Afghanistan and *reiterates* its full support to the work of UNAMA and the Special Representative of the Secretary-General;
3. *Decides* to extend the mandate of UNAMA, as defined in its resolutions 1662 (2006), 1746 (2007) and 1806 (2008), until 23 March 2010;
4. *Decides* further that UNAMA and the Special Representative of the Secretary-General, within their mandate and guided by the principle of reinforcing Afghan ownership and leadership, will continue to lead the international civilian efforts, in accordance with their priorities as laid out in paragraph 4 of its resolution 1806 (2008), to, namely:
 - a) promote, as co-chair of the Joint Coordination and Monitoring Board (JCMB), more coherent support by the international community to the Afghan Government and the adherence to the principles of aid effectiveness enumerated in the Afghanistan Compact, including through mobilization of resources, coordination of the assistance provided by international donors and organizations, and direction of the contributions of United Nations agencies, funds and programmes, in particu-

- lar for counter-narcotics, reconstruction and development activities;
- b) strengthen the cooperation with ISAF at all levels and throughout the country, in accordance with their existing mandates, in order to improve civil-military coordination, to facilitate the timely exchange of information and to ensure coherence between the activities of national and international security forces and of civilian actors in support of an Afghan-led development and stabilization process, including through engagement with provincial reconstruction teams and engagement with non-governmental organizations;
 - c) through a strengthened and expanded presence throughout the country, provide political outreach, promote at the local level the implementation of the Compact, of the ANDS and of the National Drugs Control Strategy, and facilitate inclusion in and understanding of the Government's policies;
 - d) provide good offices to support, if requested by the Afghan Government, the implementation of Afghan-led reconciliation programmes, within the framework of the Afghan Constitution and with full respect for the implementation of measures introduced by the Security Council in its resolution 1267 (1999) and other relevant resolutions of the Council;
 - e) support and strengthen efforts to improve governance and the rule of law and to combat corruption at the local and national levels, and to promote development initiatives at the local level with a view to helping bring the benefits of peace and deliver services in a timely and sustainable manner;
 - f) play a central coordinating role to facilitate the delivery of humanitarian assistance in accordance with humanitarian principles and with a view to building the capacity of the Afghan Government, including by providing effective support to national and local authorities in assisting and protecting internally displaced persons and to creating conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons;
 - g) continue, with the support of the Office of the United Nations High Commissioner for Human Rights, to cooperate with the Afghan Independent Human Rights Commission (AIHRC), to cooperate also with relevant international and local non-governmental organizations, to monitor the situation of civilians, to coordinate efforts to ensure their protection and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution;
 - h) support, at the request of the Afghan authorities, preparations for the crucial upcoming presidential elections, in particular through the IEC, by providing technical assistance, coordinating other international donors, agencies and organizations providing assistance and channelling existing and additional funds earmarked to support the process;
 - i) support regional cooperation to work towards a stable and prosperous Afghanistan;
5. *Calls upon* all Afghan and international parties to coordinate with UNAMA in the implementation of its mandate and in efforts to promote the security and freedom of movement of United Nations and associated personnel throughout the country;
6. *Stresses* the importance of strengthening and expanding the presence of UNAMA and other United Nations agencies, funds and programmes in the provinces, *encourages* the Secretary-General to continue his current efforts to take necessary measures to address the security issues associated with such strengthening and expansion, and *underscores* the authority of the Special Representative of the Secretary-General in the coordination of all activities of United Nations agencies, funds and programmes in Afghanistan;
7. *Underscores* the importance of the upcoming presidential and provincial council elections to Afghanistan's democratic development, *calls* for all efforts to be made to ensure the credibility, safety and security of the elections, *recognizes* UNAMA's key role, at the request of the Afghan Govern-

ment, in supporting the electoral process, and *calls upon* members of the international community to provide the necessary assistance to these ends;

8. *Calls on* the Afghan Government, and the international community and international organizations, to implement the Afghanistan Compact and its annexes in full, and *stresses* in this context the importance of meeting the benchmarks and timelines of the Compact for progress on security, governance, the rule of law and human rights, and economic and social development, as well as the cross-cutting issue of counter-narcotics;

9. *Reaffirms* the central role played by the JCMB in coordinating, facilitating and monitoring the implementation of the Compact and *calls upon* all relevant actors to cooperate with the JCMB in this regard;

10. *Calls on* international donors and organizations and the Afghan Government to adhere to their commitments made at the International Conference in Support of Afghanistan, held in Paris on 12 June 2008 and *reiterates* the importance of further efforts in improving aid coordination and effectiveness, including by ensuring transparency, and combating corruption;

11. *Calls upon* the Afghan Government, with the assistance of the international community, including ISAF and the Operation Enduring Freedom coalition, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade;

12. *Condemns* in the strongest terms all attacks, including Improvised Explosive Device attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and *condemns further* the use by the Taliban and other extremist groups of civilians as human shields;

13. *Welcomes* the achievements to date in the implementation of the Mine Action Programme of Afghanistan, and *encourages* the Government of Afghanistan, with the support of the United Nations and all the relevant actors, to continue its efforts towards the removal of anti-personnel landmines, anti-tank landmines and explosive remnants of war in order to reduce the threats posed to human life and peace and security in the country;

14. *Recognizes* the efforts taken by ISAF and other international forces to minimize the risk of civilian casualties, and *calls on* them to continue to take robust efforts in this regard, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Afghan Government in cases where civilian casualties have occurred and when the Afghan Government finds these joint investigations appropriate;

15. *Emphasizes* the importance of ensuring access for relevant organizations, as applicable, to all prisons and places of detention in Afghanistan, and *calls for* full respect for relevant international law including humanitarian law and human rights law;

16. *Expresses* its strong concern about the recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children as a result of the conflict, *reiterates* its strong condemnation of the recruitment and use of child soldiers in violation of applicable international law and all other violations and abuses committed against children in situations of armed conflict, in particular attacks against schools, *calls for* those responsible to be brought to justice, *stresses* the importance of implementing Security Council resolution 1612 (2005), in this context, and *requests* the Secretary-General to strengthen the child protection component of UNAMA, in particular through the appointment of child protection advisers;

17. *Reiterates* the importance of increasing, in a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector through training, mentoring and empowerment efforts, in order to accelerate progress towards the goal of self-sufficient and ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country;

18. *Welcomes* in this context the continued progress in the development of the Afghan National Army and its improved ability to plan and undertake operations, and *encourages* sustained training efforts, including through the Operational Mentoring and Liaison Teams, and advice in developing a sustainable defence planning process as well as assistance in defence reform initiatives;
19. *Takes note with appreciation* of the recent serious efforts of the Afghan authorities to enhance the capabilities of the Afghan National Police, *calls for* further efforts towards that goal, including through the Focused District Development, and *stresses* the importance, in this context, of international assistance through financial support and provision of trainers and mentors, including through the contribution of the European Union through its police mission (EUPOL Afghanistan);
20. *Welcomes* the progress in the implementation by the Afghan Government of the programme of disbandment of illegal armed groups, and *calls for* accelerated efforts for further progress, with support from the international community;
21. *Takes note of* the recent progress in addressing opium production, *remains* concerned at the serious harm that opium cultivation, production and trafficking continue to cause to the security, development and governance of Afghanistan as well as to the region and internationally, *calls on* the Afghan Government, with the assistance of the international community, to accelerate the implementation of the National Drug Control Strategy, including through alternative livelihood programmes, and to mainstream counter-narcotics throughout national programmes, and *encourages* additional international support for the four priorities identified in that Strategy;
22. *Calls upon* States to strengthen international and regional cooperation to counter the threat to the international community posed by the illicit production and trafficking of drugs originated in Afghanistan, including through border management cooperation in drug control and cooperation for the fight against the illicit trafficking in drugs and precursors and against money-laundering linked to such trafficking, taking into account the outcome of the Second Ministerial Conference on Drug Trafficking Routes from Afghanistan organized by the Government of the Russian Federation in cooperation with the United Nations Office on Drugs and Crime held in Moscow from 26 to 28 June 2006 (S/2006/598), within the framework of the Paris Pact initiative, and, in this regard, *calls for* full implementation of its resolution 1817 (2008);
23. *Welcomes* the launch of the National Justice Programme, and *reiterates* the importance of its full, sequenced, timely and coordinated implementation by all the relevant Afghan institutions and other actors in view of accelerating the establishment of a fair and transparent justice system, eliminating impunity and contributing to the affirmation of the rule of law throughout the country;
24. *Stresses* in this context the importance of further progress in the reconstruction and reform of the prison sector in Afghanistan, in order to improve the respect for the rule of law and human rights therein;
25. *Notes with strong concern* the effects of widespread corruption on security, good governance, counter-narcotics efforts and economic development, and *urges* the Afghan Government, with the assistance of the international community, to vigorously lead the fight against corruption, and to enhance its efforts to establish a more effective, accountable and transparent administration;
26. *Encourages* all Afghan institutions, including the executive and legislative branches, to work in a spirit of cooperation, *calls on* the Afghan Government to pursue continued legislative and public administration reform in order to ensure good governance, full representation and accountability at both national and sub-national levels, and *stresses* the need for further international efforts to provide technical assistance in this area;
27. *Encourages* the international community to assist the Government of Afghanistan in making capacity-building and human resources development a crosscutting priority;
28. *Calls for* full respect for human rights and fundamental freedoms and international humanitarian

law throughout Afghanistan, *notes with concern* the increasing restrictions on freedom of media, *commends* the AIHRC for its courageous efforts to monitor respect for human rights in Afghanistan as well as to foster and protect these rights and to promote the emergence of a pluralistic civil society, and *stresses* the importance of full cooperation with the AIHRC by all relevant actors;

29. *Recognizes* the significant progress achieved on gender equality in Afghanistan in recent years, *strongly condemns* continuing forms of discrimination and violence against women and girls, in particular violence aimed at preventing girls from attending schools, *stresses* the importance of implementing Security Council resolutions 1325 (2000) and 1820 (2008), and *requests* the Secretary-General to continue to include in its reports to the Security Council relevant information on the process of integration of women into the political, economic and social life of Afghanistan;

30. *Welcomes* the efforts of the Afghan Government to promote dialogue with those elements in opposition to the Government who are ready to renounce violence, denounce terrorism and accept the Afghan Constitution, and *calls for* enhanced efforts to ensure the full implementation of the Action Plan on Peace, Justice and Reconciliation in accordance with the Afghanistan Compact, without prejudice to the implementation of measures introduced by the Security Council in its resolution 1267 (1999) of 15 October 1999 and other relevant resolutions of the Security Council;

31. *Welcomes* the cooperation of the Afghan Government and UNAMA with the Security Council Committee established pursuant to resolution 1267 (1999) with the implementation of resolution 1822 (2008), including by identifying individuals and entities participating in the financing or support of acts or activities of Al-Qaida and the Taliban using proceeds derived from illicit cultivation, production and trafficking of narcotic drugs and their precursors, and *encourages* the continuation of such cooperation;

32. *Welcomes* ongoing efforts by the Government of Afghanistan and its neighbouring and regional partners to foster trust and cooperation with each other as well as recent cooperation initiatives developed by the countries concerned and regional organizations, including the Second Trilateral Summit of Afghanistan, Pakistan and Turkey held in Istanbul in December 2008 and the ministerial meeting in La Celle Saint-Cloud, France, in December 2008, and *stresses* the importance of increasing cooperation between Afghanistan and the partners against the Taliban, Al-Qaida and other extremist groups, in promoting peace and prosperity in Afghanistan and in fostering cooperation in the economic and development sectors as a means to achieve the full integration of Afghanistan into regional dynamics and the global economy;

33. *Calls for* strengthening the process of regional economic cooperation, including measures to facilitate regional trade, to increase foreign investments and to develop infrastructure, noting Afghanistan's historic role as a land bridge in Asia;

34. *Recognizes* the importance of voluntary, safe, orderly return and sustainable reintegration of the remaining Afghan refugees for the stability of the country and the region, and *calls for* continued and enhanced international assistance in this regard;

35. *Affirms* also the importance of voluntary, safe, orderly return and sustainable reintegration of the internally displaced persons;

36. *Requests* the Secretary-General to report to the Council every three months on developments in Afghanistan, and to develop, for inclusion in his next report, benchmarks for measuring and tracking progress in the implementation of UNAMA's mandate and priorities as set out in paragraph 4 of this resolution, and *calls on* all actors concerned to cooperate with UNAMA in this process;

37. *Decides* to remain actively seized of the matter.

United Nations Security Council Resolution 1659 (15 February 2006)

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolutions 1378 (2001) of 14 No-

vember 2001, 1383 (2001) of 6 December 2001 and 1589 (2005) of 24 March 2005,

Reaffirming its full commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Pledging its continued support for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of a constitutional democracy and assume their rightful place in the community of nations,

Stressing the inalienable right of the people of Afghanistan freely to determine their own future,

Determined to assist the Government and people of Afghanistan in building on the successful completion of the Bonn Process,

Recognizing the interconnected nature of the challenges ahead, and affirming that sustainable progress on security, governance and development, which necessarily involves capacity-building, is mutually reinforcing,

Recognizing the continuing importance of fighting terrorist and narcotic threats and addressing threats posed by the Taliban, Al-Qaida and other extremist groups,

Stressing that regional cooperation constitutes an effective means to promote security and development in Afghanistan,

Welcoming the letter of 6 February 2006 from the Minister of Foreign Affairs of the Islamic Republic of Afghanistan informing the United Nations of the launch in London of the 'Afghanistan Compact' on 31 January 2006,

1. *Endorses* the 'Afghanistan Compact' and its annexes as providing the framework for the partnership between the Afghan Government and the international community which underlies the mutual commitments set out in the Compact;

2. *Calls* on the Afghan Government, and on all members of the international community and international organizations, to implement the Compact and its annexes in full;

3. *Affirms* the central and impartial role of the United Nations in Afghanistan, including coordination of efforts in implementing the Compact; and looks forward to the early formation of the Joint Coordination and Monitoring Board, co-chaired by the Afghan Government and the United Nations, and with a secretariat function to support it;

4. *Welcomes* the interim Afghanistan National Development Strategy (iANDS) presented by the Afghan Government and the political, security and financial pledges made by participants at the London Conference; notes that financial assistance available for the implementation of iANDS has now reached \$ 10.5 billion; further notes the intention of the Afghan Government to seek debt relief through the Paris Club;

5. *Recognizes* the risk that opium cultivation, production and trafficking poses to the security, development and governance of Afghanistan as well as to the region and internationally, welcomes the updated National Drug Control Strategy presented by the Afghan Government at the London Conference, and encourages additional international support for the four priorities identified in that Strategy including through contribution to the Counter Narcotics Trust Fund;

6. *Acknowledges* the continuing commitment of NATO to lead the International Security Assistance Force (ISAF), and welcomes the adoption by NATO of a revised Operational Plan allowing the continued expansion of the ISAF across Afghanistan, closer operational synergy with the Operation Enduring Freedom (OEF), and support, within means and capabilities, to Afghan security forces in the military aspects of their training and operational deployments;

7. *Declares* its willingness to take further action to support the implementation of the Compact and its annexes, on the basis of timely reports by the Secretary-General which encompass recommendations on the future mandate and structure of UNAMA;

8. *Decides* to remain actively seized of this matter.

Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions (Bonn Agreement) (2001)

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 mujahidin 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 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: Ms. Amena Afzali; Mr. S. Hussain Anwari; Mr. Hedayat Amin Arsala; Mr. Sayed Hamed Gailani; Mr. Rahmatullah Mousa Ghazi; Eng. Abdul Hakim; Mr. Houmayoun Jareer; Mr. Abbas Karimi; Mr. Mustafa Kazimi; Dr. Azizullah Ludin; Mr. Ahmad Wali Massoud; Mr. Hafizullah Asif Mohseni; Prof. Mohammad Ishaq Nadiri; Mr. Mohammad Natiqi; Mr. Aref Noorzay; Mr. Yunus Qanooni; Dr. Zalmay Rassoul; Mr. H. Mirwais Sadeq; Dr. Mohammad Jalil Shams; Prof. Abdul Sattar Sirat; Mr. Humayun Tandar; Mrs. Sima Wali; General Abdul Rahim Wardak; Mr. Azizullah Wasefi; Mr. Pacha Khan Zadran

Witnessed for the United Nations by:

Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan

International Security Force

1. The participants in the UN Talks on Afghanistan recognize that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves. To this end, they pledge their commitment to do all within their means and influence to ensure such security, including for all United Nations and other personnel of international governmental and non-governmental organizations deployed in Afghanistan.

2. With this objective in mind, the participants request the assistance of the international community in helping the new Afghan authorities in the establishment and training of new Afghan security and armed forces.

3. Conscious that some time may be required for the new Afghan security and armed forces to be fully constituted and functioning, the participants in the UN Talks on Afghanistan request the United Nations Security Council to consider authorizing the early deployment to Afghanistan of a United Nations mandated force. This force will assist in the maintenance of security for Kabul and its surrounding areas. Such a force could, as appropriate, be progressively expanded to other urban centres and other areas.

4. The participants in the UN Talks on Afghanistan pledge to withdraw all military units from Kabul and other urban centers or other areas in which the UN mandated force is deployed. It would also be desirable if such a force were to assist in the rehabilitation of Afghanistan's infrastructure.

Role of the United Nations during the Interim Period

1. The Special Representative of the Secretary-General will be responsible for all aspects of the United Nations' work in Afghanistan.

2. The Special Representative shall monitor and assist in the implementation of all aspects of this agreement.

3. The United Nations shall advise the Interim Authority in establishing a politically neutral environment conducive to the holding of the Emergency Loya Jirga in free and fair conditions. The United Nations shall pay special attention to the conduct of those bodies and administrative departments which could directly influence the convening and outcome of the Emergency Loya Jirga.

4. The Special Representative of the Secretary-General or his/her delegate may be invited to attend the meetings of the Interim Administration and the Special Independent Commission on the Convening of the Emergency Loya Jirga.

5. If for whatever reason the Interim Administration or the Special Independent Commission were actively prevented from meeting or unable to reach a decision on a matter related to the convening of the Emergency Loya Jirga, the Special Representative of the Secretary-General shall, taking into account the views expressed in the Interim Administration or in the Special Independent Commission, use his/her good offices with a view to facilitating a resolution to the impasse or a decision.

6. The United Nations shall have the right to investigate human rights violations and, where necessary, recommend corrective action. It will also be responsible for the development and implementation of a programme of human rights education to promote respect for and understanding of human rights.

Request to the United Nations by the Participants at the UN Talks on Afghanistan

The participants in the UN Talks on Afghanistan hereby

1. Request that the United Nations and the international community take the necessary measures to guarantee the national sovereignty, territorial integrity and unity of Afghanistan as well as the non-interference by foreign countries in Afghanistan's internal affairs;

2. Urge the United Nations, the international community, particularly donor countries and multilateral institutions, to reaffirm, strengthen and implement their commitment to assist with the rehabilitation, recovery and reconstruction of Afghanistan, in coordination with the Interim Authority;

3. Request the United Nations to conduct as soon as possible (i) a registration of voters in advance of the general elections that will be held upon the adoption of the new constitution by the constitutional Loya Jirga and (ii) a census of the population of Afghanistan;

4. Urge the United Nations and the international community, in recognition of the heroic role played by the mujahidin in protecting the independence of Afghanistan and the dignity of its people, to take the necessary measures, in coordination with the Interim Authority, to assist in the reintegration of the mujahidin into the new Afghan security and armed forces;

5. Invite the United Nations and the international community to create a fund to assist the families and other dependents of martyrs and victims of the war, as well as the war disabled;
6. Strongly urge that the United Nations, the international community and regional organizations co-operate with the Interim Authority to combat international terrorism, cultivation and trafficking of illicit drugs and provide Afghan farmers with financial, material and technical resources for alternative crop production.

Composition of the Interim Administration

Chairman: Mr. Hamid Karzai

Membership (of whom 5 will be Vice-Chairs): Department of Defence; Department of Finance; Department of Foreign Affairs; Department of the Interior; Department of Planning; Department of Commerce; Department of Mines & Industries; Department of Small Industries; Department of Information & Culture; Department of Communication; Department of Labour & Social Affairs; Department of Hajj & Auqaf; Department of Martyrs & Disabled; Department of Education; Department of Higher Education; Department of Public Health; Department of Public Works; Department of Rural Development; Department of Urban Development; Department of Reconstruction; Department of Transport; Department of Water and Electricity; Department for the Return of Refugees; Department of Agriculture; Department of Irrigation; Department of Justice; Department of Air Transport & Tourism; Department of Border Affairs; Department of Women's Affairs.

Military Technical Agreement Between the International Security Assistance Force (ISAF) and the Interim Administration of Afghanistan ('Interim Administration') (2005)

Preamble

Referring to the 'Agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions', signed in Bonn on 5 December 2001, ('Bonn Agreement'), The Interim Administration welcomes the provisions of United Nations Security Council Resolution (UNSCR) 1386.

The ISAF welcomes the Interim Administration's commitment in the Bonn Agreement to co-operate with the international community in the fight against terrorism, drugs and organised crime and to respect international law and maintain peaceful and friendly relations with neighbouring countries and the rest of the international community.

Article I: General Obligations

1. The Interim Administration understands and agrees that the Bonn Agreement requires a major contribution on its part and will make strenuous efforts to co-operate with the ISAF and with the international organisations and agencies which are assisting it.
2. Interim Administration understands and agrees the Mission of the ISAF is to assist it in the maintenance of the security in the area of responsibility as defined below at Article I paragraph 4(g).
3. The Interim Administration agrees to provide the ISAF with any information relevant to the security and safety of the ISAF mission, its personnel, equipment and locations.
4. For the purposes of this Military Technical Agreement, the following expressions shall have the meaning described below:
 - a) 'The Parties' are the Interim Administration and the ISAF.
 - b) 'ISAF' includes all military personnel together with their aircraft, vehicles, armoured vehicles, stores, equipment, communications, ammunition, weapons and provisions as well as the civilian components of such forces, air and surface movement resources and their support services.
 - c) The 'Interim Administration' is the organisation as detailed in the Bonn Agreement.
 - d) 'Military Units' includes all Afghan factions, armed representatives or personnel with a military capability, to include all mujahidin, armed forces, and armed groups, other than the 'Police Force'

defined at paragraph 4e. The definition of 'Military Units' in this context does not include the ISAF, Coalition Forces or other recognised national military forces.

- e) The Interim Administration 'Police Force' means individuals who have been formally appointed as Police by the Interim Administration, are recognisable, and carry official identification. The Police Force includes the national security police, the criminal police, the uniform police, the traffic police and the border police.
 - f) 'Host Nation Support' (HNS) is the civil and military assistance rendered by the Interim Administration to the ISAF within Afghanistan.
 - g) Area of Responsibility (AOR) is the area marked out on the map attached at Annex B.
 - h) 'Coalition Forces' are those national military elements of the US-led international coalition prosecuting the 'War on Terrorism' within Afghanistan. The ISAF is not part of the 'Coalition Forces.'
 - i) An 'Offensive Action' is any use of armed military force.
 - j) Designated Barracks to be agreed between the parties and to be detailed at Annex C.
5. It is understood and agreed that once the ISAF is established, its membership may change.

Article II: Status Of The International Security Assistance Force

1. The arrangements regarding the Status of the ISAF are at Annex A.

Article III: Provision of Security and Law and Order

1. The Interim Administration recognises that the provision of security and law and order is their responsibility. This will include maintenance and support of a recognised Police Force operating in accordance with internationally recognised standards and Afghanistan law and with respect for internationally recognised human rights and fundamental freedoms, and by taking other measures as appropriate.
2. The Interim Administration will ensure that all Afghan Military Units come under its command and control in accordance with the Bonn Agreement. The Interim Administration agrees it will return all Military Units based in Kabul into designated barracks detailed at Annex C as soon as possible. Such units will not leave those Barracks without the prior approval of the Interim Administration and notification to the ISAF Commander by the Chairman of the Interim Administration.
3. The Interim Administration will refrain from all Offensive Actions within the AOR.
4. A Joint Co-ordinating Body (JCB) will meet on a regular basis. The JCB will comprise of designated Interim Administration officials and senior ISAF representatives. The purpose of the JCB will be to discuss current and forthcoming issues and to resolve any disputes that may arise.

Article IV: Deployment of the ISAF

1. UNSCR 1386 authorises the establishment for six months of an international force to assist the Interim Administration in the maintenance of security in the AOR. The Interim Administration understands and agrees that the ISAF is the international force authorised by UNSCR 1386 and may be composed of ground, air and maritime units from the international community.
2. The Interim Administration understands and agrees that the ISAF Commander will have the authority, without interference or permission, to do all that the Commander judges necessary and proper, including the use of military force, to protect the ISAF and its Mission.
3. The Interim Administration understands and agrees the ISAF will have complete and unimpeded freedom of movement throughout the territory and airspace of Afghanistan. The ISAF will agree with the Interim Administration its use of any areas or facilities needed to carry out its responsibilities as required for its support, training and operations, with such advance notice as may be practicable.
4. In consultation with the Interim Administration, the ISAF Commander is authorised to promulgate appropriate rules for the control and regulation of surface military traffic throughout the AOR.
5. The ISAF will have the right to utilise such means and services as required to ensure its full ability to communicate and will have the right to the unrestricted use of all of the electromagnetic spectrum,

free of charge, for this purpose. In implementing this right, the ISAF will make every reasonable effort to co-ordinate with and take into account the needs and requirements of the Interim Administration.

Article V: Illustrative Tasks of the ISAF

1. The ISAF will undertake a range of tasks in Kabul and surrounding areas in support of its Mission. ISAF will make every reasonable effort to coordinate with and take into account the needs and requirements of the Interim Administration. Possible tasks, which may be undertaken jointly with Interim Administration Forces, will include protective patrolling.

2. By mutual agreement between the ISAF Commander and the Interim Administration the ISAF may:

- a) Assist the Interim Administration in developing future security structures.
- b) Assist the Interim Administration in reconstruction.
- c) Identify and arrange training and assistance tasks for future Afghan security forces.

3. The ISAF will liaise with such political, social and religious leaders as necessary to ensure that religious, ethnic and cultural sensitivities in Afghanistan are appropriately respected by the ISAF.

Article VI: Identification

1. ISAF personnel will wear uniforms and may carry arms if authorised by their orders. Police Force personnel, when on duty, will be visibly identified by uniform or other distinctive markings and may carry arms if authorised by the Interim Administration.

Article VII: Final Authority to Interpret

1. The ISAF Commander is the final authority regarding interpretation of this Military Technical Agreement.

Article VIII: Summary

1. The purposes of the obligations and responsibilities set out in this Arrangement are as follows:

- a) To provide the necessary support and technical arrangements for the ISAF to conduct its Mission.
- b) To outline the responsibilities of the Interim Administration in relation to the ISAF.

Article IX: Final Provisions

1. Certified copies of this Military Technical Agreement will be supplied in Dari and Pashto language versions. For the purposes of interpretation the English language version of this Military Technical Agreement is authoritative.

Article X: Entry Into Force

1. This agreement will enter into force upon signature by the Participants.

Signed by the Minister of Interior, QANOUNI (On behalf of the Interim Administration of Afghanistan)

Signed By General McColl, COMISAF (On behalf of the International Security Assistance Force)

Declaration by the North Atlantic Treaty Organisation and the Islamic Republic of Afghanistan (Framework for enduring co-operation in partnership) (2006)

I. Introduction: Framework for enduring co-operation in partnership

1. Building on the success of the National Assembly elections in 2005, the completion of the Bonn process and the results of the London Conference, in particular the Afghanistan Compact, NATO remains committed to working together with the Government of Afghanistan and other international organisations to help build a peaceful, stable and democratic Afghanistan. NATO acknowledges the importance of stability and security in Afghanistan to Central and South Asia and the wider international community, and the challenging nature of the security threats facing the Afghan Government. The Afghan Government's ultimate aim is to take full responsibility for its own security. To achieve this goal, strong and visible international commitment continues to be important to promote stability in Afghanistan, both through the deployment of international military forces and through support for the development of effective Afghan national security and defence institutions. Reaffirming NATO's de-

termination in this regard, and in response to President Karzai's request for a broad and long term relationship with NATO, Allied Foreign Ministers agreed in December 2005 to develop a programme of cooperation with Afghanistan. This programme builds on NATO's unique relationship with Afghanistan and reflects the Alliance's support for Afghanistan's national sovereignty, independence and territorial integrity. The relationship between NATO and Afghanistan is not limited to the provisions of this programme.

2. The Government of Afghanistan and Allies recognise that security cannot be provided by military means alone. Security requires good governance, justice and the rule of law, reinforced by reconstruction and development, as well as international, and particularly regional co-operation. In this context, the Declaration on Good-neighbourly Relations signed in Kabul on 22 December 2002 between Afghanistan and its neighbours plays an important role. Afghanistan also considers terrorism, extremism and drug trafficking as major challenges to security, and is committed to taking full advantage of international support and assistance, and to cooperating with the international community to build capacity to eliminate these threats.

3. Afghanistan recognises that at present it is unable to fully meet its own security needs and highly appreciates NATO's contribution to providing security and stability in Afghanistan, Afghanistan is determined to develop rapidly the capabilities of its national security and defence institutions to meet national requirements, operate more effectively alongside ISAF and international military forces, and improve their capacity for independent action. Afghanistan stands ready to further broaden cooperation with the Alliance aimed at promoting interoperability with NATO member states' forces, as well as activities supporting defence reform, defence institution building and military aspects of security sector reform as well as other areas mutually agreed. Longer term, Afghanistan aspires to contribute to security and stability by taking part in NATO-led peacekeeping operations.

II. Main Principles of Cooperation

4. The programme will:

- a) Be realistic, both in terms of substance and available resources, and in those areas where NATO can substantially contribute and add value, within means and capabilities, if necessary through re-prioritisation under current budget ceilings;
- b) Be built on the principle of ownership by the Afghan authorities and reflect their capacities. To achieve this objective, such a programme should be tailored to the needs identified by, and implemented in close consultation with Afghan authorities, who will designate appropriate interlocutors;
- c) Complement ISAF's operational role and help consolidate the gains achieved through ISAF presence, in particular at the level of Afghanistan's central security and defence institutions in Kabul;
- d) Take into account the activities and cooperation programmes conducted by other actors, promoting possible collaboration and avoiding unnecessary duplication of efforts; it should also take into account the results of the London Conference, in particular the Afghan Compact between Afghanistan and the International Community, co-ordinated by the Joint Coordination and Monitoring Board.

III. Cooperative activities

5. The programme will:

- a) draw upon selected PfP instruments, and carefully selected PfP activities to meet identified needs of Afghan authorities. This could include Afghan participation at activities organised by NATO authorities or individual nations, including some of those planned in/for Central Asia;
- b) include NATO and Allies' teams to provide expert advice on specific issues related to defence reform, defence institution building and the military aspects of security sector reform, as well as discussions with Afghan expert teams visiting NATO HQ;

- c) include specially tailored NATO-led activities for Afghan participants only, such as courses and seminars to be conducted at NATO School Oberammergau, NATO Defence College and by NATO nations, and similar activities in Afghanistan; and
- d) take advantage of national experience and capabilities already on the ground, including the Operational Mentoring and Liaison Teams.

IV. Support for Implementation and Assessment

6. NATO and Afghanistan will consult closely at various levels, to ensure an ongoing dialogue and consultations to oversee the development and thorough implementation, and regular assessment of the agreed programme of activities.

7. These consultations also will make full use of the NATO Senior Civil Representative, in accordance with his mandate, as well as the Afghan Mission in Brussels.

8. Given Afghanistan's current economic capabilities and taking into account NATO's operational engagement in Afghanistan, Allies will consider the possibility of making additional bi-lateral resources available to support the full implementation of this programme and coordination of their relevant bi-lateral assistance programmes, through appropriate clearing house mechanisms, including in the area of enhancing the equipment, materiel support and financial sustainability of the Afghan national security and defence institutions. Subject to routine review, the PfP Funding policy will also be used to support implementation of this programme. Review of the programme would include review of its funding mechanisms. Nations may also consider using the PfP Trust Fund mechanism.

9. Implementation of this programme may require development of NATO Afghanistan arrangements for exchange and protection of information/documentation.

V. Forces and Assets

10. The Afghan authorities, NATO and Allies will consult together, using established Partnership tools, to identify the appropriate Afghan institutions, forces, assets and training facilities to take part in this cooperation. This will include identifying those to take part in a systematic planning and assessment process aimed at promoting the required level of interoperability and developing the capabilities of the Afghan National Army. The desired end state is a credible, professional military force able to support Afghan authorities to maintain security and stability in the country, consistent with international norms and without external support.

VI. Main Areas of Cooperation

11. Subject to the principles outlined in paragraph 4, the programme will concentrate on defence reform, defence institution building and the military aspects of security sector reform, as well as on other areas mutually identified by both NATO and Afghanistan including promoting interoperability between the forces of the ANA and NATO members. Drawing on NATO's extensive experience in defence planning and reform, this programme may include support of the Afghan Government's efforts in the following areas:

- Development of transparent, effective and democratically controlled Afghan national defence and appropriate security institutions, consistent with best practices and international norms, complementing lead nations' bilateral efforts in this area;
- Creation of conceptual foundation of security and defence, including national security strategy and national military strategy, and related strategic planning systems and processes;
- Development of effective national defence planning and budgeting processes under democratic control, including a transparent and effective personnel management and training system, as well as establishing plans for equipment acquisition/modernisation;
- Promoting interoperability between NATO and the ANA, to allow them to take increasing responsibility for Afghanistan's national security; this will include designation of forces, assets and

training facilities to take part in a systematic planning and assessment process, this will include the identification of equipment, logistic, training and education needs, including participation in selected NATO/PfP exercises, to meet interoperability objectives to be agreed;

Through bilateral programmes, assistance to enhance the capacity of the Afghan national defence forces to deploy in a timely manner across the country. Such assistance may include the provision of aircrew and technical training as well as the coordination by NATO members of bilateral assistance to address military equipment, infrastructure, technical support and sustainability requirements;

- Creating adequate stockpile management of SALW, munitions, APLs and MANPADS including assessing requirements for safe destruction of surplus stocks and examining the possibility of establishing Trust Funds to decrease the threat from these stockpiles;
- Facilitating contacts, co-operation and exchange of experience with Allies' national institutions to support monitoring and implementation of arms control agreements and treaties and adherence to multi-lateral export control régime guidelines on military and dual-use goods and technology;
- In conformity with the OPLAN, support the Afghan Government's counter-narcotic efforts;
- Drawing on the NATO Policy on Combating Trafficking in Human Beings, relative to the conduct of the military, NATO will support and sustain development of practical cooperation and provide support to responsible authorities in their efforts to combat trafficking in human beings
- Complementing and facilitating lead nations' efforts in the area of border security, promote civilian control and relevant mechanisms, such as effective and transparent legislative and judicial oversight of law enforcement organisations in charge of border security and control, identifying training needs;
- Develop cooperation in the area of civil emergency planning, in accordance with NATO procedures and drawing on Allies national institutions;
- Language training of defence and security institutions' personnel to support interoperability objectives to be agreed;
- Development of effective civil/military co-ordination of air traffic management;
- Enhancing public understanding, including by developing key messages for the public opinion, about defence and security issues, including defence reform, defence institution building and the military aspects of security sector reform, the role of the appropriate Afghan national security forces and NATO forces, taking into account Afghanistan's regional dimension; and
- Using the Virtual Silk Highway project in Afghanistan, to support access to information and contribute to successful implementation of this programme.

Jaap de Hoop Scheffer, Secretary General of the North Atlantic Treaty Organisation

Hamid Karzai, President of the Islamic Republic of Afghanistan

ISAF's Strategic Vision:

Declaration by the Heads of State and Government of the Nations contributing to the UN-mandated NATO-led International Security Assistance Force (ISAF) in Afghanistan (2008)

1. We gather in Bucharest to reaffirm our determination to help the people and the elected Government of Afghanistan build an enduring stable, secure, prosperous and democratic state, respectful of human rights and free from the threat of terrorism. Afghanistan is the Alliance's key priority. We recognised after the tragic events of 11 September 2001, that Euro-Atlantic and broader international security is tied to Afghanistan's stability and future. Our presence in Afghanistan is at the request of the Government of Afghanistan and mandated by the United Nations. Neither we nor our Afghan partners will allow extremists and terrorists such as the Taliban or al-Qaeda, to regain control of Afghanistan or use it as a base for terror that threatens all of our people and has been felt in many of our countries and beyond. As we help Afghanistan rebuild, our guiding principles are:

- a firm and shared long-term commitment;
- support for enhanced Afghan leadership and responsibility;
- a comprehensive approach by the international community, bringing together civilian and military efforts; and
- increased cooperation and engagement with Afghanistan's neighbours, especially Pakistan.

We welcome President Hamid Karzai and United Nations Secretary-General Ban Ki-moon along with his Special Representative Kai Eide to this Summit and reaffirm our shared vision for Afghanistan.

2. In helping the Afghan people build security today, we are defending basic values we all share, including freedom, democracy and human rights as well as respect for the views and beliefs of others. While much remains to be done, Afghanistan has made important strides in developing its democracy and improving the lives of its citizens; its Government is strengthening its capacity in these areas. A reconciliation process for national unity has begun and basic security and infrastructure have improved. Over the past six years, access to health care has increased tenfold; access to education is up six times and women again have rights protected by law. Afghan and international forces from 40 countries, working side-by-side, are creating security conditions that make this progress possible. Nevertheless, security challenges remain. Violent extremists continue to attack fragile governmental institutions and the people of Afghanistan. They increasingly revert to indiscriminate terror attacks and intimidation but Afghanistan's and our capacity to counter them continues to grow.

3. Our vision of success is clear: extremism and terrorism will no longer pose a threat to stability; Afghan National Security Forces will be in the lead and self-sufficient; and the Afghan Government will be able to extend the reach of good governance, reconstruction, and development throughout the country to the benefit of all its citizens. This declaration is supported by a medium-term, internal political-military plan—consistent with the Afghanistan Compact and the Afghan National Development Strategy—which will be updated regularly and against which we will measure progress.

Our Shared Long-term Commitment

4. We will continue to assist the Government of Afghanistan in further establishing and maintaining a secure environment and extending good governance. To enhance our security effort we will:

- support each other in sharing the burden in Afghanistan;
- provide our military commanders the tools they need for success by filling remaining ISAF shortfalls including forces, training teams and enablers;
- provide maximum possible flexibility of use of our forces by the ISAF Commander;
- continue to ensure that every measure is taken to avoid civilian casualties; and
- enhance our capacity to counter extremist propaganda and communicate more effectively our goals, accomplishments and remaining challenges to Afghan and international audiences.

Enhancing Afghan Leadership

5. Only Afghan-led security forces and institutions can ensure the rule of law in the long term. The Afghan National Army is increasingly demonstrating the ability to successfully plan and conduct complex operations with our forces in support. As Afghanistan's security forces become increasingly capable of leading and sustaining operations independently, we expect ISAF's role will be able to evolve to one primarily of training and mentoring. We welcome the growing international focus on building the capacity of the Afghan police which are vital for the stability and security of the nation. In support of all this, we will:

- provide the training teams and help provide the equipment needed to meet the goal of an effective 80,000 – strong Afghan Army by 2010;
- work towards progressively transferring lead security responsibility throughout the country to Afghan forces, supported by ISAF, as appropriate conditions are met and Afghan capacity permits;

we accordingly welcome Afghanistan's expressed intention to assume lead security responsibility for Kabul as soon as feasible;

- encourage the appointment of a senior Afghan military officer to ISAF Headquarters when circumstances permit;
- assist the development of effective civilian-controlled security and defence institutions including through the NATO-Afghanistan Cooperation Programme;
- assist the development of the Afghan National Police within our means and capabilities and in close coordination with relevant international actors, where appropriate;
- support the Government of Afghanistan in building capacity to communicate more effectively and respond to extremist propaganda;
- help strengthen Afghan institutions required to fully establish the rule of law, protect human rights and promote our shared values, while respecting Afghan culture and traditions;
- provide security support to upcoming elections in Afghanistan; and
- continue to support Afghan-led efforts to tackle the narcotics problem.

Enhanced Coordination

6. There can be no lasting security without development and no development without security. Success requires a comprehensive approach across security, governance and development efforts and between all local and international partners in support of the Afghan Government. We will intensify our contribution to such a comprehensive approach. To this end, we:

- welcome United Nations Security Council Resolution 1806 which sharpens the UN Mission in Afghanistan's mandate and decides to strengthen cooperation with ISAF;
- look forward to working closely with UN Special Representative of the Secretary General Kai Eide and the UN Mission in Afghanistan as it further expands throughout the country, and in support of its lead role in coordinating the overall international civilian effort, improved civil-military coordination, political outreach and governance;
- will work on more regular consultations with all actors involved in Afghanistan as appropriate and in close coordination with the Afghan Government; and,
- welcome the upcoming Paris Conference that will review progress on and strengthen international efforts to further implement the Afghanistan Compact.

7. Provincial Reconstruction Teams (PRTs) play a significant role in enabling security, governance and development. We pledge to provide all the PRTs needed, enhance their unity of effort, strengthen their civilian component and further align their development strategies with Afghan Government priorities until such a time as Afghan Government institutions are strong enough to render PRTs unnecessary.

Afghanistan's Neighbours and the Region

8. Afghanistan's neighbours have an important role to play in helping Afghanistan build a more stable and secure future. The threats of violent extremism and narcotics are not Afghanistan's alone. The region stands to benefit when these threats are dealt with effectively. To help foster a long-term regional approach to security challenges and cooperation, we:

- call on Afghanistan's neighbours to act resolutely in support of the Afghan Government's efforts to build a stable Afghanistan with secure borders;
- look forward to deepening our engagement with Afghanistan's neighbours, particularly Pakistan;
- support efforts to improve security and stability along the Afghanistan/Pakistan border, and,
- encourage further cooperation and intensified dialogue between Afghanistan and Pakistan including through the Jirga mechanisms, the Ankara process and the Tripartite Commission.

Conclusion

9. We as Allies and Partners stand united in our firm commitment to support the Afghan people fulfil their aspirations for a better life. The Afghan Government and people are taking increasing responsibility for the country's security, reconstruction and development. Together we will ensure they achieve the future they have long been denied and thereby bring greater security to all of our people.

Declaration on the Situation in Afghanistan by the Foreign Ministers and Other Senior Representatives of the 'Six plus Two' (12 November 2001)

1. The heads of delegation met at the United Nations Headquarters under the auspices of the Secretary-General to discuss the situation in Afghanistan.
2. They deplored the acts of international terrorism carried out in the United States on 11 Sept. 2001.
3. The Ministers and other senior representatives of the 'Six plus Two' condemned the export of international terrorism by the al-Qaeda network and the ruling Taliban authorities for allowing the continued use of Afghan territory for such terrorist activities. The Ministers supported efforts by the Afghan people to rid themselves of the Taliban regime.
4. They supported efforts of the international community to root out terrorism, in keeping with the Charter of the United Nations, including relevant Security Council and General Assembly resolutions. They reaffirmed their commitments, in particular, to implement Security Council resolutions 1267 (1999), 1333 (2000) and 1363 (2001). The al-Qaeda network, other terrorist groups inside Afghanistan and their Taliban supporters should be brought to justice.
5. The members of the 'Six plus Two' reaffirmed their full support for the sovereignty, political independence and territorial integrity of Afghanistan and pledged their continued support to efforts of the Afghan people to find a political solution to the Afghan crisis, and they agreed that there should be the establishment in Afghanistan of a broad based multi-ethnic, politically balanced, freely chosen Afghan administration representative of their aspirations and at peace with its neighbours. This administration must be able to meet the needs of the Afghan people and respect human rights, regional stability and Afghanistan's international obligations, including suppression of trade in narcotics. In this connection, the Ministers welcomed efforts to create such an administration by Afghans from both within Afghanistan and from among the Afghan diaspora. They endorsed the previous efforts of the 'Six plus Two' to deal with these issues.
6. They welcomed the central role of the United Nations in assisting the Afghan people in developing a political alternative to the Taliban regime. In particular, the Ministers endorsed the work of the Secretary-General's Special Representative, Lakhdar Brahimi, including to facilitate efforts by Afghan groups committed to a free and peaceful Afghanistan to establish a broad-based Afghan administration on an urgent basis.
7. The members of the 'Six plus Two' pledged continued support for the humanitarian efforts by the United Nations to alleviate the suffering of the Afghan people, both inside Afghanistan and in refugee camps located in neighbouring countries. They urged additional contributions from donor countries to meet these pressing humanitarian needs. They also welcomed efforts by the international community to begin planning now for the long-term reconstruction of Afghanistan once a broadly-based government has assumed office and peace has been restored.
8. They pledged their continued support to the Afghan people and to the Secretary-General, supported by his Special Representative, in their efforts to restore freedom and peace to Afghanistan.

Kabul Declaration of Good Neighbourly Relations (22 December 2002)

The Transitional Administration of Afghanistan and the Governments of the People's Republic of China, Islamic Republic of Iran, Islamic Republic of Pakistan, Republic of Tajikistan, Republic of Turkmenistan and Republic of Uzbekistan, the States neighbouring Afghanistan;

Determined that the people of Afghanistan should enjoy security, stability, prosperity, territorial integrity, democracy and human rights after so many years of conflict, suffering, and deprivation;

United in their desire for peace and stability in the region;

Sharing a determination to defeat terrorism, extremism, and narco-trafficking;

Celebrating the first anniversary of the formation of the new Afghan Administration as a result of the Bonn Talks and the progress made in implementing the Bonn Agreement, and recognizing that significant challenges lie ahead in creating prosperity and stability;

Solemnly reaffirm their commitment to constructive and supportive bilateral relationships based on the principles of territorial integrity, mutual respect, friendly relations, cooperation and non-interference in each other's internal affairs.

Welcome the combined efforts of the wider international community to provide the support required for rebuilding Afghanistan as it contributes to take its rightful place in the community of nations, and express their commitment to participate in this process.

And, furthermore, decide to bring this declaration to the attention of the United Nations Security Council and gain the support of other states for it.

Protocol on Establishment of SCO-Afghanistan Contact Group between the Shanghai Cooperation Organisation and Islamic Republic of Afghanistan (4 November 2005)

The Contact Group between the Shanghai Cooperation Organisation (hereinafter the SCO) and the Islamic Republic of Afghanistan (hereinafter Afghanistan) is established with the purpose of elaborating proposals and recommendations on realisation of cooperation between the SCO and Afghanistan on issues of mutual interest.

The Contact Group consists of Permanent Representatives of member states to the SCO Secretariat, Secretariat officers and senior diplomats of the Embassy of the Islamic Republic of Afghanistan to the People's Republic of China.

If necessary, meetings of the Contact Group can involve representatives of other SCO bodies, as well as experts of SCO member states and the Islamic Republic of Afghanistan.

The Contact Group conducts its activity in the form of consultations, which are held by mutual agreement on the premises of the SCO Secretariat and/or the Embassy of Afghanistan to the People's Republic of China. By mutual agreement, meetings can be held in other places.

Coordination is carried out:

- on the part of the SCO – by an SCO Secretariat officer;
- on the part of Afghanistan – by an authorised senior diplomat of the Embassy of Afghanistan to the People's Republic of China.

If necessary, under mutual coordination, Contact Group members can travel to Afghanistan for consultations with competent Afghan institutions. Dispatching parties cover the expenses, related to trips by the Contact Group members to Afghanistan.

The working languages of the Contact Group are Chinese, Russian and English.

The Contact Group stops its activity by mutual agreement.

By mutual agreement, amendments and supplements can be made to the document. They are then formalised by separate protocols, which come into force from the date of their signature.

Signed in Beijing 2005, November 4 in two copies in the Chinese, Russian and English languages, all texts being equally authentic. This Protocol comes into force from the date of its signature.

Statement by the Shanghai Cooperation Organization Member States and the Islamic Republic of Afghanistan on Combating terrorism, Illicit Drug Trafficking and Organized Crime (2009)

The Member States of the Shanghai Cooperation Organization (SCO) and the Islamic Republic of Afghanistan,

Supporting the efforts of the Afghan Government, with the assistance of the international community, aimed at ensuring social and economic development, building democratic institutions, strengthening operational capability of the Afghan national army and police and enhancing the effectiveness of law enforcement bodies,

Recognizing the interconnected challenges facing Afghanistan, including continued terrorist activities and the cultivation, production and trafficking of narcotic drugs, and that both pose a serious threat to the stability of Afghanistan, its neighbours and other countries,

While *welcoming* efforts of the Afghan Government to decrease cultivation of opium, express concern about the continued cultivation and production of narcotic drugs as a source of financing terrorist activities in Afghanistan, the region and abroad,

Supporting the efforts of the Afghan Government and International Security Assistance Force in Afghanistan (ISAF) to improve law enforcement and combat the production and trafficking of narcotic drugs and curtailing the flow of precursors more effectively,

Noting the significant assistance provided by the SCO Member States to the Afghan Government and their commitment to sustain such support for tackling the challenges in Afghanistan,

Stressing the importance of maintaining the leading role of the United Nations in coordinating international assistance in Afghanistan,

Attaching great importance to the efforts made by international and regional organizations including the United Nations (UN), the Shanghai Cooperation Organization (SCO), the Commonwealth of Independent States (CIS), the Collective Security Treaty Organization (CSTO), the Organization for Security and Cooperation in Europe (OSCE) and Conference on Interaction and Confidence Building Measures in Asia (CICA) to combat the threats of terrorism, illicit drug trafficking and organized crime,

Declare the following:

1. Combating Illicit Drug Trafficking

We call upon all States concerned to implement, in the framework of the United Nations activities, and other international and regional organizations, existing international strategies to combat narcotics in Afghanistan and the region, which in particular provide for strict implementation of Resolution 1817 of the UN Security Council and decisions of relevant international fora, as well as for creating and reinforcing the "anti-drug and financial security belts" in the region.

We call for further improvement of the SCO drug control cooperation mechanism as well as the elaboration of plans of practical cooperation between anti-drug agencies of the SCO Member States and other states of the region, including information exchange, precursor control and close interaction between this mechanism and relevant UN agencies, as well as other international and regional organizations involved in combating cultivation, production and trafficking of narcotics.

We stress the need to strengthen international and regional cooperation to counter the threat of narcotics, including through support of programs and projects implemented by the UN, the CSTO, the CIS, the EU, and the OSCE in Afghanistan and Central Asia related to border security and management.

We call for joining the efforts of all States and organizations concerned aimed at creating the "anti-drug and financial security belts" in the region.

We welcome the fact that ISAF in cooperation with the Government of Afghanistan joined the fight against drug production and proliferation in Afghanistan and support its wide-ranging participation in

multilateral efforts in this area. We consider it important that the UN Security Council takes this into account when discussing the ISAF mandate next time.

We call for wider cooperation between the SCO, CSTO and CIS on the anti-drug and counter-terrorism tracks, and stress the importance of the multilateral preventive operation named Operation Channel carried out under the CSTO auspices, as well as of increasing the number of observer States participating in this operation.

We believe that full operationalization of the Central Asia Regional Information and Coordination Centre established to combat illicit trafficking in narcotic drugs, psychotropic substances and their precursors with the participation of Afghanistan will strengthen control over the illicit production and abuse of and trafficking in narcotic drugs, psychotropic substances and precursors in Central Asia.

2. Combating International Terrorism

We believe that the list of priorities for the international community in combating terrorism should include the improvement of its international legal framework, in particular early elaboration and adoption of a comprehensive convention on international terrorism as well as the elaboration of regional counter-terrorism legal instruments.

We call for adherence to relevant resolutions of the UN Security Council concerning international terrorism.

We call for stopping the attempts to spread terrorist ideology as well as for strict compliances with UN SC Resolution 1624 (2005), which condemns all acts of terrorism irrespective of their motivation, and call upon Member States to prohibit by law terrorist acts and incitement to commit such acts, as well as to deny safe heaven to those guilty of committing these acts; and we consider it important to advance international, inter-ethnic and inter-religious dialogue in order to fight terrorist ideology, which would involve the civil society, including religious leaders, mass media, business communities and educational structures.

We reaffirm our intention to continue participating in the activities of the Financial Action Task Force (FATF) and the Eurasian Group on combating Money-Laundering and Financing of Terrorism (EAG), in particular with a view to stop the financial flows related to illicit trafficking in drugs and their precursors, and to make it a separate area in the EAG and FATF activities.

The SCO Member States intend to invest more efforts in combating terrorist threat using the capacity of the SCO Regional Anti-Terrorism Structure to a greater extent, and the practice of joint SCO counter-terrorism exercises, and we invite Observer States and other countries concerned to participate in the collective efforts, including those related to creating the "anti-terrorist security belt," and consider taking part in transiting non-military cargoes needed by ISAF.

The SCO Member States with the assistance of the Afghan Government will advance cooperation in responding to terrorist threats, ensuring security and protection of their citizens and diplomatic missions in Afghanistan.

3. Combating Transnational Organized Crime

We reaffirm our firm commitment to counter the growing illegal trafficking in arms, munitions, explosive and other types of transnational organized crime, which pose a serious threat to the lives and security of our peoples.

We believe that an effective coordination mechanism for the competent authorities to be established within the SCO in the form of meetings between the ministers of interior affairs and public security, as well as fostering and developing links with competent authorities of other States, international and regional agencies will help in combating organized crime.

...

We believe that a regular dialogue on joint action against abovementioned threats to be launched within the SCO with participations of other States and international organizations concerned could

become an effective supplement to the existing international fora for addressing the challenges of terrorism, narcotics and organized crime in the region.

We express our commitment to enhance cooperation with all relevant States and international and regional organizations, namely UN, EU, CIS, CSTO, OSCE, NATO and CICA on matters of common interest in the spirit of this Statement and the Plan of Action of the Shanghai Cooperation Organization Member States and the Islamic Republic of Afghanistan on combating terrorism, illicit drug trafficking and organized crime.

Plan of Action of the Shanghai Cooperation Organization Member States and the Islamic Republic of Afghanistan on combating terrorism, illicit drug trafficking and organized crime²⁶ (2009)

In follow-up to the points of agreement and mutual understanding set forth in the Statement of the Shanghai Cooperation Organization (SCO) Member States and the Islamic Republic of Afghanistan on combating terrorism, illicit drug trafficking and organized crime, the SCO Member States and Afghanistan agree on the following Plan of Action.

1. Fight against Illicit Drug Trafficking

Using the format of the meeting between heads of anti-drug agencies of the SCO Member States, which is now in the process of establishment, based on the Agreement on Cooperation in Combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and Precursors of June 17th, 2004, it is agreed to promote practical interaction in the following areas:

- in carrying out comparative analysis of the corresponding legislative frameworks of the Member States, improving legal framework of cooperation in combating illicit trafficking in drugs, psychotropic substances and their precursors;
- in inter-agency information exchange;
- in conducting joint operations;
- in controlling trafficking in drugs, psychotropic substances and their precursors;
- in countering the legalization of income derived from trafficking in drugs, psychotropic substances and their precursors;
- in training of personnel of anti-drug agencies;
- in drug abuse prevention activities, including demand reduction measures, as well as in developing and introducing new modes of treatment, social and medical rehabilitation of drug addicts;
- in establishing regular contacts and developing effective interaction between the meeting of heads of anti-drug agencies of the SCO Member States and relevant authorities of the Afghan Government.

The SCO Member States will consider establishing a regional anti-drug center and a specialized SCO training center for training of officers of the relevant authorities of the SCO Member States, Observer States and Afghanistan, responsible for taking measures against illicit trafficking in drugs, psychotropic substances and their precursors.

The SCO Member States will take measures to tap the potential of the Central Asia Regional Information and Coordination Centre for combating illicit trafficking in drugs, psychotropic substances and their precursors, to engage Observer States of the Organization as well as Afghanistan and Turkmenistan in anti-drug cooperation, including in the creation of "anti-drug and financial security belts." Particular focus will be placed on such issues as:

- improving mechanisms of cooperation between the agencies concerned of the SCO Member States and Afghanistan in fighting against transnational criminal groups, providing logistical and

²⁶ http://en.sco2009.ru/docs/documents/afghanistan_plan.html.

training support to the relevant authorities of the SCO Member States and Afghanistan to contribute to drug control;

- advancing collaboration between the Shanghai Cooperation Organization and the Collective Security Treaty Organization in fighting drugs continues to remain an important priority area of joint activities based on the Memorandum of Understanding reached between the SCO Secretariat and the CSTO Secretariat;

The SCO Member States will continue their efforts to expand the mandate of the International Security Assistance Force in Afghanistan with regard to combating illicit drug trafficking and drug cultivation.

The SCO Member States will tighten control over the chemical substances used to produce drugs, and are ready to make necessary efforts to cut off illegal precursor supplies to Afghanistan and seek cooperation in this field with States and international organizations concerned.

2. Fight against Terrorism

The SCO Member States and Afghanistan believe that in order to effectively combat terrorism it is necessary to strengthen counter terrorist collaboration for comprehensive measures to jointly respond to terrorist threats. Efforts will be focused on the following areas:

- border control;
- checking individuals suspected of being involved in terrorist activities;
- conducting joint operations to counter terrorist threats;
- involving Afghanistan, in a phased manner, in the SCO-wide collaboration in fighting terrorism in the region;
- establishing effective mechanisms to prevent and suppress terrorist activities;
- making joint efforts to obtain information regarding terrorist organizations threatening the security of SCO Member States and Afghanistan;
- setting up an expert consultation mechanism on the basis of the SCO Regional Anti-Terrorism Structure and Afghan relevant authorities;
- exchanging information on terrorist activities and organizations and experience in fighting against them;
- exchanging lists of terrorist suspects between SCO Member States and Afghanistan, on a mutual basis;
- providing assistance in apprehension and transfer of terrorists;
- tracing and cutting off the sources and channels of funding terrorist organizations;
- inviting relevant Afghan bodies to take part in joint law enforcement exercises carried out by the Member States as well as in workshops, courses and other SCO events related to combating terrorism.

3. Fight against Organized Crime

The SCO Member States, using the format of meetings between heads of ministries of internal affairs and of public security, which is now in the process of establishment, will:

- advance cooperation with relevant Afghan authorities to fight illicit trafficking in weapons, munitions and explosives and other forms of transnational organized crime;
- improve the exchange of operational information and experience related to combating organized crime;
- provide mutual assistance in investigating criminal cases and help collect and transfer evidence;
- explore opportunities for strengthening cooperation to combat transnational organized crime, including those carried out on a regular basis, and for exchanging, if necessary, teams of law enforcement officers in order to speed up criminal investigations;
- implement, by all available means, various programs of further and advanced training of Afghan law enforcement officers.

In order to improve the cooperation mechanism and boost its efficiency, the SCO Member States and Afghanistan agreed to consider the issue of raising the representation in the SCO-Afghanistan Contact Group to the level of directors of departments of the Ministries of Foreign Affairs of the SCO Member States and Afghanistan and to consider developing a plan of interaction with CSTO Foreign Ministers Council's Working Group on Afghanistan to jointly combat terrorism, drug production and trafficking, organized crime, and, inter alia, to hold joint meetings of both Groups.

The SCO Member States will further develop their bilateral trade and economic cooperation with Afghanistan, engagement in international efforts to provide assistance in its economic recovery, and will explore opportunities for implementing joint projects aimed at social and economic rehabilitation of this country. In this regard, the SCO Member States will consider the proposal of the Republic of Tajikistan to sponsor an international conference of Ministers of Economic Affairs in Dushanbe.

The SCO Member States will continue exchanging their views on using the existing international cooperation mechanisms related to Afghanistan and re-establishing those that proved to be effective.

Bilateral Security Arrangments: Key Documents

Joint Declaration of the United States-Afghanistan Strategic Partnership (2005)

Since the fall of the Taliban regime in December 2001, the United States and Afghanistan have made great progress in the pursuit of common strategic objectives. Together we have disrupted international terrorist networks and worked to ensure that Afghanistan will never again be a safe haven for terrorists. The United States has supported the Afghan people as they have established a moderate, representative government. During this time, the U.S. Government and the American people have demonstrated a commitment to an Afghanistan that is democratic, free, and able to provide for its own security.

Afghanistan expresses the profound gratitude of the Afghan people to the people of the United States of America. Thanks to the generosity of the American people and U.S. leadership, this extraordinary effort has enabled the Afghan people to regain hope and confidence and to renew their vision for achieving prosperity and peace.

Afghanistan confronts important challenges to its security and its efforts to build a government based on democratic principles, respect for human rights, and a market economy. To address these challenges, Afghanistan proposed that the United States join in a strategic partnership and establish close cooperation, including regular, high-level exchanges on the political, security, and economic issues contained herein and other issues of mutual interest. The United States and Afghanistan plan to work together to develop appropriate arrangements and agreements to implement their strategic partnership.

This shared effort will be based on a number of key principles, including a dedication to the rule of law, protection of the human rights and civil liberties of all individuals regardless of ethnic affiliations or gender, support for democratic governance, and reliance on the free market as the best means to further Afghanistan's economic progress. The strategic partnership's primary goal will be to strengthen U.S.-Afghan ties to help ensure Afghanistan's long-term security, democracy, and prosperity. It should contribute to peaceful and productive relations between Afghanistan and its neighbors. It is not directed against any third country.

This partnership will serve as the basis for our common efforts to cooperate in the war against international terror and the struggle against violent extremism, to promote stability and prosperity in the region, and to remain steadfast in supporting Afghanistan's campaign to eradicate poppy cultivation, provide alternate livelihoods assistance, and fight the production and trafficking of drugs. The partnership will be anchored in the constitutions of our two countries, and will be guided by the United

States and Afghanistan's respective obligations under the United Nations Charter and other international agreements and conventions.

Decades of civil war, political violence, and interference in Afghanistan's internal affairs make Afghanistan's security, sovereignty, independence, and territorial integrity particularly crucial areas for U.S.-Afghan cooperation. To enhance Afghanistan's long-term democracy, prosperity, and security, we intend to work closely together:

For Democracy and Governance

- Support democratic good governance and the development of civil society based on the rule of law and human rights and encourage broad-based political participation in Afghanistan.
- Help build strong, lasting Afghan Government and civic institutions and support political traditions that are efficient and responsive to the needs of the Afghan people.
- Encourage the advancement of freedom and democracy in the wider region.
- Support Afghanistan's initiative to restore the country's historic role as a land bridge connecting Central and South Asia and to shift the pattern of regional relations from rivalry to economic and political cooperation.
- Foster cooperation between Afghanistan and its neighbors and deter meddling in its internal affairs.
- Support people-to-people exchanges and partnerships to strengthen ties between American and Afghan society, thereby fostering common outlooks and collaboration on the challenges and opportunities before us.

For Prosperity

- Facilitate and support Afghanistan's integration into regional and world economies and appropriate international organizations.
- Help develop a legal and institutional framework for a thriving private sector and an environment favorable to international investment in Afghanistan.
- Encourage and facilitate involvement of U.S. businesses in ventures that accelerate the development of Afghan firms and the private sector.
- Continue the reconstruction of Afghanistan and investments in the people of Afghanistan and encourage other nations to do so.

For Security

- Help organize, train, equip, and sustain Afghan security forces as Afghanistan develops the capacity to undertake this responsibility.
- Consult with respect to taking appropriate measures in the event that Afghanistan perceives that its territorial integrity, independence, or security is threatened or at risk.
- Assist the Afghan Government in security sector reform.
- Continue to conduct counter-terrorism operations in cooperation with Afghan forces.
- Support Coalition assistance to the Afghan Government's counter-narcotics programs. Continue intelligence sharing.
- Strengthen Afghanistan's ties with NATO.
- Support border security initiatives.

It is understood that in order to achieve the objectives contained herein, U.S. military forces operating in Afghanistan will continue to have access to Bagram Air Base and its facilities, and facilities at other locations as may be mutually determined and that the U.S. and Coalition forces are to continue to have the freedom of action required to conduct appropriate military operations based on consultations and pre-agreed procedures. As Afghan Government capabilities increase, Afghanistan will continue to cooperate against terrorism, to promote regional security, and to combat the drug trade; the Afghan Government, over time, will move to assume Afghan security force sustainment costs; and the

Afghan Government intends to maintain capabilities for the detention, as appropriate, of persons apprehended in the War on Terror. As Afghanistan develops its political system, the United States looks to Afghanistan to respect human rights and develop a just and inclusive society. Regular, free, and fair democratic elections, a free press, and the active implementation of Afghanistan's constitution are hallmarks of the necessary commitment to these principles. The United States relies on the Government of Afghanistan to maintain its firm commitment against the production, processing, and trafficking of narcotics and to assume responsibility for countering narcotics as police, prosecutorial, and prison capacity is developed and enhanced. Finally, the United States relies on Afghanistan's commitment to create a legal framework and an environment favorable to private sector and domestic and international investment that offers economic opportunities to all Afghan people.

The Afghan people have made tremendous sacrifices and shown great courage in the pursuit of freedom. The United States shares their vision of a country that is democratic, at peace, and working to improve the lives of all Afghans and that plays an important and positive role in the affairs of the region and the world. We are confident that the U.S.-Afghan strategic partnership will play a central role in helping Afghanistan achieve these goals.

George W. Bush, President of the United States of America

Hamid Karzai, President of the Islamic Republic of Afghanistan

Afghanistan–Iran Joint Declaration (Tehran Joint Communique) (2006)

Heading a high ranking Government delegation, Hamid Karzai, president of the Islamic Republic of Afghanistan paid an official state visit to Iran at the invitation of HE Dr. Ahmadinezhad, president of the Islamic Republic of Iran from 26 to 27 May 2006.

During the visit, president Karzai had a meeting with the head of the Iranian National Assembly and president of the country. The objective of this visit was to exchange views with the Iranian Leadership aimed at further expansion of bilateral ties, continuation of the Iranian government's participation in reconstruction of Afghanistan, taking up regional issues and international developments.

The sides reiterating on the need for further expansion of relations based on respect each other's sovereignty, national interests and friendship between the two countries agreed that these may ensure expansion of ties and friendship between the two nations.

The side emphasized the need for further cooperation on the borders' security, mutual struggle against saboteurs and to ensure this they agreed to arrange a supreme joint security commission to facilitate cooperation in security sphere between the two sides.

The Islamic Republic of Iran recognized the need for reconstruction of Afghanistan as a prerequisite for ensuring lasting security in Afghanistan, and its country's preparedness in participating in the reconstruction programs, investment and creation of industries in Afghanistan. The Afghan side while thanking Iran for its assistance to Afghanistan during the past four years, asked for continuation of such cooperation.

Recognizing that building transport and transit infrastructure may ensure regional economic growth, both sides agreed over the constructions railway of Khwaf- Harat which may prove helpful in improving of transport of goods between the sides. The details for the implementation of this project have been evaluated by the experts of the two countries and a memorandum of understanding was signed in presence of the president of the two countries.

Both sides while expressing satisfaction over the agreements reached between them on the formation of the joint commission, the second meeting which will be held in the near future, considering it a significant step toward further expansion of economic ties between the two countries. Hailing agreements reached between the sides including the one for encouragement and protection of investment, cooperation in judiciary, repatriation of criminals and prisoners, cultural, academic coop-

eration and ensuring of herbal plant quarantine.

They also expressed agreement on facilitating meeting of the sides, experts and conclusion of the cooperation documents aimed at further consolidation of bilateral ties including determining of the new customs' borders on the joint borders based on principles of good neighborhood and national interest of the two countries.

The Islamic Republic of Iran expressed the readiness of Iranian companies for joint and active participation towards partaking in reconstruction of Afghanistan.

The Afghan side while welcoming the goodwill of Iranian companies in reconstruction and investment in Afghanistan declared its preparedness for creation of all possible facilities for investment in different economic spheres in Afghanistan.

Considering the significance of mutual historic and cultural relations between the two countries that is creating further avenues for cooperation, they expressed satisfaction over the achievements made so far in the sphere of cultural and educational cooperation through dispatching Iranian expert to Afghan government, Ministries, awarding of scholarship printing of textbooks, establishing and equipping of libraries in Afghanistan.

Both sides considered trafficking of narcotics as a basic obstacle in the region and the world, and reiterated on the need for bilateral cooperation and continued international cooperation and eradication of this grave problem. They agreed that lack of proper attention toward eradication of poppy may continue to create political and social problems in Afghanistan and in the region and can further raise the threat of terrorism.

They also noted that despite the present struggle against narcotics at international levels, the Iranian side is ready to cooperate in complete eradication of poppy cultivation and trafficking in Afghanistan. However there is the need for further international cooperation in this respect as well. The sides hoped that by ensuring stability and security and acceleration of the reconstruction process, the ground would be paved for the repatriation of the Afghan refugees to Afghanistan based on the agreement earlier reached by the tripartite commission of Iran, the UN and Afghanistan.

The sides while noting the significance of regional cooperation within the framework of ECO, they also expressed pleasure on the separate joint cooperation among the Islamic Republic of Iran, Afghanistan, Tajikistan and Uzbekistan which would surely prove useful in further facilitating of transit among these countries.

They expressed the need for combating terrorism in the region and the world asking for all round joint cooperation of the countries of the region and the world to eradicate this harmful phenomenon.

The sides also reiterated the rights of the countries for obtaining new technologies including that of unclear technology for peaceful use within the framework of the international regulations and the need for peaceful resolution of the Iranian nuclear program through diplomatic channels and negotiations.

Hamid Karzai Mahmood Ahmadinezhad, President of I.R. Afghanistan President of I.R.Iran

Joint Declaration on Next Steps in Afghanistan–Pakistan Comprehensive Cooperation (March 2010)

The Islamic Republic of Afghanistan and the Islamic Republic of Pakistan:

Affirming the enduring ties of friendship and amity that exist between the peoples and governments of the Islamic Republics of Pakistan and Afghanistan.

Acknowledging their special bond grounded in history and geography and spiritual, cultural and civilizational affinities that impart a compelling sense of shared destiny.

Reaffirming their mutual commitment to respect each other's sovereignty, independence and territorial integrity, consolidate good neighbourly relations, and uphold the principles of the United Nations

Charter.

Emphasizing that strong Pakistan-Afghanistan ties are important for regional peace, security and development.

Recalling Kabul Declaration on Good Neighbourly Relations of 22 December 2002.

Also recalling in this regard, the Joint Declaration on Directions of Bilateral Cooperation signed between Pakistan and Afghanistan on 6 January 2009 in Kabul.

Determined to realize the full potential of their vast human and natural resources for the progress and prosperity of their peoples.

Have decided to take the following Next Steps to consolidate their Comprehensive Bilateral Cooperation:

Connectivity

To develop a roadmap for strengthening road, rail and air connectivity and upgrade existing facilities. In this context, the two countries attached priority to undertaking completion of Peshawar-Jalalabad Expressway and completing feasibility study of Peshawar-Jalalabad rail link.

To operationalize transport corridors on mutually agreed routes and to expand aviation links and extend Bus Services to additional destinations; undertake joint studies on promotion and facilitation of Multi-Modal Transport, and enhance communication links.

Trade and Investment

To facilitate the bilateral trade between Afghanistan and Pakistan to optimally utilize the natural comparative economic advantage of the two countries; to take requisite measures to enhance bilateral trade to \$ 5 billion by the Year 2015; develop plans of action for customs harmonization and trade facilitation.

To pool public and private corporate resources for reconstruction and development. In this regard, the two sides will establish a Silk Route CEOs Forum, as well as establish Pakistan-Afghanistan Reconstruction Consortium.

To explore establishment of a Joint Investment Company to undertake joint development projects, including initiatives to develop the region's vast mineral and hydel wealth; also consider setting up Economic and Industrial Zones.

Education

To enhance the number of scholarships for Afghan students in Pakistani educational institutions from the present one thousand to two thousand; to make special arrangements for female Afghan students, and to set up an Institute on Management, Business Administration and Faculty Training in Afghanistan.

Capacity Building

To cooperate closely in capacity building of institutions. In this context, the Government of the Islamic Republic of Pakistan offered extending all assistance to the Government of the Islamic Republic of Afghanistan, in setting up new capacity building institutions and upgrading the existing ones

Agriculture & Environment

To enhance cooperation in the agricultural sector including food processing, consider creation of a Pakistan-Afghanistan Food Bank to strengthen food security, initiate joint research in agriculture and crops substitution programmes.

To initiate dialogue on environmental protection and mitigating impact of climate change.

Energy

To evolve joint strategies for early implementation of trans-Afghan energy projects, with particular focus on CASA-1000 and Turkmenistan-Afghanistan- Pakistan Gas Pipeline.

People to People Contacts

To further strengthen people to people contacts, and promote exchanges among intellectuals, parliamentarians, journalists, academia and students.

To establish close links among the media including print, radio and television of the two countries and to promote cultural exchanges.

Makhdoom Shah Mahmood Qureshi, Foreign Minister Islamic Republic of Pakistan,
Dr. Zalmay Rassoulm, Foreign Minister Islamic Republic of Afghanistan

Treaty of Good-Neighbory Friendship and Cooperation Between the Islamic Republic of Afghanistan and the People's Republic of China (2006)

The Islamic Republic of Afghanistan and the People's Republic of China:

Firmly believing that to strengthen the overall good-neighbourly friendship and mutually beneficial cooperation between both Parties is both in the fundamental interest of the two countries and the two peoples and conducive to regional and global peace, stability and development,

Reaffirming that the *Treaty of Friendship and Mutual Non-aggression between the Kingdom of Afghanistan the People's Republic of China* signed in 1960 was instrumental in deepening the bilateral relationship,

Confirming their respective obligations under the *Charter of the United Nations* and other international treaties to which both Parties are signatories,

Agreeing on the need to build and develop on the basis of existing traditional friendship and cooperation, a closer good-neighbory partnership of cooperation between the two countries,

Have agreed as follows:

Article I

Both Parties shall consolidate and develop a good-neighbory partnership of cooperation in accordance with the universally recognized principles and norms of international law and on the basis of the Five Principles of Peaceful Coexistence.

Article II

Both Parties shall, in accordance with the principle of non-encroachment on national territories and boundaries in international law, strictly observe the *Boundary Treaty Between the Kingdom of Afghanistan the People's Republic of China* signed in 1963. They resolve to maintain lasting peace and friendship in their border areas.

Article III

The Afghan side reiterates that there is but one China in the world, that the Government of the People's Republic of China is the sole legal government representing the whole China and that Taiwan is an inalienable part of Chinese territory. The Afghan side supports the Chinese government in its efforts to safeguard its sovereignty and territorial integrity and opposes any attempt by the Taiwan authorities to create 'Two Chinas' or 'One China, one Taiwan' and 'Taiwan independence,' including de jure 'Taiwan independence.'

The Chinese side reiterates its respect for Afghanistan's independence, sovereignty and territorial integrity. The Chinese side supports Afghanistan's efforts to safeguard its sovereignty, territorial integrity, independence, and internal security and opposes any attempts to put stability into risk.

Article IV

Neither Party shall join any alliance or bloc which infringes upon the sovereignty, security or territorial integrity of the other Party, or take any action of this nature with a third country. Neither Party shall allow its territory to be used by a third country to jeopardize sovereignty, security or territorial integrity of the other Party.

Each Party shall prohibit the establishment of organizations or institutions on its own soil which in-

fringe upon the sovereignty, security or territorial integrity of the other Party

Article V

Both Parties shall, in accordance with their domestic laws, bilateral agreements, and their respective international obligations, cooperate both bilaterally and internationally to combat terrorism, separatism and extremism as well as organized crimes, illegal immigration and illegal trafficking in drugs and weapons.

Article VI

Both Parties shall create peaceful environment for the construction and development of their respective countries by enhancing mutual trust and cooperation in the military and security fields.

Article VII

Each party shall take effective measures in accordance with their international obligations and current domestic laws and regulations to protect the legitimate rights and interests of the other Party's legal and natural persons in its own territory.

Article VIII

Both Parties shall, on the basis of equality and mutual benefit, carry out cooperation in economy and trade, agriculture, science, technology, education, transportation, finance, energy, natural resources development, investment, customs, information technology, telecommunications and other areas of mutual interest.

Both Parties shall, in accordance with their domestic laws and the international treaties to which both Parties are signatories, protect intellectual property rights, including patent, trademark, copyright and other rights.

Both Parties shall facilitate cooperation in the areas which are stipulated in this article, in accordance with their domestic laws and international treaties to which both Parties are signatories.

Article IX

Both parties shall enhance bilateral relationships and exchanges in culture, media, sports, public health and social security and facilitate and supports such relationships and exchanges by people from all walks of life in both countries.

Article X

Both Parties shall, in compliance with the purposed and principles of the *Charter of the United Nations* and other universally recognized norms of international law, enhance their cooperation in the United Nations and other international and regional organizations.

Article XI

Both Parties shall carry out cooperation in international financial institutions and economic organizations.

Both Parties shall carry out multilateral economic cooperation within the framework of existing and future international and regional organizations.

Article XII

Any difference arising from interpretation and application of the Treaty shall be resolved through friendly consultations of the two sides

Article XIII

Both Parties, on the basis of mutual agreement, may modify or supplement the Treaty in the form of protocols. Such protocols will form integral parts of the Treaty. Both Parties shall sign a separate agreement on the implementation of this Treaty when necessary.

Article XIV

The Treaty shall be subject to ratification of both Parties. This treaty shall enter into force on the date of the exchange of the ratification instruments.

The Treaty of Friendship and Mutual Non-aggression between the Kingdom of Afghanistan and the People's Republic of China signed in 26 August 1960 in Kabul shall be terminated on the date this Treaty enters into force.

This Treaty shall be valid for a period of twenty years, renewable automatically for successive periods of five years, unless either Party requests its termination by serving a written notice to the other Party one year prior to the date of expiration.

Protocols that serve as amendments or supplement to this Treaty shall follow the same procedure to enter into force.

Acronyms

AGO	Attorney General's Office
AIA	Afghan Interim Authority
AIHRC	Afghanistan Independent Human Rights Commission
AISA	Afghan Investment Support Agency
AMF	Afghan Military Forces
ANA	Afghan National Army
ANAP	Afghan National Auxiliary Police
ANBP	Afghanistan New Beginnings Program
ANDS	Afghan National Development Strategy
ANMA	Afghanistan National Military Academy
ANP	Afghan National Police
APA	Afghan Police Academy
AREU	Afghanistan Research and Evaluation Unit
ASF	Afghan Security Forces
ASNF	Afghan Special Narcotic Forces
ASP	Afghan Stabilisation Programme
BPFA	Beijing Platform for Action
CAO	Control and Audit Office
CDCs	Community development councils
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CEPC	Central Eradication Planning Cell
CIDA	Canadian International Development Agency
CND	Counter-narcotics Directorate
CNPA	Counter Narcotics Police of Afghanistan
CNTF	Counter-Narcotics Trust Fund
CPEF	Central Poppy Eradication Force
CRC	Convention on the Rights of the Child
CSC	Correctional Services Canada
DDI	District Disarmament Initiatives
DDR	Disarmament, demobilization and reintegration
DG	District governor
DIAG	Disbandment of illegal armed groups
DRC	Disarmament and Reintegration Commission
EC	European Commission
ECC	Electoral Complaints Commission
ERW	Explosive remnants of war

EUPOL	European Union Police Mission in Afghanistan
FRU	Family response unit
GoA	Government of Afghanistan
GOLIAGs	Government officials linked to illegal armed groups
IAGs	Illegal armed groups
I-ANDS	Interim Afghanistan National Development Strategy
IARCSC	Independent Administrative Reform and Civil Service Commission
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IDEPE	<i>Instituto de Estudios Políticos y Estratégicos</i>
IDLG	Independent Directorate of Local Governance
IHL	International humanitarian law
INGO	International non-governmental organisation
INL	US State Department's Bureau of International Narcotics and Law Enforcement
IO	International organisation
IOM	International Organization for Migration
IRC	International Rescue Committee
ISAF	International Security Assistance Force
IWPR	Institute for War and Peace Reporting
JCMB	Joint Coordination and Monitoring Board
JRC	Judicial Reform Commission
JS	Joint Secretariat
KTC	Kabul Military Training Camp
LOTFA	Law and Order Trust Fund for Afghanistan
MADRAC	Microfinance Agency for Development and Rehabilitation of Afghan Communities
MAPA	Mine Action Programme for Afghanistan
MDGs	Millennium Development Goals
MISFA	Microfinance Investment Support Facility for Afghanistan
MMR	Maternal Mortality Rate
MoE	Ministry of Education
MoHE	Ministry of Higher Education
Mol	Ministry of the Interior
MoD	Ministry of Defense
MoEc	Ministry of Economy
MoF	Ministry of Finance
MoFA	Ministry of Foreign Affairs
MoPH	Ministry of Public Health

MoWA	Ministry of Women's Affairs
MPs	Members of parliament
MRRD	Ministry of Rural Rehabilitation and Development
NABDP	National Area Based Development Programme
NATO	North Atlantic Treaty Organization
NDCS	National Drug Control Strategy
NDS	National Directorate of Security
NGO	Non-governmental organisation
NIU	National Interdiction Unit
NJSS	National Justice Sector Strategy
NSC	National Security Council
NSD	National Security Directorate
NSP	National Solidarity Programme
NSS	National Surveillance System
OECD	Organisation for Economic Co-operation and Development
OEF	Operation Enduring Freedom
OPLAN	Operational plan
OTI	Office of Transition Initiatives
PAA	Provincial Administrative Assembly
PCs	Provincial councils
PDCs	Provincial development committees
PDPA	People's Democratic Party of Afghanistan
PEF	Poppy Eradication Force
PEP	Poppy Elimination Programme
PMCs	Private military companies
PRR	Priority Reform and Restructuring Programme
PRTs	Provincial Reconstruction Teams
PSF	Provincial Stabilisation Fund
RCMP	Royal Canadian Mounted Police
RTA	Radio Television Afghanistan
SGBV	Sexual and gender-based violence
SNTV	Single Non-Transferable Vote
SSR	Security sector reform
SY	Solar year
UAE	United Arab Emirates
UK	United Kingdom
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan

UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Fund for Women
UNMACA	United Nations Mine Action Centre for Afghanistan
UNODC	United Nations Office on Drugs and Crime
UNSM	United Nations Special Mission to Afghanistan
US	United States
USAID	United States Agency for International Development
UXO	Unexploded ordnance
VMO	Village Medical Outreach Programme

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The Geneva Centre for the Democratic Control of Armed Forces is one of the world's leading institutions in the areas of security sector reform and security sector governance. DCAF provides in-country advisory support and practical assistance programmes, develops and promotes appropriate democratic norms at the international and national levels, advocates good practices and conducts policy-related research to make recommendations to ensure effective democratic governance of the security sector.

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