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Toward Bringing Stability in Afghanistan: A Review of the Peacebuilding Strategy

Edited by

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INTRODUCTION

A Need for ‘Change’ in the Peacebuilding Strategy for Afghanistan

Yuji Uesugi

This is just one part of a comprehensive strategy to prevent Afghanistan from becoming the al Qaeda safe haven that it was before 9/11. To succeed, we and our friends and allies must reverse the Taliban's gains, and promote a more capable and accountable Afghan government.

U.S. President Barak Obama, March 27, 2009

1. Golden Opportunity for ‘Change’

Insecurity, whether due to insurgency, terrorism, regional meddling, or warlordism undermines the potential for progress on all other fronts of peacebuilding in Afghanistan. Security alone is not sufficient to ensure progress, but without competent Afghan security institutions success is impossible.¹ The contributors of this collection of essays share this view, and explore ways to deepen our understanding of the challenges of bringing stability in Afghanistan.

Recent revival of a group of insurgent movements such as ‘Taliban’ or ‘Neo-Taliban’ poses a great threat to the peacebuilding process in Afghanistan. The current peacebuilding process was born at the Bonn Conference in December 2001, which assembled Taliban opposition groups and members of the international community under the auspices of the United Nations.² The insurgent groups, with sanctuaries and a support base in the tribal areas (Federally Administered Tribal Area: FATA) in Pakistan, have grown stronger, relying on a wide network of foreign fighters and Pakistani extremists who operate freely across the Afghan-Pakistani border.³ Deterioration of the security situation in the border area near Pakistan has undermined the reconstruction efforts by the Afghan government and international community, which resulted in the decline of their legitimacy and credibility in the eyes of the Afghan people.

It is absolutely true that the people of Afghanistan, in the end, must be responsible for the fate of their country. After all, it is their country and their lives and future depend on it. The Afghan people must decide whether or not they want to live in peace and prosperity or in violence and poverty. If they choose to live in peace and

¹ J Alexander Their, “Introduction: Building Bridges” in J Alexander Their (ed.) *The Future of Afghanistan* (Washington, D.C.: USIP, 2009) pp. 1-2.

² Mark Sedra and Geoffrey Hayes, Introduction, Geoffrey Hayes and Mark Sedra (eds.), *Afghanistan: Transition under Threat* (Wilfrid Laurier University Press, 2008) xiii.

³ Mohammad Masoon Stanekzai, *Thwarting Afghanistan's Insurgency: A Pragmatic Approach towards Peace and Reconciliation*, USIP Special Report 212, September 2008, p. 1.

prosperity, they need to act together to defeat extremism, warlordism, corruption, injustice, bad governance, rule of gun, poverty, and human rights violations, all of which are rampant throughout the country. Only the Afghan people by themselves can eradicate these bottlenecks from their society. Without their firm determination to do so, it is impossible for the international community to help bring peace and prosperity in Afghanistan. In fact, the international community, including the United States, can merely assist serious efforts by the Afghan people.

Having said that it is also true that the United States has predominated the course of peacebuilding in Afghanistan for the past eight years since its intervention in October 2001 as a response to the terrorist attack on September 11, 2001 (hereafter, 9/11). It cannot be denied the fact that the United States is largely responsible for the reconstruction of Afghanistan as its intervention caused a removal of Taliban from power as well as the establishment of a new government afterwards. In fact, it was the United States that shaped the form of international assistance to the post-Taliban Afghanistan.

Despite eight years of international assistance, Afghanistan remains fragile and the security situation on the ground deteriorates to a degree that the reconstitution of Taliban and other insurgent forces threatens government's control in many parts of the country. In 2006, insurgent forces and suicide attacks by extremists killed over 4,400 Afghans, including about 1,000 civilians.⁴ The fact that the number of the dead has doubled from 2005 indicates that the security situation in Afghanistan has deteriorated rapidly in the last few years.⁵ For example, in 2005 the number of security incidents occurred per day was three on average (the total number of incidents in that year was 1,347), whereas in 2006 that number jumped to ten (the total number of incidents in that year was 3,824).⁶ Furthermore, the number of attacks to the Afghan Security Force (Army and Police) also increased from 713 in 2005 to 2,892 in 2006.⁷ New U.S. President Barack Obama admits that attacks against U.S. troops, NATO allies and the Afghan government have risen steadily, and 2008 was the deadliest year for U.S. forces.⁸ Moreover, being faced with corruption and incompetence of the Afghan government to provide basic public services and goods, the Afghan people are beginning to lose their hope and trust in their government. In addition, the Afghan people have never been entirely sure about the U.S. commitment in Afghanistan as the Bush administration's attention shifted to the next campaign in its 'global war on terror' in Iraq before Afghanistan's reconstruction even began.⁹

Right now, Afghanistan is at a critical juncture of transition. At this watershed moment, a new administration was inaugurated in the United States under the presidency of Barack Obama who advocated 'change' during his presidential election

⁴ Centre for Policy and Human Development, *Afghanistan Human Development Report 2007 Bridging Modernity and Tradition: Rule of Law and the Search for Justice*, pp. 85-86. <<http://www.cphd.af/nhdr/nhdr07/nhdr07.html>>

⁵ *Ibid.*, pp. 90-92.

⁶ *Ibid.*, p. 74.

⁷ *Ibid.*, p. 54.

⁸ The White House, *Remarks by the President on a New Strategy for Afghanistan and Pakistan*, March 27, 2009 <http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-on-a-New-Strategy-for-Afghanistan-and-Pakistan/>.

⁹ James F. Dobbins, *After the Taliban: Nation-building in Afghanistan* (Washington, D.C.: Potomac Books, Inc., 2008) viii.

campaign. With the change of leadership in the United States, the momentum for change in peacebuilding approaches in Afghanistan has emerged. Furthermore, in Afghanistan, the presidential election was held on 20 August 2009, the result of which has not been made public at the time of writing. The presidential election in Afghanistan offered an opportunity to reassess the will of the people and to legitimize a new peacebuilding strategy. Under such a circumstance, a golden opportunity for changing the current peacebuilding strategy has come into sight. Whether the Afghans and international community will be able to take full advantage of such a window of opportunity depends on the direction and discourse of the U.S. new strategy for Afghanistan, which will be examined in the next section.

2. New U.S. Strategy for Afghanistan

It is widely shared both in Afghanistan and in the United States that “the current U.S. policy towards Afghanistan is not working. It has failed to stabilize the country and to produce a viable government.”¹⁰ Sharing such a view, President Obama asked his staff to carry out a review of the U.S. strategy for Afghanistan including that of ‘global war on terror.’¹¹ As promised in the Joint Session of Congress in February 2009, “a new and comprehensive strategy for Afghanistan and Pakistan to defeat al Qaeda and combat extremism”¹² was introduced by President Obama on 27th March 2009, which would decide the fate of Afghanistan as the United States has played (and will continue to play) an influential role in the peacebuilding process in Afghanistan.

The new U.S. strategy starts with the core goal: disrupt, dismantle, and defeat al Qaeda and its safe havens in Pakistan, and to prevent their return to Pakistan or Afghanistan.¹³ In order to achieve this goal that is vital to U.S. national security, five additional objectives are identified in the strategy:

- Disrupting terrorist networks in Afghanistan and especially Pakistan to degrade any ability they have to plan and launch international terrorist attacks.
- Promoting a more capable, accountable, and effective government in Afghanistan that serves the Afghan people and can eventually function, especially regarding internal security, with limited international support.
- Developing increasingly self-reliant Afghan security forces that can lead the counterinsurgency and counterterrorism fight with reduced U.S. assistance.

¹⁰ Federico Manfredi, “Rethinking U.S. Policy in Afghanistan,” *World Policy Journal*, Winter 2008-09, p. 29.

¹¹ The new strategy is the culmination of a careful 60-day, interagency strategic review. During the review process, the U.S. government consulted with the Afghan and Pakistani governments, partners and NATO allies, other donors, international organizations and members of Congress (The White House, *What's New in the Strategy for Afghanistan and Pakistan*, March 27, 2009 <http://www.whitehouse.gov/the_press_office/Whats-New-in-the-Strategy-for-Afghanistan-and-Pakistan/>).

¹² “And with our friends and allies, we will forge a new and comprehensive strategy for Afghanistan and Pakistan to defeat al Qaeda and combat extremism” (Remarks of President Barack Obama – As Prepared for Delivery Address to Joint Session of Congress, February 24, 2009 <http://www.whitehouse.gov/the_press_office/Remarks-of-President-Barack-Obama-Address-to-Joint-Session-of-Congress/>).

¹³ The White House, *What's New in the Strategy for Afghanistan and Pakistan*, March 27, 2009.

- Assisting efforts to enhance civilian control and stable constitutional government in Pakistan and a vibrant economy that provides opportunity for the people of Pakistan.
- Involving the international community to actively assist in addressing these objectives for Afghanistan and Pakistan, with an important leadership role for the U.N.¹⁴

The main features of the new strategy can be categorized into four: (1) regional approach with an emphasis on Pakistan, (2) building capacity of Afghan Security Forces through more training conducted by the U.S. force, (3) using all elements of U.S. national power with more emphasis on diplomatic and civilian efforts, and (4) bringing new international elements to the effort.¹⁵ By putting emphasis on regional approach, the new strategy focuses on both Afghanistan and Pakistan treating them as two countries but one challenge.¹⁶ In fact, one third of recommended steps are devoted solely on the issues of Pakistan: engaging and focusing Islamabad on the common threat, assisting Pakistan's capability to fight extremists, increasing and broadening assistance in Pakistan, exploring other areas of economic cooperation with Pakistan, and strengthening Pakistani government capacity.¹⁷

Another 'new' feature is its emphasis on the capacity development of the Afghan National Security Forces. It is true that this point was acknowledged even in the beginning of the peacebuilding process in Afghanistan, and thus the Security Sector Reform (SSR) was launched as a prominent activity of international efforts (see Chapter Three on SSR in Afghanistan). Still, it is fair to say that the new strategy confirms the importance of SSR, especially it underlines the importance of training the Afghan National Security Forces so that they can take responsibility for the security of the Afghan people.¹⁸ President Obama admits, "For the first time, this [the new U.S. strategy] will truly resource our effort to train and support the Afghan Army and Police."¹⁹ Also, the new strategy recognizes the value of a dramatic increase in civilian effort (resourcing and prioritizing civilian assistance in Afghanistan) and multilateral approaches (mobilizing greater international political support to our objectives in Afghanistan).²⁰

While it is possible to argue that the new strategy includes new emphases and renewed commitments, all recommended steps on Afghanistan are indeed not entirely

¹⁴ The White House, *White Paper of the Interagency Policy Group's Report on U.S. Policy toward Afghanistan and Pakistan* <http://www.whitehouse.gov/assets/documents/Afghanistan-Pakistan_White_Paper.pdf>

¹⁵ *Ibid.*

¹⁶ The White House, *What's New in the Strategy for Afghanistan and Pakistan*, March 27, 2009.

¹⁷ A policy addresses both Afghanistan and Pakistan (asking for assistance from allies for Afghanistan and Pakistan), and another one is about their relationship (bolstering Afghanistan-Pakistan cooperation).

¹⁸ President Obama stated "... we will shift the emphasis of our mission to training and increasing the size of Afghan security forces, so that they can eventually take the lead in securing their country. That's how we will prepare Afghans to take responsibility for their security, and how we will ultimately be able to bring our own troops home" (The White House, *Remarks by the President on a New Strategy for Afghanistan and Pakistan*, March 27, 2009).

¹⁹ *Ibid.*

²⁰ The White House, *White Paper of the Interagency Policy Group's Report on U.S. Policy toward Afghanistan and Pakistan*.

different from the existing policies, perhaps, except for the one that encourages Afghan government efforts to integrate reconcilable insurgents (though this policy has been suggested for some time and to some extent implemented during the parliamentary election in 2005). The remaining steps such as executing and resourcing an integrated civilian-military counter-insurgency strategy, engaging the Afghan government and bolstering its legitimacy, including provincial and local governments in capacity building efforts, and breaking the link between narcotics and the insurgency have all been regarded as important to the peacebuilding process in Afghanistan for the past eight years.

During the Bush administration, these key policies did not receive enough attention in the shadow of U.S. national security priorities in Iraq and elsewhere. Preventing Afghanistan from becoming al Qaeda's safe haven has been the primary objective of the U.S. intervention in Afghanistan, and peacebuilding in Afghanistan has never been the top priority of the U.S. strategy for Afghanistan. For the last eight years, U.S. national security concerns, particularly those related to Iraq and not necessarily those related to al Qaeda, have largely dictated the direction and discourse of international assistance poured into Afghanistan since the 9/11.²¹ In that sense, President Obama's statement that "We have also taken into account the simple reality that America can no longer afford to see Iraq in isolation from other priorities: we face the challenge of refocusing on Afghanistan and Pakistan"²² suggests that this new strategy might bring entirely new prospects for the future of Afghanistan.

At the same time, judging from the substance of the new U.S. strategy, it can be underscored that the United States does not find it necessary to change drastically its core objective, but rather it tries to pursue the same strategic goal with different tactics.²³ Despite the fact that President Obama admits that "a new way of thinking" is required,²⁴ the new strategy is constructed within an old paradigm, it is far from a *Copernican* change. It merely calls for *better* civil-military coordination and *greater* government accountability, and urges immediate action, sustained commitment and substantial resources, which indicates that the existing U.S. strategy for Afghanistan was appropriate but it has not been matched with adequate attention and resources so far. In fact, the new strategy reassures the significance of the existing path of peacebuilding in Afghanistan. In short, the 'new' strategy is not at all new. It is a set of tactical adjustments, and the fundamental way of thinking remains the same. The United States is still caught in the tunnel vision, and it is preoccupied with the removal of al Qaeda.

²¹ Their, p. 3.

²² *Remarks of President Barack Obama – As Prepared for Delivery Responsibly Ending the War in Iraq Camp Lejeune, North Carolina, February 27, 2009* <http://www.whitehouse.gov/the_press_office/Remarks-of-President-Barack-Obama-Responsibly-Ending-the-War-in-Iraq/>.

²³ The White House, *White Paper of the Interagency Policy Group's Report on U.S. Policy toward Afghanistan and Pakistan*, p. 6 <http://www.whitehouse.gov/assets/documents/Afghanistan-Pakistan_White_Paper.pdf>

²⁴ *Ibid.*, p. 1.

3. A Way Forward: Recommendations

A psychological shift from a “winning mentality to a conciliatory mentality,”²⁵ which is critical to bringing a qualitative change in the discourse of peacebuilding in Afghanistan, has not yet occurred on the part of the United States (for that matter, it is even more doubtful that Taliban and other insurgents, much less al Qaeda, have succeeded in this psychological transformation). Of course, there are some distinctive emphases and approaches in the new strategy, which are awaited and could address certain symptoms of the most compelling predicament. Without such a shift, however, it is difficult to foresee a negotiated solution to the conflict, which is fundamental to bringing political stability in Afghanistan. Among many possible suggestions for promoting this fundamental change, this introductory Chapter recommends the following four points.

- **Recommendation One:** The essence in the change of the current peacebuilding strategy revolves around a shift of priority from the pursuit of the U.S. national security to the search for *human security* of ordinary people in Afghanistan. The peacebuilding strategy that puts the Afghan people first and foremost is indeed the most effective way to address the U.S. national security concerns. The new peacebuilding strategy for Afghanistan needs to be realigned to centre first and foremost on the people of Afghanistan. Without such a *Copernican* change in the fundamental way of thinking of the United States, Afghanistan will never be able to get out of its vicious circle of insecurity, insurgency, impunity and corruption.
- **Recommendation Two:** The international community including the United States needs to shift the emphasis of their policy towards Afghanistan from offensive military campaigns (e.g., counter-terrorism) to defensive policing and security sector reform (e.g., protection of ordinary people and communities) as overemphasis on ‘kinetic’ operations caused intolerable cases of ‘collateral damage,’ which was counterproductive to win the popular support in Afghanistan. The International Security Assistance Force (ISAF) and the Afghan Security Forces (Army and Police) must be seen by the people of Afghanistan as security providers not as sources of security threats. Although the new U.S. strategy for Afghanistan advocates increasing efforts toward the capacity building of the Afghan Security Forces, it still remains focused firmly on chasing and defeating al Qaeda and insurgency, and not on protecting vulnerable people from lawlessness and criminal activities.
- **Recommendation Three:** The government of Afghanistan needs to regain the trust of the general population by providing the two most fundamental public goods to the population: i.e., the basic social order and sustainable livelihood. The government of Afghanistan also needs to enhance its governance capacity so that it can regain its legitimacy and credibility. The review of the U.S. strategy admits that the capacity development of the Afghan government has been delayed due to the downward spiral of insecurity, while the influence of the

²⁵ I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York: Oxford UP, 1985) p. 232.

spoilers over the lives of ordinary people has become intolerable. Thus, the central government is losing its popular support to insurgent groups such as the Taliban. In other words, the counter-insurgency measures employed so far by the Afghan government and the international community have proved themselves to be ineffective in breaking the vicious circle of insecurity.

- **Recommendation Four:** Reconstitution of the current political framework, which was established in December 2001 in the absence of adequate representation of a major stakeholder (especially, certain Pashtun elements), must be carried out in order to bring a lasting peace and stability in Afghanistan. Political reconstruction cannot take place without addressing the genuine concerns of Pashtun communities about their security, participation, and representation.²⁶ The government of Afghanistan should find a way to negotiate a political settlement to the continuing civil war between them and the anti-government elements represented by Taliban and other insurgents. As long as insurgents employ means of terror such as indiscriminate suicide bombing and kidnapping to expand their areas of control, they will never be able to earn the genuine support of ordinary people. It is, therefore, important to support the transformation of insurgents to become a peaceful and legitimate representative of Pashtun elements.

4. Structure of the Volume and Summary of Each Chapter

This collection of essays is the result of a workshop held in Hiroshima, Japan in January 2009 to examine the current security challenges in the peacebuilding process in Afghanistan from various angles. The workshop drew a tentative conclusion that the existing peacebuilding strategy for Afghanistan needs to be realigned with the pursuit of human security for the people of Afghanistan. Two months after the workshop, the United States announced its new strategy for Afghanistan on 27 March 2009.

As illustrated in this **Introduction** by Yuji Uesugi, the new U.S. strategy is still short of the fundamental shift from winning mentality to conciliatory one. While the new strategy presents a series of positive steps towards addressing some of the symptoms of the current security challenges in Afghanistan, protracted nature and aspects of deep-rooted causes of the current predicament are still left unexplored in the new strategy.

Chapter One by Hideaki Shinoda provides a brief background of the peacebuilding process in Afghanistan, revisiting its major junctures such as the Bonn Agreement of 15 December 2001, the International Conference on Reconstruction Assistance to Afghanistan in Tokyo (in January 2002), the London Conference and the Afghanistan Compact (in January 2005 - February 2006). By highlighting the political nature of the challenge in Afghanistan, Shinoda argues, "Politics must be the center of the strategy for peacebuilding in Afghanistan" and "any strategy for durable peace in Afghanistan needs to have a long-term political perspective." He goes on and argues, "The reality is the war was not over" and questions bluntly our disguised assumption

²⁶ United States Institute of Peace, *Unfinished Business in Afghanistan: Warlordism, Reconstruction, and Ethnic Harmony*, USIP Special Report 105, April 2003, p. 6.

that peace and war could be pursued simultaneously in Afghanistan. Based on these analyses, Shinoda presents three concrete and noteworthy suggestions:

- More political efforts for facilitating constitutional settlements to promote ordinary people's trust in the state mechanism ought to be required to solidify the social foundation of the country;
- Before we examine how to smoothly implement international aid, we should rather consider how international aid can contribute to building a state in Afghanistan by promoting people's trust in the current state mechanism; and
- Until we make significant improvements in political spheres, we would not be able to increase the prospect for peacebuilding.

In **Chapter Two**, Tatsuo Yamane examines the dynamics of a forceful regime change in Afghanistan in 2001 by shedding light on the relationship between states and armed groups. He introduces a brief history of wars and major armed groups in Afghanistan as stakeholders of the regime change. He illustrates the intersection between the U.S.-led global 'war on terror' and Afghan's domestic 'struggle for power' and argues that "dual pressure," i.e., one from the international/regional level and the other from domestic/internal level, in fact, facilitated the regime change in the aftermath of the 9/11. By highlighting 'ethnic linkages' between the neighboring states and armed groups in Afghanistan, Yamane also illuminates complex relationships between these states and various armed groups in Afghanistan, which constitute a major impediment in the current peacebuilding process. His analysis implies that the new strategy for Afghanistan must take into consideration these complexities: e.g., the 'legacies' of the forceful regime change, repeated failure of coercive diplomacy towards Taliban, and the never-ending nature of the 'war on terror.'

To draw some practical lessons of *Security Sector Reform* (SSR) in Afghanistan, Masoon Stanekzai and Masaki Kudo in **Chapter Three** identify the challenges of implementation by bringing out the reality that the reform process involves "the reconstruction of a deconstructed security system under a difficult, sensitive, and often, politically divided environment." Stanekzai and Kudo ask following three research questions:

- Why is it difficult to implement, though well-crafted?
- What are the challenges impacting the SSR progress?
- Why have some pillars made better progress?

Then, they conclude that the following eight factors affect both success and failure of Afghanistan's SSR: (a) insecurity, (b) pro-reform environment and local leadership, (c) donor support and resource availability, (d) political commitment, (e) coordination among stakeholders, (f) role of civil society and parliament, (g) bottom-up approach, and (h) good governance. Moreover, they argue that early investment in the police force would have helped to gain public confidence, but police reform in Afghanistan was delayed due to the lack of effective local leadership and a unified vision among the donors. Lack of substantial progress in the justice sector continues to impact good governance and the rule of law in Afghanistan, and the judiciary and court systems remain constrained in their ability to gain public confidence.

In **Chapter Four**, Shamsul Hadi Shams assesses the role of *Disarmament, Demobilization and Reintegration of ex-combatants* (DDR) in the peacebuilding

process in Afghanistan by focusing on the internal security provision and external environment. He regrets that DDR in Afghanistan was designed poorly and failed to minimize the negative influence of warlords and commanders upon some critical junctures in the DDR process, which shaped, in his view, the current security challenges on the ground. Shams argues, “An overarching objective of the DDR process is the pursuit of peace and stability through the management of weapons ... and sustainable reintegration of ex-combatants, but in the cases of Afghanistan the project did not create an effective mechanism for the management and control of small arms and light weapons.” He also points out that success and failure of DDR have significant impacts upon the promotion of the rule of law and security, the control of small arms and light weapons, and the reintegration and sustenance of ex-combatants. Placing the DDR process firmly into a long-term architecture would advance the pursuit of early security gains, which could contribute to state-building through sponsoring the rule of law, and separating violence from politics. Shams also argues, “Until the challenges and problems arising from the lucrative illegal businesses are addressed properly in the design of the project, the DDR process will remain vulnerable and, what is more important, the conflict will remain at a high risk of potential deterioration at any point.”

Chapter Five by Miwa Kato discusses the impact of illicit drugs on the Afghan peacebuilding process, particularly focusing on the establishment of the rule of law. She criticizes the existing strategy for having left aside the questions pertaining to the establishment of the rule of law, including counter-narcotics, and argues that “A radical departure is required in terms of an overall Afghan policy architecture pursued until now where the drug issue was never taken seriously as a top priority.” Then, she provides a number of compelling reasons why counter-narcotics should be prioritized in the peacebuilding strategy for Afghanistan. For example, she points out three key inter-related structural dynamics behind the Afghan opium industry:

- First, slow and weak progress in reconstruction and improvements in ordinary people’s lives left a substantial part of the population, especially in rural areas, unable to witness the ‘peace dividends’ they expected in the post-Taliban phase and turned to means of sustaining livelihood by being a part of the chain of the opium economy.
- Second, the opium industry was able to entrench itself within the local systems and structures in the absence of the rule of law, particularly in the provinces, and this in turn further limited the chance for the central government to control the situation in the provinces.
- Third, the revenues generated by the opium economy were also used to finance insurgency and other activities intended to destabilize the government and its efforts in peacebuilding.

Moreover, by highlighting a mutually reinforcing relationship between warlordism and opium, she expresses her serious concerns about the situation in which resources generated from the illicit drugs trade could distort the socio-economic reality of the country and entrench criminal behavior and disrespect for the rule of law. Unless we address these core dilemmas, Kato warns, “corrupt and illegal practice could be the basis for reconstruction rather than good governance or fair and transparent efforts at rebuilding the shattered economy.” She also calls for a shift of the focus of

counter-narcotic measures from “eradicating poppy fields to interdicting traffickers and processing facilities” and stresses the importance of “the political determination to get serious about interdiction; to put greater resources into and to improve implementation of alternative livelihood assistance firmly placed in the wider context of reconstruction and development planning; and to send a coherent message about the overarching need to establish the rule of law in Afghanistan.”

Chapter Six by Madoka Futamura offers an analysis of issues related to transitional justice in Afghanistan. Futamura criticizes the decision made in the nascent stage of post-Taliban Afghanistan, by which the voice for transitional justice was muted in exchange for brokering peace among warlords most of whom have committed serious atrocities and human rights violations. By drawing our attention to four nexus between transitional justice and peacebuilding such as deterrence, victims’ justice, reconciliation, and institutional reform, she argues that transitional justice is a practical need and should be taken seriously in a new peacebuilding strategy for Afghanistan. Transitional justice, she argues, “cannot be set aside from Afghanistan’s peacebuilding process” because there is a strong desire for justice among people in Afghanistan, which cannot be ignored if we are to achieve sustainable peace based on the principle of human security and local needs. It is true that lack of security, not justice, was regarded as the most urgent concern among the Afghan people, but, as Futamura mentions, it is also widely shared among the locals that war criminals are a source of instability and that they must be eliminated from the front stage. She also argues that “for ending the present violence, as well as future stability, warlords and Taliban need to be convinced that war crimes and human rights abuses are not permissible and that they would face the risk of punishment”, which will in turn serve as the basis of the rule of law that is desperately needed in Afghanistan. Futamura highlights the linkage between transitional justice and public trust, and argues that transitional justice can function as a tool to restore trust in and legitimacy of state institutions. She also recommends that in order to prevent transitional justice approach from being totally sidelined in the name of reconciliation, we need to envisage a set of strategies with which reconciliation is promoted through transitional justice approach rather than expecting reconciliation to naturally follow post-conflict justice.

In **Chapter Seven**, Nobutaka Miyahara provides an in-depth look at Japan’s assistance to the security sector in Afghanistan from a perspective of a diplomat who played a key role in Japanese assistance in Afghanistan. He describes the characteristics of Japanese approaches to peacebuilding assistance in general but with an emphasis on its assistance to the security sector such as DDR, Police Reform, Counter-Narcotics, Mine Action and others. He underlines “the importance of winning support by local people” in order to secure the safety of assistance projects in non-permissive areas, and also argues, “military operations against and searches for insurgents by the Coalition Forces and ANA might have added serious difficulty to win the support of the local populace, because of collateral casualties and damages, and their ignorance of indigenous culture and lifestyle.” Based upon his observation in the field, Miyahara summarizes the lessons of Japanese assistance to Afghanistan and presents a number of candid and insightful recommendations, some of which are recapitulated in the policy recommendations presented in this introductory Chapter.

In the final section of this volume, **Chapter Eight**, Yuji Uesugi urges that a new thinking in counter-insurgency be required in order to break the vicious circle of

insecurity in Afghanistan. He argues that a new strategy for counter-insurgency must stress the following three key aspects: (1) regional approach, (2) human security, and (3) popular support. The new U.S. strategy adopts a regional approach in which Pakistan is treated as an integral part of the current predicament in Afghanistan. Similarly, Uesugi also emphasizes the significance of broadening our horizon and locating Pakistan within the scope of a new counter-insurgency strategy for Afghanistan. Moreover, by focusing on the role of Provincial Reconstruction Teams (PRTs), he argues that the primary objective of PRTs needs to be re-aligned with the refocused goal of protecting vulnerable people from human security threats by criminals, warlords, insurgents and terrorists, and establishing sustainable livelihood in frustrated communities. After all, winning the popular support is the most important milestone of the peacebuilding process in Afghanistan. At the same time, he also points out that tactical gains in counter-insurgency do not guarantee a strategic success in restoring order and calls for a new political initiative to turn the tide in Afghanistan.

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What Was Wrong With Afghanistan? Reflection upon the Past and Prospect for the Future

Hideaki Shinoda

Introduction

Afghanistan is one major concern in the international community. Many strongly feel that there is something wrong with it. The prospect for peacebuilding in Afghanistan seems to be continuously deteriorating. The period of great hope is apparently over. Now those who have been engaged in Afghanistan seriously discuss a new ‘strategy’ for Afghanistan.

This Chapter does not attempt to draw a holistic picture of the current state of Afghanistan. Rather, it is intended to summarize the very essence of the peacebuilding process in Afghanistan in order to better understand the basic nature of the current stagnation. This Chapter asks whether the past practices of peacebuilding in Afghanistan were wrong. By assessing it, the Chapter also tries to provide possible prospects for the future of Afghanistan. While this Chapter describes Afghanistan in a highly succinct way, it aims to highlight the very essence of the room for improvements in peacebuilding policies in Afghanistan.

For the last few years we have been faced with the question of whether “Afghanistan could return to being a ‘failed state.’”¹ The reason of pessimism lies in the fact that the ‘insurgencies’ have regained their ground in the southern region especially around the border areas of Afghanistan and Pakistan. The international community was initially not seriously concerned about the Taliban, as the U.S. invasion in Afghanistan had led to humiliating defeat of the former Taliban regime. But it is apparent that the ‘neo-Taliban’ are now politically and militarily threatening the existing governments in Kabul as well as in Islamabad.² It is thus also apparent that donor countries like the United States and international organizations like the United Nations

¹ Remark by Ambassador Kenzo Ohshima, quoted in UN News, “Afghanistan Could Return to Being a ‘Failed State,’ Warns Security Council Mission Chief,” November 25, 2006. See also, for instance, Barnett Rubin, “Saving Afghanistan,” *Foreign Affairs*, January/February 2007.

² As regards the resurgence of the Taliban, see Antonio Giustozzi, *Koran, Kalashnikov, and Laptop: The Neo-Taliban Insurgency in Afghanistan* (New York: Columbia University Press, 2008); and Robert D. Crews and Amin Tarzzi (eds.), *The Taliban and the Crisis of Afghanistan* (Cambridge, MA: Harvard University Press, 2008).

in addition to the government of Afghanistan are all in a difficult position and forced to review their policy attitudes.

Some argue that the present predicament arose as a result of the failure of the international community to handle Afghanistan's post-conflict reconstruction. Some others point to the United States' arrogance or its deviation to Iraq. Some more others argue that the Afghan government's inability to handle the situation incurred the predicament. It seems that the United States, the United Nations, the Afghan government, etc. are blaming each other by setting targets of criticism among themselves one by one.

This Chapter argues that the current predicament was not simply caused by mishandling of technical matters in the process of development aid or tactical mistakes in the war on terror. The Chapter rather argues that the current situation was prepared by the policy framework established by some major policy decisions. Namely, the problem in Afghanistan is not technical, but political. By saying so, however, this Chapter does not necessarily intend to repudiate the past practices of peacebuilding in Afghanistan. The Chapter rather indicates that peacebuilding in Afghanistan is intrinsically difficult in any way and that any strategy for durable peace in Afghanistan needs to have a long-term political perspective.

1. What Was Wrong?

Many worry about Afghanistan because the resurgence of the Taliban related forces have dramatically deteriorated the security situation in the country. Those who are surprised with this situation may have had an assumption that the U.S. invasion in Afghanistan completely destroyed Taliban forces in 2001. Or at least the 'Operation Enduring Freedom' or the continued 'Global War on Terror' by the coalition forces eradicated Taliban forces in addition to all destabilizing groups. Or otherwise, there might have been an assumption that the international community's successful assistance in reconstruction and state-building in Afghanistan would certainly lead to disappearance of remaining elements of anti-government and anti-U.S. forces. This Chapter suggests that all of these assumptions have never been seriously proved correct.

The U.S. military campaign in 2001 actually devastated the former Taliban regime. But this does not mean that the United States assumed full control over the entire territory of Afghanistan. The U.S. military searched for remaining al Qaeda and Taliban forces with the purpose of eliminating them from the region. But they were not a peacekeeping force and did not operate for overall security in the country. In the context of the Global War on Terror, the international community understood that the United States did not prioritize Afghanistan for its own sake. The U.S. political interest in Afghanistan significantly and swiftly diminished shortly after the invasion greatly because of its plan to invade Iraq. The U.S. forces tended to have an insensitive attitude toward the local population and rather highlighted hostility toward foreign troops in local communities. The International Security Assistance Force (ISAF) was not deployed outside Kabul until 2003 and after the expansion its presence remained insufficient or even 'contradictory' between the stabilization and combat

function.³ It must have been easy for insurgencies to take root in rural areas where not only the international military presence but also the benefits of international aid were limited.

But did we not know that the United States had decided to engage in Afghanistan because of its War on Terror in the first place? Did we not believe that the limit of the United States would thus be compensated by the involvement of other actors including NATO and the United Nations by recognizing Afghanistan as the symbol of international multilateralism or even solidarity after September 11? If Afghanistan is in turmoil, who should be blamed?

While we certainly need to identify and even emphasize the limits and misbehaviors of all international actors that have led to numerous problems in Afghanistan, we might have to recall the fact that Afghanistan was not simply destroyed by international forces. The country had been in great turmoil for many years. Many international institutions including the U.N. Security Council intentionally decided not to intervene in Afghanistan, because of its volatile situations. Unfruitful results of political negotiations before September 2001 gave the impression that the country was not ripe for serious engagements by the international community. The United States intervened in 2001, not because President George W. Bush thought Afghanistan was ripe for international engagement; he decided to intervene for other reasons. The United Nations followed the U.S. invasion by brokering the Bonn Agreement to reinforce its expulsion of Taliban forces; but its 'light footprint approach' implicitly expressed its recognition that Afghanistan was not still ripe for much more extensive engagement by the United Nations. The implicit understanding was probably correct in the end.

Afghanistan does not yet have a sufficiently credible national government that enjoys full legitimacy and capability. It may be partly because of idleness and corruption of particular politicians and government officials.⁴ It could be partly because of inability and inefficiency of international aid. But in the end we should recall that the Afghan government was not born as a result of overall political unity of the nation; it was at best a product of political balances and struggles continuously maneuvered after the sudden war in 2001. It was rather a political attempt dependent upon President Karzai's weak and narrow political base. Afghanistan has not had reliable nationwide governance and still suffers from the fundamental historical instability as one country.

The U.S. invasion in 2001 brought quite a lot of things to Afghanistan, as did the past invasions by foreigners like the British and the Russians. But it may be reasonable to summarize their attempts this way; in short, the international community tried to achieve peace and stability in Afghanistan in order to win the War on Terror, by transforming the country into a 'modern state.' The past practice of the international community can be described as an attempt to create a 'modern state' of Afghanistan by assuming that 'state-building' is *the* strategy of peacebuilding. The connotation of this assumption itself ought to be carefully examined, if not repudiated. This Chapter thus

³ Astri Suhrke, "A Contradictory Mission? NATO from Stabilization to Combat in Afghanistan," *International Peacekeeping*, vol. 15, no. 2, April 2008.

⁴ As regards the issue of corruption in the context of the drugs economy's impact upon peacebuilding, see, for instance, Jonathan Goodhand, "Corrupting or Consolidating the Peace? The Drugs Economy and Post-conflict Peacebuilding in Afghanistan," *International Peacekeeping*, vol. 15, no. 3, June 2008.

seeks to describe the historical predicament of Afghanistan by illustrating the current predicament of Afghanistan not in the context of international engagements, but in the context of domestic development as a nation.

2. Limit of Historical Conditions in Afghanistan

In order to grasp the connotation of the attempt of ‘state-building’ in Afghanistan, we should first look at the historical conditions of the country. Afghanistan has a geographical size of 650,000 square kilometers. But two thirds are more than 1,500 meter height above the sea level and more than 90% of its territory consists of mountains and highlands. The harsh winter covers the country with heavy snow and it rains very little throughout the year. Only 10% of the territory is suitable for agricultural cultivation. Under such circumstances farmers tend to be dependent upon illegal products like opium and illegal trade syndicates while being independent of the national government’s policies. The fact that Afghanistan is a typical landlocked state is of significance. The national borderlines are somewhat contested. The border control has limits. Even the U.S. military presence did not substantially overcome this geographical limit. This has been leading Afghanistan to face a fundamental predicament of national unity and stability.

Afghanistan as a county has a short history with the birth of a Pashtun kingdom composed of multiple tribal groups in the area surrounding Kandahar in the 18th century.⁵ The current national borderline based on the ‘Durand Line’ created a country of Pashtun without other ethnic groups. It is said that the concept of Afghanistan that is understood to include non-Pashtun ethnic groups was born as late as in the 20th century. Since the 18th century the territory which we now understand as Afghanistan was divided by local tribal groups. The war in the late 18th century between the warlords in Herat, Kandahar and Kabul in particular resulted in the loss of 30% to 80% of the population. It is because of this history that Afghanistan has a tradition of tribal leaders’ council to make decisions on important matters, though such a mechanism was also not really sustainable for a long period of time.⁶

Great Britain strongly supported Afghan forces that ousted the Prussian-Russian joint forces moving toward Herat in 1838. But Britain started invading Afghanistan by itself in 1842 and 1878 in order to expand economic benefits of British India. In both cases the British withdrew in face of very severe resistances. Pro-British King Abdul Rahman later contained multiple revolts and tried to achieve national stability by reforming government structures and introducing a standing army. The complete independence of Afghanistan was declared in 1919, leaving the legacies of modernization untouched. In the process of modernization, Rahman signed the agreement on the Durand Line with the British that established the division of Pashtun.

⁵ Steven Otfinoski, *Afghanistan* (New York: Facts on File, Inc., 2004), p. 7.

⁶ See M. Nazif Shahrani, “State Building and Social Fragmentation in Afghanistan: A Historical Perspective” in Ali Banuazizi and Myron Weiner (eds.), *The State, Religion, and Ethnic Politics: Pakistan, Iran and Afghanistan* (Lahore: Vanguard Books, 1987), pp. 30-31. See also Kosaku Maeda and Satoshi Yamane, *History of Afghanistan* (Kawaideshoboshinsha, 2002) (Japanese), p. 37 and Yoshio Endo, “Social and Historical Environment for Reconstruction” in NIRA, Kinhide Mushakoji and Yoshio Endo (eds.), *Afghanistan: Challenges for Rebuilding and Reconstruction* (Nipponkeizaihyoronsha, 2004), p. 58.

In the following entire process of modernization or nation-building of Afghanistan, the Afghans could not afford to raise the issue of the national border. The problem of Pashtun areas surrounding the Durand Line on both the Afghan and Pakistani sides has remained the dark side of the modern nation-building process of Afghanistan. There always remains a fundamental limit of any talk of nation-building of Afghanistan, if we forget to discuss the issue of the Durand Line.

In the 20th century history of the state of Afghanistan, multiple rulers appeared and disappeared. The last king was ousted by the 1973 coup. The coup in 1978 gave rise to the communist regime that introduced radical communist policies and oppression of anti-government forces. The disruption of the communist regime and the following political turmoil led to the military invasion by the Soviet Union in December 1979. Throughout the 1980s the pro-Soviet puppet government of Najibullah after 1986 with the backing of the Soviet army continued the intensive fighting against the *Mujahedeen* supported by the United States in accordance with the usual Cold War style confrontation.⁷

The history of Afghanistan clearly shows the difficulty in creating and maintaining a unified state in a modern Western style. As a result, the Afghans successively resorted to brutal regimes and suffered from foreign interventions, while never losing their strong desire for independence.

Mounstuart Elphinstone, East India Company official, on a treaty-making mission to the Afghan court in Peshawar, stated:

the direct power of the King over the towns and the country immediately around; the precarious submission of the nearest clans, and the independence of the remote ones; the inordinate power and faction of the nobility most connected with the court; and the relations borne by all the great lords to the crown.... There is reason to fear that the societies into which the nation is divided, possess within themselves a principle of repulsion and disunion, too strong to be overcome, except by such a force as, while it united the whole into one solid body, would crush and obliterate the features of every one of the parts.... In Afghanistan... the internal government of the tribes answers its end so well, that the utmost disorders of the royal government never derange its operations, nor disturb the lives of the people. A number of organized and high-spirited republics are ready to defend their rugged country against a tyrant; and are able to defy the feeble efforts of a party in a civil war.... Their vices are revenge, envy, avarice, rapacity and obstinacy; on the other hand, they are fond of liberty, faithful to their friends, kind to their dependents, hospitable, brave, hardy, frugal, laborious, and prudent; and they are less disposed than the nations in their neighbourhood to falsehood, intrigue, and deceit.... [A visitor] would find it difficult to comprehend how a nation could subsist in such disorder; and would pity those, who were compelled to pass their days in such a scene, and whose minds were trained by their unhappy situation to fraud and violence, to rapine, deceit, and revenge. Yet, he would scarce fail to admire their martial and lofty spirit, their hospitality, and their bold and simple manners, equally removed from the suppleness of a citizen, and the awkward rusticity of a clown; and he would, probably, before long discover, among so many qualities that excited his disgust, the rudiments of many virtues.⁸

Tribal groups as 'organized and high-spirited republics' overlap with disorder of Afghanistan as a nation. In order to change the 'principle of repulsion and disunion,' tribalists, modernists, communists, Islamic fundamentalists, the British, the Russians,

⁷ See Otfinoski, *op. cit.*, pp. 19-23.

⁸ Mountstuart Elphinstone, *An Account of the Kingdom of Caubul and its Dependencies in Persia, Tartary and India* (London, 1815), quoted in Martin Ewans, *Afghanistan: A New History*, 2nd Edition (London: RoutledgeCurzon, 2001), pp. 29-30.

the Soviets, and the Americans have appeared in the history of Afghanistan, but all of them have failed to change the principle.

It is said that “One of the most dominant characteristics of the Afghan is his intense love of independence. The Afghan patiently bears his misfortune or poverty but he cannot be made to reconcile himself to foreign rule.... Foreigners who have failed to understand this point and who have tried to deprive him of his national independence or personal freedom have had to pay heavily for the price of folly.”⁹

The Afghans “cannot be made to reconcile himself to foreign rule” as well as the Afghans who invite foreign rule, and they persevere even poverty and war in order to maintain ‘independence’ even at the local level. Namely, if the central government cannot or does not seem to represent ‘national independence,’ local forces could seek to restore independence. The central government of Afghanistan tends to seek foreign backing among choices in the context of contemporary international politics between Great Britain or Russia, or the United States or the Soviet Union, for instance, in order to unify the country. Afghanistan pursued modernization by approaching the British interest in the country in the 19th century, while it did so with the backing of the Soviet Union. After the collapse of the communist regime and struggles among the *Mujahedeen* forces, the Taliban attempted to unify the country with the backing of Pakistan and Islamic fundamentalism. President Karzai started contemporary nation-building projects with the strong backing of the United States. While he gained strong support in the presidential election in 2004, he lost it in accordance with the increase in antagonistic feeling toward the United States especially after the mass uprising against the United States in Kabul. In face of such infiltration of foreign powers and more or less ‘puppet governments,’ the Afghans always severely resisted the central government as well as foreign powers.

It is paradoxical, but still inevitable, that the Afghans tend to find it indispensable to rely upon foreign powers in order to build a nation-state, but they eventually find it intolerable to be governed with such a foreign influence. The attempt for national independence was always associated with foreign backing, while such a way of modernization was destined to fail.¹⁰ Social and political stability arises due to difficulty in national unity and independence. This still remains the biggest challenge in peacebuilding in Afghanistan.

3. Limit of Military Conditions in Afghanistan

After the withdrawal of the Soviet troops in 1988, the *Mujahedeen* forces captured Kabul and ended the war in 1992 with 2 million casualties and 5.5 million refugees.¹¹ But the new regime of *Mujahedeen* forces began to fight each other by killing 30,000 more people in a year. This ushered in the rise of the Taliban, mainly Pashtun of

⁹ Mohammed Ali, *Afghanistan: The Mohammedzai Period* (Lahore: Punjab Educational Press, 1959), pp. 122-123, quoted in Jeffery J. Roberts, *The Origins of Conflict in Afghanistan* (Westport, CT: Praeger, 2003), p. xii.

¹⁰ Richard S. Newell, “The Prospects for State Building in Afghanistan” in Banuazizi and Weiner (eds.), *op. cit.*, p. 120; and Eden Navy, “The Changing Role of Islam as a Unifying Force in Afghanistan” in Banuazizi and Weiner (eds.), *op. cit.*

¹¹ Otfinoski, *op. cit.*, p. 29.

radical Islamic fundamentalists, with the support of Pakistan and Saudi Arabia. The Taliban rapidly overwhelmed former *Mujahedeen* forces, or now the United Islamic Front for the Salvation of Afghanistan (so-called Northern Alliance), to control more than 90% of the territory of Afghanistan.

The Taliban's association with al Qaeda, especially its leader, Osama Bin Laden, as well as its notoriously harsh rule based on Islamic fundamentalism, resulted in the U.S. military campaign after September 11, 2001. It was the United States in the context of the 'War on Terror,' which brought about the initiation of the contemporary peacebuilding process after the collapse of the Taliban regime. This means that the framework of peacebuilding in Afghanistan cannot be separated from the context of the 'War on Terror' as well as the attempt of nation-building with the support of the world's superpower fighting the war.

The United States, however, did not gain full control over Afghanistan. The Northern Alliance troops joined the war as if they constituted the ground forces of the U.S.'s *Operation Enduring Freedom*. Those who control ground have the upper hand, although the air forces might have a significant role in war. U.S. President George W. Bush warned the leaders of the Northern Alliance against early entry to Kabul. But the fact is that the Northern Alliance troops headed by Commander Mohammed Fahim did not wait for the United States that took some time to send in its own ground troops to control the capital. Fahim established his own military presence in Kabul on November 13. Prior to that, on November 9, Abdul Rashid Dostum's troops gained Mazār-e Sharīf and Ismail Khan obtained Herat on November 12. These events did not affect overall cooperation between U.S. forces and former *Mujahedeen* groups, while there are some claims that U.S. service members sometimes tried to stop *Mujahedeen* troops abusing and massacring the Taliban troops including pro-Taliban foreign fighters. The United States had not planned to do so, but it followed and approved the reality of the division of Afghanistan by multiple warlords with its supreme goal as the victory in the war against the Taliban and al Qaeda.

While the U.S.-led Coalition forces continued to be engaged in the war, the ISAF was deployed in Kabul.¹² It did not look realistic to many including Lakdhar Brahimi, Special Representative of the U.N. Secretary-General for Afghanistan, to cope with or even challenge local warlords as well as the United States. Brahimi rather resumed his effort for brokering a peace process by ensuring that the peace process must be distinguished and aloof from the U.S.-led war on terror; the interim regime need to well reflect the interests of Pashtun; traditional political mechanisms like *Loya jirga* ought to be included in the process.¹³ According to these lines, he brokered the Bonn Agreement of December 2001.¹⁴

The Bonn Agreement had two characters. On the one hand, it was a result of the long-term peacemaking effort led by Brahimi in the sense that some of the proposals expressed by the Northern Alliance were embodied in the Bonn Agreement, for instance, like the idea of a government formation process through two stages of *Loya jirga* and

¹² See U.N. Security Council Resolution 1386, U.N. Document, S/RES/1386 (2001), 20 December 2001. In August 2003, North Atlantic Treaty Organization (NATO) took command of ISAF.

¹³ Kiyotaka Kawabata, *Afghanistan: UN Peacemaking Activities and Territorial Conflicts* (Misuzushobo, 2002), p. 193. (Japanese)

¹⁴ Annexed to "Letter dated 5 December 2001 from the Secretary-General addressed to the President of the Security Council," U.N. Document S/2001/1154.

elections.¹⁵ On the other hand, the process of state-building with the insertion of Hamid Karzai as a visible proof of Pashtun's presence was an apparent reflection of an internationally preferred vision of stable Afghanistan led by non-Taliban, Pashtun-led government. This was a paradoxical result. The Bonn Agreement lacked the one party of the long-term conflict, the Taliban. But it followed a path of past peacemaking efforts and established a way for peacebuilding, as if the Taliban disappeared but approved the peace process without their presence. The Bonn Agreement was a peace agreement in the sense that it was meant to establish a way for long-term peace in Afghanistan. However, it was certainly a partial agreement in the sense that it lacked a major conflict party that could or should have taken part in the process. The 'War on Terror' continued and the Afghan war continued against the Taliban and al Qaeda forces despite the Bonn Agreement signed and supported by victorious parties.

Under such a circumstance, it was difficult to alleviate the influence of former *Mujahedeen* groups in the government. The reality is that the war was not over. It was so difficult for peacebuilders or state-builders to be aloof from the 'War on Terror' or the Afghan war, because the process of peacebuilding/state-building was not just a product of war, but rather a part of war. Local warlords were a predicament of the peace process, but could not and did not have to be eradicated due to the ongoing war.¹⁶ The Bonn Process was introduced in the disguise of the theory of separation of peacebuilding/reconstruction and the war with the slogan of 'light footprint approach' of the United Nations. Everyone knew that they had not been and would not be separated from the beginning and would not be separated. Still, nobody dare to ask what the disguise could really mean in consequences. Nobody dare to ask how peace and war could be really pursued at the same time.

Later in 2004, President Karzai won the presidential election in 2004 and formed a central government in 2005 by excluding prominent figures of former *Mujahedeen* groups like Fahim. He declared the completion of the official disarmament process in 2005, but this happy end of the Bonn process did not promise any significant change in the military power on the side of the central government. President Karzai tended to resort to his institutionally strong political power with the backing of the international donor community, while he could not well cultivate the way to cooperate with now parliamentary figures that did not really incorporate their military powers into the institutional setting of the central government. When President Karzai tried to keep a distance from the United States whose careless military conducts and presence produced a number of casualties among the local population and general antagonism, what he could do then was to only vaguely suggest reconciliation with the Taliban without concrete plans and just invite mistrust from the United States.

¹⁵ Koichiro Tanaka, "State-Reconstruction Process from the Perspective of the Peace Process" in NIRA, Kinhide Mushakoji, and Yoshio Endo (eds.), *Afghanistan: Challenges for Rebuilding and Reconstruction* (Nipponhyouronshay, 2004), pp. 79-91. (Japanese)

¹⁶ See Christian Dennys, *Disarmament, Demobilization and Rearmament? The Effects of Disarmament in Afghanistan* (Japan Afghan NGO Network, 2005), p. 9.

4. Limit of International Aid in Afghanistan

The role of the United Nations in Afghanistan was focused upon political assistance by U.N. Assistance Mission in Afghanistan (UNAMA), and humanitarian and developmental aid by specialized agencies. Accordingly, the international aid regime was constructed by initiatives of bilateral donors headed by the United States. The International Conference on Reconstruction Assistance to Afghanistan in Tokyo was hosted by Japan and chaired by Japan, the United States, Saudi Arabia and European Union (EU). The amount of pledged contributions reached 4.5 billion dollars. The initial Implementing Group structure after the conference did not work very well and evolved into a system of coordination groups. This resulted in a lack of political leadership that would constitute a sense of responsibility for overall strategic planning. For instance, five areas of security sector reforms (SSR), formation of a new Afghan army, police reform, judicial reform, anti-narcotics activities, and disarmament, demobilization and reintegration (DDR) were respectively allocated to the United States, Germany, Italy, the United Kingdom and Japan as a 'lead nation' in each area. But this 'lead nation' system rather more complicated coordination mechanisms.

With the official end of the Bonn Process after the 2004 Presidential election and the 2005 Parliamentary election, the 'Afghanistan Compact' was established in January 2006 by the London Conference on Afghanistan. The Afghan Government has articulated its overarching goals for the well-being of its people in the *Afghanistan Millennium Development Goals Country Report 2005 – Vision 2020*. Consistent with those goals, the Compact identifies three critical and interdependent areas or 'pillars' of activity; Security; Governance, Rule of Law and Human Rights; and Economic and Social Development. The Joint Coordination and Monitoring Body (JCMB) was introduced to monitor implementations of international aid in accordance with the Compact. The so-called (*Interim*) *Afghanistan National Development Strategy (I-ANDS)* was also presented in accordance with it.¹⁷

What is characteristic of the Compact is that it was in the form of an agreement between the "Islamic Republic of Afghanistan and International Community." The Compact was created, since the international community wanted the government of Afghanistan to implement international aid appropriately and smoothly; the international community had not been satisfied with the Afghan government's performance to implement aid projects. So the government had to promise better cooperation with the international community.

The international community seems to have assumed that the problems in Afghanistan arose because of poor technical capacity and mismanagement of the central government of Afghanistan. The Bonn process at least technically succeeded in creating a new internationally legitimized government. The international community did not want to underestimate the political achievement, while it could not downplay seriousness of problems in Afghanistan. So it sought to make a 'Compact' with the government, as if such a compact can really be a solution.

At stake is not talking about coordination mechanisms or contents of the Compact. If the state-building process in Afghanistan is incomplete, it is crucial to make efforts to complete it. The 'Compact' is more critically required between the government and

¹⁷ See <http://www.ands.gov.af/admin/ands/ands_docs/upload/UploadFolder/I-ANDS%20Summary%20Report%20-%20Final%20English.pdf>.

the people of Afghanistan, since ‘social contract’ to create mutual trust between the government and the people would really develop a sustainable social foundation of Afghanistan. The Bonn Agreement was not sufficient to complete state-building in Afghanistan. More political efforts for facilitating constitutional settlements to promote ordinary people’s trust in the state mechanism ought to be required to solidify the social foundation of the country called Afghanistan.

International aid has been pledged and implemented based on the assumption that responsibility for development primarily rests with the central government of Afghanistan that represents a unified modern state. This assumption needs to be tested. Before we examine how to smoothly implement international aid, we should rather consider how international aid can contribute to building a state in Afghanistan by promoting people’s trust in the current state mechanism.

This does not mean that the international aid community failed to recognize the importance to concentrate resources on the issue of state-building. For instance, the United Nations Development Programme (UNDP) has been implementing many projects from the perspective of state-building by observing that “The elected government faces many challenges: weak institutions, low capacity, corruption, insecurity, and a disconnect between central government, the provincial administrations and local communities.” “In order to strengthen the cross-cutting and core capacities of the State, UNDP focus on strengthening the capacities of civil servants in priority government institutions in the areas of management, leadership and communications.... At the sub-national level, support focuses on capacity development of the government in formulating and implementing a sub-national governance policy and legal and regulatory framework.” Thus, “UNDP’s core services to support national processes of democratic transitions focus on: (1) Policy advice and technical support; (2) Strengthening capacity of institutions and individuals (3) Advocacy, communications, and public information; (4) Promoting and brokering dialogue; and (5) Knowledge networking and sharing of good practices.” UNDP also supports the “National Area-Based Development Programme (NABDP)” to promote local capacity building or community empowerment.¹⁸

If we assess the validity of these efforts from the perspective of peacebuilding, we need to prove the validity of an assumption that the root-cause of ongoing conflict in Afghanistan is lack of capacity on the side of the government. But the war in Afghanistan seems to have been more rooted in political than technical matters. Effective developmental aid would increase the level of governance in Afghanistan. Nevertheless, if the crucial issue is political in nature, technical assistance might not address the root causes of conflict, and thus, drastically improve the conflict situation.

The international aid effort represented by internationally set frameworks like the Afghanistan Compact and the Afghanistan National Development Strategy are intended to clarify aid priorities and improve aid effectiveness. But unless it facilitates better political restructuring between the government and the people, and among those in power in administration and parliament, it may not really contribute to long-term peacebuilding.

¹⁸ See UNDP website at <<http://www.undp.org.af/WhatWeDo/index.htm>>.

5. What Is Wrong Now?

Afghanistan is full of problems. The population needs to be emancipated from abject poverty. Infrastructures remain poor enough to hinder social development. Opium production and illegal trade are at the level of serious notoriety. But if we identify ongoing security crisis as the primary problem in the country, we need to carefully examine the nature of the crisis.

This Chapter has argued that Afghanistan has always had difficulty in having a stable national government. The central government in Afghanistan historically tends to resort to foreign power to keep ruling the entire country, although the population has a strong tradition of resisting foreign influence. The contemporary political structure in Afghanistan was shaped by the military situation in 2001 in the context of both the War on Terror and the Afghan conflict, which rather highlighted volatility in the country unified in procedures but divided in reality. International aid efforts are expected to increase the technical level of governance in Afghanistan. But they have seldom made significant changes in improving political instability in the country.

With these observations, this Chapter has not necessarily argued that past and current practices of international donors and actors are wrong. By emphasizing the political nature of the problem in Afghanistan, however, this Chapter certainly points to the need to pay more attention to politics. Namely, politics among government circles, among government officials and parliamentarians, among ethnic groups within and beyond the national borders and among local population is of critical importance for peacebuilding in Afghanistan.¹⁹ The Chapter thus suggests that until we made significant improvements in political spheres, we would not be able to increase the prospect for peacebuilding. The legacies of avoiding nation-building and concentration upon technical state-building are still seen in Afghanistan, as if capacity development will solve other issues like legitimacy making. But political stability will not be achieved until people who live in the society sufficiently trust the way their society exists and operates, as one commentator remarks that “legitimacy comes not from the timetable of donors with blueprints of post-conflict reconstruction, but from the points of view of the population.”²⁰

What we need for peacebuilding in Afghanistan is political commitments of Afghan stakeholders including ordinary local population to the same common political goal. Do we have such a goal that they can all share? The answer has not become evident yet for Afghan people, since they must be given more of their own opportunities to discuss and pursue it in the political arena. They need a political arena where they all discuss “what is Afghanistan?” and ask each other “how can *we* contribute to building Afghanistan?”

This does not mean that the answer to such a question can be easily found, once political dialogues are facilitated. But it must continuously be asked and tackled sincerely by the Afghans. This also does not mean that international aid is irrelevant.

¹⁹ It still remains true that for Afghanistan to achieve peace, the society needs to settle the issues of Islam, warlords and private militias, contribution of the international community, institutional frameworks, and civil society. See Amalendu Misra, *Afghanistan* (Cambridge: Polity Press, 2004), p. 172.

²⁰ Shahrbanou Tadjbakhsh and Michael Schoiswohl, “Playing with Fire? The International Community’s Democratization Experiment in Afghanistan,” *International Peacekeeping*, vol. 15, no. 2, April 2008, p. 265.

But every single aid must be more clearly explained from the perspective of the interests and benefits of Afghan people. It is a cliché that the Afghans, just like other peoples in other post-conflict societies, believe that international aid ends up rewarding international workers. Until the Afghans can believe that they have obtained substantial, not nominal, ‘ownership’ of the strategy of peacebuilding, they would be able to feel that peacebuilding is a matter of *their* interest. ‘Winning hearts and minds’ is apparently insufficient and even inappropriate. The strategy of peacebuilding must be the way to help the Afghans who keep their own hearts and minds believe that peacebuilding is *their* work that deserves *their* commitments. Promotion of political commitments, not military tactics or legal impositions, must be the center of the strategic thinking for peacebuilding in Afghanistan.

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CHAPTER 2

Examining Regime Change Dynamics in Afghanistan through Relationships between States and Armed Groups

Tatsuo Yamane

Introduction

How do armed groups as non-state actors influence regional and international security among states? This Chapter examines armed groups as a part of aspects in failed states with focus on the case of Afghanistan, and then illustrates a regime change dynamics in 2001 which was influenced by and emerged from the complex relationships between states and armed groups.

The ‘failure’¹ of the state, which cannot provide the common goods for its stakeholders also creates a fertile soil for acts of violence and drives marginalized people to mobilize armed groups for their own profits. These armed groups often collude regionally and internationally with each other across the state borders in terms of resources through personnel, substances, and information. In this context, regional/international security is likely to deteriorate or be threatened by armed groups as non-state actors, as well as states.

In some cases, armed groups, which antagonize a domestic government, receive resources from countries that recognize the government as a security threat. These kinds of armed conflict show a characteristic of ‘proxy war’ among states implicitly, although ‘internal war’ or ‘civil war’ between the government and anti-government armed groups is more explicit. On the other hand, rivalry among armed groups over their own profits repeatedly threatens regional/international security, adding to complex conflicts between states and ‘non-state’ actors.

In the case of Afghanistan, as a response to the terrorist attacks in the United States on 11 September 2001, international security forces conducted the change of the Taliban regime coercively for the purpose of securing international peace and security authorized by the U.N. Security Council. The Taliban regime, which sheltered Osama bin Laden, was regarded as fertile soil for act of violence by al Qaeda, an international

¹ For Example, Robert I. Rotberg, “The Failure and Collapse of Nations: States Breakdown, Prevention, and Repair,” in Robert I. Rotberg (ed.), *When States Fail* (Princeton University Press, 2004) pp. 1-50; I William Zartman, “Introduction: Posing the Problem of State Collapse,” in Zartman (ed.), *Collapsed States* (Lynne Rienner Publishers, 1995) pp. 1-32.

‘terrorist’ group.

On the national level, in the war in the context of international level, the Northern Alliance,² an alliance among armed groups that contested the Taliban regime, tried to overthrow the regime. In that sense, for the response to the threat of the Taliban, the Northern Alliance and the coalition forces³ after 2001 onward had the same objective. Though coalition forces led by the United States and the international security forces were deployed for securing the international peace and security against terrorism, it is conceivable that this synchronicity between domestic and regional/international contexts generated and promoted the unshakable power for the overthrow.

Moreover, we can find the relationships between states and armed groups in the field of the regional/international level surrounding the areas of Afghanistan. Afghanistan borders on five countries, Pakistan, Iran, Turkmenistan, Uzbekistan and Tajikistan. Needless to say, these countries have related to each other historically, culturally, religiously and so on. For example, Afghanistan holds four major ethnic groups—Pashtun, Tajik, Uzbek and Hazara—and these groups have close ties with the neighboring countries on their own ethnicities across the border. These elements on the ethnic ties in the context of regional relations among states have influenced the relationships between states and armed groups in the region, therefore the complex relations have also reflected upon the internal and international wars in Afghanistan.

In this region, before the terrorist attack on 9/11, the Taliban regime had been recognized as the legitimated government by Saudi Arabia, United Arab Emirates (UAE) and Pakistan, though the other countries had kept affirming the continuous legitimacy of the Rabbani regime from 1993 onward. However, the impact of the 9/11 upon international relations made all the three countries break off their diplomatic relations with the Taliban regime after the 9/11. Following the change of their behaviors, the international intervention together with the Northern Alliance began to undermine the power of the Taliban regime that lost its support of the neighboring countries. This means that regional relations between states and armed groups delineate a conversion from old governance structures to new ones through armed conflicts. This change of regional relations reflected on the strong will of coalitions led by the United States for the purpose of defeating al Qaeda and overthrowing the Taliban regime.

How is a mechanism of ‘the overthrow’ investigated from the viewpoint of interaction among the stakeholders? Although the mechanism of the overthrow of a political regime is mainly discussed regarding transformation of internal political

² The United Islamic Front for the Salvation of Afghanistan (UIF) (Jabha-yi Muttahid-i Islami-yi Milli bara-yi Nijat-i Afghanistan) was called ‘the Northern Alliance’ especially by the major western media like BBC in the English version. This paper describes it as the Northern Alliance according to that.

³ In this Chapter, the coalition forces mean the forces led by the United States which initiated on 7 October 2001 by the logic under the inherent right of individual and collective self-defense against ‘war on terror.’ In the letter dated 7 October 2001 from the Permanent Representative of the United States to the United Nations addressed to the President of the Security Council (The U.N. Doc. S/2001/946, para.4, on 7 October 2001), the United States mentioned that “in response to these attacks, and in accordance with the inherent right of individual and collective self defense, United States armed forces have initiated actions designed to prevent and deter further attacks on the United States,” and “these actions include measures against al Qaeda terrorist training camps and military installations of the Taliban regime in Afghanistan.” United Kingdom also sent the letter to the United Nations to the same effect (The U.N. Doc. S/2001/947 on 7 October 2001).

systems within sovereign states, otherwise regarding transformation of international regime⁴ in the given areas, a perspective of 'regime change' is also seen in the domain of International Relations (IR) recently.⁵ Relative arguments are reflected in cases of military intervention, especially the case in Iraq following the Afghan case. Such a 'regime change' sees regional/international stakeholders outside the state forcibly transforming political regimes through war or military intervention.⁶ This Chapter, with careful attention to the relationships between states and armed groups in Afghanistan in 2001, discusses the case from the perspective of regime change through military intervention.⁷

The structure of this Chapter is as follows: first of all, it explains a brief history of the armed conflict in Afghanistan toward the regime change of 2001. Then, it illustrates relationships between states and armed groups around 2001 from the viewpoints of both domestic and regional/international levels. Finally, it presents the dynamic composition of relationships between states and armed groups in Afghanistan, which influenced the regional/international security by mobilizing the international community to initiate a regime change there.

1. Brief History of Wars in Afghanistan toward 2001

This section provides a brief history of Afghanistan as a nation state from 1919 to the regime change in 2001 as a preliminary work for the following discussion on a composition and relationships between states and armed groups influenced the change.

1.1. State Rebuilding and Zahir Shah

In 1919, Afghanistan recovered the independence after the third war conducted by the British Forces.⁸ The first ruler, Amanullah Khan, declared the independence and issued the first constitution of Afghanistan in 1921. As soon as he succeeded to Shah (king) in 1926, some struggles that were initiated by his opposition groups forced him to resign the position. However, in 1933, Muhammad Zahir Shah, who endorsed the newly established governance in 2001, became the king under the monarchy system

⁴ For example, see Andreas Hasenclever, Peter Mayer and Volker Rittberger (eds.), *Theories of International Regimes* (Cambridge University Press, 1997).

⁵ Robert S. Litwak, *Regime Change: U.S. Strategy through the Prism of 9/11*, Johns Hopkins University Press, 2007; Alexander T. J. Lennon and Camille Eiss (eds.), *Reshaping Rogue States: Preemption, Regime Change, and U.S. Policy toward Iran, Iraq, and North Korea*, A Washington Quarterly Reader, 2004; Dennis A. Rondinelli and John D. Montgomery, "Regime Change and Nation Building: Can Donors Restore Governance in Post-conflict States?" *Public Administration and Development*, Vol. 25, Issue 1, 2005, pp. 15-23.

⁶ Kiichi Fujiwara, "How International Conflict Have Been Treated? (Kokusai Hunsou Ha Dou Traerarete Kitanoka [in Japanese])," in Ryo Oshiba, Kiichi Fujiwara and Tetsuya Yamada (eds.), *Building Peace (Heiwa Seisaku [in Japanese])* (Tokyo: Yuhikaku, 2007) p. 27.

⁷ The author of this article has already published a paper on the case of regime change in Liberia. See also, Tatsuo Yamane, "Examining West African Regional Security through Relationships between States and Armed Groups: A Study of Regime Change Dynamics in Liberia," *International Public Policy Studies*, Vol.13, No.1, pp. 215-227.

⁸ Richard H. Shultz Jr. and Andrea J. Dew, "Afghanistan: A Superpower Conundrum (Chapter six)," in Shultz Jr. and Dew, *Insurgents, Terrorists and Militias: The Warriors of Contemporary Combat* (Colombia University Press, 2006) pp. 147-195.

until a coup in 1973 removed him from power.

Mohamed Daud who was the prime minister from 1953 to 1963 in Afghanistan seized political power as the result of the coup in 1973. He became the president and abolished the monarchy. Being a cousin of Zahir Shah, Daud belonged to the Pashtun ethnic group. But Zahir Shah forced Daud to give up his position in 1963 because Daud strongly insisted the independence of 'Pashtunistan,' which was an idea of creating an independent country constituted by Pashtun people who inhabited across the territory between Afghanistan and Pakistan. This idea conflicted on the integration of multi-ethnic societies in Afghanistan along with the policy of Zahir Shah. Contesting this, Daud received the support of People's Democratic Party of Afghanistan (PDPA)⁹ for the change of the political regime in 1973. However, he was killed in the 1978 coup that was led by Nur Muhammad Taraki who was a faction leader of Khalq in PDPA with communist ideology.

Three days later from the coup, Taraki established Democratic Republic of Afghanistan (DRA) and was inaugurated as the president. This meant the first establishment of the communist regime in Afghanistan. The rivalry between factions in PDPA and inside the Khalq faction brought power struggle in the administration, and then, Hafizullah Amin from the Khalq faction grasped the power, although Afghanistan apparently had failed in state-building. The Taraki regime contested anti-government groups desiring the Islamic reconstruction instead of seeking conciliation with them.

1.2. Invasion and Withdrawal of the Soviet Union

In 1979, the Soviet Union sent its troops to Afghanistan for keeping the communist regime there and removing the threats from the expansion of revolutionary Islamic movement against communism. The Iranian Islamic revolution led by Ruhollah Khomeini in February 1979 was sufficient for threatening the communist regime in Afghanistan as it could activate Islamic movements in the country. After the death of the president Hafizullah Amin who succeeded Taraki, Babrak Karmal was inaugurated as the next president with the strong support of the Soviet Union and backed by the Soviet troops in December 1979.

Reflecting the rivalry of the Cold War, the western groups led by the United States, blamed the Soviet Union for the invasion. At that time, the U.N. Security Council could not adopt any draft resolution although only the U.N. General Assembly held a special meeting for requesting withdrawal of the Soviet Union from Afghanistan.¹⁰ Not only the United States but also Pakistan, China, Iran and Saudi Arabia supplied financial assistance and arms to various Mujahideen groups appealing Islamic jihad and fighting against the Soviet Union. The Mujahideen groups which conducted their activities in Afghanistan, Pakistan and so on, had already included the key persons after the withdrawal of the Soviet Union, like Gulbuddin Hekmatiyar, the head of the Islamic Party of Afghanistan (Hezb-e Islami-e Afghanistan: HIH) and Nurhanuddin Rabbani, a leader of the Islamic Association of Afghanistan (Jamiat-e Islami-e Afghanistan: JIA).

At the peak of the invasion, more than 120,000 Soviet troops stationed in

⁹ This is a major political party established in 1965 under the new constitution of 1964 granting broader liberation of political activities in Afghanistan. Originally, PDPA was described as 'Hezb-e demokratik-e khalq-e Afghanistan.'

¹⁰ The U.N. Doc. ES-6/2, adopted on 14 January 1980.

Afghanistan for counter-guerilla operations.¹¹ In 1986, Babrak Karmal was replaced by Najibullah as the head of the regime backed again by Soviet troops. Once the new Soviet leader, Mihail Gorbachov, announced the withdrawal of the Soviet troops from Afghanistan, the Geneva Accord was signed by Afghanistan, the Soviet Union, the United States and Pakistan on 18 April 1988, and the war was terminated officially. Shortly afterward, the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP)¹² was deployed from October 1988 to March 1990 for the observation of the withdrawal of the Soviet troops from Afghanistan.

1.3. From Civil War in 1990s to Downfall of the Taliban Regime

Though the end of the Cold War brought the withdrawal of the Soviet troops from Afghanistan, peace in Afghanistan did not come. The President Najibullah still remained at the position until the anti-governmental armed groups, especially Mujahideen factions, seized Kabul in 1992. From the downfall of Najibullah regime in April 1992 to the beginning of 1993, the disorder among the factions continued in spite of the peace agreement. On 7 March 1993, the Mujahideen groups¹³ agreed on the establishment of the transitional government of Afghanistan led by Burhanuddin Rabbani (ethnic Tajik) as the proclaimed president, and Gulbuddin Hekmatiyar (Pashtun) as the prime minister.

However, struggles over the political power continued and some elements of Pashtun groups organized the Taliban in this period. Gradually but severely, the Taliban attacked the Rabbani government. The Taliban occupied Kandahar in November 1994 and then, seized control of Kabul in 1996. Against the Taliban, the Northern Alliance was organized mainly by non-Pashtun ethnic groups, especially Tajik, Uzbek and Hazara in 1996. Rabbani joined the Northern Alliance. Ahmed Shah Masood (ethnic Tajik), Defense Minister of the Rabbani regime, pulled together for the Alliance until his death on 9 September 2001, with the strong subordinate and his successor, General Mohammed Fahim Khan (ethnic Tajik).

The Taliban mainly led by Mullah Mohammed Omar (ethnic Pashtun [Sunni]), aimed at establishing the most fundamental Islamic country in Afghanistan. As noted before, as of 1997, the Taliban regime was recognized only by Pakistan, Saudi Arabia and UAE though most of the territory of Afghanistan, other than Mazari Sharif (a major city of the northern part of Afghanistan), was dominated militarily by the Taliban. In that sense, dual regimes existed in Afghanistan from 1993 to 2001. As the Taliban allegedly received financial support from bin Laden-led al Qaeda, after terrorist attacks against the Embassy of the United States both in Sudan and Afghanistan on 7 August 1998, the Clinton Administration counterattacked with cruise missiles against the suspected bases of bin Laden in Afghanistan.¹⁴ Responding to this, the U.N. Security Council imposed an embargo and sanctions to enforce an “Afghan faction known as the

¹¹ Shultz Jr. and Dew, *op. cit.*, p. 147.

¹² The U.N. Doc. S/RES/662 on 31 October 1988, extended by S/RES/647 on 11 January 1990.

¹³ Islamabad Accord on the website of Department of Conflict and Research, Uppsala University, <<http://www.pcr.uu.se/gpdatabase/peace/Afg%2019930307.pdf>> accessed on 27 February 2009.

Six factions from Sunni and two factions from Shiah among Mujahideen groups in Afghanistan signed this agreement jointly, through the faction led by Abdul Rashid Dostum (ethnic Uzbek) did not agree it.

¹⁴ Department of State (The United States), Background Note, Afghanistan (Profile), <<http://www.state.gov/r/pa/ei/bgn/5380.htm>> accessed on 5 March 2009.

Taliban”¹⁵ to turn over Osama bin Laden as a terrorist to appropriate authorities for trial in October 1999, and again in January 2001.¹⁶

On the 9/11, bin Laden-led terrorists attacked the territorial land of the United States, and then the President Bush declared ‘the war on terror’ and started to intervene in Afghanistan. On 7 October 2001, the United States and one of its allies—the United Kingdom—collectively launched strikes against the Taliban and suspected bases of Osama bin Laden in Afghanistan. The U.S.-led coalition forces also fought jointly with the Northern Alliance against the Taliban.

The Taliban forces were rapidly weakened by the Northern Alliance when Abdul Rashid Dostum (ethnic Uzbek) occupied Mazari Sharif on 9 November 2001, and Abdul Karim Khalili (ethnic Hazara) and Ismail Khan (ethnic Tajik) took Bermiyan and Herat respectively on 11 November 2001.¹⁷ Finally, Fahim, the successor of General Masood, entered Kabul, and then Afghan groups except the Taliban to agree with the deal made in Bonn, which in effect would establish the transitional government in Afghanistan. On 20 December 2001, the U.N. Security Council decided the establishment of the International Security Assistance Forces (ISAF) to assist the Afghan Interim Authority under the Bonn Agreement.¹⁸

This section presented a brief history toward the 2001 regime change in Afghanistan. Based on this preliminary work, next section will try to examine relationships between states and armed groups in domestic and regional/international levels, surrounding Afghanistan from 2001 to 2002.

2. Relationships between States and Armed Groups from 2001 to 2002

This section tries to grasp the major elements of relationships between states and armed groups about the timing of the regime change in Afghanistan from the perspective of domestic and regional/international levels.

2.1. Relationships in Domestic Level

Looking at the domestic level of the Afghan War, firstly we find that the conflict between the Taliban regime and the Northern Alliance existed. But these two actors were not equal in their military power until the intervention by the U.S.-led coalition forces was conducted. Before the intervention, the Northern Alliance was inferior to the Taliban in the battle areas. Though the Taliban was pressured by the embargo imposed under the Chapter Seven of the U.N. Charter, it stayed alive and maintained its military power with the resources received from Osama bin Laden.

On the other hand, the organizational ties of the Northern Alliance were not necessarily strong, because members of the Alliance simply cooperated for fighting their common enemy, the Taliban. As mentioned, most of the leaders in the Northern Alliance had experienced rivalries among themselves in the past. As mentioned in the

¹⁵ The U.N. Doc. S/RES/1267 on 15 October 1999.

¹⁶ The U.N. Doc. S/RES/1333 on 19 December 2000.

¹⁷ Kazushige Shibata, “From Emergence of the Taliban to the Establishment of the New Constitution (Taliban no Shutsugen Kara Shin Kenpou No Seitei Made [in Japanese]),” in Hitoshi Suzuki (ed.), *Modern Afghanistan (Gendai Afuganisutan [in Japanese])* (Akashi Shoten, 2005) p. 67.

¹⁸ The U.N. Doc. S/RES/1386 on 20 December 2001.

previous section of this Chapter, the Northern Alliance was mainly constituted by non-Pashtun ethnicities, Tajik, Uzbek and Hazara, that is, ethnic Tajik-led armed groups based on Sunni Islam, Uzbek-led groups based on indigenous religion (non-Islam) and Hazara-led groups based on Shiah Islam. Moreover, the Alliance had controlled less than 5% of the territory of Afghanistan, i.e., only the Panjshur valley and several enclaves in the northeast of Afghanistan were under its control.¹⁹

Therefore, it was sure that the task for coordinating the transitional government in the post-Taliban was most difficult in the other side of the country. As noted in Table 1 below, the diversity of the Northern Alliance also reflected an outcome of the power-sharing in the interim government of 2001. Even among the faction leaders in the same group, they were fighting for plundering the political positions and pillages. Seeing them in more detail, we could find some fighting among the rival factions that seem to be in the same group.

For example, in the eastern Afghanistan,²⁰ warlord Bacha Khan who was appointed by the interim government in 2001 as Governor of Paktia Province, was not accepted by the indigenous tribal council there. After all, he was thrown out of the position by the interim government for the core reason of struggle in the region. After Bacha Khan insisted for recovering his 'deprived' position and shelled his enemy in Gardez, the capital city of the province, with casualties including civilian in April 2002, the United States Army announced formally a political divorce with him.²¹ According to the U.N. report, struggles between traditional tribes and local commanders were also seen in the other areas, like the north (Mazari Sharif) and the westernmost districts of the Hazarajat (Daikundi).²²

In addition, it should be noted that the process of power-sharing among Afghan leaders was considered not only for the leaders in the Northern Alliance but also for the other ethnic groups like Pushtun (Rome group and Peshawar group). Hamid Karzai, the leader of the interim government and the current president of Afghanistan, is from ethnic Pashtun.

2.2. Relationships in Regional/International Level

As mentioned in the Introduction, Afghanistan shares borders with five countries. For the historical reason, the borderline divided the communities regardless the cultural, religious, ethnical connections because it was drawn coercively and strategically through the Afghan War in the nineteenth century. Needless to say, these communal compositions over the border influence the rivalry and cooperation among them in the contemporary Afghanistan as well. In this regard, we can find at least three relationships between states and armed groups in the regional/international level over the border of Afghanistan.

¹⁹ BBC News Website <http://news.bbc.co.uk/2/hi/south_asia/1652187.stm> accessed on 6 February 2009.

²⁰ BBC News Website on 3 February 2002 <http://news.bbc.co.uk/2/hi/south_asia/1798697.stm> accessed on 17 February 2009.

²¹ Asahi Shinbun (Asahi News Paper in Japanese) on 25 June 2002.

²² The U.N. Doc. A/56/1000-S/2002/737, para. 30. (Report of the Secretary-General of the United Nations, "The Situation in Afghanistan and its Implications for International Peace and Security").

Table 1. List of Major Groups in the Northern Alliance and the Key Persons

Group	Key person(s) (ethnicity)	Position in the Northern Alliance (NA)	Position in Interim Government/Position in Government in 2004
The Islamic Association of Afghanistan (Jamiat-e Islami-e Afghanistan: JIA) *The first main group	Burhanuddin Rabbani (Tajik)	Political leader of NA (the President of Afghanistan)	None/none
	General Ahmed Shah Masood (Tajik)	De facto military leader of NA (died on 9 September 2001)	
	General Mohammed Fahim Khan (Tajik)	The practical military leader of JIA after the death of Masood	Defense Minister and vice president/none
	Abdullah Abdullah (Tajik)	Principal spokesman of NA	Foreign Minister/Foreign Minister
	Ismail Khan (Tajik)	Former Heart Governor	Heart Governor/Minister of Energy
The National Islamic Movement (Junbish-e-Milli-ye Islami) *The second main group	Abdul Rashid Dostum (Uzbek)	The leader of National Islamic Movement	Deputy Defense Minister/unclear
The Islamic Unity Party of Afghanistan (Hizb-e-Wahdat-e Islami-ye Afghanistan) *The third main group (mainly made up of Shia Hazaras)	Abdul Karim Khalili (Hazara)	Former Economic Minister (1993-1995)	Vice President/Vice President
	Mohammed Mohaqiqi (Hazara)		Planning Minister/none

By the author (Sources: BBC News Website²³)

²³ BBC News Website <http://news.bbc.co.uk/2/hi/south_asia/1552994.stm>, <http://news.bbc.co.uk/2/hi/south_asia/1652187.stm>, BBC News Website on 27 December 2007, "Afghanistan Interim Cabinet," <http://news.bbc.co.uk/2/hi/south_asia/1693412.stm> accessed on 9 February 2009.

First of all, in special relevance with Pakistan, Afghanistan has a main connection with Pakistan through ethnic Pashtun. While Pashtun is the ethnic majority in Afghanistan (more than 40%²⁴), more than 15% of the total population of Pakistan²⁵ is also Pashtun (the second biggest group next to ethnic Punjabi in Pakistan). The Durant line was drawn strategically by Britain in 1893 for the countermeasure against the then threat to India (in 1947, Pakistan won the interdependence from India ruled by Britain). In Afghanistan, the successive monarchic positions until 1970s were produced from good families among Pashtun groups in Afghanistan. For the Pashtun who wants to establish the land of 'Pashtunistan,' the Durant line has been a core obstacle. The Mujahideen fighters including the Taliban factions were historically supported by Pakistan, which has no choice but to pay attentions to the internal affairs on ethnicities.

Second concern is related to the fact that Hazara-led groups [Shiah] in the Northern Alliance are supported by Iran. Therefore, Iran had the political influence over some part of the Northern Alliance, especially Hazara group, one of ethnic minorities in Afghanistan. As noted before in the Section one, Iran experienced the revolution in 1979 and the then leader Khomeini insisted on spreading the Islamic revolution outside Iran as well. Therefore, historically the United States was afraid of the expansion of Iranian revolution, and supported allegedly Pashtun factions including the origins of the Taliban in order to counter that. However, after the 9/11 both the United States and Iran endorsed the campaign of the Northern Alliance against the Taliban and al Qaeda.²⁶ In this regard, we have to reaffirm that there remains the contested relation between Iran and Pakistan through one of the facets of rivalry between the Hazara and Pashtun in the territories of Afghanistan.

Thirdly, the countries such as Turkmenistan, Uzbekistan and Tajikistan that adjoin Afghanistan in the north also rang with the sound of civil war in Afghanistan. It goes without saying that the minorities in Afghanistan such as ethnic Turkmen, Uzbek and Tajik have cultural and ethnic ties with its respective country. Therefore, it is natural to imagine that some part of the Northern Alliance cooperated with those neighboring countries. Furthermore, these three countries gained independence from the Soviet Union in 1991, and they remain closely related with Russia. Though these three adopted Sunni Islam, they, especially Tajikistan and Uzbekistan, cooperated actively with the United States for 'the war on terror' against the Taliban regime under the joint struggle among the United States, Russia and the other countries involved.

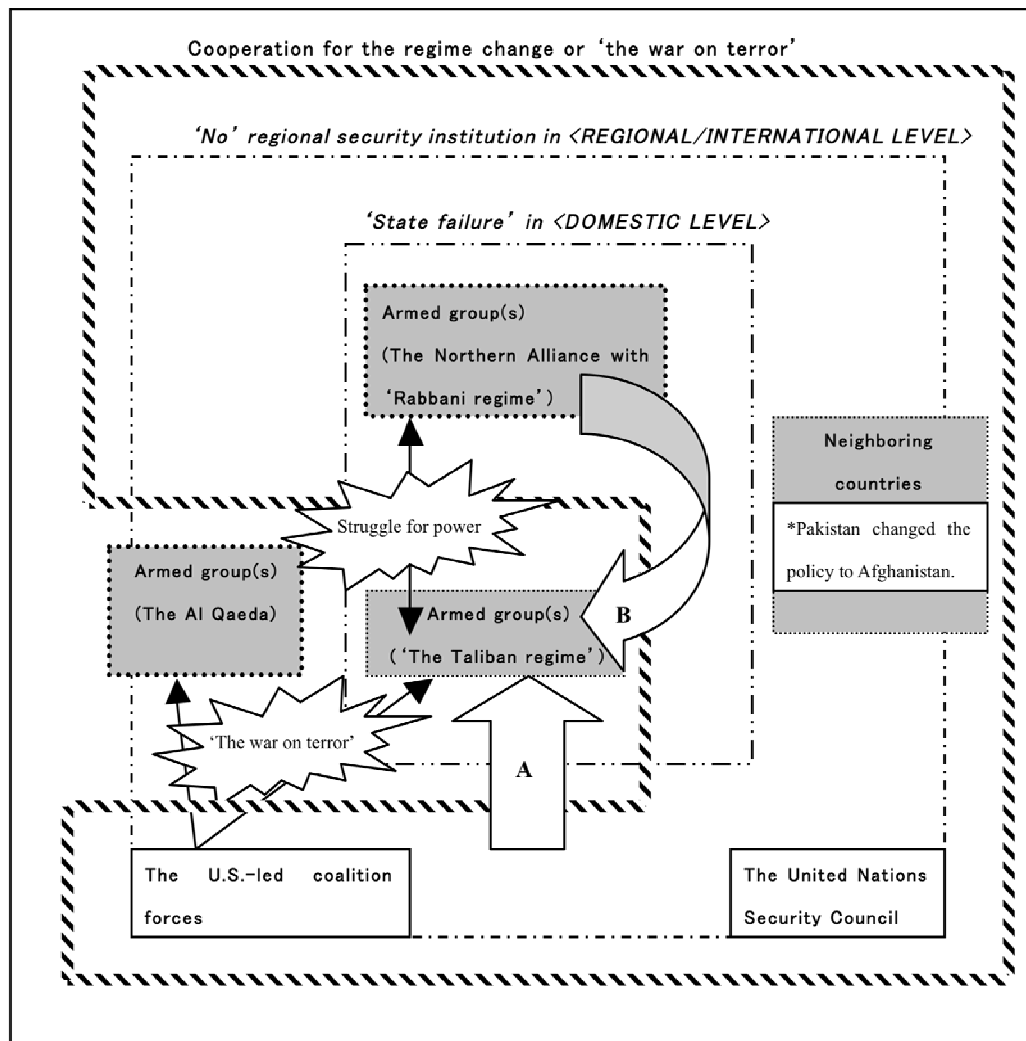
This section reaffirmed the relationships between states and armed groups in domestic and regional/international levels as a preliminary work for the next section to understand the regime change dynamics in 2001.

²⁴ Central Intelligence Agency (CIA) Web site, *The World Fact Book* (Afghanistan), <<https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>> accessed on 2 March 2009.

²⁵ CIA Website, *The World Fact Book* (Pakistan), <<https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>> accessed on 2 March 2009.

²⁶ Barnett R. Rubin and Sara Batmanglich, "The U.S. and Iran in Afghanistan: Policy Gone Awry," *Audit of the Conventional Wisdom*, MIT Center for International Studies, October 2008, p. 6, <http://web.mit.edu/CIS/pdf/Audit_10_08_Rubin.pdf> accessed on 1 March 2009.

Figure 1: Regime Change Dynamics in the Post 9/11 Afghanistan



A. Pressure for 'regime change' in regional/international context

B. Pressure for 'regime change' in domestic context

(Created by the author)

3. Regime Change Dynamics in Afghanistan

Why did Afghanistan in 2001 experience the regime change with the ousting of the Taliban regime? Examined from a perspective of the relationships between states and armed groups in/around Afghanistan, what was the basic feature of the regime change dynamics in the area of political power? Did the international community by itself seek to use stronger measures in order to establish a new democratic government in Afghanistan? It is not easy to understand the mechanism of regime change considering the complex dynamics.

Therefore, this section investigates a mechanism of regime change dynamics, which was led by states and armed groups in the region through the relationship

between states and armed groups, as of the termination of Afghan war in 2001, by using the Figure 1.

3.1. Overview

The Figure 1 shows regime change dynamics and overlapped conflicts in Afghanistan right after the 9/11. This figure is a simple formulation of the fact that regime change dynamics occurred in Afghanistan by the mixed pressure of stakeholders of the dual wars, i.e., ‘struggle for power’ in the domestic context inside Afghanistan and ‘the war on terror’ in the regional/international context in/around Afghanistan.

The smaller box (by broken line) in the middle of the Figure 1 shows the domestic level in Afghanistan in the situation of state failure. And, the larger box (by broken line) outside the smaller box indicates the situation surrounding Afghanistan in the regional/international level. In each level, major stakeholders of the Afghan war in 2001 are put at the appropriate position for each, for the explanation of the regime change dynamics.

3.2. State Failure and ‘Struggle for Power’ in the Domestic Level

As noted before, the Northern Alliance united and had the common aim to resist the repressive regime, the Taliban. In that sense, we can indicate this by drawing the smaller box (by broken line) in the context of the domestic level in Afghanistan. In the condition of the state failure, the rivalry between the Northern Alliance and the Taliban demonstrates the characteristics of ‘struggle for power.’

The Rabbani regime accommodated key persons in the Northern Alliance in order to fight against the Taliban and to recover his political position in the substantial administration. In the same context, the leaders of the Northern Alliance allegedly considered grasping the power in Afghanistan. As designated in the Table 1 of Section 2, some of the leaders were also named as the cabinet members in the transitional government. To nominate the leaders of the Northern Alliance for the political positions was considered by the United Nations and the U.S.-led coalition to lessen the insecurity derived from the composition of power struggle. On the other hand, the Taliban regime tried to keep the practical control in most of territorial areas of Afghanistan to show its political power. However, it failed to do so facing stronger pressure from the U.S.-led coalition forces.

Moreover, for further explanation of this box, we ought to mention that the Taliban regime is designated as ‘armed group(s),’ because most states did not recognize the Taliban regime as the legitimate government of Afghanistan. The three countries (Saudi Arabia, UAE and Pakistan) that had established the diplomatic relations with the Taliban, disconnected with that shortly after the 9/11. In that sense, even if the Taliban regime existed, it is clear that the Taliban was regarded as ‘armed group(s)’ from the viewpoint of the other states on the regional/international level.

3.3. Lack of Regional Security Institution under the Regional/International Level

The larger box in the Figure 1 shows the major stakeholders in Afghanistan on the regional/international level. Though not only the major stakeholders which appeared in this article, neighboring countries, the U.S.-led coalition forces and the U.N. Security Council, but also the other stakeholders were engaged in the ‘war on terror,’ we would simplify the figure for putting the major stakeholders on the regional/international level

just only to explain the regime change mechanism.

The U.S.-led coalition forces exercised their might in the right of the self-defense in 'the war on terror' in response to the terrorist attack committed by Laden-led al Qaeda. In this context, the U.S.-led coalition forces were directly opposing al Qaeda, and the Taliban was regarded as a collaborator of al Qaeda in the context of 'the war on terror.' Considering the scheme of 'struggle for power' on the domestic level, this means that dual conflicts were overlapping over the Afghan war in 2001. In order to bring about a set of conditions that were conducive to the regime change, the international community pressured Pakistan to cancel its external relations with the Taliban in spite of remaining ethnical tie with them. The U.N. Security Council, which continued to impose the sanctions on the Taliban regime from 1999, also reaffirmed the right of self-defense on the occasion to condemn all of the terrorist attacks including a case of the 9/11.

On the regional/international level, we can notice the lack of regional security institution in this region. Certainly, as Afghanistan has served historically as buffer zones between various conflicting entities, there had little opportunity for building regional security architecture. Yet, the absence of regional security institution, in fact, allowed the neighboring countries to take advantage of state failure in Afghanistan, and resulted in direct intervention.

3.4. 'Dual Pressures' for the Regime Change

Finally, 'dual pressures' promoted the regime change of the Taliban. One is the pressure for the regime change on the regional/international level; another is that on the domestic level.

In the regional/international context, the decisive pressure which was exercised by coalition forces under the right of self-defense determined the regime change of the Taliban in 2001. The arrow 'A' in the Figure 1 shows the comprehensive pressure for the regime change in the regional/international context. Namely, the stakeholders within the field drew 'the oblique line' in the Figure 1, which cooperated for responding to 'the war on terror.' Within the oblique line in the Figure 1, the Northern Alliance is also included. Although this section primarily recognizes the Northern Alliance as the stakeholder in the domestic context, it is conceivable that the Northern Alliance, on the regional/international level, is a part of the collaborators in the spectrum of 'the war on terror' as well.

On the other hand, on the context of domestic level in Afghanistan, armed groups in the Northern Alliance promoted the regime change of the Taliban. Apart from 'the war on terror,' these armed groups fought in pursuit of political power for their own merits. Hence, the arrow 'B' in the Figure 1 shows the pressure for the regime change in a domestic context. Therefore, one possible explanation in this respect may be that the Northern Alliance exercised the pressure 'B' for the regime change in the field of 'struggle for power' against the Taliban by using the pressure 'A' in the arena of 'the war on terror,' and *vice versa*.

As shown in the Figure 1, the dual pressures, both domestic and regional/international contexts, promoted the regime change in Afghanistan against a backdrop of overlapping conflicts, that is, 'the war on terror' and 'struggle for power.'

Conclusion

While referring to the case of regime change dynamics in Afghanistan, 2001, this Chapter addressed the following question: how have armed groups in Afghanistan, the neighboring countries and coalition forces influenced the regime change in Afghanistan? To answer this question, firstly, the brief history of war in Afghanistan toward the regime change in 2001 was presented. Then, it examined the dynamic composition of relationships between states and armed groups in Afghanistan, which influenced the domestic and regional/international security by mobilizing the international community to instigate the regime change. Finally, by referring to the Figure 1, it attempted to grasp a mechanism of the regime change dynamics in Afghanistan.

Responding to this question, this Chapter concludes as follows. Various armed groups in the Northern Alliance that were competing among each other in pursuit of their self-profit on the domestic level were united for the unique reason to fight against the Taliban. When the international community was determined to combat terrorism after 9/11, these armed groups suddenly recovered their strength and defeated their common enemy. Along that way, neighboring countries that had always been the supporter of these armed groups, particularly the one with the same ethnic origin, agreed to join ‘the war on terror’ in the regional/international context, and then, Pakistan also accepted to disconnect its diplomatic tie with the Taliban as a result of the strong pressure from the international community, especially the United States. In the process of marginalizing the Taliban, the regime change was promoted by ‘the dual pressures,’ that is, one pressure on the domestic level and the other on the regional/international level. Moreover, these pressures were reinforced because of two overlapping conflicts, that is, ‘war on terror’ and ‘struggle for power.’

In this Chapter, we dealt with the explanation of a mechanism of the regime change dynamics in Afghanistan. However, we did not deal with the legitimacy or the ethics of the coercive regime change. Authorized by the U.N. Security Council with the reaffirmation of the right of self-defense, international community realized the step forward the preemptive action against ‘terrorism,’ as a consequence of ‘coercive diplomacy’²⁷ through the sanctions to plundering regime with terrorist.²⁸ This is a dramatic change in the international relations since the 9/11. Further analysis should be pursued on the legitimacy and ethics of coercive regime change. In addition, a more systematic research is needed on the relationships between states and armed groups.

Finally, to consider some implications for reducing problems in Afghanistan based on the discussion of this Chapter, we have to take seriously the remaining ‘legacy’ of the regime change in Afghanistan, which can be characterized as the coercive nature of the regime change. Repeated failure of coercive diplomacy towards the Taliban regime ended up with the regime change on the one hand. However, ‘the war on terror’ has not been concluded so far. Moreover, considering the complex relationships between states and armed groups, the Afghan government as well as the international

²⁷ Peter Viggo Jakobsen, “Coercive Diplomacy,” in Alan Collins (ed.), *Contemporary Security Studies* (Oxford University Press, 2007) pp. 225-247.

²⁸ As the initial recognition of the logic of self-defense against al Qaeda by the United States, see, the U.N. Doc. S/PV.3988 on 24 March 1999.

community involved has to continue the effort for appeasement among the stakeholders within the spectrum of their limitation of engagement.

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Security Sector Reform in Afghanistan

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Introduction¹

Afghanistan's Security Sector Reform (SSR) focuses on the five major sectors (five-pillar approach): Defence; Police; Justice; Disarmament, Demobilization, and Re-integration of ex-combatants (DDR); and Counter-narcotics. However, as is often the case with SSR, we have a lot of difficulties in its implementation. Many analysts consider, while Defence reform and DDR show achievements to a certain degree, the other three sectors need more improvements.

With this in mind, this Chapter aims to address the three related questions below:²

- 1. Why is it difficult to implement, though well-crafted?**
- 2. What are the challenges impacting the SSR progress?**
- 3. Why have some pillars made better progress?**

The authors argue that the following eight elements affect both the success and failure of Afghanistan's SSR: (a) Insecurity, (b) Pro-reform environment and local leadership, (c) Donor support and resource availability, (d) Political commitment, (e) Coordination among stakeholders, (f) Role of civil society and parliament, (g) Bottom-up approach, and (h) Good governance.

Alongside the existing literature on the topic,³ few studies examine the factors contributing to the success of SSR based on actual case studies in the fields. This Chapter also attempts to respond to such research questions.

¹ This Chapter is the revised version of the article written by the authors (Stanekzai and Kudo) in 2008. Thus, information provided in this Chapter may not reflect the latest development in the field.

² The core arguments of this Chapter were initially presented at the morning session of the Post-Conference Workshop "Fragile States: Assessing Vulnerability" held in conjunction with GDN's Ninth Annual Global Development Conference (on February 1, 2008, at Brisbane, Australia).

³ See for instance, Nicole Ball and Dylan Hendrickson, "Trends in Security Sector Reform (SSR): Policy, Practice and Research" (Paper prepared for Workshop on "New Directions in Security Sector Reform," Peace, Conflict and Development Program Initiative, International Development Research Centre (IDRC), Ottawa, Canada, 3–4 November 2005; Revised January 27, 2006); Edward Rees, "Security Sector Reform (SSR) and Peace Operations: 'Improvisation and Confusion' from the Field." (2006).

Table 1: Major issues concerning SSR

Major Sectors	Key lessons learned
Democratic Oversight and Accountability	<ul style="list-style-type: none"> ✓ Developing democratic accountability at multiple levels of oversight ✓ Ensuring the independence of oversight institutions ✓ Strengthening mechanisms of internal oversight within the security and justice institutions ✓ Developing the capacity of parliaments to conduct oversight ✓ Strengthening the role of society and independent watchdogs in the democratic oversight of security and justice providers
Defense reform	<ul style="list-style-type: none"> ✓ Developing democratic control over the defense policy and the armed forces, including a constitutional and legal framework and civilian oversight ✓ Strengthening the process for reviewing security threats and developing the capacity to respond to them ✓ Delineating clear roles and responsibilities with the police to ensure internal security ✓ Introducing integrated approaches to policy development, military expenditure, human resource planning, and the management of military assets ✓ Encouraging debate on civil society and the citizen's awareness of and participating in defense reform ✓ Promoting reform in training and the career development of military personnel, and career transition and resettlement plans for those leaving the armed forces ✓ Promoting ethnic and social balances and equal opportunity policies in the defense sector ✓ Strengthening regional arrangements for military cooperation, confidence building, arms control and disarmament
Intelligence and security service reform	<ul style="list-style-type: none"> ✓ Ensuring a balance between the secrecy and transparency of operations and official mandates ✓ Developing an adequate legal framework (including external oversight) within which the ISS can operate under the rule of law in recognizing the fundamental human rights ✓ Clarifying the respective roles and responsibilities of different ISS ✓ Improving the provision of impartial intelligence that contribute to the security objectives of the state and society ✓ Increasing the effectiveness of the ISS through investment in organizational change, equal opportunity employment policies, and the training of personnel ✓ Improving accountability to the executive and parliament ✓ Developing controls to govern the use of intrusive methods of intelligence collection ✓ Enhancing the professionalism and ethics of intelligence and security officers ✓ Enhancing a public understanding of the ISS role and mandate
Integrated border management	<ul style="list-style-type: none"> ✓ Establishing a national border management strategy and system under democratic control ✓ Achieving an appropriate balance between secure borders and the facilitation of legal movements of persons and goods ✓ Ensuring the protection of the dignity and human rights as well as the legal goods of all persons crossing borders ✓ Promoting integrity and tackling corruption ✓ Building capacity to combat illicit trafficking, organized crime, terrorism, and other forms of criminal activity across borders ✓ Improving inter-agency cooperation among all national services involved in border management ✓ Harmonizing border control and customs regulations regionally, and enhancing cross-border cooperation
Police reform	<ul style="list-style-type: none"> ✓ Protecting human rights and upholding the rule of law ✓ Creating a civil police accountable to the parliament and the people ✓ Defining the distinct roles of the police and military (and where applicable, gendarmerie-like constabulary forces) in dealing with internal security

	<ul style="list-style-type: none"> ✓ Increasing the trust between the police and the public and developing partnerships to detect and prevent crime and increase community safety ✓ Increasing professionalism in the delivery of policing services to all local communities ✓ Developing an integrated approach with other aspects of the justice sector ✓ Depoliticizing policing—removing or mitigating political influence over the police and their functioning ✓ Improving police training, staff development and personnel policies, and practices ✓ Reviewing and improving police structure, strategic management, capacity, and practice
Justice reform	<ul style="list-style-type: none"> ✓ Developing fair and equitable laws ✓ Developing effective, impartial and accountable judiciaries, protection services and dispute resolution mechanisms ✓ Providing timely, equitable access to justice and the effective enforcement of laws, legal rights, and judgments, thus ensuring the judicial process ✓ Introducing legislative and enforcement mechanisms to promote and protect human rights and to overcome barriers confronting the marginalized and vulnerable groups ✓ Strengthening the linkages and cooperation between the state and non-state institutions
Prison reform	<ul style="list-style-type: none"> ✓ Ensuring a demilitarized, professional, civilian-run system focused on the rehabilitation of prisoners ✓ Strengthening and implementing a prison law framework based on international human rights standards ✓ Making imprisonment a last resort by reducing pre-trial detention and introducing alternative measures for minor offenders ✓ Ensuring special measures to protect imprisoned women, minors, mentally ill persons, and members of other vulnerable groups ✓ Encouraging independent oversight mechanisms and the acceptance of international prison monitoring ✓ Supporting a broad civil society constituency working toward openness and prison reform ✓ Developing an integrated approach with other security and justice institutions and social welfare, education, and health ministries
Private security and military companies	<ul style="list-style-type: none"> ✓ Developing and strengthening statutory regulation and enforcement ✓ Promoting professionalism and voluntary regulation ✓ Increasing transparency, accountability, and oversight ✓ Clarifying the role of the private security sector and its relationship with public security agencies, and increasing cooperation ✓ Improving training for private security staff in human rights and humanitarian law, gender awareness, use of force and firearms, first aid, and professional operating standards ✓ Integrating private security sector reforms into broader SSR programs
Civil society	<ul style="list-style-type: none"> ✓ Increasing the capacity of the civil society to monitor government policy and ensure security and justice ✓ Strengthening the legal and regulatory framework within which a civil society operates ✓ Building trust and partnerships between the government, security forces, and civil society with respect to security and justice issues ✓ Improving the research capacity of the civil society and its role in representing the views of the local communities ✓ Developing the technical capacity of civil society organizations to provide policy advice and security and justice services ✓ Building wider constituencies in favor of SSR by increasing media coverage and raising public awareness ✓ Facilitating the emergence of a broader and more representative civil society

Note: Based on OECD DAC 2007

The main message of this Chapter is that we should focus on these elements in order to effectively address the problems, especially in the less progressing sectors. Throughout this Chapter, we will try to emphasize that the most difficult part of SSR is its implementation, rather than its design.⁴ In other words, we should incorporate these issues in the SSR framework from the outset of its design.

This Chapter is organized as follows. While section 2 overviews SSR, section 3 outlines the framework for Afghanistan's SSR, illustrating its five pillars. Section 4 examines these five pillars and presents practical insights, highlighting eight elements.

1. SSR and Development Assistance

SSR refers to a set of reform efforts within security-related sectors designed to maintain order and stability in a post-conflict or fragile country. Since most countries in this situation lack the will or ability to restore and maintain order by themselves, especially at the initial stage, external assistance is considered to be indispensable for achieving SSR. Development assistance is one of the key instruments to achieve SSR goals because the core business of SSR is to build the capacity of these sectors and to install all the necessary equipment.

SSR contributes not only to the success of peace operations or peacebuilding but also to the development itself, as security is fundamental for ensuring people's livelihood, reducing poverty, and achieving the Millennium Development Goals. The OECD DAC guidelines emphasize this security-development nexus as the following: "democratically run, accountable and efficient security system helps reduce the risk of conflict, thus creating an enabling environment for development."⁵

According to the recent work by OECD DAC, there are several issues SSR targets, which include the following: (a) democratic oversight and accountability; (b) defense reform; (c) intelligence and security service; (d) integrated border management; (e) police reform; (f) justice reform; (g) prison reform; (h) private security and military companies; and (i) civil society.⁶ **Table 1** illustrates this "template for SSR" laid out by OECD DAC.⁷

SSR starts with mapping out the security-related sectors and their interactions. Based on this mapping, we will support the relevant sectors in a holistic manner and often in collaboration with other leading donors. These reforms are closely interlinked, and thus, should not be conducted separately. However, the current approaches of development donors are often limited to single assistance provided to one or two sectors and not within the overall SSR framework.

⁴ Of course, there are points to be improved in the original SSR framework. For instance, the original ceiling level of the military and police personnel was insufficient to respond to the emerging security issues such as cross border insurgency.

⁵ OECD Development Assistance Committee, *DAC Guidelines and Reference Series: Security System Reform and Governance* (2005), p. 3; *OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (2007), p. 3.

⁶ OECD DAC (2007), pp. 112-235.

⁷ For details, see OECD DAC (2007).

2. Framework for Afghanistan's SSR

2.1 Afghanistan's SSR

In the case of Afghanistan, the SSR agenda was set at the G8 donor meeting. Afghanistan's SSR strategy consists of five pillars, and the implementation of each of these is helmed by the relevant ministries of the Afghan government and supported by single or several donors. As coordination among these sectors is critical, coordination bodies have been established, such as (i) the inter-ministerial commission of each pillar, (ii) Joint Coordination and Monitoring Board (JCMB), and (iii) the Policy Action Group (PAG).

Table 2: Chronology of Afghanistan's SSR

Year	Major events
2001	Afghan Interim Authority was established.
2002	SSR agenda was set at the G8 donor Meeting.
2006	Afghanistan Compact was endorsed at the London Conference.

Note: Based on the official Website of the Afghan government at <http://www.afghangovernment.com/>

Table 3: Typology of SSR Assistance

Types	Donor countries		International Organization
	Multiple	Single	
Examples	Afghanistan	Sierra Leone	East Timor
Leading external actors	US, UK, Japan, Italy, Germany, EU, UN, etc.	UK	UN
Major SSR challenges	Police reform Military reform Justice reform Drug eradication DDR	Police reform Military reform Justice reform	Police reform Military reform Others?

Note: Based on Hiromi Fujishige, "Chian bumon kaikaku (SSR) ni okeru sho-actor no Katsudo" in the Japan Institute of International Affairs (ed.), *Heiwakochiku ni okeru sho-actor no chosei* (report commissioned by the Ministry of Foreign Affairs, 2007) [in Japanese].

Table 3 presents a typology of SSR categorized by the leading external actors. Since SSR involves a wide range of security-related sectors, there exist many types.

Ideally, an entire plot of SSR should be designed by the partner countries in collaboration with these leading donors. In the case of Afghanistan, SSR components were incorporated in the Interim Afghan National Development Strategy (I-ANDS, corresponding to 'interim PRSP') and Afghanistan Compact.⁸ Within these frameworks, 'recipient-donor' coordination has been institutionalized, namely under the Consultative Group (CG) mechanism.

⁸ The revised version was developed in 2008. See the AND web-site: <http://www.ands.gov.af/> (accessed on 1st September 2008).

Table 4: Five Pillars of Afghanistan's SSR

Sectors	Major achievements	Major challenges
Military	<ul style="list-style-type: none"> ✓ Training of the ANA ✓ Regional corps commands ✓ Staff of MoD ✓ Opening of military recruitment centers ✓ 80% Personnel out of 70,000 completed ✓ The current supply level of military, transportation, and communication equipment is 55% ✓ An agreed increase of the ANA ceiling 	<ul style="list-style-type: none"> ✓ ANA expenditure is not fiscally sustainable; hence, external assistance is indispensable for the foreseeable future. ✓ ANA's annual salary costs \$0.2–0.3 billion. ✓ The increase in the ANA's size to 80,000 by 2009 will add to fiscal pressures. ✓ Ensuring ethnic balance is another challenge. ✓ Equipment shortage poses problems. ✓ The ANA lacks the ability to operate independently due to the absence of an air force. ✓ Losses in the army personnel (12%) owing to death, injury, desertion, etc. ✓ There is a dearth of the requisite mentors needed to accelerate training.
Police	<ul style="list-style-type: none"> ✓ Functioning of a police academy ✓ Establishment of a central training center and Regional Training Centers ✓ Establishment of regional police commands ✓ ID card and the electronic payment system ✓ Construction of police facilities ✓ Pay and rank reform ✓ Training of a total of 29,000 police personnel ✓ Initiation of FDD as part of police reform and training 	<ul style="list-style-type: none"> ✓ The police lack in overall vision. ✓ Coordination, leadership, and accountability are problem areas. ✓ The force size needs to be augmented. ✓ The quality of police personnel is not up to the mark. ✓ Sound administration and financial accountability is lacking. ✓ There is a dearth of sufficient mentors to accelerate police training. ✓ With respect to sustainability, the MoI is unable to cover its recurrent cost. ✓ Corruption in the force is a major disadvantage. ✓ Administration reform: The average wage of a police officer to be revised upward from \$25/ month. ✓ Staffing: There are 82,180 police personnel to be provided with training and support. ✓ There is a shortage of equipment. ✓ There are difficulties with coordination.
Justice	<ul style="list-style-type: none"> ✓ Progress of law drafting and creation (Criminal Procedure, Juvenile Codes, and Penitentiary Law) ✓ Rehabilitation of court facilities ✓ Training ✓ Code of ethics for professionals in justice institutions ✓ Developing overarching judicial strategy and program ✓ Regularly update of the indexed compilation of all laws in force ✓ Improvement and rehabilitation of detention and prison facilities ✓ Establishment of a separate and standard facility for women and children 	<ul style="list-style-type: none"> ✓ Ensuring the security of individuals is a challenge. ✓ There is a need to establish a system to record and preserving the rulings. ✓ Actual legal resources for the poor should be provided. ✓ Accountability and corruption need to be addressed. ✓ The capacity problem is another issue. ✓ Poor payments of professionals in justices. ✓ There is a gap between commitment and available resources. ✓ There is a lack of educated professional staff.
DDR/ DIAG	<ul style="list-style-type: none"> ✓ Demobilization of 62,044 ex- combatants ✓ Decommissioning of 259 military militia units ✓ Provision of reintegration support to 57,000 ex-combatants ✓ Collected light weapons ✓ Cantoned heavy weapons 	<ul style="list-style-type: none"> ✓ The "R"-phase (reintegration) needs flexible and long-term support. ✓ DIAG ✓ There is a need for security from and the regrouping of the Taliban and terrorist groups. ✓ Another problem arises because the

	<ul style="list-style-type: none"> ✓ Destroyed ammunition <p>Through DIAG:</p> <ul style="list-style-type: none"> ✓ Disbanded 310 personnel, including 800–900 sub-groups ✓ 63000 heavy and light weapons collected, confiscated or brought under the control of government ✓ 27000 metric ton of ammunition collected or destroyed ✓ Approved the establishment of DIAG cell in MoI ✓ The cabinet's development and endorsement of the Gun law that was adopted and regulated for private security companies ✓ Started the District Disarmament initiative in 68 districts ✓ Planned or carrying out development projects in support of DIAG in 23 districts 	<p>narcotics and drug mafia pay IAGs for protection, thus and promoting weapon smuggling.</p> <ul style="list-style-type: none"> ✓ Law enforcement is conducted with a weak governance and police force. ✓ Unemployment and the lack of economic opportunities bring in another set of problems. ✓ It is difficult to obtain reliable information. ✓ Some states and non-state actors display inadequate political will.
Counter-Narcotics	<ul style="list-style-type: none"> ✓ Establishment of the eight-pillar strategy <ol style="list-style-type: none"> (1) Built institutions and mechanisms (2) Conduct counter-narcotics awareness-raising campaigns (3) Provided Afghan farmers with alternative livelihoods (4) Strengthened interdiction and law enforcement capabilities (5) Mobilized the criminal justice system (6) Pursued eradication efforts, but only in tandem with alternative livelihoods programs (7) Reduced the demand for drugs and actively attempt to treat addicts (8) Pursued counter-narcotics efforts at the regional level ✓ Improved measures for the implementation of the National Drug Control Strategy are as follows: <ul style="list-style-type: none"> - The provision of force protection for eradication in targeted areas - The restructuring and reform of CNTF - Provincial-based planning for CN including the development plan - Economic support for licit cash crops and rural industries - Enhancement of interdiction efforts - Cross-border, regional, and international cooperation for CN activities - Mainstreaming CN into all the government policies 	<ul style="list-style-type: none"> ✓ A challenge faced is the implementation of the strategy and delivery mechanism. ✓ The weak governance problem needs to be addressed. ✓ The issue of insecurity, particularly that with respect to the Taliban terrorist network. ✓ Corruption in law enforcement agencies needs to be rooted out. ✓ Adequate support should be provided for people to take up an alternative livelihood (the number of people directly involved in opium cultivation is an estimated 3.3 million, constituting 14.3% of the total population; each cultivator receives US\$ 1 billion out of an estimated US\$4 billion in the drug industry. To change Afghanistan will need to invest at least up to 0.5 billion per annum to effectively overcome the illicit economy). ✓ IAGs and their networks need to be countered.

Note: Based on Peter Middlebrook and Sharon Miller, *Lessons in Post Conflict Reconstruction from the New Afghanistan Compact* (Foreign Policy in Focus (FPIF)'s Policy Report, 2006); and Mark Sadra, "Security Sector Reform in Afghanistan—A Continued March towards Implementation," *NATO-OTAN Research Paper No. 22*, (2005)

DDR: Disarmament, Demobilization, and Reintegration

DIAGs: Disbandment of Illegal Armed Groups

IAGs: Illegal Armed Groups

ANA: Afghan National Army

MoD: Ministry of Defense

FDD: District Focused Development

MoI: Ministry of Interior

2.2 The Major Sectors of Afghanistan's SSR

Table 4 shows the major achievements and challenges of each sector related to Afghanistan's security:

(i) Military

As Mark Sedra illustrates, "This pillar is one of the success stories of security sector reform in Afghanistan."⁹ The achievements include the training of the Afghan National Army (ANA) troops; the formation of regional corps commands; the recruitment of a general staff of the Ministry of Defense. However, there still remain challenges, including the financial sustainability of ANA's costs, which are almost equal to one-third of the government's domestic revenue.

(ii) Police reform

Police reform is often referred to as an entry point of SSR. In the case of Afghanistan, police reform has so far been seen as a modest success, including the training of officers through police academies and the establishment of training centers both in the capital and other major cities.

Like military reform, sustainability is one of the biggest challenges in police reform since the Ministry of Interior is unable to cover its recurrent costs. Corruption in the police force is another problem. This is perhaps more of a structural issue since, according to an NGO survey conducted in 2004, the average family expenditure per month in Kabul is around \$100–200 whereas the average salary of a police officer is \$25 per month. Consequently, they have to seek other sources of income to meet their family expenses. To address such problems, democratic oversight and accountability should be further strengthened, especially by the civil society and parliament.

(iii) Justice reform

Rule of law often becomes the mainstay of SSR, and it is a precondition for other SSR sectors. Despite the progress indicated in **Table 4**, there is still much to be done, including the development of an overarching judicial strategy and the establishment of a system to record and preserve rulings.

(iv) DDR

Disarmament, Demobilization, and Reintegration (DDR) is one of the sectors that reaped major successes: for instance, decommissioning of units up to a total of 100,000 officers and soldiers and the collection of light and heavy weapons. In this respect, the current challenges faced are twofold: the reintegration phase and the Disbandment of Illegally Armed Groups (DIAG).¹⁰ Together with DDR and DIAG, de-mining (landmines and unexploded ordinance) is also an important issue and is closely interrelated with these two components.

⁹ Mark Sedra, "Security Sector Reform in Afghanistan—A Continued March towards Implementation," *NATO-OTAN Research Paper* No. 22, 2005, p. 2.

¹⁰ DIAG targets illegally armed groups, which is outside of DDR scope. DDR aimed to disband the warlords (mostly, members of the former national army) and thus, making newly established national army as the sole state institution which can monopolize the means of violence. However, following the completion of DDR program in June 2006, it turned out that many armed groups (over 120,000 combatants) still existed. Since DDR goal will not be achieved without addressing these illegally armed groups, DIAG is now considered to be one of the foremost issues for Afghanistan's peacebuilding.

(v) Counter-narcotics

The issue of poppy cultivation is one of the problematic areas of Afghan SSR and the effort to redress this problem lags behind the other sectors. The Afghan government has a well-crafted eight-pillar strategy on counter-narcotics, as seen in **Table 4**. However, implementation of this comprehensive strategy remains one of the biggest challenges in Afghanistan. Miwa Kato provides a detailed analysis on this issue in Chapter 5.

3. Implementation of Afghanistan's SSR

As described in the previous section, Afghanistan's SSR is technically well-crafted, especially in terms of its integrated and holistically structured design. However, with respect to the implementation, we face several challenges. This section will illustrate the major challenges and offer suggestions to bridge the gaps between the design and its implementation.

3.1 The need for SSR in Afghanistan

The conditions that prompted the formation of the current SSR agenda in Afghanistan are based on threats to Afghanistan's peacebuilding process, security, and stability. These threats are numerous, including, but not limited to, the following: (i) terrorist/insurgent attacks, (ii) the availability of weapons with armed militia groups outside the formal structures, (iii) weapons trade, (iv) narcotics, and (v) the violation of human rights and weak governance that serves to make the reestablishment of law and order more difficult.

The legacy of more than two decades of war resulted in the creation of non-state power structures based on the personal authorities of leaders and commanders. This led to the collapse of the state security institutions. Therefore, in Afghanistan, SSR was a prerequisite for peacebuilding and state-building efforts. Considering the nature of threats and their interdependencies (as detailed in **Table 4**), a five-pillar SSR process was designed to address these threats.

Afghanistan's SSR aims to improve the ability of Afghan security and law enforcement institutions in order to reduce the threats of renewed violence, the outbreak of banditry, and the culture of impunity that should help facilitate the transition of Afghan society from conflict and fragility to normalcy and development under the rule of law and free from narcotics.

In nearly all the cases, SSR takes place under two general conditions: (i) When a country invests too heavily in its military (due to various reasons and perceived external and internal threats), but at some point reaches a point of economic stagnation. Similarly, when it reaches a peaceful solution, then SSR becomes a necessity such that the much-needed resources can be redirected towards social and economic development. (ii) When trusted national security sector institutions collapse, typically in post-conflict situations, as in Afghanistan, the society suffers from a heavily militarized environment. When a security vacuum undermines the rule of law and public confidence; SSR becomes a prerequisite to make state-building and development initiatives work.

In the first case, the state institutions remain intact and the process involves downsizing, demobilization, re-integration, and often re-orientation to new democratic principles. On the other hand, SSR is much more complicated in the second case

because besides DDR, the process involves the reconstruction of a deconstructed security system under a difficult, sensitive, and often, politically divided environment. In addition, in the first case, the agenda of SSR is driven internally and supported by external players. While in the second case, the agenda is often driven by external parties due to weak governance and full dependency on external resources, thereby adding to the complexity of the process.

3.2 Analysis of SSR in Afghanistan

The Bonn Accord provided a framework to initiate SSR in Afghanistan, and consequently, the detailed agenda of the SSR was agreed upon in May 2002 at the G8 donor meeting. As shown in **Table 4**, the lead donor approach was adopted for each pillar while the I-ANDS and the Afghanistan Compact, which were concluded during the London conference in January 2006, set the benchmarks for the five pillars of SSR. However, over the past two years, based on a more thorough analysis on the ground, some amendments of the original benchmarks have been proposed and made to during the Joint Coordination and Monitoring Board (JCMB) meetings, as shown in **Table 5**.

Table 5: Changes in the Original Afghanistan Compact Benchmarks/Timelines

	Compact Benchmark	Amended Timeline	Amended Force Level	Comments
1	By the end of 2010, a nationally respected and ethnically balanced national army will be fully established with a ceiling of 70,000 personnel.	Unchanged	Increased to 86,000 personnel including 6,000 support staff	Long-term commitment is needed for fiscal sustainability.
2	By the end of 2010, a fully-constituted, professional, functional, and ethnically balanced ANP and Afghan Border Police with a combined force of 62,000 personnel will be able to meet the country's security needs.	Unchanged	The JCMB increased the ceiling to 82,000 in May 2007	Since this endeavor started late and lagged behind the ANA reforms, more attention is needed in this sphere to overcome the current challenges.
3	All IAGs shall have been disbanded by the end of 2007.	The timeline has been changed to 2010 in line with the timeline for ANA and ANP.	180 uniform police personnel have been added to the current ceiling of Ministry of Interior personnel for the establishment of a DIAG cell.	This helps to build the Afghan government's institutional capacity for weapons management and DIAG operation and regulation.

Note: Based on Authors

JCMB: Joint Coordination and Monitoring Board

IAGs: Illegal Armed Groups

ANA: Afghan National Army

ANP: Afghan National Police

The overall success of SSR in Afghanistan is modest. Since it is an ongoing process, it is difficult to make a total judgment of the outcome until the process is completed by the end of 2010, as mandated. Unfortunately, the rate of progress is not the same across all pillars of SSR. For example, it is evident that DDR and the development and training of the Afghan National Army have been more successful as

compared to the other pillars of SSR, such as police, judiciary reform, and counter-narcotics (see the previous section).

It has been increasingly recognized that police reform and the building of police capabilities should be placed at the top of SSR agenda in a post-conflict situation due to the following: (i) Providing immediate security and enforcing law and order are critical to the safety of traumatized society and to prevent the criminal acts of armed groups. Therefore, early investment in the police force helps to gain public confidence. (ii) Improving capabilities of the border police for better control helps to prevent the re-grouping of insurgencies, drug trafficking, and weapons smugglers. Reform and building a credible and trusted ANP has started to generate results after the United States and the European Union joined Germany to bridge the resource (human, financial, and technical) gaps. Unfortunately, police reform is lagging behind ANA and needs greater attention to improve the leadership, management, and pace of the reform. We will need to accelerate the training and the supply of equipment and logistics. Above all, police reform is still lacking a unified vision among the partners, thus impeding the progress and negatively impacting the consistency of reform efforts. The main recommendation of the police review submitted to the JCMB–VII meeting suggests that “stakeholders should agree to a unified, integrated vision of the police, which addresses the concerns of both law enforcement and security.”

The overall progress of the justice sector reform has been slow. The actual momentum in the justice sector reform started after the change in the leadership of sector-specialized institutions and the realization by the Afghan government and the international community. This would not have occurred without delivery on political and financial commitments expressed at the Rome Conference in July 2007. Lack of substantial progress in this sector continues to undermine good governance and the rule of law in this country. If such attention had been paid in the initial stages, we would have a much better system today. Until recently, this pillar lacked an overarching strategy and a detailed program of action for the implementation of the strategy as a vehicle for converting commitments into the actual disbursement and delivery of services. This is why the judiciary and court systems remain constrained in their ability to gain public confidence.

According to the Afghanistan Opium Survey 2007 (United Nations Office on Drugs and Crime 2008), the cultivation of poppies in the country broke all records in 2007. In this year, Afghanistan grew 93% of the world’s opium poppy and produced 8,200 metric tons of opium; this raised serious concerns both at the national and the international level, questioning the counter-narcotic efforts in Afghanistan. For this reason, counter-narcotics was one of the main topics of discussion at the recent JCMB–VII, held in Tokyo on February 5th and 6th, 2008, where measures for improving and accelerating the implementation of Counter-Narcotics Strategies were drawn up, as outlined in **Table 4**.

In addition to these three pillars, there remain many difficulties in other areas. For instance, DIAG has also faced many challenges since its inception in 2005. DDR and DIAG are cross-cutting issues and are closely interconnected with all the other pillars of SSR. In 2007, the renewed focus on DIAG by those at the highest levels of government began to generate some positive results. The nature of District Focused Development (FDD) undertaken as part of police reform and the District Disarmament Initiatives (DDI) of DIAG (using a bottom-up approach) ensured a good potential for

both programs to complement each other, while their progress of these two programs provides opportunities for improved governance.

Table 6: Ten Critical Tasks with Respect to DIAG¹¹

#	Line of efforts (Tasks)	Lead	Support
1	DIAG operations, DDI, including targeting those deemed to be politically high risk IAGs and GOLIAG.	D&RC/JS	ANBP, UNAMA, ISAF, AG
2	National capacity building: Establishment of DIAG cell in the MoI. Facilitate Program transition to the government; developing a system and procedures for the same.	D&RC /JS	UNDP/ANBP, UNAMA, CSTC-A
3	Expedite DIAG-related development projects in support of district compliance with program criteria, and with active engagement of the district development <i>Shuras</i> .	JS- MRRD	UNDP/ANBP, PRT
4	Strategic information campaign at all levels.	JS/ Mo IC	ANBP, UNAMA
5	Gun law and enforcement measures: Facilitate the dissemination of current legislation and optimize registration capacity; improve the overall weapons management and enforcement measures against the criminal IAGs who undermine the gun law.	JS/ MoI	ANBP, UNAMA, MoD/MoJ
6	Private security companies: Support the establishment of a legal framework. Support the MoI to develop capacity to enable regulation.	D&RC/MoI	JS, UNDP/ANBP, UNAMA
7	Build pro-DIAG parliamentary lobby, identify IAGs linked with parliamentarians, and assess potential future candidates linked with IAGs.	D&RC-JS	UNAMA, ANBP
8	Create support groups within: Academia, Civil Society, and Religious groups to accelerate DIAG.	JS	UNAMA. ANBP
9	Support initiatives to foster alternative livelihoods and accelerate other development initiatives to follow DIAG-related development projects.	JS, MRRD	UNAMA, PRT, ANBP, USAID
10	Exploit synergies with other law and order activities and SSR including, but not limited to, the following: <ul style="list-style-type: none"> - Police reform (FDD, DDI, and DIAG operation, weapons registration, and PSCs regulation) - DIAG enforcement measures (lead by MoI, supported by MoD and ISAF) - Local governance and improved rule of law 	D&RC MoI –JS MoI- JS IDLG, JS, AG	UNAMA, ISAF, ANBP ANBP, UNAMA, CSTC-A, ISAF, MoD MoD, ISAF MoI, UNAMA, and PRT

FDD: District Focused Development, **DDI:** District Disarmament Initiatives

IAGs: Illegal Armed Groups

IDLG: Independent Department of Local Governance,

MoI: Ministry of Interior

UNAMA: United Nations Assistance Mission in Afghanistan

Afghanistan's experience suggests that the demilitarization of post-conflict societies necessitates special attention at the early stages of the program design in order

¹¹ For DIAG, Japan is the lead donor with contributions from other donors (Canada, United Kingdom, Netherlands, Italy, United States, etc.).

to integrate both the DDR and DIAG under a single program. This program must be flexible to address the problem from a holistic perspective in terms of its process, including the disarmament, demobilization, reintegration, and disbandment of illegal armed groups (IAGs) and weapons management. As shown in **Table 6**, DIAG focuses on ten critical tasks that highlight its linkages with other pillars of SSR. On the other hand, the effective implementation of DIAG depends on the ability of security and law enforcement agencies to undertake enforcement measures against those who violate the rule of law, including the IAGs who do not cooperate with the program.

As mentioned, SSR is a key means to enforce good governance and the rule of law. At the same time, good governance will ensure the effectiveness and sustainability of the SSR. The entire issue of governance, particularly at the sub-national administration level, has been left outside the mainstream SSR. Although it came under the Ministry of Interior, no specific program or plan of action was developed to effect a synergy between police reform and the strengthening and/or improvement of governance, especially at the provincial and the district level. However, only in the last quarter of 2007, a decision was made to establish the Independent Department of Local Governance (IDLG). This department has initiated a number of key programs but needs support to strengthen the process of improving the local governance to provide leadership, coordination, and support for the effective implementation of each pillar at the sub-national level. Many analysts familiar with the Afghan context believe that the lack of attention to this important issue negatively affected the progress of the SSR process.

3.3 Eight Elements that Affect the Success of SSR

As described in the previous section, some pillars made progress, while others not. Based on the practical experiences of SSR in Afghanistan, we consider the following eight elements to affect both the success and failure of its implementation:

- (a) There is a need to tackle the problem of insecurity that swiftly diminishes the state's capacity and the partners' ability to effectively implement SSR strategies.
- (b) Pro-reform and capable local leadership matters highly. Such leadership is reflected in the progress of each pillar of the SSR.
- (c) SSR is a resource-intensive and time-consuming process; therefore, the availability of resources and collective support are crucial. Despite the fact that the lead-donor approach has many advantages, the capacity of individual lead donors to support the process and their ability to commit resources (including their approach) differs substantially. In the meantime, leaving the lead donor to independently tackle all the problems associated with a particular pillar decelerates the progress. This is the second major issue that impacts the progress of SSR; to address this, we should highlight the need for an integrated (holistic) approach.
- (d) SSR is a highly sensitive issue and very complex in social and economical terms. The success of the process, therefore, depends to a large extent on

strong political commitment. Such commitment is required both from the top leadership of the government as well as its partners who support the process. Reforms always have too many enemies but few real friends at the beginning of the process.

- (e) There are many players, with different approaches driven from specific country policies. Therefore, the coordination of stakeholders, policies, and the channeling of resources is the most difficult task. Vertically, coordination among the relevant actors and policies in all pillars are improving. However, horizontally, coordination among different pillars of SSR is still weak. Nevertheless, coordination remains a key area of concern at all levels. Adequately addressing this problem enhances the effectiveness of reform as a whole. Our experience also suggests that working through the government, with the government, and on the government, will enable the partner country to play the lead role in coordination. This is one of the best possible solutions in addressing the problem of coordination and the leadership of SSR.
- (f) In the process of SSR, the role of civil society and parliament should not be underestimated, either as a tool for mobilizing public pressure or to ensure accountability and democratic oversight. In the meantime, SSR will provide a facilitative environment to strengthen civil society and a democratically elected parliament.
- (g) SSR is always seen as a top-down process, which is true to a large extent; however, some key pillars of SSR need a combination of both top-down and bottom-up approaches to ensure its effectiveness and sustainability. Examples are FDD, DDI, and Counter-Narcotics. Adopting such an approach will accelerate SSR as well as providing better scope for progress of the development efforts.
- (h) The SSR reform often occurs under the strong influence of international partners. SSR should be subject to the principles of good governance such as accountability, transparency, quality, and democratic control of the armed forces so that SSR does not serve the self-interest of a particular group or widen the security gaps. All the partners should bear the responsibility of being accountable to the public in each and every step of the process so as to prevent some of the warlords from being turned into officially active politicians, while keeping their networks of armed supports. At the same time, the importance of aid in a post-conflict situation is indisputable. It has also been shown that governance conditionality in certain areas has proven to be effective (in terms of promoting reform, improving the fight against corruption, etc.) in enhancing accountability, but such conditionalities should be extended from being limited to aid users to aid providers as well, especially to the intermediate aid-managing institutions.

Conclusion

As mentioned at the beginning of this Chapter, there already exist an abundance of researches on SSR, mostly extrapolated by external observers. Their contributions are undoubtedly enormous and helpful. However, for the most part, their analyses are primarily based on the outcome of the phenomenon and are thus somewhat limited in their impact for practical use. In contrast, this Chapter focused on the process of SSR implementation and attempted to present key elements which may attribute to the success and failure of SSR, based on field insights. Afghanistan's case shows that at least eight factors are involved in SSR:

(a) Insecurity, (b) Pro-reform environment and local leadership, (c) Donor support and resource availability, (d) Political commitment, (e) Coordination among stakeholders, (f) Role of civil society and parliament, (g) Bottom-up approach, and (h) Good governance.

The scope of this Chapter is limited to Afghanistan's case and the above-mentioned hypothesis is subject to further in-depth examination. Nonetheless, we hope that this work marks the first step to open the window onto the new research field of SSR, and thus, draw essential insights, contributing to the success of SSR on the ground.

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Assessing the Role of DDR in Afghanistan: Internal Security Provision and External Environment

Shamsul Hadi Shams

Introduction

Establishing a secure and stable environment for political reconstruction has been a top priority in Afghanistan since the Bonn Agreement in 2001. Forging relative security and stability are the absolute prerequisites to any political development and an effective recovery process in the aftermath of intensive armed conflicts. *Disarmament, Demobilization and Reintegration* of ex-combatants (DDR) has proved to be a fundamental tool for setting the stage for the creation of a safe and secure environment. Nevertheless, DDR in Afghanistan failed to substantiate such an effect of DDR. In contrast to other cases of DDR, the situation in Afghanistan is much more complicated due to more than two decades of war, internal political strife and, more importantly, its entrapment in the regional power struggle. Unchecked warfare wiped out a very loose skeleton of the Afghan state altogether, which began to emerge in the late eighteenth century, and virtually brought the country back to complete anarchy. While the state remains the organizing principle for maintaining security,¹ no single nationally accepted state authority has come into existence as the Afghan internal struggle continued after the collapse of the government in 1970s. The breakdown of the Afghan central authority led to the country-wide demise of the rule of law, and the beginning of violence in which the general population was targeted and attacked. Under such a circumstance, people were forced to take sides by forming resistance and they became unwilling to accept the legitimacy of any power.² Such a situation is often called stateless society or in lieu village-state,³ where people tend to seek for an alternative system—for example, an umbrella of protection and the rule of law offered by warlords, drug-lords, regional commanders and religious leaders or the combination of them.

¹ Paul A Chilton, “Metaphor, Thought and Political Science,” in Charles Webel (ed.), *Security Metaphors: Cold War Discourse from Containment to Common House* (New York: Peter Lang Publishing, Inc, 1996) p. 22.

² Plunkett Mark, “Post-Conflict Development,” in Gerd Junne and Willemijn Verkoren (ed.), *Meeting New Challenges* (Colorado: Lynne Rienner Publishers, Inc, 2005) p. 79.

³ *Ibid.*, pp. 79-80.

The biggest challenge, among many, that the Afghan government faces today, is that the power-bases developed inside the country have all been emanating from such armed groups and individuals since the Afghan state fell into the hand of foreign players and became the focal point of Cold War politics. One might wonder how, despite the end of the proxy war in Afghanistan, the warlords and commanders could keep their militias and receive weapons and ammunition? It is through a thriving regional black weapon market and clandestine support from external players.

The re-emergence of the Afghan state and its legitimate authority in the post-Bonn era clearly poses a direct threat to these primitive establishments inside the country and their links to the outside. Therefore, they continue to resist the rule of law, authority and legitimacy of the new Afghan incipient democratic government. In response to these threats from informal power-bases, DDR was implemented with a three-year mandate, which was followed by another similar program that focused on the Disbandment of Illegally Armed Groups (DIAG) in 2006. But the politically-driven, under-resourced DDR program could not play an essential role in rooting out all these micro-systems of the proxy war and converting them into a larger, credible, unified one-unit political and legal institution of the Afghan government. Over the first year, the DDR project progressed very slowly and culminated in the control of the warlords. This highlights the tough situation where it was very difficult to invalidate the influence of the warlords and militia commanders. The point here is that if there had been a better planning of DDR to bypass the militia commanders' influence over the decisions about whom to be included in the DDR process and how to approach ex-combatants, the outcome of DDR would have been quite different. Second, if the DDR program had been equipped with a comprehensive preparation on how to dissolve systematically the so-called warlord-trap based on an accurate threat assessment of each armed group, we could have been better informed about ways to accommodate or cope with them through the DDR process.

Due to the large number and active, widespread presence of non-friendly Afghan militias throughout the country, who were untouched by the Afghan New Beginnings Program (ANBP), the effort to replace three decades of war machine with a non-violent and peaceful era was undermined. In addition to this, the weak, ineffective and all time inadequate number of international forces and the Afghan national security forces established by the Bonn talks have helped the insurgent forces to benefit and further consolidate their position in Afghanistan. Moreover, the continuation of the 'war on terror' and fight against insurgency kept the demand for such warlords and militias high.

In the following, DDR in Afghanistan is evaluated against the immediate implementation *context* and the *external environment* with the objective to assess the relevancy of DDR impacts on the overall peace process and to determine the major factors affecting the state-building process in Afghanistan. The main argument of this Chapter is that security institutions cannot be established overnight; the success or failure of DDR has significant impacts upon the promotion of the rule of law and security (ROLS), the control of small arms and light weapons (SALW), and the reintegration and sustenance of ex-combatants. DDR can pave the way for the arrival of relative peace and stability through the reduction of arms or arms-related violence. Directly or indirectly creating a peaceful and stable environment, which ensures relative security in the fragile post-conflict Afghanistan, would reinforce the authority and legitimacy of the new efforts to establish the Afghan state and its institutions. In other

words, articulating DDR into a long-term architecture (which obviously did not exist in the Afghan case) would advance the pursuit of early security gains, which could contribute to state-building through sponsoring the rule of law, and separating violence from politics.

The plan of the *re-armament*, though contrary to the idea of disarmament, which was introduced by the Afghan government and recently backed by the U.S. forces, is also examined at the end of this Chapter in connection to the compatibility of the implemented DDR program and its implications for security. The present design of the re-armament is in essence a tribal approach under which village-based militias would be (re)armed to provide local security for a limited quarter of the society.

It is beyond the scope of this Chapter to investigate how financial, material and human resources were used to achieve specific outcomes under the DDR program in Afghanistan. Instead, this Chapter focuses on two pillars of analysis: the internal (domestic) situation and the external (regional) environment. The latter consists of three main factors that are considered to have been the constraints to full realization of the DDR goals in Afghanistan. The first factor is related to the geographical location of Afghanistan, bordering with Pakistan that is home to millions of small arms and light weapons. The second factor is the regional power competition inside Afghanistan and their proxies. The third factor is the existence of militias-based political groups, which emerged after 9/11.

This Chapter consists of the following six sections: (1) Background and Characteristics of DDR, (2) Function of DDR in Peace Process, (3) Can a DDR Process Reinforce Authority, Legitimacy and the Rule of Law? (4) DDR and Security, (5) Regional Dimension of DDR: Regional Black Weapons Market, Sub-National Proxies and Militia Based Groups, and (6) Implication for Re-armament in Afghanistan.

1. Background and Characteristics of DDR

DDR was launched as a part of ambitious sectoral approach to the security sector reforms (SSR) under the aegis of the Afghanistan New Beginnings Programme (ANBP) funded by Japan and run by the United Nations Development Program (UNDP), while giving the government of Afghanistan sole responsibility to lead the program. There was consensus to carry out the DDR program first, and before the commencement of the other pillars of SSR was the acknowledgment of the fact that the armed-combatants and militias would constitute a major impediment to the Afghan peace process and they could destabilize the peace process if an effort to deactivate them and their weapons did not begin. DDR itself is certainly no guarantee against the threat that armed elements pose to internal security in the aftermath of any peace agreement nor is it a substitute for a peace agreement. Nevertheless, the failure of the DDR process can lead to a collapse of the peace process, as the chances are very high for the resumption of violence. Until the challenges and problems arising from the lucrative illegal businesses are addressed properly in the design of the project, the DDR process will remain vulnerable and, what is more important, the conflict will remain at a high risk of potential deterioration at any point.

DDR is a wholesale, political, interdependent and voluntary process, which usually comes with a peace agreement negotiated among warring parties. DDR may

serve as a cornerstone of the peace agreement and thus it can be an important part of the peacebuilding process. However, DDR cannot be a substitute for a comprehensive strategy for peacebuilding. All the components of the DDR process may have different ranges of length, weight and effect. The first two ‘Ds’ are quick in duration, ceremonial in effect, but a long-term substantive impact of DDR comes from ‘R’, which is usually a long, difficult and costly endeavor. The question of ‘R’ is not merely, as many believe, the successful reintegration of ex-combatants into a society. Rather, it is also about paving a way for the creation and expansion of national security apparatus to produce a safe environment for the people to live without political and physical violence, and for the post-conflict reconstruction and recovery to happen without delay. Injecting ex-combatants back into a society without adequate attention, planning and investment is just giving warlords a reward and the upper hand on the common people. In fact, such a careless action might lead to a possible confrontation among the different groups in the society.

DDR has political, military, security, socio-economic and humanitarian aspects, and must be part of a holistic approach. The fundamental issues of a post-conflict society that DDR could boost up include, 1) building political and popular support for the creation of the state’s security apparatus; 2) legitimization and recognition of the established state and its institutions in the eyes of public; 3) separating violence from politics through establishing the rule of law and order, and disbanding illegal armed groups; and 4) providing the state with its core function, i.e., the monopoly of physical violence.

2. Function of DDR in a Peace Process

Why should disarming the militias be seen as critical to success of the peace process in Afghanistan? The importance of the DDR project in the Afghan peace process could be drawn from the statement of Manoel de Almeida e Silva, the United Nations’ chief spokesman for Afghanistan, made in Kabul on 29 March 2004 that “UN has concluded that a programme known as DDR— is essential to achieving the objectives of the UN-backed peace process.”⁴ He was right in highlighting the significance of DDR in the entire peace process in Afghanistan because achieving success in the DDR process would lead to progress in the peace process. As Kofi Annan’s report described that “elections, reconstruction, human rights and the building of state depend on the success of initiatives aiming at strengthening security” and stressed, in particular that “more progress is required to disarm, demobilize and reintegrate former combatants.”⁵

The peace process in Afghanistan is something wider than the Bonn process. Although the Bonn process called for a political transition and laid the foundation for an emerging Afghan political system, it did not establish the modalities for DDR, for creation of Afghan national security forces, or for management of revenues.⁶ The

⁴ Ron Synovitz, “Afghanistan: Disarming Militias Seen as Critical to Success of Peace Process,” *Radio Free Europe*, Kabul: March 2004, p. 1 <<http://www.globalsecurity.org/military/library/news/2004/03/mil-040329-rferl03.htm>>.

⁵ *Ibid.*, p. 3.

⁶ J Alexander Thier, “Afghanistan,” in William J. Durch (ed.), *Twenty First Century Peace Operations* (Washington, D.C.: United States Institute of Peace and The Henry L. Stimson Center, 2006) p. 518.

Bonn talks were soon formulated into a U.N. and international community-backed state-building process in Afghanistan that would serve as an engine for reconstruction and rehabilitation on one hand and for the formation of long-term security arrangements and political development on the other. For both political transition and medium to long-term recovery of Afghanistan as a unified state to take place, DDR was considered to be essential as it could create a political space that was seen to be very effective in cementing the political basis for the peace process.

The rationale that justifies DDR as an essential and effective step in the peace process can be summarized as follows: (1) it serves as a catalyst in a peace process by facilitating and complementing other confidence building measures; (2) it can generate the essential political will for launching and sustaining the process; and (3) since a peace process mostly acts as a 'road map,' DDR supplies the basis to substantiate the process both in function and process.⁷ In Afghanistan, DDR was taken as a prime task in stabilizing the domestic situation in order to gain momentum for the political processes to succeed. However, it did not manage to establish a solid foundation for stability and peace. The continuing lack of security, personal safety and comprehensive reconciliation strategies are a few of the reasons why it failed to do so.

If the Afghan DDR process had gone beyond the traditional notion of DDR and forged a new platform for transforming 'reconcilable' ex-combatants through the decommissioning practice, it would have been a de facto peace process. Also, DDR could have provided a crucial opportunity to re-link various opposing groups of ex-combatants with the existing Afghan governmental as well as with the reintegration benefits of U.N.-led DDR. Neglecting this crucial objective, DDR in Afghanistan did not contribute to achieving an important short-term goal: restoring security and stability in the immediate environs of the post-Taliban era, by filling a power vacuum created by the collapse of the Taliban regime. Disarming and demobilizing militias meant reduction of mistrust that has fueled a security dilemma between the fighting factions. Successful DDR in Afghanistan should have allowed aid agencies to work effectively and reach the most vulnerable people who were living in the far flank of the country and often in need of immediate assistance. In remote areas of Afghanistan, armed groups often develop a strong patronage system through which they seek to jeopardize reconstruction efforts in order to preserve their vested interests. DDR should be able to prevent these armed groups from kidnapping and killing aid workers, and allow development agencies to carry out their projects in a safe environment in the rural areas. In Afghanistan, however, DDR failed to create such a permissive environment, which not only resulted in the delay of development projects, but also let militias and private reconstruction companies engage in covert maneuvers.

Achieving the above-mentioned short-term objectives through the DDR process was a crucial ingredient for the resumption of peaceful social and economic activities. The beginning of these activities in a conflict driven country will help meet the long-term goals of post-conflict peacebuilding such as sustainable recovery and development. Sustained social and economic re-integration of ex-combatants will never occur if post-conflict recovery and development does not begin. Although a DDR program can pave the way for a successful re-integration of ex-combatants into post-conflict economy, it is not a comprehensive development project in itself but it is

⁷ Adech, J. W, *Disarmament, Demobilization and Reintegration*, in Meeting Minutes Item 4, Kabul, 2004.

merely a temporary measure aiming to facilitate the transition from war to peace.⁸ Through a process of removing weapons from the hands of combatants, taking the combatants out of military structures and helping them to integrate socially and economically into the society, DDR seeks to support ex-combatants so that they can become active participants in the peace process. DDR only lays the groundwork for safeguarding and sustaining the communities in which these individuals can live as law abiding citizens, while building national capacity for long-term peace, security and development. It is important to note that DDR alone cannot resolve or prevent violence. It can, however, help establish a secure environment so that other elements of a recovery and peacebuilding strategy can proceed. In short, the reintegration activities need to be much more comprehensive, complex, and integrated into the overall post-conflict recovery process for the long-term effect on the country's economic and political development.⁹

3. Can a DDR Process Reinforce Authority, Legitimacy and the Rule of Law?

Why does the authority and legitimacy of the newly established government in a post-conflict setting matter? And what makes authority and legitimacy a crucial component for putting the foundations necessary for the re-establishment of the rule of law and order in a country like Afghanistan? The rule of law is the foundation for a state to function effectively and gain slowly the legitimacy and the accepted authority over its people and territory. What would guarantee the existence of a state is the rule of law as democracy is predicated upon the rule of law. State failure is often characterized by the occurrence of violence. State failure means the disappearance of both public authority and social norms that support a state. State failure creates domestic anarchy, which always involves the threat of violence, if not violence itself.¹⁰ In situations where the state authorities crumble and their structures for public safety fall into merely nominal or the main source of insecurity, alternative mechanisms for individual safety or protection will emerge through which people employ individualistic responses (either in groups or alone) that seek for personal safety, power, profit or mere survival. Under such circumstances, these concerns (fear) of the ordinary people and sometimes the ambitions (greed) of certain groups would turn them to a non-neutral authority for help to cope with the security dilemma.

In the case of Afghanistan, different armed groups and paramilitary bands emerged in a decade-long war with the Soviet communists. Once the withdrawal of the Soviet forces from the Afghan land was completed, the major battle between the incumbent government (communist) and anti-Soviet armed groups began although the United Nations supported an effort to establish a coalition government in Afghanistan. In the early 1990s, after the demise of the communist government, a violent civil war

⁸ Massimo Fusato, *Disarmament Demobilization and Reintegration of Ex-Combatants*, July 2003, Beyond Intractability.org < <http://www.beyondintractability.org/essay/demobilization/?nid=1376>>.

⁹ Alpaslan Ozerdem, "Disarmament Demobilization and Reintegration of Former Combatants in Afghanistan: Lessons Learned from a Cross-Cultural Perspective," *Third World Quarterly*, 23.5 (October 2002), pp. 961-75.

¹⁰ Nelson Kasfir, "Domestic Anarchy, Security Dilemmas, and Violent Predation: Causes of Failure," in Robert I. Rotberg (ed.), *When States Fail: Causes and Consequence* (New Jersey: Princeton University Press, 2004) pp. 55-57.

broke out among the same major Afghan ethnic factions who all fought the war against the Soviets based on the same original Islamic ideology—*Jihad* against the common occupying enemy. But this dogma could not keep them together once they lost the common enemy. They continued their battle for making money from illicit drug trade, hunting for individual influence and competing to clench on the lever of political power in their respective regions. The original purpose of the fight, which was to liberate the Afghan land and the Islamic nation from the aggressor, was lost. Instead, the lucrative wartime businesses have changed the internal self-motivation of the warlords and militia commanders from noble ones to selfish and self-seeking agenda. As a result, as many as fifteen different conflicting parties and guerrilla groups emerged in the absence of a central Afghan government.¹¹ They turned to be lawless gangs and maneuvered to exploit the ethnic and tribal loyalties long and deep enough to harass most of the unaffiliated communities. Thus, common people were locked into the desire of the warlords, commanders and smugglers through a number of intimidation networks and artificially created local socio-economic necessities and implicit terrorizing techniques.

The DDR project was designed to dismantle these structures and remove the power basis of the ‘de facto rulers’ (militias and their commanders) by organizing them into a single force known as the Afghan Military Force (AMF) and to decommission them through the demobilization process. For instance, in the words of the Provincial Deputy Governor in Afghanistan, one can understand the importance of the DDR process: “Disarmament is the top priority—the administrative system can’t function as long as people are armed because you have to do what the armed people tell you to do, not what the rules tell you to do”.¹² Obviously he was pointing to the ‘culture of the gun’ issue in Afghanistan that remained very problematic, a source of unauthorized power and an easy way for warlords and ex-commanders to dominate the distribution of resources even today. It can be argued that successful planning and implementation of the DDR program in an early stage in the peace process would have been a direct bearing on the sustainability of such anarchic narrow institutions and behavior that prevailed in the absence of any Afghan government since the war started in 1970s. But the Afghan DDR was an unlucky political gamble among the Northern Alliance, their associates and the international community. This argument is based on several realities. For example:

- Only the Northern Alliance and their associates’ militiamen were brought into AMF. AMF excluded the vast majority of armed-groups and other irregular militias that existed at the same time in the far flank of the country.
- Declaring AMF as the only beneficiary of the DDR program meant ignoring the future of tens of thousands of other armed militia groups, which became a source of resentment in the southeast of the country. The southeast is now considered to be the home of the armed-insurgent groups that launched a united assault against the central government of Afghanistan and the allied Western forces.
- The initial estimated number of ex-combatants who were eligible to enter the DDR process was 100,000, but after one year of operation it was lowered to 50,000,

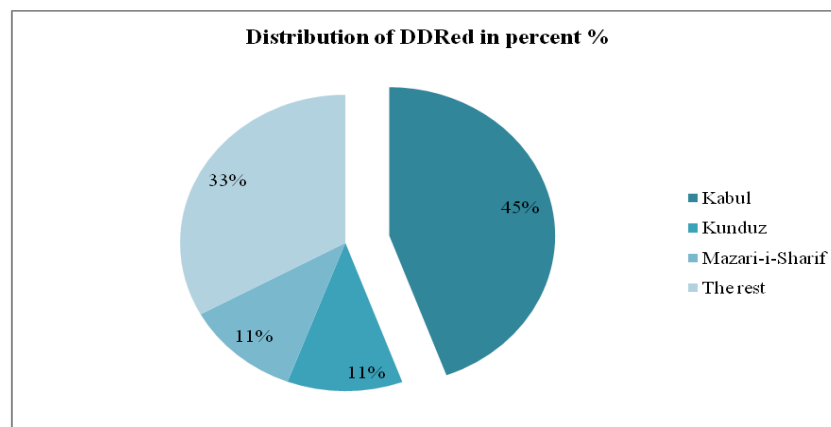
¹¹ Phillip Corwin, *Doomed in Afghanistan: A UN Officer’s Memoir of the Fall of Kabul and Najibullah’s Failed Escape, 1992* (Piscataway: Rutgers University Press, 2003) pp. 1-17.

¹² S. Lister and A. Wilder, “Sub-National Administration and State Building,” in Derick W. Brinkerhoff (ed.), *Governance in Post Conflict Societies: Rebuilding Fragile States* (London: Routledge, 2007) p. 248.

realizing that AMF commanders had overstated the number of soldiers. So it represented a dilemma that no comprehensive assessment was done to inform the program design and ANBP officers were left no choice but to rely on the information and data provided by the commanders and their dominated Afghan Ministry of Defense.¹³

- Targeting AMF through DDR also sidelined the importance of community disarmament that is essential for Afghanistan to emerge as an effective state in the future (this was the Taliban's most popular policy and source of success in achieving security).
- Most importantly, the composition of AMF was based on a clear regional bias in the distribution of the benefits of DDR. Out of 8 regions, the two (Kabul and Kunduz) which were completely under the control of Shura-i Nezar (another name of the Northern Alliance) accounted for almost 56 % of all DDR-ed militiamen.
- Almost half of DDR-ed ex-combatants from Mazar-i Sharif also belonged to the same faction, which happened to be the faction in control of the Ministry of Defense. The five remaining regions constitute 33 % of the total.¹⁴
- 80% of the people who entered the DDR process were phony combatants.¹⁵
- It means that the DDR process was short of properly thought-out policy of how best to utilize the money, time, and the public support that it received.
- They were not merely wasted but transformed into security, political and social costs for the Afghan community that they are now paying off.

Regions	Distribution of DDRed Ex-combatants in %
Kabul	44.4
Kunduz	11.3
Mazar-i-Sharif	11.3
Gardez, Kandahar, Jalabad, Bamyan, Herat	33
Total	100.00



Source: ANBP (Afghanistan's New Beginnings Programme)

¹³ Peter Dahl Thruelsen, *From Soldier to Civilian: Disarmament Demobilization Reintegration in Afghanistan*, Danish Institute for International Studies Report 23, 2006-07, p. 23.

¹⁴ Antonio Giustozzi, and Simonetta Rossi, *Disarmament Demobilization and Reintegration of Ex-Combatants (DDR) in Afghanistan: Constraints and Limited Capabilities* (London: Crisis States Research Center, June 2006) p. 5.

¹⁵ *Ibid.*, p. 6.

The necessity to execute the disarmament, demobilization and reintegration (DDR) of the Afghan armed groups known as AMF in the country was acknowledged at the signing of the Petersburg Decree on the Afghan National Army (ANA) on December 2, 2002. The central item to connect military formation with the DDR process was the objective “to disarm, demobilize and reintegrate the AMF so that ANA could be formed and deployed in the regions as a representative of the new Afghan state and to fill out the possible security vacuums created as disarmament proceeded.”¹⁶ The document of the Petersburg Decree also mentioned that the Islamic Transitional State of Afghanistan (ITSA) “is committed to (the) earliest restoration of security, the rule of law and the full exercise of human rights throughout the country” through the prohibition of “armed groups, military formations, and any other military or paramilitary units that are not part of the ANA.”¹⁷ But the prohibition of such groups remained un-enforced even today. These gangs and warlords benefited from their status both financially and politically, as Rangin Dadfar Spanta pointed out “the so-called disarmament process, which is being carried out very hesitantly, primarily benefits the more powerful warlords, who are gaining ever-greater control of their territories and recruiting their own armed units.”¹⁸ Spanta, the present Foreign Minister of Afghanistan, is critical of the program outcomes. The results of the implemented DDR contradicted the policy notion of the key international players to strengthen the central government of Afghanistan. Rather they supported warlords by ways of financial benefits like entitling AMF to be the sole beneficiaries of DDR, and therefore at odds with the emergence of an order based on justice in the post-Taliban era. At the same time, the inability to improve the local security and bringing political stability blocked the ways to build a war crime tribunal and transitional justice that are central to the reconstitution of the rule of law and the legitimacy of the Afghan government.

It is not an easy achievement for DDR to strive in a post-conflict society such as Afghanistan. Exhaustive efforts often end up in chaos or impractical restoration of the rule of law, despite the strength and resourcefulness of the actor(s) or parties involved. As Afghanistan National Development Strategy demonstrated, the nature of security challenges has changed in Afghanistan but the extent and magnitude of the security problems still remains at a large scale.¹⁹ Embarking on the culture of all kinds of illegal, illegitimate violence will not only demand constant efforts on the political, diplomatic, military and policing fronts but it will also need to get through all the hurdles in a timely and strategic fashion. The anxiety in this struggle is not how to strengthen the state authority but rather how to create one from scratch. Creating a secure environment is the first priority and DDR is central to this end. Ken Thomas from the U.S. Bureau for International Narcotics and Law Enforcement Affairs (INL) that supporting a Police Project in Afghanistan pointed out early in the pilot phase of the DDR process that DDR almost automatically creates law and order.²⁰ But this is only

¹⁶ Thruelsen, p. 23-24.

¹⁷ The Islamic Transitional State of Afghanistan, *Rebuilding Afghanistan: Peace and Stability*, Presidential Decree, Petersburg, 2 December 2002, pp. 1-3.

¹⁸ Rangin Dadfar Spanta, “Afghanistan: Nation Building in the Shadow of the Warlords and the ‘War on Terror’,” in Jochen Hippler (ed.), *Nation Building: a Key Concept for Peaceful Conflict Transformation* (London: Pluto Press, 2005) p. 72.

¹⁹ Islamic Republic of Afghanistan, *Afghanistan National Development Strategy 2008-2013: A Strategy for Security, Governance, Economic Growth and Poverty Reduction*, Kabul: 2008, pp. 190.

²⁰ See for instance, DDR’ Committee meeting minutes with officers from the U.S. State Department,

if it is designed effectively with both immediate, achievable goals and long-standing strategic effects on security, and implemented wisely while taking the security environment problems into account. Replacing the rule of the gun by the rule of law and capacity building will require sustained efforts.

4. DDR and Security

Security is the first factor to be addressed in the transformation from a conflict to a post-conflict situation. Security remains a problem, even after the main fighting stops. Does the restoration of security in Afghanistan require the disarmament and demobilization of combatants and other rebel groups? The Afghan people continue to cite that security as the paramount problem facing their country. ‘Security first’ is the core of the Afghan post-conflict peacebuilding operation, therefore security considerations need to be incorporated from the beginning into the design of the DDR program. DDR means generating the necessary conditions for improving security by demobilization of the warlords and combatant militias. The prolonged stay of the armed groups in different parts of the country rooted the culture of warlordism deeply into the society, and that stands in the way of social, economic and political developments. DDR constitutes one of the urgent steps to address the threats emanating from warlordism and wide spread militarization in the country. By examining the sources of insecurity in post-9/11 Afghanistan, the report, *Securing Afghanistan*, investigated the security environment in Afghanistan and identified what they called the diffuse and highly complex nature of the ‘threat environment.’²¹ But the report’s categorization of the actors who constitute the ‘threat environment’ in Afghanistan is different from the one which is presented in this Chapter. For instance, insurgency, religious extremism, terrorism, drug-trafficking, criminal activities and regional meddling are the major sources of insecurity in the current Afghan security scenario. Interestingly, all have one thing in common, which is some sort of involvement of warlords and armed groups with all the above-mentioned groups. Because of economic and various other interests, the warlords and militia forces are intimately connected at one point or another with insurgents, drug-traffickers and criminals, etc, and most often they both tend to collaborate among themselves to achieve their specific objectives, most of them illegal. Several studies revealed the engagement of local warlords with insurgent groups. Since both of them wield enough power, they are able to drive insurgency.²² Warlords and militia forces can also impede the local governance issues and the rule of law to flourish as their interests overlap with those of drug-traffickers and criminal groups, for example, and this serves as an incentive for them to protect each other. Since the Afghan government is weak, insufficient, corrupt, and hardly has its presence outside the capital, both warlords and the local mafia have stepped into the power vacuum and exploited the fragile Afghan state. There are several evidences that warlords who are serving in the local

24th January 2004 Kabul <<http://www.state.gov/p/inl/narc/c27187.htm>>.

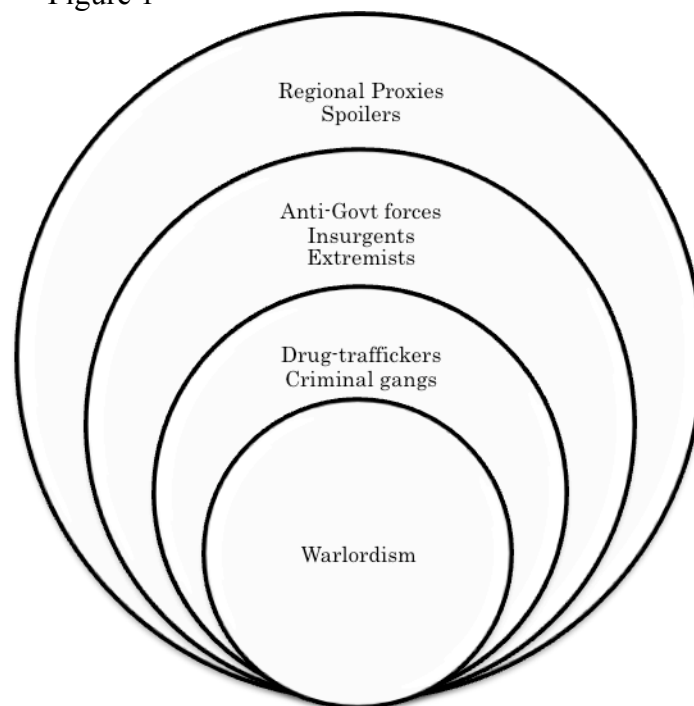
²¹ C. Christine Fair and Seth G Jones, *Securing Afghanistan: Getting on Track* (Washington, D.C.: United States Institute of Peace, 2009) p. 3.

²² Army/Marine Corps, *U.S. Counterinsurgency Field Manual* (Washington, D.C.: Headquarters, Department of the Army, 2006) pp. 1-14.

government have joined the mafia and undermine the state-building efforts at the local level.

Figure 1 explains the so-called threat environment that consists of various actors and the relationships among them. Warlords and armed groups occupy the center of this relationship. The existence of cooperative and working environment among all the elements is one of the difficult areas and cannot be settled in the short-term. Criminal and drug economies, war economies and the clandestine support in Afghanistan are generating enough money and profits that keep these actors in power, which in turn finance the warlords and armed groups to purchase arms and provide security and personal protection to their clients as shown in Figure 1.

Figure 1



The steady rise of insecurity in recent times overshadowed the prospects for the political reconciliation and reconstruction processes in the country. Increased military spending virtually diverted the significant portion of the money that otherwise could have been spent to support long-term reconstruction projects and development for the welfare of the Afghan community as a whole. The central focus remained the ‘war on terror.’ This is because the insurgents and terrorists continue to make substantial gains across the country, while the U.S.-backed Afghan government is increasingly weakened and plagued by ex-warlords and their combatants.²³ Furthermore, the war on terror created a unique situation in the country that allowed the U.S.-led multinational forces to make a significant association, at the beginning, with the Northern Alliance’s

²³ According to Rubin, a well-known scholar on Afghanistan, the ‘war on terror’ “strengthened its primary target, Al-Qaeda by creating incentives for local groups treated as ‘terrorists’ to ally themselves with Al-Qaeda. All handbooks of war, dating back at least to Sun Tzu, have recommended dividing the enemy. The ‘war on terror’ did the opposite.” (Barnett R. Rubin, “The Way Forward in Afghanistan: Three Views,” *Survival: Global Politics and Strategy*, 51, 1 (Feb/March 2009), p. 84.

warlords and militias mainly to assist the U.S. military campaign against Taliban and their associates. The alliance between the United States and the Northern Alliance has alienated the Pashtun population generally because the Northern Alliance has never controlled the whole of Afghanistan.²⁴ It confined their activities to the northern part of the country and was so unpopular among the Pashtuns based in the southeast. Supporting the non-Pashtun elements in the war on terror campaign conceivably exacerbated the ethnic tensions that contributed to the complexity of the Afghan internal security situation as well as it prevented an effective DDR process from developing.

At the outset of the Afghan counter-insurgency efforts in 2002, several types of Afghan militias forces²⁵ were poorly mobilized for a range of different security activities: for example, 1) the Afghan Military Force (AMF) under the Ministry of Defense, 2) Local militias called the Afghan Security Force (ASF) that was recruited and trained by U.S. Special Forces in late 2001, 3) the private and personal armies of governors and strongmen mostly in Taliban dominating provinces, 4) those employed by Private Security and Military Companies (PSMC), and the last but not least, 5) the village based militias which were at first created by the tradition of so-called *arbaka* (Tribal militia at the order of the elders of the tribes). This is where the cause of worry originates. If these militias were capable of providing a solution to the security problems, why was the DDR invoked? But in reality they are far from being a recipe to, but a manifestation of the ineffective governmental security development, nonsense and unorganized security planning and provision around the country. As Antonio Giustozzi noted “The Afghan police force was not very different in its origins from the Afghan Militia Force (AMF). It too had been created out of the factional militias... with militia commanders becoming chiefs of police at the district or provincial level and their sub-commanders being appointed as officers. As such, the police force was almost completely untrained and unskilled.”²⁶ The Afghan people desperately looked to the police as well as army as they are ground down by deteriorating insecurity as an alternative to such militias. But as both the Afghan army and police are themselves laden with so many problems related to the overall operational capabilities, performance and corruption, therefore they are making no obvious difference to the daily life of the Afghan people.

Thinking DDR ahead could have replaced the existing focus from militias to the institutions that are responsible for providing security and law and order. Establishing capable and transparent Afghan security forces that are complemented through broader social support is critical to improving security and the efforts to combat the threat environment. Due to the lack of strong security institutions and forces in Afghanistan, a stable law and order cannot emerge. Seeing that armed combatants are glaring legacies, DDR is thus a very essential part of the post-war security restoration, strengthening the grips of the state to provide law and order and essential goods and services, but unfortunately this message was not well received and acted upon in

²⁴ Roberts Adam, “Doctrine and Reality in Afghanistan,” *Survival: Global Politics and Strategy*, 51, 1 (Feb/March 2009), pp. 31-34.

²⁵ Various anti-Taliban militias and other guerrilla forces were recruited and paid from several sources for multiple security related jobs starting from late 2001 and continued in diverse shapes and form till present. For the detail how, where and by whom they were raised, please refer to Antonio Giustozzi, *Koran, Kalashnikov, and Laptop: The Neo-Taliban Insurgency in Afghanistan* (New York: Columbia University Press, 2008), especially Chapter 6 (2.6 *Afghan militia*).

²⁶ *Ibid.*, pp. 166-173.

Afghanistan. Early efforts to curb key regional strongmen and local militias were inadequate and disappointing. Sufficient aid to the DDR program could have minimized the risks to the country, keeping it from slipping back into turmoil and violence. DDR resides at the nexus of security and development agendas, and has emerged as a critical tool in the development kit. The ANBP, however, fell short of truly articulating the different dimension of the Afghan DDR process.

5. Regional Dimension of DDR: Regional Black Weapon Market, Sub-national Proxies, and Militia Based Groups

Factors limiting the effectiveness of the Afghan DDR program also include the confrontation with the regional dilemma of a black weapon market,²⁷ the existence of well-established notorious warlords, commanders and their militias, and the continuation of clandestine support from the regional power brokers to the Afghan sub-state proxies in the country. Neither the ANBP nor the DDR program had a mandate to settle the regional black weapon issue or to halt the clandestine support from the outsiders to the Afghan militias. The argument here is that these complications undermined the disarmament process and were further exacerbated by the apparent lack of effective design of the DDR process in relation to these issues. In circumstances like the case of Afghanistan where abundant and cheap weapons²⁸ are easily accessible and readily available (mainly from the regional black weapon market), while at the same time, a wide variety of armed bands and groups are active, concentrating primarily on the disarmament of a particular segment of the armed groups like the AMF was deceptive. How to proceed in such a scenario so that the disarmament component of the DDR process would be relevant? From a historical perspective, the existence of insurgent elements and too many guns in unauthorized hands cannot be denied in Afghanistan, the logical method in such a scenario should have been a macro-disarmament strategy and not micro-disarmament tactics. “Macro-disarmament approach involves the creation of a political and security environment that can allay inter-factional distrust and pave the way for voluntary disarmament as a broad-based commitment to peace. Such a strategy should eliminate the desire to use weapons rather than merely collect weapons.”²⁹

Quantitative achievement such as the number of guns collected from ex-combatants was conceivably misleading considering the fact that the Afghan DDR program took place in one of the most militarized zone in the world. According to varying estimates, Afghanistan could be described as depositary of 1.5 to 10 million small arms and light weapons, which is bordering with a country containing 18 million illegal weapons based on estimates of the Small Arms Survey 2002.³⁰ The distribution of weapons and the existence of armed bands are interrelated, as Michael T. Klare

²⁷ Refer to a map that showing the regional belt of black weapon market, on page 69.

²⁸ For example, according to the Small Arms Survey 2002, the price of a used AK-47 in Afghanistan is one of the cheapest in the world <http://www.smallarmssurvey.org/files/sas/publications/year_b_pdf/2002/2002SASCh2_summary_en.pdf>.

²⁹ Ali Ahmad Jalali, “The Legacy of War and the Challenge of Peace Building,” in Robert I. Rotberg (ed.), *Building a New Afghanistan* (Cambridge: World Peace Foundation 2007), p. 33.

³⁰ See this portion of the Small Arms Survey that was published in one of the Pakistani English newspaper, DAWN in 2003 <<http://www.dawn.com/2003/01/14/top3.htm>>.

describes convincingly that they are significant factors in generating widespread violence, thereby undermining the national economy and impairing the state's ability to deliver basic services to the populace.³¹

In short, the regional factor of an active black market of small arms and light weapons contributed to the creation of an environment that was tricky for the first 'D' of the DDR process to be implemented to a substantial degree. It also paralyzed the successful transition from war to peace through reintegrating ex-combatants into civilian life. An overarching objective of the DDR process is the pursuit of peace and stability through the management of weapons (both heavy and light weapons) and sustainable reintegration of ex-combatants but in the case of Afghanistan the project did not create an effective mechanism for the management and control of small arms and light weapons.³²

The demobilization of warlords and militias commanders met with another difficulty: the foreign interference in the Afghan internal affairs. This matter attracted a significant attention as the most serious and perilous issue and as a source of decay of the previous and the present emerging Afghan state. It is suggested in the following that supporting these proxies that acquired different posture and strength in the Afghan theatre, as some turned to be ethnic militias; others appeared to be separatist forces; guerrilla groups and warlords and so on. All constituted an immense challenge, which was hurting the most significant attributions of the nascent Afghan's functioning state: the ability to protect the national population from external attack and internal disorder. The post-Bonn era witnessed the injection of these two significant attributions into the new Afghan state apparatus in order to be in a position to run its affairs both internally and externally, and to win the monopoly over legitimate use of violence. But how does the monopoly over legitimate use of violence go unchallenged? The state authority, as Hassner argues, is replaced by a welter of competing power blocks,³³ particularly in remote areas if not in the capital. This interference and influence of neighboring countries in Afghanistan serve as a source of conflict and ethnic and political division. The country's geopolitical importance put the regional countries into a struggle against each other. They compete for influence and seek for their diverse political objectives via these proxies in the country. The majority of national and international actors working to rebuild Afghanistan converge on the judgment that regional states must cease all support for sub-national actors—insurgent groups, warlords and different other tribal groups, in order to witness the real fruits of the post 9/11 reconstruction, recovery and development.

The 'Kabul Declaration on Good Neighborly Relations' with Pakistan, Uzbekistan, Turkmenistan, Tajikistan, China and Iran, signed in December 2002, is one of the drive to tighten the hands of these neighboring countries on supporting those proxies and a pledge of non-interference in Afghanistan internal affairs, respecting Afghanistan's sovereignty and territorial integrity.³⁴ But after decades of intensive

³¹ Michael T. Klare, "The Deadly Connection: Paramilitary Bands, Small Arms Diffusion, and State Failure," in Robert I. Rotberg (ed.), *When States Fail: Causes and Consequences* (New Jersey: Princeton University Press, 2004) pp. 116-118.

³² Mark Malan, "Peace-building in Post-Conflict South African: The Need for a Comprehensive Demobilization and Remobilization Programme," *African Security Review* 5.4 (1996).

³³ Klare, pp. 117-119.

³⁴ Mark Sedra, "Security Sector Reform in Afghanistan: The Slide Towards Expediency," *International Peacekeeping*, 13, 1 (March 2006), pp. 101-103.

power competition it has been difficult for these states to align their interests with their neighboring competitors and to cut off their support to their Afghan clients. Furthermore, current circumstances reveal the continued clandestine support for sub-national proxies in Afghanistan despite the above efforts.

Map: Afghanistan-Pakistan Border³⁵



Source: Perry-Castañeda Library Map Collection, University of Texas at Austin

³⁵ The blue area shown on the map represents the Pashtun population of both Afghanistan and Pakistan and the high concentrations area of the black weapon market along the Afghan-Pakistani border.

The final factor is the rapid transformation of the armed groups into political parties after 9/11 and its impacts on the security restoration. Most of the powerful, corrupt and criminal warlords were accommodated in the power circulation of the Karzai government. President Karzai, to some extent, seems successful in creating balance by re-shuffling these regional strongmen and warlords even though they are assigned with prominent posts. Afghan people anticipated that through the Emergency *Loya Jirga* the rule of the central government would be restored, that commanders would be disarmed, and the qualified people would be brought into government positions. However, following the Emergency Loya Jirga, which brought little change in terms of the make-up of the government, and confirmed, rather than undermined, the status of warlords, people's expectation began to diminish and disillusionment set in. There was a strong feeling that a space for change was created after the Bonn Agreement, but that significant opportunities to bring justice, rule of law and national unity have so far been wasted. The presidential and parliamentary election were held in 2004 and 2005 respectively for the first time in the Afghans' history, but as a result, the criminals, warlords and human rights abusers who have destroyed the country for 20 years were brought back into power. This situation reinforced the perception of many Afghans that those with records of human rights abuses and criminal behavior would continue to be accommodated rather than confronted.³⁶ Some critics believe that over-dependence of the United States on local Afghan forces in the war strengthened the militias in the post-war period.³⁷

The Afghan parliament decision in 2005 to grant a pardon to all those who committed atrocities against humanity in Afghanistan served a great deal to the militias-based groups and ex-commanders. This decision was widely criticized because with this decision these wartime abusers would not be dealt with legal and judicial channels. The United Nations High Commissioner for Human Rights protested that "this plan will undermine the process towards securing long-term peace through the re-establishment of the rule of law in Afghanistan... the parliament engagement in the national reconciliation process is crucial at the same time, however, those responsible for serious human rights violations must be brought to justice. This is vital both for this and future generations. The voices of the victims must be heard and they have spoken out clearly for the culture of impunity in Afghanistan to end."³⁸ The United Nations Assistance Mission in Afghanistan (UNAMA) also protested this parliamentary move on the Afghan national stability, national unity and reconciliation plan. "For any process of national reconciliation to succeed the suffering of victims must be acknowledged and impunity tackled." UNAMA further added in a letter to the parliament, "that no one has the right to forgive those responsible for human rights violation other than the victims themselves as international experience shows that truth is vital to reconciliation."³⁹ But in reality none of these voices were heard while at the

³⁶ This argument is based on a research undertaken by the Afghanistan Research and Evaluation Unit (AREU) from 2002 to 2006 <131.220.109.9/module/register/media/34f3_Community%20based%20Irrigation%20in%20Northern%20Afghanistan.doc>

³⁷ Barnett R. Rubin, "The Way Forward in Afghanistan: Three Views," *Survival: Global Politics and Strategy*, 51, 1 (Feb/March 2009), p. 84.

³⁸ United Nations High Commission for Human Rights, *High Commissioner Expresses Concern over National Stability Plan Passed by Afghanistan's Lower House*, Kabul: 2 February 2007.

³⁹ United Nations Assistance Mission in Afghanistan, *UNAMA Statement on the Wolesi Jirga Resolution*, Kabul: 31 January 2007.

same time no significant outcome was achieved in the process of national reconciliation and national unity.

6. Implication for Re-armament in Afghanistan

Following the implementation of the DDR program with no profound positive effect on the internal security environment of the country and the lack of strategic thinking of the future security build-up, a new thinking begins to dominate the conversation and before long the feasibility of re-arming militias was investigated. A tribal approach under the name of Afghanistan Social Outreach Program (ASOP) is one of the products of such a new thinking. ASOP is apparently inspired by the Iraq's 'Sunni Awakening' movement model, and relatively similar to Pakistani's tribal armies. ASOP also has other elements but here we will discuss the (re)armament part only. The main purpose of rearming Afghan village-based militias is to fight the resilient insurgent forces in their stronghold and supply policing forces within the Afghan local communities. This idea is based on the counter-insurgency strategy that worked to some extent in Iraq. Whether it will work or not in Afghanistan is yet to be seen. Afghanistan is a tough country with a well-developed narcotic industry; the borders are porous and unchecked and have a black market of excessive small arms and weapons. More importantly, we need to understand the divided nature of the Afghan tribes, their capacity, and tradition of each tribe in order for us to make a sound decision. With a brief description of the Iraq model and why the tribes were self-motivated to ally themselves with the U.S.-backed Iraqi government to fight insurgents, this part of the Chapter will investigate the compatibility of the rearmament plan with the goals the DDR process. Some important elements of the ASOP will also be explored in relation to the question: Will the introduction of this program lead to another mistake that will result in a complete reversal of the efforts to consolidate the central government foothold in the rural areas of the country?

The relatively successful U.S.-Sunni alliance in Iraq, which first emerged in Anbar province, has some implications for the Afghan case. The Sunni who once opposed and fought against the U.S. forces, now found themselves in cooperation with the U.S. forces.⁴⁰ This tribal approach to fight insurgency reduced the U.S. casualties by sharply decreasing attacks against the U.S. forces, increased security, and saved money, according to Gen. David H. Petraeus, the then top U.S. commander in Iraq.⁴¹ This strategy brought short-term stability into Iraq by bringing down the levels of violence throughout the country but in the long term, as some critiques believe, it may escape into problems related to tribalism, warlordism, sectarian or violence within themselves. Also, the future of such militias is not yet secured in Iraq. Will these militias be dissolved into Iraqi's professional security forces and for what reason? This is still an open question.

Usually three reasons are given to explain why the Sunni Awakening movement emerged: 1) The brutality of al Qaeda in most of the Iraq; 2) the widespread belief that the al Qaeda has a link to Shiite Iran; and 3) the evidence from various reports that al

⁴⁰ Greg Bruno, *Finding a Place for the 'Sons of Iraq'*, (Washington, D.C.: Council on Foreign Relations, 2009).

⁴¹ *Ibid.*, p. 2.

Qaeda disrupted the Iraqi tribal business ventures across the country including smuggling and reconstruction enterprises.⁴² The environment that motivated the Iraqi tribes to fight along its government is absent to a great extent in Afghanistan. Also, the civil war and the Taliban rule considerably weakened the tribal structure and ties. Secondly, in sharp contrast to Afghanistan where there was no government for almost three decades, there was a strong government in Iraq prior to the current one. In Iraq, the militias were contracted and paid by the U.S. forces. The same will be attempted in Afghanistan in a hope to attract some of the modest insurgent fighters (both tribal and Taliban). But it will be up to the planners and the circumstances whether or not we can avoid repeating the mistakes of the past of re-asserting the local warlords. Self-armed and self-motivated Sunnis will have to pass a real test when the Iraqis take over the control from the U.S. forces. An apparent problem could be how to demobilize the awaking forces without reverting to the previous levels of violence. Will it be also happening in Afghanistan if the same strategy is applied? Or another DDR program will emerge thereupon?

The Afghan government did not really like the tribal rearmament idea that was circulated and vigorously pursued by the U.S. forces. The plan is to empower the local militias to do the job that Afghan government and the U.S.-led military forces could not accomplish despite the increasing number of their security forces on the ground. It is against this strategy of arming warlords or tribal militias that President Karzai warns. He argues that such a strategy has had a disastrous effect in the recent history of Afghanistan and is most likely to add force to the Afghan's anarchic trend that has already done much damage to Afghanistan as a state.⁴³ But recent reports illustrate that the same idea under a new program, cautiously labeled as 'the Afghanistan Social Outreach Program' (ASOP), was approved by President Karzai with the endorsement of the ministries of Interior and Defense.⁴⁴ Why President Karzai agreed to implement the plan in spite of his initial disagreement? Plausibly the plan was modified by addressing the Afghan government's concerns. It specifies that there should be a collective base for the militias' engagement. For example, the U.S. commanders agreed with the Ministry of Interior on the idea to convene a special *Shura* (meetings of elders) to select the candidates for the proposed task and to carry out the program. This method itself is characterized by errors. For example, when a delegation of tribal elders and politicians vouched for the release of Maulavi Ghulam Dastagir, a man from Badghis province, who spent only weeks in police custody on charges of aiding the Taliban, freed him by President Karzai order after assurance from the delegation of the tribal elders that he would live a peaceful life. However, just days after his release the Afghan authorities learned that he was the man behind one of the most humiliating attacks on the Afghan security forces on 27 November 2008 when Taliban insurgents ambushed a supply convey in Badghis province, killing nine Afghan soldiers and five police officers, wounding 27 men, capturing 20 others, destroying at least 19 vehicles

⁴² *Ibid.*, p. 3.

⁴³ Tony Karon, *Will the U.S. Stick by Karzai in Afghanistan?* News Article, Times Online, Jan. 30, 2009 <<http://www.time.com/time/world/article/0,8599,1874953,00.html>>.

⁴⁴ Mulrine Anna, *U.S. Military to Launch Pilot Program to Recruit New Local Afghan Militias*, U.S. News and World Reports, 2009, p. 3 <<http://www.usnews.com/articles/news/iraq/2008/12/16/us-military-to-launch-pilot-program-to-recruit-new-local-afghan-militias.html>>.

and stealing five.⁴⁵

The plan stated that it would employ the right people for the job. It means those people who support the new Afghan democratic government and abide by law would be recruited. However, it is very difficult in practice to identify the right people among ex-militias and armed groups for the duty to provide local security for a community. Another related risk of this tribal approach is that it is also open to insurgent or Taliban forces and they might penetrate in this program and will jeopardize the local security situation. A similar controversy prevails as Amin Saikal noted in one forum that insurgent forces “have penetrated the government and institutions at many levels. This has not only compromised governmental activities, but also held the United States and its allies back from channeling most of their reconstruction aid through the government and coordinating closely with it on major policy and security operations.”⁴⁶ The plan went on and proposed that these militias after training would be called the ‘Afghan Public Protection Force’ (APPF) to complement the Afghan national security forces in particular region. At the moment it is not clear what sort of training they will receive and what measure will be used to employ the right people.

This program is a part of bottom-up approach that seeks to reach local communities mostly in rural areas (tribes, sub-tribes and clans etc) to work in partnership with the Afghan governmental agencies to solve local problems by delivering services they need.⁴⁷ Another important element of the plan is not to concentrate power in any one group and to assure the close coordination with the Afghan government in order to avoid creating parallel structures. However, the timing, design and location of the program strongly indicate that this bottom-up approach is for security gains only, at least in the present set-up. It has nothing to do with reconciliation of tribes, sub-tribes or clans, as some reports predicted that those tribes have historically been defiant of the central government, but the current aim is to rather aid them to turn them in opposition to the Taliban and their associates.

Before proceeding on the matter of compatibility of the ASOP with DDR, it is important to lay down groundwork for the analysis of this part of the inquiry. As Cordesman states that “[T]he Afghan government is at least 3-5 years away from a mix of governance, military, and police capabilities that can bring security to much of the country.”⁴⁸ This point to some extent explains the joint pressure on the current Afghan government and U.S. forces to formulate a new course of action to bridge the gap as Cordesman identified. The introduction of certain new ventures in the Afghan theater of fighting insecurity is already shaping the new strategy: the multinational military

⁴⁵ The New York Times published a report on December 21, 2008, titled; *Ambush raises unsettling questions in Afghanistan*. The whole article discussed the issue of releasing a suspect based on the Afghan traditional system (the tribal elders) and its consequences <<http://www.nytimes.com/2008/12/21/world/asia/21ambush.html?partner=rss>>.

⁴⁶ Amin Saikal, “What Future for Afghanistan,” *Survival: Global Politics and Strategy*, 51, 1 (Feb/March 2009), p. 88.

⁴⁷ According to the Afghanistan Social Outreach Program (ASOP) documents, this is the objective of the ASOP program to strengthen the tribal institutions and the establishment of the Community National Force (CNF) to help establish security in areas where the ASOP is implemented. Refer to the *Securing Afghanistan* report for further detail (C. Christine Fair and Seth G Jones, *Securing Afghanistan: Getting on Track*, Washington, D.C.: United States Institute of Peace, 2009, p. 28).

⁴⁸ Anthony H. Cordesman, *The Uncertain “Metrics” Of Afghanistan (and Iraq)* (Washington, D.C.: Center for Strategic and International Studies, 2007) p. 9.

surge combined with an enlargement and redistribution of resources and capacity building of the Afghan national security forces (ANSF) which consist of the Afghan national army (ANA) and the Afghan national police (ANP); and a tribal option by empowering and arming militias. Meanwhile critiques hit the basic frame of the ASOP's tactics that this little surge can only somehow create the Afghan local forces the United States needs. Putting more weapons into the suspicious and unknown Afghan hands means reversing the years of the government and the U.N.-led DDR efforts to reduce the bulk of the informal militias and associated illegal, armed-violence they hold through the power of gun. Though the Afghan interior ministry (in a news conference) denied such allegation of arming or rearming militias, instead they called them the official units of the interior ministry.⁴⁹

Apparently this episode of arming tribal militias demonstrates the lack of meaningful planning of how to stem the deteriorating security situation, halting the augmented militancy already in progress. How should it proceed without compromising the prospect of the integrity of the Afghan community? Such a move must be in agreement with the previous efforts of DDR, removing the thugs, and squeezing the system they used to exploit, along the accepted ethical and constitutional line of the country. At the same time, it is hard to see how these tactics could be made consistent with the dream of a strong central state. Rather, it would leave these warlords in possession of the local security and loyalty. It will further expedite the fragmentation of the country into mini-states in control of a particular person or group. As it recalls the civil war era where the communist regime recruited militias to protect villages and fight the Afghan mujahideen, which obviously failed.⁵⁰ A recent study report cautioned that "providing arms to local actors and creating local militias—under whatever name—is bound to be counterproductive. Such an initiative will likely undermine international and domestic commitments to DDR and reverse the limited progress that has been achieved thus far."⁵¹

It is painful to think about the accountability of such militias since many of these warlords and commanders (who were allegedly involved in criminal and tribal rivalries) in the past terrorized the local population. It is very important to understand the Pashtun culture where tribal or clan rivalries have been kept for several decades. How to prevent a small dispute among these armed villagers and militias from erupting into a full blown out war? Two armed villages fought over a small arc of land and suffered many casualties in Jalalabad province around 2002-3 and such incidents are common in a tribal, rural Afghanistan. Could redistributing and strengthening of tribes' political and social arrangement lead to a birth of 'a force for stability' in Afghanistan?

Conclusion

Afghanistan is a deeply factionalized country due to the past troubles and difficulties. In this context, the DDR program was particularly challenging. It faced with the lack

⁴⁹ Rahim Faiez, *US-Funded Program to Arm Afghan Groups Begins*, Washingtonpost.com, January 31, 2009.

⁵⁰ Rachel Morarjee, "Afghanistan Considers Rearming Warlords", *The Financial Times* 2006. (accessed on January 31st 2009) <<http://www.ft.com/cms/s/0/af4adb82-f819-11da-9481-0000779e2340.html>>.

⁵¹ Fair and Jones, *op. cit.*, p. 28.

of cooperation from the militia leaders, and severe resistance to the reform of the Ministry of Defense. Such an unfavorable environment not only caused the DDR program to be delayed, but also it made its progression very slow. The criteria for the selection of DDR eligible combatants were not based on the evidence, but they were selected as a result of a series of political negotiations between U.N. officials and the Ministry of Defense, and thus subverting the idea of a legitimate DDR program.

ANBP focused only on AMF. The composition of AMF was clearly based on a regional bias, and a close inspection revealed that the majority were 'ghost soldiers' as the initial estimates were 100,000 but soon after the program proceeded the number almost cut to half, as not enough soldiers appeared on the ground. As a result, some 80,000 fighters in nearly 1,800 illegal militia groups operating in southeastern border area near Pakistan left untouched. They are involved in the drug trafficking, political intimidation and working against the Afghan government.

The factors limiting the effectiveness of ANBP's DDR program were the presence of regional black weapons market, and the failure to remove the power base of the warlords and commanders. The existence of de facto powers in the country and the weakness of the de jure state at the sub-state level could be described as a serious issue to be resolved in medium to long-term only and as a main hindrance to centralized authority in post-Taliban Afghanistan. Only a strong center with honest, solid and strong political foundation would be able to exert sufficient control over the rule of law and order, security and to ensure functional justice. For instance, the issuance of the 'Gun Law' by Karzai government in 2005 will be only effective in the wake of strong governmental institutions responsible for implementing law and order. The problem of disorder and insecurity in Afghanistan has been linked closely to arms, weapons and related violence. They need to be approached from a regional context, that is, regional/cross-border coordination was the key to the success of DDR. This is because just collecting and destroying weapons, for example, will not reduce the availability of arms in Afghanistan, unless the design of the DDR process adapts measures aiming at reducing people's inclination to hold and use weapons both as a legitimate action or an alternative means of survival.

DDR should entail curbing the ability and desire of the ex-combatants to renew violence. An early and systematic dismantling of the factional militia bases was the key to post-conflict stabilization efforts in Afghanistan. Transformation of the culture of aggressive resistance to a democratic and peaceful competition for political power and status in the post 9/11 Afghanistan is a long-term challenge, which not only necessitates the replacement of the war machines with a political and legal system but also it requires the re-establishment of the public confidence in and the credibility of the Afghan state institutions. Afghan people expected from the DDR program that it would bring the beginning of a new era in Afghanistan. But it failed to meet the expectation.

To end the tragic conflict of insurgency in Afghanistan and to promote local security, the approach of (re)arming the tribal/village militias is neither significant nor does it serve as a right social outreach of the Afghan government and the U.S. commanders. Instead, we have to deliver real changes on the ground. Real changes in the direction of protecting local population against insurgents' violence, boosting and investing in the national political reconciliation process, and acting in concert with the human rights are most needed at this critical juncture. Even if these tribal or sub-tribal

militias were organized successfully, armed properly and run appropriately, how far they would be willing to go in and help the security forces to take on the insurgent Taliban is still a big question. After all, Taliban fighters are sons of those tribes.

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Impact of Illicit Drugs on the Afghan Peacebuilding Process and the Establishment of the Rule of Law

*Miwa Kato*¹

Introduction

Over seven years down the road from the Bonn Conference that gave Afghanistan hope for ending over two decades of conflict, the country today is widely seen to be a failure. Despite many remarkable accomplishments made in the initial years under the Bonn Agreement, recent years have seen extensive negative reports from the country. Insurgency continues to grow in large parts of the country; reconstruction efforts to improve people's lives and create a viable economy seem too slow in showing results; the government's capacity to bring order as well as needed services to the people in the provinces is not credibly established; the malice of corruption and the failure for the rule of law to win over the rule of the gun seem to be on the rise; transitional justice remains unaddressed thereby creating numbness for disrespect for human rights. In recent months, some observers began to point to Iraq as a success story in comparison to Afghanistan,² which is disheartening considering the righteous and hopeful path the country's peacebuilding process has come through in the initial years.

When aiming to better comprehend these developments, one is bound to notice that a particular factor affects all these remaining 'challenges' that face the country today: it is the dynamics created by the illicit opium industry. This Chapter aims to identify the reasons behind the 'failure' of the Afghan government and the international community to address this critical problem and to articulate recommendations for required action in order to change the tide. It will do so by first assessing the significance of the opium industry in the country's peacebuilding process, reviewing the development of the opium industry in Afghanistan.

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² See for instance, David Rohde and David E. Sanger, "How a 'good war' in Afghanistan went bad," *New York Times*, 12 August 2007.

1. The Opium Factor in the Afghan Post-conflict Transition Process

Other Chapters in this volume cover the political process as well as the challenges associated with creating unified national armed forces and dealing with former combatants in Afghanistan. While these challenges in political transition management and dealing with unauthorized armed groups, integrating them into legitimate national security institutions are formidable, these could be categorized as standard sets of very difficult challenges faced in most post-conflict situations. What makes the case of the Afghan post-conflict peacebuilding process uniquely complicated is the fact that the country has a major illicit economy based on opium poppies.³ This factor, carrying the weight of Afghanistan's troubling past two decades of incessant conflict and political manoeuvres by external parties, also deserves closer examination. This argument is supported by remarks from close observers of Afghanistan and the region such as Ahmed Rashid who concludes definitively: "In short, one of the major reasons for the failure of nation building in Afghanistan and Pakistan was the failure to deal with the issue of drugs."⁴

At the outset, it should be acknowledged that the opium economy has impacts on the very nature of Afghanistan's state rebuilding process. The easiest way to illustrate this point is to look at the magnitude of the resources it generates in comparison to the overall size of the Afghan economy. Generating amounts ranging from US\$ 2.8 billion to 3.4 billion annually between 2004 and 2008, the opium industry produced revenues in Afghanistan equal to 30-60% of the country's official GDP.⁵ These revenues contribute to sustaining activities aimed at destabilizing the country. Destabilization occurs not only through activities widely reported as acts of terrorism but also through criminal practices by individuals and groups enriched by revenues generated from the drugs trade. A worrying trend of consolidation of the drugs business in Afghanistan where the "underworld" composed of a limited number of key drug traffickers penetrates the market with protection from, and influence on, the legitimate actors on

³ Illicit access to natural resources (such as diamonds, timber, wildlife etc.) contributes to financing of continued armed conflicts in many conflicts and bringing such resources under effective control is critical for the viability of any post-conflict phase. While there are some commonalities in required response, there are also important differences that distinguish the place of opium in Afghanistan from other cases. "The opium economy's impact on the Afghan peacebuilding process is much greater than the impact of diamonds in Sierra Leone or timber in the Democratic Republic of Congo (DRC), for instance, due to the following reasons: first, both the illegal nature of the product itself (illicit drugs) as well as the existence of a highly organized global trafficking network of illicit drugs entail much greater security implications to the world outside of the country of origin; second, opium cultivation in Afghanistan has much greater portion of local population involved in the chain as part of their normal socio-economic activity (i.e., farming) and displays less characteristics of forced labour under active conflict situation; third, as drug abuse is known to increase in countries where illicit drugs are produced or trafficked, Afghanistan as well as the neighbouring countries also face a growing drug abuse problem which creates various longer-term socio-economic impacts.

⁴ Ahmed Rashid, *Descent into chaos: The United States and the failure of nation building in Pakistan, Afghanistan, and Central Asia* (Viking Penguin, 2008), p. 317.

⁵ Revenues equated to 61% in 2004, 47% in 2005, 45% in 2006, 49% in 2007 and 32% in 2008. While the amount in terms of percentage is decreasing, this is a reflection of the growth of the legitimate economy, not a decrease in the amount of revenues which generally increased during the same period, from USD 2.8 billion to 3.4 billion in 2008 (Source: UNODC Annual Opium Survey of respective years, available at <<http://www.unodc.org/unodc/en/crop-monitoring/index.html>>.)

the political scene and in government institutions in the “upperworld”⁶, is taking place with tremendous impact on the longer-term prospects for the country’s development. With such magnitude and scope, the opium industry has many deep and intertwined implications for the peacebuilding process, which will be reviewed in the latter part of this Chapter. But first, we shall briefly chronicle the historical development, identifying how this state of affairs has evolved over the past decades under conflict as well as during the implementation phase of the Bonn Agreement and the Afghanistan Compact.

2. Historical Context

Although Afghans can tell you about their ‘traditional use’ of poppy, it was by no means a practice explaining the place of opium in the Afghan society today.⁷ To understand the way the opium economy has gained its central place in Afghanistan, the best place to start the analysis is in the 1980s when it was introduced as a means of generating resources to partially support the resistance operations in a context where no legitimate economy existed. This was done by various Mujahideen groups with the aid or tacit approval of its external supporters.⁸ The 1988/89 increase in cultivation, which can be seen as the beginning of large scale cultivation (producing over 1,000 metric tons (mt) per year)⁹ that continued to increase for the next decade, coincided with the beginning of the winding down of the resistance against Soviet occupation and the demise of the Soviet Union which meant a decrease in financial support from external sources. At least from the viewpoint of one of their major, if indirect, financiers (i.e. the United States), the Cold War was over and there was no longer a reason for the only remaining world superpower to continue subsidizing the Mujahideen.¹⁰ What was left

⁶ Mark Shaw, “Drug trafficking and the development of organized crime in post-Taliban Afghanistan” in Doris Buddenberg and William A. Byrd (eds.), *Afghanistan’s Drug Industry: Structure, Functioning, Dynamics and Implications for Counter-Narcotics Policy* (UNODC & The World Bank, 2006), p. 195f. Shaw assesses that due to several factors that occurred in the post-2001 political transition—including termination of direct payment of cash by foreign parties to commanders and number of former key traffickers moving into position of politics—the drugs trade in Afghanistan became more consolidated since 2003 with a very small number (25-30) of big traffickers controlling the trade and exerting powerful influence over politics and state institutions in the “upper world”.

⁷ UNODC, *The Opium Economy of Afghanistan: An International Perspective* (United Nations, 2003), pp. 81-144.

⁸ Such account is given from several Afghans who dealt with the issue during the 1980s and 1990s. While no publicly available source explicitly indicates that external governments supported Mujahideen factions to engage in poppy cultivation (or that the resources they contributed were used to enable poppy cultivation and trafficking), various reports indicate that most external supporters were well aware of the fact that this was being done by the Mujahideen to generate resources to continue waging the war against USSR. Some observers including Ahmed Rashid go further in their analysis to attribute active encouragement and engagement by the Pakistani Inter-Services intelligence (ISI) (Rashid 2001, pp. 120-122; Rashid 2008, p. 319). At minimum, it can be said that external supporters were tacitly condoning this action with good knowledge of what was happening in Afghanistan.

⁹ UNODC 2003, p. 81.

¹⁰ This was done despite the fact that there were voices within the U.S. government objecting withdrawal of U.S. assistance, warning of the consequences of walking away without finding a solution to the Afghan conflict. See for reference, reports by Peter Tomsen who served as the U.S. Ambassador to the Afghan resistance titled “Afghanistan-US interests and US aid” dated 18 December 1992 and “Central Asia, Afghanistan and US policy” dated 27 February 1993 (as quoted in Steve Coll, *Ghost Wars: The secret*

was a country fiercely fought over by rival factions of the Mujahideen movement, ready to escalate into a full-scale civil war.¹¹ Afghans rejoiced the Soviet departure but other than the joy this symbolic ‘victory’ brought, there was little to be hopeful of the future. The country was in a state of despair with no viable economy or state structure, war-torn and lacking basic infrastructure such as roads or transportation networks, electricity or other power source, water irrigation or basic sanitation mechanisms, all of which were either non-existent in large parts of the country even before the conflict or destroyed during the preceding decades of conflict.¹² To complement the picture, there was little to indicate the possibility for a change to the better, without substantial external support at rebuilding the country, as state institutions and administrative structures completely disintegrated, leaving no legal framework, capacity to ensure minimum security, or providing basic services such as health and education.

An average farming family, which constitutes a vast majority of the Afghan society,¹³ faced with lack of seeds, water supply as well as viable markets for harvested produce or functioning monetary economy, where even subsistence farming was difficult.¹⁴ The only ‘helping hand’ offered was from organized criminal groups or their local agents. Opium poppy buyers would come to the villages, provide seeds, lend the money that families were required to sustain by themselves until the next harvest to pay back through the poppy harvest, provide farming equipment required, come and pick up the produce in exchange for cash. No other produce attracted such demand and services.¹⁵ Also, though not applicable to fertile grounds in the South and South East, in some parts of the country the inhospitable conditions of the farming land made poppy

history of the CIA, Afghanistan and Bin Laden, from the Soviet invasion to September 10, 2001 (Penguin, 2004), p219) as well as a cable from Edmund McWilliams in U.S. Embassy in Islamabad to the U.S. Secretary of State dated 5 February 1993 (as quoted in Coll, *op. cit.*, p. 263).

¹¹ Fierce rivalry between various Mujahideen factions, especially between Hekmatyar and Massoud, existed already in the 1980s (Coll; Rashid 2001) but the overarching goal of fighting the Soviets rendered these dynamics more as under-surface power struggle within the loosely coordinated resistance movement.

¹² William Maley, *The Afghan Wars* (Palgrave Macmillan, 2002), p. 85f.

¹³ Percentage is difficult to obtain during the conflict period but the official statistics from the 1970s indicate that 85% of the population lived in rural areas before the war and agriculture sector accounted for 68% of all employment in the country (Source: *Afghanistan Rehabilitation Strategy*, Volume IV, p. 51 quoted in UNODC 2003).

¹⁴ A report by the World Bank assesses the rural pauperization to be one of the main factors that fostered the opium economy in Afghanistan: “As Afghanistan failed, cultivating opium became a means of survival for rural communities. In a predominantly agricultural economy (agriculture was 53% of the economy) the degradation of agriculture and infrastructure and the disappearance of viable markets led to extreme rural impoverishment. More than half of Afghanistan’s villages were bombed. Livestock numbers dwindled to a third of pre-war levels. Over a third of land simply went out of production. By 1991, Afghanistan had sunk to the 3rd lowest GDP in the world, and Afghans had joined Haitians and the Somalis as more chronically hungry than any other people. Even today many Afghans are still vulnerable to famine, and GDP per capita (even including opium) was no more than \$310 in 2003. With high unemployment and few non-farm jobs, rural livelihoods and markets collapsed, and a shift in agricultural livelihoods strategies took place. Despite widespread cultural and religious aversion, opium production became accepted as a livelihood strategy” (Christopher Ward and William Byrd, *Afghanistan’s opium economy* (The World Bank, 2004), pp. 9-10).

¹⁵ As Rashid writes “The crop provided a support system for farmers that the state could not match. Since the early 1990s, farmers could mortgage their crop to dealers for a cash loan while dealers provided protection, agricultural extension services, technical assistance in the shape of better seeds, and even the skilled labour needed when harvesting began” (Rashid 2008, p. 318).

the only plant that grew well. From the viewpoint of the suppliers of the global illicit drugs industry, where transnational organized criminal networks work relentlessly to increase both supply and demand, Afghanistan's lawlessness and the destitute of its population ensured a great playing field for increasing cultivation and production of opium-based narcotics which commanded high market value in consumer countries, especially in Europe. As a result of a combination of these conditions, opium cultivation intensified in the post-Soviet period, reaching a new level producing over 2,000 mt per year steadily since 1991.¹⁶ This continued throughout the 1990s marking gradual increase and as the Taliban control grew, so did the cultivation of opium. The Taliban leadership, aided by the Pakistani military intelligence, ISI, made intensified efforts to grow this industry that was the only source of foreign currency.¹⁷ Production doubled between 1996 and 1999 reaching a record amount of 4,600 mt in 1999. This made Afghanistan the world's top supplier of opium, accounting for 80% of the global opium production.

3. Surprise from the Taliban Regime

A major change in the cultivation trends occurred in 2001 when the production fell dramatically from the previous year (3,300 mt), bringing down the total to 185 mt. This sudden decrease was the result of a new policy of total ban of opium cultivation issued on 27 July 2000 ahead of the 2001 planting season.¹⁸ The reason behind this change in policy by the Taliban was interpreted differently by various observers. Some believed that it was Taliban's attempt to give in to international pressure in a front that they had relatively less stakes as pressures increased surrendering terror suspects harboured in Afghanistan;¹⁹ others attributed it to their growing radicalization and reassertion of Islam's prohibition of opium cultivation.²⁰ Another intriguing speculation was that they deliberately reduced production in the face of an abundant stockpile from the previous two record damp harvests (4,600 mt in 1999 and 3,300 mt in 2000²¹) and the dropping price. If this interpretation is true, it would suggest that within the Taliban leadership there were strategists aware of global trends, as indeed the price of opium jumped ten-

¹⁶ UNODC 2003, p. 81.

¹⁷ Ahmed Rashid, *Taliban: the story of the Afghan warlords*. (Pan Macmillan, 2001) (New edition with a new preface, original published as *Taliban: Islam, oil and the new great game in Central Asia* by I. B. Tauris & Co. in 2000), pp. 120-122.

¹⁸ After a failed attempt to decrease opium cultivation by one-third in 1999/2000, a decree was issued on 27 July 2000 to totally ban opium cultivation (although it did not ban the trade of opiate goods).

¹⁹ Kato interview with Bernard Frahi (UNODC Representative to Afghanistan and Pakistan during 1998-2002), Vienna, January 2009; Rashid also attributes Taliban decision to their wish for international sympathy and possible recognition; Steve Cole's accounts also match this explanation.

²⁰ Several Afghan experts made this interpretation in conversations with the author in the post-Taliban period. Also an article in *New York Times* reported at the time "The Afghans are desperate for international help, but describe their opposition to drug cultivation purely in religious terms." And it quotes James P. Callahan, a U.S. State department official who joined an assessment mission describing that the Taliban "framed the ban in very religious terms" (Barbara Crossette "Taliban's ban on growing opium poppy called a success" in *New York Times* 20 May 2001).

²¹ The amount was already deliberately reduced in 2000 as the Taliban ordered reduction of cultivation by one-third in 1999, believed to be responding to international pressure and persuasion by the United Nations (Interview with Frahi).

fold between 2000 and 2001 and the estimated revenue generated in 2001 increased from the previous year. Experts monitoring the opium cultivation trends in Afghanistan thought, at the time, that the sustainability as well as true driving factors behind the sudden reduction would need to be better determined when (and if) the Taliban regime would continue the policy of opium-ban in the following years.²² However, this assessment became impossible to make, as the Taliban regime itself came to an abrupt end at the end of 2001 and left the question over the motivations behind the policy change in 2000 largely unanswered.

By 2001, the impact of opium cultivation and its relation to terrorism and organized crime in and around Afghanistan was recognized by the international community, at least to the extent that the topic made its way into the Bonn Agreement.²³ A Presidential Decree issued as early as in January 2002 declared opium poppy cultivation categorically illegal.²⁴ Nonetheless, in the early phase of implementation of the Bonn Agreement, the focus of international assistance and the Afghan government's activities were on humanitarian and reconstruction areas, leaving aside the questions pertaining to the establishment of the rule of law, including counter-narcotics.²⁵ We will return to assess the reasons and results of such a policy later once we finish reviewing the cultivation trend.

4. Early trend after Bonn

As the histograms show (see appendix at the end of the Chapter), opium production in 2002 jumped straight back up to the levels of the late 1990s at 3,400 mt; it was as if 2001 had never occurred. Though the Taliban kept their ban on opium, which was seen, at any rate, to be unsustainable as no alternative means of livelihood was offered to the farmers.²⁶ In destitute caused by drought and ban on opium in the previous year, against the backdrop of confusion and turmoil following the removal of the Taliban, many farmers planted what they did before in the vacuum of power and enforcement of any policy.²⁷ In 2003, the status remained largely unchanged but with an increase of

²² For reports at the time reflecting uncertainty among experts for interpretation of the surprise trend, see also Crossette's article in *New York Times* cited above. The point was also confirmed in an interview with Frahi.

²³ Paragraph V. (3) of the Bonn Agreement states: "Interim Authority shall cooperate with the international community in fighting terrorism, illicit drugs and organized crime."

²⁴ Serge Schmemmann, "Afghanistan issues order taking hardline on opium production" in *New York Times*, 17 January 2002.

²⁵ In early stages of the Afghan post-conflict peacebuilding, the tendency of most donors was to focus on humanitarian and reconstruction assistance (in this order, and with uneven distribution in favour of the former). Also, due to a combination of various factors, the way the Afghan post-conflict process was managed put greater weight on political stability, sometimes even at the cost of establishment of the rule of law which often touches on difficult questions. President Karzai is quoted to have said in early 2003 to Lyse Doucet of BBC World News that "peace is a necessity and justice is a luxury that Afghanistan cannot afford right now" (as quoted by Barnett Rubin "Transitional justice and human rights in Afghanistan" in *International Affairs* 79, 3 (2003), p. 574).

²⁶ UNODC 2003, p. 93; Report of a donor assessment mission conducted in May 2001 expressed concern regarding sustainability and lack of alternative livelihoods assistance (*The Impact of the Taliban Prohibition on Opium Poppy Cultivation in Afghanistan* available from David Mansfield's website).

²⁷ Some observers attribute more deliberate intension of Afghan power-holders in the resumption of

6% to 3,600 mt. Strong alarm signals were made by the United Nations Office on Drugs and Crime (UNODC), highlighting this increasing cultivation as a problem not only in itself but also as a problem that deeply affects the country's security condition and course of economic development.²⁸

Despite the adoption of the first National Drug Control Strategy (NDCS) by the transitional government in May 2003 and the establishment of a specialized unit, Counter-narcotics Police (CNPA) in the Ministry of Interior²⁹ and the introduction of the Counter-narcotics Law in October 2004 as well as an intensification of donor support to the central government in addressing this problem, the cultivation of opium poppies increased in 2004 by 64% from the previous year to 131,000 ha producing 4,200 mt of opium.³⁰ Around this time, President Karzai began to refer to the illicit drugs problem as a top priority and declared a new "jihad against opium" in November 2004,³¹ upgrading the Counter Narcotics Directorate (CND) to a Ministry of Counter Narcotics (MCN) within his new cabinet structure following the Presidential elections of 2004. He also created the post of Deputy Minister of Interior charged with counter narcotics enforcement and placed a renowned former Mujahideen commander, Mohammad Daud, who was believed by the central government to have been effective in bringing some control to the problem.³² Yet despite all the efforts, in 2005 the situation was only slightly better than the previous year with 4,100 mt (-2.4%).³³ There was, however, a 21% decrease in terms of the area under poppy cultivation, which went down to 104,000 hectares from 131,000 hectares in the previous year, and this was highlighted as the better indicator of the will and commitment of the Afghan farmers.³⁴ While there is a sound logic to this argument, it was seen more as an effort to mitigate the not so good news overall.

poppy cultivation in 2002 and also cite the inappropriateness of the compensation plan attempted in the 2002 that brought perverse effects: "Northern Alliance commanders taxed all opium routed for export through Central Asia by traffickers. After the war ended, production exploded in Badakhshan to the advantage of the Northern Alliance warlords" (Rashid 2008, p. 209).

²⁸ In an open debate held in the Security Council on 17 June 2003 (S/PV.4774) as well as in Afghanistan Opium Poppy Survey 2003 published by UNODC. On the day of the open debate, the Security Council issued a Statement by the President (S/PRST/2003/7) highlighting the urgency to tackle this problem.

²⁹ The first NDCS adopted in May 2003 stated its objective that Afghanistan would reduce poppy cultivation by 70% by 2008 and eliminate cultivation and trafficking in ten years i.e. by 2013. In the updated version issued in January 2006, the goal is specified as to "secure a sustainable decrease in cultivation, production, trafficking and consumption of illicit drugs with a view to complete sustainable elimination" with no specification of time frame.

³⁰ In terms of opium production this was 17% increase to 2003 but the 64% increase in the area under cultivation was seen to be the signal of intent of the population (UNODC, Afghanistan Opium Survey 2004).

³¹ Statement by President Karzai at the inauguration ceremony referring to post-election priorities. See also Carlotta Gall, "Afghan poppy growing reaches record level, UN says" in *New York Times* 19 November 2004.

³² Some observers questioned the appointment, alleging possible linkages of Daud himself or his family/associates with the illicit drugs industry but there were no clear evidence and it was also understood that the policy was intended to be engaging, and bringing into the national counter-narcotics effort, one of the local leaders with the ability to yield influence and bring effectiveness to police performance in counter-narcotics enforcement.

³³ As the production rate depends on yield, which varies from one year to another influenced by many factors including weather conditions.

³⁴ UNODC Afghanistan Opium Survey 2005, preface.

5. Situation out of Control

If the opium production trends during the immediate post-conflict period covered under the Bonn Agreement (2001-2005) were seen to be one of disappointment, the years that followed governed by the Afghan Compact³⁵ saw the situation deteriorate from bad to worse. In 2006, production reached 6,100 mt surpassing the previous record high marked in 1999 (4,600 mt) and was followed by an unprecedented surge in 2007 production that marked 8,200mt, almost doubling the 1999 record high of the pre-Bonn period. With intensified counter-narcotics efforts in the year that followed, the area under opium cultivation decreased in 2008 by 19% from the previous year but this only translated to a 6% decrease in production (to 7,700 mt).³⁶ In terms of opium production trend, the three years following the end of the immediate post-conflict phase in 2005 proved to be the worst years in Afghan history defying all previous records. As detailed in Chapter Eight, this period coincided with the growing deterioration of security situation in the country, which together gave a strong impression that Afghanistan is out of control in recent years.

Considering these developments, on the whole, it is often concluded that counter-narcotics was one area that the Afghan government and its international partners could not effectively deal with under the post-conflict transitional process that began in Bonn. Why was this the case, and what lessons are to be drawn from it? In assessing the ‘failure’ to address this problem while most other areas succeeded,³⁷ the complexity behind this issue must be taken into account. In order to better assess this premise, it is important to comprehend that the narcotics problem in Afghanistan is inextricably connected to and exacerbated by, as well as contributes to the worsening of several other underlying problems tied to the country’s socio-political transition.

6. Inter-related Structural Dynamics behind the Afghan Opium Industry

There are three key inter-related, underlying problems that contributed to the ‘failure’ of the Afghan government and the international community to respond to the challenges caused by the opium industry in Afghanistan.

First, slow and weak progress in reconstruction and improvements in ordinary people’s lives left a substantial part of the population, especially in rural areas, unable to

³⁵ The Afghanistan Compact (S/2006/90) was adopted at the London Conference held 31 January - 1 February 2006 as a dual compact, between the Afghan government and the international community on the one hand and the Afghan government and its people on the other, describing guiding objectives and plans. Defining the overarching objective as “(to) improve the lives of Afghan people and to contribute to national, regional, and global peace and security”. It specifies three pillars of priority activities: “security”, “governance, human rights and justice”, and “economic and social development” and lays out a series of commitments to be implemented over 5 years from 2006.

³⁶ UNODC Afghanistan Opium Survey of respective years. Regional concentration of production became increasingly acute, as UNODC writes: “Almost 98% of the potential opium production took place in the south and south-west of Afghanistan in 2008, reflecting the distribution of cultivation. The opium production in Helmand alone (5,397 mt) was higher than Afghanistan’s total production in 2005 (4,100 mt)” (UNODC Afghanistan Opium Survey 2008).

³⁷ President Karzai himself expressed frustration that this was one area, only next to insurgency and security threats in certain parts of the country, that lacked progress he had sought (expressed in a meeting with UNODC representatives in August 2005).

witness the ‘peace dividends’ they expected in the post-Taliban phase and turned to means of sustaining livelihood by being a part of the chain of the opium economy. Many were involved in the thriving opium economy through cultivation of poppy, processing it into opium, guarding the production in clandestine laboratories, or trafficking the opium within Afghanistan and into neighbouring states. In the international assistance community in Kabul, some dubbed, with great cynicism, the opium economy as “the only reconstruction programme that brought the needed impact” in Afghanistan. Already by 2004, in most provincial capitals, there were conspicuous mansions or shopping complexes that local enforcement officials indicated as belonging to shady characters linked to the opium economy.³⁸ The sheer magnitude of the opium industry is making it a central factor in the economic reconstruction and peacebuilding process, as keenly observed by Finance Minister Ashraf Ghani in his famous alarm for what he saw as the emergence of a “narco-state”.³⁹

Second, the opium industry was able to entrench itself within the local systems and structures in the absence of the rule of law, particularly in the provinces, and this in turn further limited the chance for the central government to control the situation in the provinces. In most provinces, the revenues generated from the local opium economy was more than sufficient to influence key players within the provincial government and other local power holders. This meant corrupt and illegal practices could be the basis for reconstruction rather than good governance or fair and transparent efforts at rebuilding the shattered economy. It was a typical vicious circle. To a vast majority of the Afghan population who are aware of these practices by power holders, the ideals stated by the reconstruction programmes sound dishonest and hallow. Especially in the initial years of the Bonn Process, it also allowed some influential provinces to have their own sources of finance and this meant even less obedience to the policies of the central government in Kabul. In this way, the opium economy also facilitated further fragmentation of the country, allowing regional power holders to maintain distance between Kabul and the provinces.

Third, the revenues generated by the opium economy was also used to finance insurgency and other activities intended to destabilize the government and its efforts in peacebuilding.⁴⁰ Security threats which the central government fails to clamp down, even with the support of the international partners, present the biggest obstacle to genuine peacebuilding. This is made possible largely by revenues generated by the opium industry, and the opium industry is able to flourish precisely because there is instability and limited capacity of the central government to establish the rule of law. One side of the problem is the cause as well as the consequence of the other and it is

³⁸ While some of these accounts by the locals may not have been substantiated, quick and large accumulation of wealth at scale visible in Afghanistan is difficult to explain by known licit economic activities available.

³⁹ Ashraf Ghani, “Where democracy’s greatest enemy is a flower”, *New York Times*, 11 December 2004. Ghani began to make this alert as early as in 2002.

⁴⁰ Like all efforts to prove financing of terrorism, it is difficult to find legally viable evidence of linkages to prove this point. However, this point, which is clear from circumstantial evidence and broad range of analysis, is stated as assessment by the Afghan government, the United Nations as well as by many international partners. See for instance, the U.N. Security Council’s Presidential Statement “recognizing the link between illicit drug trafficking and terrorism” (S/PRST/2003/7) following a briefing by the UNODC Executive Director in an open debate on the topic at the Security Council on 17 June 2003 (S/PV.4774, SC/7795).

proving difficult to lay an effective hand on either of these two interrelated problems which remain unresolved.⁴¹ A radical rethinking is required in approach if we are to change these conditions, as will be proposed later in the Chapter.

After reviewing the above dynamics related to the Afghan opium industry, one is bound to ask: If the nascent Afghan government was unable to get the country out of the vicious circle of domination by the opium factor, why could the international community not help more, if they were aware of the formidable implication of the opium industry to the entire peacebuilding effort? The answer to this question touches on wider objectives of the international community's engagement in Afghanistan in the post 9/11 world.

7. 'Warlordism' and Opium: a Mutually Re-enforcing Relationship

Lack of physical security, whether derived from insurgency against the government or in form of ordinary criminal behaviours of violence and intimidation, is the biggest concern grappling the Afghan population today.⁴² In many ways, improvement in this area is what matters first and foremost to the people in countries emerging from years of conflict.⁴³ While the discussion on security tends to focus on insurgency and terrorism, even in areas of the country that are classified to be relatively safe from insurgency, most ordinary Afghans' security is threatened by the arbitrary use of force and intimidation by power holders that are often enriched by gains made from illicit activities such as drug trafficking. One comment attributed to Yousuf Pashtun, the then Governor of Kandahar illustrates the point: "Eighty percent of the crimes are being committed by local militias, commanders, and the police rather than criminals, so the Taliban are not to blame for everything."⁴⁴ There is a tendency to loosely apply the term 'warlordism' to behavior marked by disrespect for the rule of law, but this notion is often used in a politically charged manner and fails to capture the wider extent of the problem. Many engaged in such acts became part of the legitimate government structure and/or gained influential civil society positions under the Bonn Process where maximum accommodation was made to include all except the Taliban into the process.⁴⁵ Many among them are engaged in the illicit drugs industry in Afghanistan,

⁴¹ Ahmed Rashid concludes definitively: "The Taliban resurgence, al Qaida's reorganization, and the restarting of its training camps for international terrorist groups after the US invasion would have been impossible without explosion in heroin production. In turn, the attempts of the Afghan government and the international community to rebuild state institutions, curb warlordism, and create a viable legal economy were heavily imperilled by the illicit cash generated by drug traffickers" (Rashid 2008, p. 317).

⁴² A study combining analysis of seven public opinion reports and interviews with Afghan opinion-maker media elites concludes, inter alia, that "security has been the top reconstruction priority of Afghans consistently throughout the transition period, although the focus of concern has shifted from the macro to the micro" (Department for International Development, *Media, Public Opinion, and Peace Conditionalities in Post-Conflict Afghanistan: A study into local views on donor behaviour* (December 2005), p. 7. A public survey conducted by BBC/ABC/ARD in 2008 also illustrates through various indicators, how security is the highest preoccupation of the Afghan people (BBC News 9 February 2009 <http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/7878501>).

⁴³ In this sense, questions are raised whether Afghanistan since 2001 can really be classified as being in a "post-conflict" phase.

⁴⁴ Rashid 2008, p. 323.

⁴⁵ For detailed analysis on how the Afghan political transition during 2001-2005 in the initial

either directly or by condoning it with or without making financial profit. Resources generated from the illicit drugs trade create and perpetuate a condition where the rule of law is not applied and this in turn facilitates further expansion of the illicit drugs trade, mutually re-enforcing the double-trouble of drugs and ‘warlordism’.⁴⁶ Therefore, it must be recognized that while the amount of drugs made available from Afghanistan is a concern of its own, the more pervasive problem in the context of securing Afghanistan is related to the resources generated from the illicit drugs trade that distorts the socio-economic reality of the country and entrenches criminal behaviour and disrespect for the rule of law.⁴⁷

8. Entrenchment of criminality through corruption

One particular problem which deserves mentioning in this context is that of drug-related corruption. While the practice of corruption is an independent problem not limited to the effects of the drugs money,⁴⁸ its manifestation related to the illicit drugs industry is a growing concern. As the illicit drugs industry generates a disproportionately large amount of revenue compared to the scale of the Afghan economy, and as it requires involvement of many actors in various stages of its chain of operations (at least to turn a blind eye), the impact of drugs on corruption in the country is acute. Furthermore, some report particular linkages between eradication and corruption. Alistair Harris describes that “eradication efforts act as a vehicle for corruption as farmers pay not to have their crops eradicated, the police sell back confiscated drugs and cronyism by powerful local interests ensures favouritism with the crops of competitors targeted for eradication.”⁴⁹

implementation stage of the Bonn Agreement displayed accommodationist approach towards “warlordism” and potential spoilers, see Miwa Panholzer-Kato, “Building the foundations for lasting peace: Examining the Afghan Bonn Process as a case study in post-conflict peacebuilding” (Vienna, 2009).

⁴⁶ While it is difficult to define ‘warlords/warlordism’, as these terms are used to mean different scope of things depending on the user and context, here it is used to mean the practice of disrespect for the rule of law at a scale that is beyond ordinary criminality. Most of the individuals that qualify as being called a ‘warlord’ in the Afghan setting today are not just bosses of local groupings engaged in criminal acts but heads of groups that were armed and resourced with foreign support. Many of them are engaged structurally at the high-end of the drugs trade chain. “There are also many other lesser figures who display various features of disrespect for the rule of law and engage in various illicit activities at a smaller scale. They are to be distinguished from ‘warlords’, but they also contribute to a wider sense to prevalence of ‘warlordism’ in Afghanistan.”

⁴⁷ It is also for this reason that many advocate for less focus on crop eradication and greater emphasis on general security and provision of licit alternative livelihoods as a more effective counter-narcotics policy (Barnett Rubin & Jake Sherman, *Counter-narcotics to stabilize Afghanistan: The false promise of crop eradication*, (Center on International Cooperation, February 2008)).

⁴⁸ For instance, the problem of corruption involving foreign aid, legal, health and other administrative services, natural resources are being reported by Afghan journalists (Department for International Development, *Media, Public Opinion, and Peace Conditionalities in Post-Conflict Afghanistan: A Study into Local Views on Donor Behaviour* (December 2005); For a preliminary analysis on the problem of corruption in Afghanistan, see “Fighting Corruption: A Roadmap for Strategy and Action” (an informal paper prepared by staff of ADB, DFID, UNDP, UNODC, The World Bank in February 2007, available from UNODC website).

⁴⁹ Alistair Harris, *Too Little Too Late?: Responses to the Afghan Opium Boom*, (Report prepared for “Global security, multilateralism & peacebuilding, Rwanda, 20-22 July 2007), p. 12.

Speaking off the record with some Afghan policymakers, the perception of corruption as an urgent problem to be addressed in Afghanistan is greeted with differing degrees of ambivalence. While they acknowledge that corruption is a problem in general that needs to be tackled over time, the underlying perception is that it will have to be addressed when the overall situation in Afghanistan has improved, not as the first priority at this point. The definition of what constitutes corrupt practices in a setting like Afghanistan, where key decision-making has traditionally been conducted through heavy reliance on personal ties and blessings by groups, makes the discussion leave ample room for debate. Besides, they will say with a slightly escalated voice that corruption is an unresolved problem even in countries in the West with more advanced governance culture and official mechanisms. Why would the world shed light on this problem pointing to the fragile government's failure to respond when Afghanistan is already faced with multiple challenges in the post-conflict transition process, they will say in non-official settings. Such sentiments are exacerbated by their frustration with what appears to them double standards by the international community, criticizing corruption and warlordism on the one side and physically arming and politically protecting some operating outside of the rule of law.

Sentiment such as above held by some Afghans should be given due regard in the international community's overall policy formulation for the country. Having acknowledged this, it is nonetheless important to address the problems of disrespect for the rule of law that threatens Afghanistan today, of which corruption is a key part. Through corrupt practices made possible by drugs money, illicit activities and disrespect for the rule of law have entrenched themselves into the Afghan social norms and practices.⁵⁰ This is perhaps the single-most problematic long-term consequence of the drugs industry in the Afghan peacebuilding process.

9. War on Terror priorities vs. counter-narcotics priorities?

Looking at the bigger picture of post-conflict peacebuilding in Afghanistan since December 2001, it is evident that the political transition is guaranteed by the continued deployment of international military forces.⁵¹ A great problem is that, although some improvements have been made compared to the early years after Bonn, counter-narcotics objectives have not been wholeheartedly embraced by the international military forces deployed in Afghanistan.

While the United Nations Security Council mandated the International Security Assistance Force (ISAF), whose main mandate is to assist Afghan authorities in maintaining security for the reconstruction process to be able to take place,⁵² has

⁵⁰ Through electoral process, the entrenchment reaches the highest state organs blessed with democratic procedures as well. A report by the Afghan Research and Evaluation Unit concluded that at least 17 elected members of the parliament are known as drug traffickers and an additional 24 has connection to the drug industry (Andrew Wilder, *"A House Divided?: Analysing the 2005 Afghan Elections"* (Afghanistan Research and Evaluation Unit, 2005)).

⁵¹ Although there are voices raising concern about the negative impact of the international military engagement, especially in relation to the issue of civilian causality and other consequences), these do not argue that the transition process can be maintained just among the Afghans without foreign military presence.

⁵² Created by the U.N. Security Council S/RES/1386 (2001), International Security Assistance Force

extended its reach in the recent years, the key military presence continues to be shaped through the Coalition Forces “Operation Enduring Freedom (OEF),” led by the United States with contribution from its allied nations.⁵³ From an early stage, OEF made it clear that its objective was to prevail over the remnants of the Taliban regime and Al Qaida elements present in Afghanistan, and that its mandate is strictly limited to the global War on Terror. While its sheer presence contributed in some cases to acting as a deterrent for violent conflicts and it would occasionally align its posture to the needs of the political process, this has not been the norm. Furthermore, the Coalition Forces have taken the approach of depending on local allies in pursuing the War on Terror and this at times has rendered them to take actions contrary to the political objectives outlined in the Bonn Agreement. This includes granting political protection for local power holders who are seen to be cooperative or instrumental on the War on Terror priorities, tacitly condoning their illegal and undemocratic behaviour such as their publicly known involvement in the drugs trade. Hesitation over pursuing counter-narcotics objectives is also shared by the NATO forces operating within the framework of ISAF. One very illustrative case for the lack of policy alignment occurred when U.K. forces in Helmand disseminated leaflets and aired radio messages to the local population that they have nothing to do with counter-narcotics operations.⁵⁴ This, coming from the military arm of the country that was acting as the ‘lead nation’ spending billions of pounds assisting the Afghan counter-narcotics efforts was a clear signal of lack of coherence in international assistance and clearly illustrates the tension between the counter-insurgency objectives and counter-narcotics objectives.

This had two important effects: first, the policy of the Coalition Forces that ranged over time from benign neglect of, to active support for, individuals and groups acting outside of the rule of law (some called ‘warlords’ and ‘militias’), contrary to the demobilization and counter-narcotics objectives, served to strengthen the dominance of the warlords in certain provinces. Second, the spread of warlordism made life based on the rule of law illusionary for many ordinary Afghans and this in turn worked to undercut the legitimacy of the central government in Kabul which the international community was desperately trying to support. Impunity to warlordism, what Afghans call *tufangsalaria* (rule by gunmen),⁵⁵ has had a tremendous effect on the growth of illegal activities and associated criminal and corrupt practices. This policy, unintended side effect as it may be, but clearly stemming from the primacy given to War on Terror priorities, must be reviewed.

While criticism for the ‘failure’ of the counter-narcotics policy is widespread,

(ISAF) has been deployed since January 2002 but its mandate was initially limited to cover only “Kabul and its surrounding areas”. The Security Council authorized the expansion of the mandate of ISAF to areas across Afghanistan only in October 2003 (S/RES/1510 (2003)), almost two years into the critical initial years of the Bonn Process.

⁵³ Congressional Research Service Report for Congress, *Operation Enduring Freedom: Foreign Pledges of Military & Intelligence Support* (CRS, October 2001) p. 5, <<http://fpc.state.gov/documents/organization/6207.pdf>>; United States Central Command website <<http://www.centcom.mil/en/countries/coalition/>>

⁵⁴ The Helmand leaflet/radio case and other accounts of U.S. State Department and U.K. Foreign and Commonwealth Office’s frustration with their military’s unwillingness to cooperate on the counter-narcotics objectives are detailed in Thomas Schweich, “Is Afghanistan a Narco-state?” *New York Times*, 27 July 2008.

⁵⁵ The Afghan term quoted by Barnett Rubin, “Transitional justice and human rights in Afghanistan,” *International Affairs* 79, 3 (2003), p. 576.

progress in counter-narcotics cannot be discussed in isolation from this wider question of the *de facto* permission for the rule of the gun to prevail, which was influenced by overarching objective of the international engagement defined closely with the objectives of OEF. The appropriateness of the policy where War on Terror was given higher priority than building of a culture and system based on the rule of law, and the implication of this on the longer-term stability of Afghanistan and the subsequent reduction of sources of terror must be questioned.

10. Where Should the Focus of Counter-narcotics Policy be Placed on?

Before moving on to the final segment attempting to articulate required actions, we shall briefly try to ascertain the reasons and motivations for engaging in the opium economy as seen from the Afghan population's perspective. A great deal has been discussed, sometimes controversially, regarding the factors that drive the opium industry.⁵⁶ This is an important debate as the understanding of the cause changes the way we perceive the problem as well as the means by which we believe the problem should be solved. First, the importance of distinguishing the motivation of the farmers (mainly driven by poverty) from that of the traffickers and some associated with the production/trafficking chain (driven by greed) needs to be acknowledged. Many would agree that strong measures should be taken against the latter, but regarding the farmers, there are divergent views. A generally accepted point is that counter-narcotics enforcement should not be conducted without matching assistance to create alternative livelihoods. However, different understandings (as derived from actual implementation) concerning the sequencing of the two stirs debate. Crop eradication programmes regularly occur without prior or simultaneous provision of alternative livelihoods assistance as a part of the government's forced eradication campaign supported by the international partners.

While the "Afghan National Drug Control Strategy", as well as the "Five Pillar Plan" contained in the "US Counternarcotics Strategy for Afghanistan" advocate a comprehensive approach in dealing with the illicit drugs problem,⁵⁷ counter-narcotics

⁵⁶ For U.S. government's position that deemphasizes poverty as a cause for poppy cultivation, see Thomas Schweich's 2008 New York Times article (see footnote 54) as well as the 2007 U.S. Strategy. For UNODC's position which is close to that of U.S. State Department's position (with reference to poverty as a driver of poppy cultivation) see, UNODC, "Discussion paper: Is poverty driving the Afghan opium boom?" (March 2008). Views critical of deemphasizing poverty as a cause for poppy cultivation is best summarized in Barnett Rubin's open letter to UNODC dated 13 January 2008 (detail given in Rubin and Sherman 2008). David Mansfield provides analysis based on field research with regards to drivers of poppy cultivation by the farmer (See *What is Driving Opium Poppy Cultivation?: Decision Making among Opium Poppy Cultivators in Afghanistan in the 2003/04 Growing Season* (April 2004); *Exploring the 'shades of grey': An Assessment of the Factors Influencing Decisions to Cultivate Opium Poppy in 2005/06* (2006)).

⁵⁷ The current Afghan strategy (NDCS) <http://www.fco.gov.uk/resources/en/pdf/pdf18/fco_nationaldrug_controlstrategy> identifies four key priorities as: disrupting the drugs trade, strengthening and diversifying legal rural livelihoods, reducing the demand of illicit drugs and treatment of problem drug users, and developing state institutions. This is broken down into "eight pillars" of priority action: public information, alternative development, eradication, interdiction/law enforcement, prosecution/criminal justice reform, demand reduction, institution building, international/regional cooperation. The U.S.'s Five Pillars (featuring also as part of the Strategy developed in August 2007) correspond to the first five

programmes delivered to date, especially since 2006 when cultivation grew dramatically, has placed a large focus on crop eradication.⁵⁸ The U.S. government perceives eradication as an indispensable element of a counter-narcotics strategy as a disincentive measure (raising risk and threat arising from poppy cultivation) to be applied together with incentive measures. While this is consistent with counter-narcotics strategies pursued elsewhere with U.S. involvement (such as in Colombia), this approach has been criticized by many experts with knowledge of local context for the reason that it focuses on the farmers without prior or simultaneous provision of alternative livelihoods assistance instead of the traffickers, for a quick and visible achievement.⁵⁹ It is argued that not only is such a policy ineffective but counter-productive as the very experiences of forced crop eradication make many farmers turn to the Taliban.⁶⁰ This point is also articulated in an analytical report issued by the U.S. Army's Strategic Studies Institute, which states: "Essentially, the pressure for quick results in the 'war on drugs' in Afghanistan has driven the United States to support a strategy that overemphasizes eradication as a means of curbing opium production. (...) While eradication may seem like a quick and easy fix, it is alienating small farmers while many of the largest drug traffickers, kingpins, and corrupt officials in Afghanistan continue to prosper."⁶¹

of the Afghan pillars.

⁵⁸ The U.S. policy is advocating for promotion of a balanced approach in counter-narcotics but "elimination and eradication" accounts for the largest share of the spending. For instance in FY2005, of the total amount of US\$ 782 million spent on counter-narcotics assistance in Afghanistan, eradication accounted for US\$ 508 million (of which 250 million went to Department of Defence and Drug Enforcement Agency and 258 million went to the State Department) accounting for 65% of its resource allocation (All above figures taken from U.S. Government Accountability Office (GAO) Report to Congressional Committees "Afghanistan drug control" November 2006). Then U.S. Deputy Assistant Secretary for International Narcotics and Law Enforcement Affairs Thomas Schweich stated in the 2006 UNODC Annual Opium Poppy Survey release press event in Brussels on 12 September 2006 that "While we agree that we must improve our interdiction capacity, the simple truth is that eradication is much easier. The fields are easy to find ... the poppy field is the true and literal root of the problem and we must go after it aggressively." <www.state.gov/p/inl/rls/rm/72067.htm> Its prioritization of eradication, even at objection from the local government/population (especially for aerial eradication) attracts criticism. Furthermore, large scale subcontracts given to U.S. companies such as DynCorp International to engage in eradication (in May 2005, DynCorp announced winning a third consecutive contract from the State Department for eradication and interdiction of illicit crops "which could extend up to 10 years [...] with annual contract value of 174 million (which may vary)") raises questions on whether vested interests play a role in prioritizing eradication as a counter-narcotics measure.

⁵⁹ This point is made by Rubin; also Mansfield and Pain argues on similar grounds and challenges the assumptions inherent in policy to "raise risks for the farmers" arguing that for most opium farmers there is no risk to raise in the absence of other alternatives.

⁶⁰ This argument contained in Rubin's critique (see footnote 47) echoes Richard Holbrooke's observation that the U.S. counter-narcotics policy pursued since 2001 (that focused on eradication) is possibly "the single most ineffective program in the history of American foreign policy." Holbrooke goes on to say "It's not just a waste of money. It actually strengthens the Taliban and al-Qaeda, as well as criminal elements within Afghanistan" (Richard Holbrooke, "Still Wrong in Afghanistan", *The Washington Post*, 23 January 2008).

⁶¹ John A. Glaze, *Opium and Afghanistan: Reassessing U.S. Counternarcotics Strategy* (Strategic Studies Institute of U.S. Army War College, October 2007), pp. 10-11.

11. Lack of Alternatives, Lack of Enforcement

An additional factor that has further complicated the Afghan counter-narcotics debate in the past few years is the legalization debate. In 2005, a non-governmental drug policy think-tank *Senlis Council* published a report linking the discontent of the Afghan population and revival of the Taliban to counter-narcotics policies.⁶² The Executive Director, Emmanuel Reinert, stated that “the Taliban revival is directly, intimately related to the poppy crop eradication program. It could not have happened if the U.S. was not aggressively destroying crops. This is the single biggest reason Afghans turned against foreigners.”⁶³ But the report did not stop here at criticizing and arguing for a change of forced eradication. It went on to argue for the legalization of poppy production in Afghanistan. It argued that there was a large shortfall of legal opiates at the global level (“80% of the world’s population has almost no access to painkillers and even in developed countries (opiates for cancer care etc. is unmet”), and that rather than criminalize and alienate poppy farmers in Afghanistan and eradicate their fields, the international community together with the Afghan government should buy off the produced opium and legally sell it, making changes where necessary in the international drug control regime.

These assertions, which may appear at first sight logical and potentially politically appealing, especially to the general public, should be carefully counter-argued. First, the proponents of legalization of poppy cultivation in Afghanistan base their arguments on a lack of adequate supply in licit drugs at the global level. This is not a fact according to the body mandated by the international drug control conventions to monitor and control the international drug control regime, the International Narcotics Control Board (INCB).⁶⁴ There may be many ways the current set up of the drug control regime could be improved, and it is important to ensure that needed medication is made accessible to the world’s poor, but these are separate issues from the debate of overall amount of supply. Second, legalization arguments are based on perceiving poverty as the main driving force behind opium cultivation in Afghanistan.⁶⁵

⁶² The controversial proposal began being explored in Afghanistan in spring/summer 2005 when the Senlis Council (now renamed International Council on Security and Development (ICOS)) began to negotiate its pilot projects. A feasibility study on opium licensing in Afghanistan was issued in autumn 2005 (http://www.icosgroup.net/documents/Feasibility_Study.pdf). For reactions and coverage at the time, see Andrew Jack “Afghans to consider legalising opium production” in *Financial Times*, 25 July 2005; Ben Arnoldy, “Afghanistan not ready for legal opium-Minister”, *The Christian Science Monitor*, 16 May 2005.

⁶³ Cited by Johann Hari in his article *Legalize it: Why destroy heroin when there is such a huge market for it?* <<http://www.johannhari.com/archive/article.php?id=1018>>.

⁶⁴ International Narcotics Control Board (INCB), *Report of the International Narcotics Control Board for 2006*, p. 11, (United Nations, 2007) <<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>>. See also statement from Johnson Matthey, the largest producer and user of morphine in the world, denying validity of Senlis Council’s assertion of shortage of morphine, Mercer, David. *Afghanistan Poppies* (Johnson Matthey Public Limited Company, 12 September 2007) <<http://www.fco.gov.uk/resources/en/pdf/3036656/afg-CN-Macfarlanesmithreport>>.

⁶⁵ The counter-argument pointed to the fact that cultivation of poppy does not take place in the poorest provinces and there are parts of the country that are chronically poorer but refrain from poppy cultivation. Comparison of poverty at the aggregate level (as well as the fact that being relatively rich in Afghanistan still means one is extremely poor by international standards) sparked controversy and lack of various data in Afghanistan further complicated the assessment. UNODC’s recent position paper on this topic concludes “... combating opium production cannot be reduced to poverty alleviation alone and that other

Undoubtedly, many engaged in the opium industry in Afghanistan are struck with extreme poverty and lack other alternatives to make a viable living. As many surveys have shown, these are cited as the primary reason for cultivation by the poppy farmers, despite their knowledge of the illegal nature of the action.⁶⁶ However, while it would be wrong to deny poverty of many Afghans as one of the main factors contributing to the booming opium economy, it would be also wrong to argue that poverty is the greatest reason why Afghanistan cannot tackle its narcotics industry, when many other factors equally play a role. The real problem seems to be stemming from the fact that a single aspect of the problem (i.e., cultivation) is receiving a disproportionately large emphasis, either from those allocating the greatest resources to crop eradication programmes or from those highlighting poverty of the farmers as the main cause for cultivation. Focusing on the causal relationship between poverty and poppy cultivation may be unnecessarily polarizing the already fragmented debate over the counter-narcotics strategy in Afghanistan, taking spotlight away from key figures involved in the opium industry who are not poor and are entrenching themselves in the legitimate system. It is therefore more relevant to focus on the causes of the booming Afghan poppy industry as a whole (not just cultivation), which is mainly attributable to lack of law enforcement prohibiting this illicit opium economy. This should be seen in the context of a lack of state institutions' capacity to administer and enforce legal and centrally agreed policy. This is also true of policies designed to provide support to alternative livelihoods. In a situation where even countries with relatively advanced law enforcement struggle to control the implementation of licit poppy cultivation under international permission, how could we possibly imagine Afghanistan today taking on the task of joining the legal producer nations? If ever such a policy was adopted, there will be a huge amount of extra poppy production destined for the black market, and the revenues generated from that would still be used to play the function it plays today. As recognized by various policy makers since the emergence of the legalization debate, there is no "silver bullet"⁶⁷ that wipes away Afghanistan's problems of governance, economy and society, accumulated over nearly a quarter of a century of conflict, without addressing various underlying factors carefully and sincerely.

12. How Can We Change the Tide?

Having reviewed the development and various inter-linked factors that contribute to the illicit drug problem in Afghanistan, one is pardoned to get the impression that the challenge is nearly insurmountable. However, the Afghan government, as well as the international community, owe it to the people of Afghanistan and the world to redress this situation, specifically for the reasons outlined above that it is not just an 'opium problem,' but a problem hindering Afghanistan's road to a secure, just and prosperous country. This is a point that must be emphasized also to some in Afghanistan who view

measures are also necessary. Afghanistan's farmers are in need of assistance, but this assistance cannot be seen as a sufficient answer to the drugs trade, nor can this need be used to justify continued and expanding opium poppy cultivation" (for reference on the UNODC discussion paper, see footnote 56).

⁶⁶ UNODC's Annual Poppy Survey 2008 shows "poverty alleviation" ranking highest as "reasons for opium cultivation" accounting for 92%, in a similar trend to previous years.

⁶⁷ See Thomas Schweich's statement on 12 September 2006 (as quoted in footnote 58).

the drugs issue fundamentally as a problem of the West where the demand is generated.⁶⁸ While it is true that the ‘War on Drugs’ may appear first and foremost to be concerned with reducing the availability of illicit substances in non-producing countries, as it has been argued in this Chapter, the effect this industry has on the process of Afghanistan’s peacebuilding is formidable.

What must we do to change the tide? A radical departure is required in terms of an overall Afghan policy architecture pursued until now where the drugs issue was never taken seriously as a top priority. The international community has thus far tried to bring about change in the level of insurgency as well as within institutions of governance in Afghanistan without genuinely addressing the drugs issue which deeply affects the two priority problem areas. Many lip services are made on prioritizing the drugs issue, but they have not made substantive commitments entailing a chain of consistent action. Such approaches taken up to now have led to what is now admitted to be a “strategic stalemate”.⁶⁹ As for the specifics of the counter-narcotics measures, a drastic change in emphasis is required from eradication to interdiction and overall livelihood assistance, managed with a better public relations strategy. Both points require some elaboration.

First, it must be recognized that in the minds and deeds of the Afghan ruling class and key international players, the question of drugs has always been relegated to a secondary priority, not implemented in a serious manner, when they conflicted with other higher policy objectives and powerful interests.⁷⁰ This fundamental premise, dating back to the 1980s, remained unchanged in the post-Taliban phase that began with the Bonn Agreement and still very much alive today, needs a drastic change if we are to go beyond the rhetoric of a “Jihad against drugs” and a ‘War on Drugs’ which were ferociously declared and extensively covered in the media, but it was never implemented consistently. Considering the precarious state that Afghanistan is in today, and the critical role that the drugs industry plays (as outlined in this Chapter), it is high time that the drugs issue be elevated to the top priority. This means that the appropriateness of other policy objectives and actions need to be questioned (and altered where necessary) from the viewpoint of their effect on the counter-narcotics objectives. It also means that counter-narcotics programmes should not be designed and implemented as an own strategy, separate from security, counter-terrorism, political and development strategies, as it is done in reality, despite the elegant framework of the Afghanistan Compact, Afghan National Development Strategy (ANDS) and assertions of a comprehensive approach taken in various counter-narcotics strategies. Such state

⁶⁸ Although a public survey conducted by BBC/ABC/ARD in 2008 shows that majority of the Afghans view opium cultivation as “unacceptable in all cases (63%)” or “only acceptable if no other way to earn a living (28%)” (BBC News 9 February 2009 <http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/7878501.stm>), when discussing in informal settings, and especially among the more educated Afghans, such perception of the drugs issue has been expressed to the author.

⁶⁹ Term used by British Foreign Secretary David Milliband (BBC news interview conducted by Lyse Doucet, 19 February 2009, available from <<http://ukinafghanistan.fco.gov.uk/en/newsroom/13786915>>).

⁷⁰ I would like to thank Doris Buddenberg, a former Representative of UNODC in Afghanistan (2004-2006) and a long-term observer of the region, for explaining to me the persistent problem of lack of prioritization of counter-narcotics objectives dating back to 1980s. I would also like to thank Mark Shaw in providing valuable comments on earlier drafts of this Chapter, and especially for his valuable advice that firmed up the pan-ultimate segment containing recommended action. Responsibility for accuracy and relevance remains, however, solely with the author.

of compartmentalized and inconsistent policy designs and implementation owe a lot to conflicting policy objectives being perused by different actors/departments in powerful international partner countries, most notably (in relation to counter-narcotics concerns) in the United States and in the United Kingdom.⁷¹ Lack of genuine consultation and collaboration between various actors trying to support Afghanistan has created an overall effect of inconsistency and inefficiency on the part of donor countries. This, together with problems of lack of coordination and policy alignment among various entities within the Afghan government, needs to be rigorously reviewed, breaking away from bureaucratic logic and norm. Failing to do so, we risk losing Afghanistan despite all the resources being poured into the country and efforts made by various international parties.

Second, in terms of taking concrete measures against illicit drugs-related activities, shifting the focus from eradicating poppy fields to interdicting traffickers and processing facilities is most essential.⁷² Making visible progress in putting drug dealers higher up in the chain of the industry (especially those believed to be receiving political protection, either from the Afghan government or from the international players) behind bars through acceptable judicial mechanisms will send a strong message, not only to those engaged in the trade but also to many ordinary Afghans. It may even persuade them to denounce their cynicism and suspicion of double-talk concerning the counter-narcotics policy. We must bear in mind that as long as there persists a perception among the Afghan population that counter-narcotics policy is superficially or unfairly applied, cracking down on small to mid-scale traffickers while the ‘big fish’ make their profits and entrench their position of power, the counter-narcotics and the wider rule of law objectives will never be implemented.⁷³ As the debate surrounding the eradication issue became so controversial, it would be wise, even from a purely tactical point of view, to de-emphasize eradication as a measure of priority at this stage.⁷⁴

International military involvement in these interdiction operations (not just in information sharing but on actual interdiction) is essential if a desired level of impact is to be brought in the short-term.⁷⁵ While capacity of the local law enforcement is still in its early building stage, with sufficient and targeted international support, interdiction can improve dramatically. Legal tools and grounds are readily available both within

⁷¹ See the example of U.K. forces’ leaflet/radio campaign denouncing involvement in the counter-narcotics efforts in Helmand in 2006. Former U.S. Assistant Secretary of State in charge of counter-narcotics in Afghanistan Thomas Schweich gives unusually candid accounts of policy inconsistency between those charged with counter-narcotics assistance and the military (for Schweich’s 2008 *New York Times* article, see footnote 54).

⁷² For background on this topic, see footnote 59.

⁷³ Former European Commission Special Representative for Afghanistan Francesc Vendrell makes a similar assessment: “Our campaign against narcotics will continue to lack credibility unless we demand administrative action by the President to dismiss Afghan officials notorious for their involvement in narcotics and find ways of obtaining a number of judicial convictions against known drug-lords” (Vendrell’s valedictory report to the Council of the European Union, August 2008).

⁷⁴ Need for a much better factoring in of local sensitivities also relates to another controversial issue of civilian casualties. Often, what matters the most to change the reality on the ground, generating local support, is not to have logical explanation that convinces the audience in the West but deliberate gestures that show due respect and utmost care for things that are important in the eyes of the local population.

⁷⁵ NATO Council’s declaration of November 2008 opening a way for such operation for countries participating in ISAF is most welcomed, but this needs to be translated into reality on the ground, overcoming differences in opinion among various NATO troop-contributing countries in Afghanistan.

Afghanistan and in the international context; the former with the introduction of various Afghan laws including the Counter-narcotics Law adopted in October 2004; the latter including the seriously under-used ‘Drug trafficker’s list’ provision which was made available through the United Nations Security Council Resolutions 1735 (Dec 06) and 1822 (June 08).⁷⁶ What is required is the political determination to get serious about interdiction; to put greater resources into and to improve implementation of alternative livelihood assistance firmly placed in the wider context of reconstruction and development planning; and, to send a coherent message about the overarching need to establish the rule of law in Afghanistan.

Efforts should also be strengthened for improving interdiction in border areas where specialized counter-narcotics units of the neighbouring countries (Pakistan, Iran, Tajikistan in particular⁷⁷) can be brought to contribute in the effort. More serious commitments and collaboration are required from Afghanistan’s neighbours since illicit drug trafficking has a regional dimension, as illustrated distinctly through the question of precursor control.⁷⁸ Greater emphasis should be paid to improving the situation in Pakistan, as the trend in that country deeply affects the situation in Afghanistan. This is another arena where War on Terror priorities, and the narrow focus on counter-insurgency objectives, may have clouded the strategy for effectively attaining overall objective of stability in the region.⁷⁹

Especially in relation to Pakistan but also for most of the above areas, the recent change in the U.S. administration and the rethinking of its policy in Afghanistan and the region that is beginning to take place are offering room for optimism unexperienced since 2001. The position of Richard Holbrooke, now the new Administration’s special representative for Pakistan and Afghanistan, made public before he joined the administration on counter-narcotics in Afghanistan comes to similar conclusion as those contained in this Chapter:⁸⁰ “Solving this problem requires bold, creative thinking.

⁷⁶ S/RES/1735(2006) paragraph 12 states: “Encourages States to submit to the Committee 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, as described in paragraph 2 of resolution 1617 (2005), by any means, including but not limited to using proceeds derived from illicit cultivation, production, and trafficking of narcotic drugs originating in Afghanistan, and their precursors”.

⁷⁷ Such capacity is in need of creation in Uzbekistan, Turkmenistan and the area bordering Afghanistan in China.

⁷⁸ In 2008, 4,400 tons (60%) of opium is estimated to be refined within Afghan borders (translating to 630 tons of morphine/heroin). This requires approximately 11,000 tons of chemicals, including 1,200 tons of acetic anhydride which is an internationally controlled substance. Afghanistan has no pharmaceutical (or other) industry allowed to import these substances illicitly, therefore this considerable amount of chemicals is smuggled in through neighbouring countries into Afghanistan. The fact that there is no interdiction or detection of this in-bound movement of illicit substance in any of the neighbouring countries, alone, points to room for improvement in the regional context (Data based on UNODC statistics and estimates).

⁷⁹ The new U.S. Administration’s signals to address the situation in Pakistan as a key to resolving the Afghan problem (appointment of Richard Holbrooke as the U.S. Special Representative for Pakistan and Afghanistan, and his multiple visits of the region since February 2009) are encouraging steps in the desired direction but details of policy changes in Pakistan and Afghanistan need to be carefully developed.

⁸⁰ Although the author does not agree with some of the assessments made by Holbrooke such as to suggest that the U.S. counter-narcotics policy in effect at the time “may be the single most ineffective program in the history of American foreign policy”, the broad conclusions he suggests for the way forward (as quoted in the text) is supported.

Consideration should be given to a temporary suspension of eradication in insecure areas, accompanied by an intensified effort to improve security, build small market-access roads and offer farmers free agricultural support.”⁸¹ It is strongly hoped that a non-compartmentalized policy which places the drugs issue at the heart of various other problems surrounding Afghanistan, taking it holistically in the context of regional economic and social realities will be developed and implemented.

In sculpting out a better implementation strategy to attain counter-narcotics objectives, the government and its international partners will benefit from taking a more inclusive approach to incorporating the views and priorities of local-level stakeholders.⁸² While isolated efforts have been made to foster dialogue among local communities, they have not been reflected in a systematic way into the design or implementation of counter-narcotics programmes. The need to strengthen the Afghan government’s capacity to administer and enforce the law, as well as to provide needed alternative livelihoods assistance at both the central and provincial levels should be the central focus of funding allocation. In line with the spirit and language of the Afghan Compact,⁸³ it is important to design and apply counter-narcotics programmes as an integral part of other activities in the areas of state institution building, economic and social development, and realizing a society based on the rule of law.

13. The Other Side of the Picture

Finally, before closing this Chapter, it should be mentioned that while the discussion in this Chapter concentrated on the situation in Afghanistan, it is critically important to stress the need for better counter-narcotics policy and implementation in parts of the world where the demand for Afghan opiates is generated. This is a point so often raised by educated Afghans who, as indicated earlier, view the drugs problem as fundamentally a problem of the West. Through the contents covered here, this Chapter intends to contribute to the creation of a common understanding that drugs problem is a problem of Afghanistan’s peacebuilding process. However, it is also important to see and acknowledge the other side of the coin as seen from the Afghans. ‘Winning the hearts and minds’ may begin by listening to, and factoring in such frank opinions of the Afghan people who may point to uncomfortable reality of our common world, which we need to acknowledge and promise to work on.

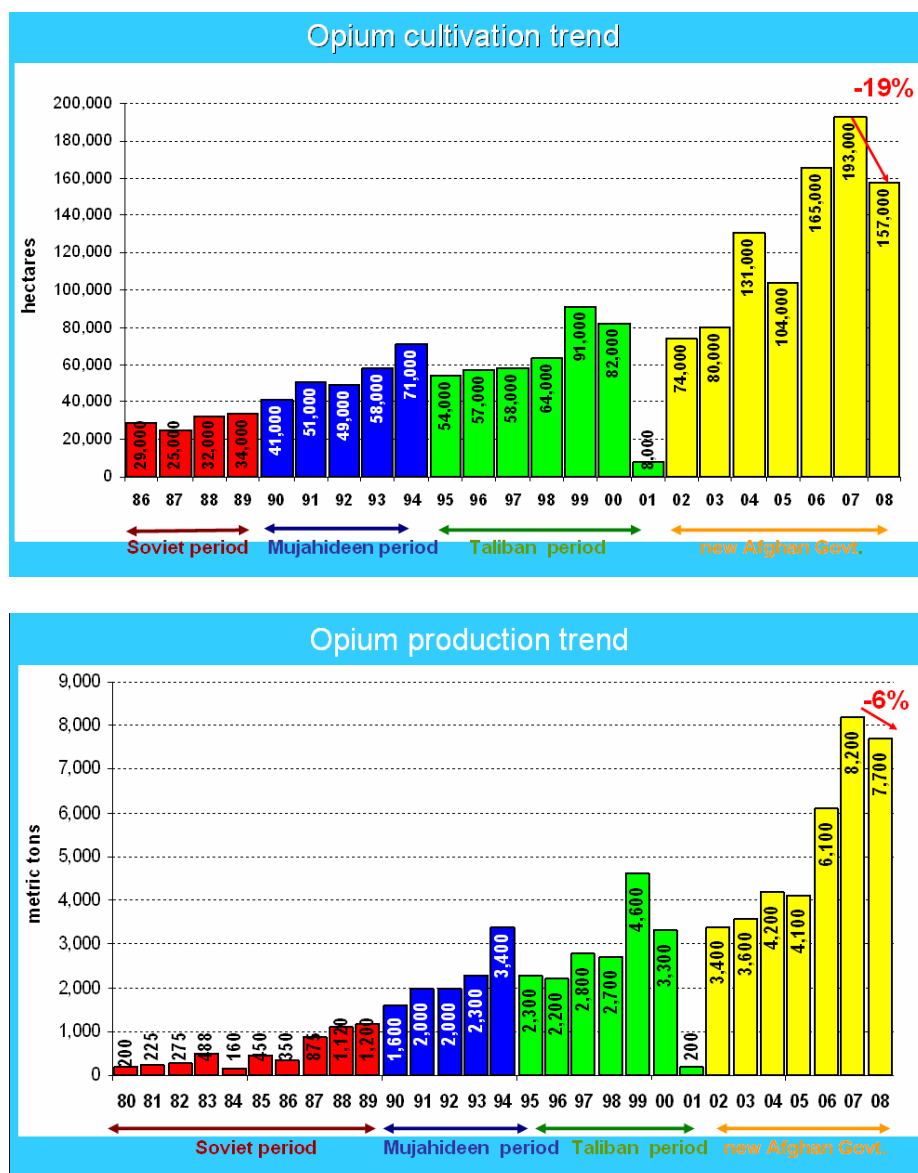
⁸¹ Richard Holbrooke, “Still wrong in Afghanistan”, *The Washington Post*, 23 January 2008. In a Foreign Affairs article outlining foreign policy challenges for the next administration, he identified the four major problem areas for Afghanistan as being “the tribal area with Pakistan, the drug lords who dominate the Afghan system, the national police, and the incompetence and corruption of the Afghan government” (Richard Holbrooke, “The Next President: Mastering a Daunting Agenda”, *Foreign Affairs*, September/October 2008).

⁸² This has not been done sufficiently and technical assistance programme lacking local ownership produces little desired effect. In supporting local institution building, it is important to ask (and continue to ask throughout the implementation phase) whether the institutions being built reflect local reality and preferences and are not merely mirroring Western models and requirements.

⁸³ The Afghanistan Compact defines the counter-narcotics goal as “a sustained and significant reduction in the production and trafficking of narcotics with a view to complete elimination”, treating counter-narcotics as a “cross-cutting theme” covering across all 3 pillars, alluding to the fact that counter-narcotics objectives should not be pursued separate from, or parallel to, the other goals of the Compact (for the three pillars and the overarching objective, see footnote 35).

Appendix

Histograms of Opium Cultivation and Production in Afghanistan (Source: UNODC)



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Transitional Justice in the Afghan Peacebuilding Process The Potential and Limitations

Madoka Futamura

Introduction

During the long years of armed conflict, the Afghan people and society have suffered from gross violations of international humanitarian law and human rights law. Afghanistan has been struggling with the legacy of past atrocities and serious war crimes. The pursuit of justice and accountability for past abuses has been increasingly regarded as an important process for societies emerging from conflicts to go through, and practiced under the banner of ‘transitional justice’, in a number of post-conflict societies.¹ However in Afghanistan, the transitional justice approach was totally absent in the early stages of the post Taliban peacebuilding process, and little has been attempted so far to pursue justice for past atrocities. Indeed, with the country’s unstable security situation on the ground, the pursuit of transitional justice has been regarded as ‘impossible’ and ‘inappropriate’.²

Yet transitional justice cannot be set aside in Afghanistan’s peacebuilding process. Transitional justice advocates have recently more actively highlighted its political and

¹ See, for example, Niel J. Kritz (ed.), *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, in two volumes, United States Institute of Peace Press, 1995; Ruti G. Teitel, *Transitional Justice*, Oxford University Press, 2000; M. Cherif Bassiouni (ed.), *Post-Conflict Justice*, Transnational Publishers, 2002; Rachel Kerr and Eirin Mobekk, *Peace and Justice: Seeking Accountability After War*, Polity Press, 2007; Naomi Roht-Arriaza and Javier Mariezcurrena (eds.), *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*, Cambridge University Press, 2006.

² See for example: Jack Snyder and Leslie Vinjamuri, “Trials and errors: Principle and pragmatism in strategies of international justice”, *International Security*, vol. 28, 2003/2004, pp. 5-44. Compared with other cases, very few researches have been conducted on Afghanistan’s transitional justice. For existing articles on Afghanistan’s transitional justice, see for example Barnett R. Rubin, “Transitional justice and human rights in Afghanistan”, *International Affairs*, Vol.79-3, 2003, pp. 567-581; Ahmad N. Nadery, “Peace or Justice? Transitional Justice in Afghanistan”, *International Journal of Transitional Justice*, Vol.1, No.1, 2007, pp. 173-179; Patricia Gossman, “Truth, justice and stability in Afghanistan”, in Naomi Roht-Arriaza and Javier Mariezcurrena (eds.), *Transitional Justice in the Twenty-first Century: Beyond Truth Versus Justice*, Cambridge University Press, 2006.

practical importance in achieving sustainable peace.³ In this sense, as academics and practitioners have begun to realise, transitional justice is one of the important elements of peacebuilding, together with Disarmament, Demobilisation, and Reintegration (DDR), security and justice sector reform and establishment of the rule of law.⁴ More importantly, there is a strong desire for justice among people in Afghanistan and an emerging process of transitional justice in the country, both of which cannot be ignored if we are to achieve sustainable peace based on local needs and wants.⁵

This Chapter examines the potential and limitations of the transitional justice approach in Afghanistan and analyses the significance of transitional justice, both as a mechanism and a process, for peacebuilding in the country. It first maps the political and security situation of post-Taliban Afghanistan and analyses why transitional justice was marginalised in the early peacebuilding process. It then examines the transitional justice approach that emerged in the country in 2005 onwards. The last section explores how the transitional justice approach can be related to other activities and imperatives of post-conflict peacebuilding and makes a tentative analysis of the potential and limitations of transitional justice in Afghanistan's peacebuilding process.

1. The Legacy of War Crimes and Post-Taliban Afghanistan: Transitional Justice Challenged

Afghanistan has been constantly at war since 1978. The 23-year period of war, up until the end of the Taliban regime, is generally divided into three phases: a coup launched by the Marxist-Leninist People's Democratic Party (PDPA) following Soviet Occupation (1978-1992); Soviet withdrawal and subsequent civil war between Mujahiddeen leaders (1992-1996); and the Taliban period (1996-2001). In every phase of the war, crimes against humanity and serious war crimes, including large-scale massacres, disappearances, summary executions, indiscriminate bombing, torture, and mass rape, were committed by almost all of the armed groups that fought in the country: members of the PDPA, Soviet forces, the Mujahiddeen, local militia forces, and the Taliban.⁶ Serious war crimes, such as pillage and rape, not only accompanied war fighting in Afghanistan but were also actively committed by militias and warlords for

³ See Paul van Zyl, "Promoting Transitional Justice in Post-Conflict Societies" in Ala Bryden and Heiner Hänggi (eds.), *Security Governance in Post-Conflict Peacebuilding*, Geneva Centre for the Democratic Control of Armed Forces, LIT Verlag, 2005.

⁴ See, for example, Report of the Secretary-General to the Security Council, "The rule of law and transitional justice in conflict and post-conflict societies" (S/2004/616); Simon Chesterman, *You, the People: The United Nations, Transitional Administration, and State-Building*, Oxford University Press, 2005; Jane Stromseth, David Wippman and Rosa Brooks, *Can Might Make Rights? Building the Rule of Law after Military Interventions*, Cambridge University Press, 2006; Charles T. Call, (ed.), *Constructing Justice and Security after War*, United States Institute of Peace Press, 2007.

⁵ See International Center for Transitional Justice, *ICTJ Briefing Note, Afghanistan: Addressing the Past*, 2008, <<http://www.ictj.org/static/Asia/Afghanistan/20080204AfghanistanBriefingNote.pdf>>.

⁶ The detail of war crimes and serious widespread human rights abuses is well-documented in various reports prepared by human rights NGOs. One of the most comprehensive documentations of war crimes available is The Afghanistan Justice Project, *Casting Shadows: War Crimes and Crimes Against Humanity, 1978-2001*, 2005, <<http://www.afghanistanjusticeproject.org/index.htm>>. See also Human Rights Watch, *Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity*, 2005.

their own material benefit. It is said that “More than a million Afghans lost their lives, approximately two million were disabled by the conflict, and thousands more were detained and tortured for their political beliefs.”⁷ Afghanistan is ‘a wounded society’, and its wounds have been left unaddressed because it simply has not had the capacity, opportunity, and desire to tackle the issue. A culture of impunity had been the norm in the country, in which serious war crimes were committed repeatedly without being punished.

The defeat of the Taliban in 2001 created an opportunity to finally address past atrocities and seek justice for the Afghan people’s sufferings, by ending impunity and establishing a norm of accountability. Expectations for the pursuit of justice in this transition from war to peace were also raised because serious and systematic human right violations conducted under the Taliban regime, especially towards women, had already been known internationally and widely criticised in the build-up to the U.S. bombing campaign.⁸

In the aftermath of the defeat of the Taliban regime, the Bonn Agreement was signed on 5 December 2001. It set up a framework for the transformation of the Afghan political system and provided a roadmap for the first phase of a political process. In order to help implement the Bonn Agreement, the United Nations Assistance Mission in Afghanistan (UNAMA) was established in March 2002. As one of the important issues to be considered, the Agreement referred to human rights and national reconciliation. However, during the early period of the Bonn Process, state leaders and U.N. officials were not enthusiastic about working directly on the issue of human rights in general, and transitional justice in particular. UNAMA, at least in the early stages, did not give sufficient priority to the protection and promotion of human rights,⁹ and was reluctant to take the initiative in investigating past war crimes and human rights abuses.¹⁰ This attitude was shared even by human rights advocates; Barnett Rubin wrote in 2003 that “No major human rights organization... has called for the establishment of any special tribunal, international or mixed, to try war criminals in Afghanistan.”¹¹ Voices for transitional justice were muted in early post-Taliban Afghanistan.

A senior U.N. official said in 2002: “Transitional justice only applies to post-conflict situation, and Afghanistan is not in a post-conflict phase.”¹² Indeed, the aftermath of the Taliban regime did not bring peace and stability to the country, while the United States and its coalition’s military campaign for the ‘War on Terror’ went on. This situation certainly affected the ways in which international actors, as well as

⁷ Nadery, “Peace”, p. 174.

⁸ President Bush himself pointed out the sufferings of Afghan people under the Taliban regime as one of the justifications for bombing Afghanistan. Remarks by the President To United Nations General Assembly November 10, 2001, <www.state.gov/documents/organization/18967.pdf>, accessed on 9 March 2009.

⁹ It is pointed out that at the beginning, UNAMA had an only small number of human rights officers and they were given rather fragmented duties under the mission. Human rights were given rather weak ‘institutional identity’. Conflict, Security and Development Group, King’s College London, *A Review of Peace Operations: A Case for Change, Afghanistan Study*, 10 March 2003, para.73-75, <<http://ipi.sspp.kcl.ac.uk/rep007/index.html>>, accessed on 13 May 2007.

¹⁰ *Ibid.*, para.82.

¹¹ Rubin, “Transitional”, p. 573.

¹² Quoted in Conflict, Security and Development Group, *op. cit.*, para.82.

Afghan leaders, considered transitional justice processes. Any attempt to pursue transitional justice at this stage, and especially to seek accountability for those who were most responsible for widespread war crimes and human rights violations, faced various challenges on the ground.

First, there are political challenges imposed by the fact that the United States and its coalition brought the Taliban regime to an end by actively cooperating with the Northern Alliance and other commanders. These ‘warlords’ are allegedly responsible for the country’s long war, as well as for serious war crimes committed not only in the past but also during the fight against the Taliban. Along the fighting, the United States armed, financed, and supported them; even after defeating the Taliban, this support continued in order to proceed with the war on terror. Cooperation with warlords was regarded as necessary for achieving peace and stability in the country. While warlords were positioned by the United States as “a useful bulwark against penetration by Al Qaeda”,¹³ they have successfully placed themselves in an important political process in post-Taliban Afghanistan. As U.S. and U.N. senior officials later admitted, it was difficult to ignore their claims for positions in power.¹⁴ Accordingly, these warlords were internationally given not only power but also ‘legitimacy’ to negotiate post-Taliban power sharing, developed their political influence, and encroached into the post-Taliban Afghanistan government.

Warlords increased their influence in government through the Emergency Loya Jirga (National Assembly) in June 2002, where 1500 representatives from 31 provinces gathered and debated the future of Afghanistan. This was one of the crucial events in the Bonn Process, having elected Hamid Karzai, Chairman of the Afghan Interim Authority, as President for the Transitional Authority. At the same time, it became an occasion to “encourage those who wielded power in Afghanistan to exercise it through politics rather than through the barrel of a gun”, and resulted in bringing some of the factional leaders with alleged roles in war crimes and serious abuses into Karzai’s Transitional Authority.¹⁵ Such leaders include: Abdul Rashid Dostum, the leader of the Junbish-e Milli faction who was given a senior post in the Ministry of Defence, and Karim Khalili, a commander in the Hezb-e Wahdat faction and now one of President Karzai’s two vice-presidents. Rashid Dostum’s troops are reported to have “killed hundreds of Taliban prisoners while transporting them in sealed containers from Kunduz towards Mazar-e Sharif”.¹⁶ He, however, remains in the government post as of July 2008.

Giving warlords a crucial role in the peace process as well as the power-sharing process became a huge obstacle to transitional justice, because any attempt to address the past war crimes and violence naturally points fingers at those in power. As long as warlords secure important governmental positions, it is neither realistic nor preferable to seek accountability for serious human rights abuses. Indeed, there was little willingness on the part of both international and Afghan leaders to examine allegations

¹³ Gossman, p. 260.

¹⁴ *Ibid.*

¹⁵ Chesterman, p. 220. In this sense, the Loya Jirga appeared in the eyes of the Afghans as showing that “the position of warlords and other local commanders would not be challenged by international actors.” *Ibid.*, p. 252.

¹⁶ *Human Rights Watch World Report 2003*, p. 198, <<http://www.hrw.org/legacy/wr2k3/pdf/afghanistan.pdf>>, accessed on 17 February 2009.

against members of Karzai's newly emerged government. When mass graves were discovered in northern Afghanistan in 2002, containing the remains of Taliban prisoners allegedly summarily executed by warlords fighting against Taliban, the U.N. Secretary-General stated:

The present situation does not allow for systematic and full investigations of this and other human rights abuses of either the distant or recent past. There are currently no means of ensuring the security and protection of witnesses, and furthermore such investigations would seriously disrupt the fragile peace that the Government and international community are striving to foster and reinforce.¹⁷

When a new government is still vulnerable and weak and thus needs to cooperate with former leaders in order to strengthen its power, or when there still is a remaining influence of former leaders, it becomes necessary to appease and collaborate with them, in order to maintain fragile peace in the transition period. This is a dilemma commonly faced in many societies in transition.¹⁸ Any attempt to address the past war crimes and gross violations of human rights, be it through prosecution or truth-telling, was regarded as hindering the recently achieved peace.

Rather than pursuing justice and accountability, it is an amnesty that is often regarded as necessary for a society immediately after conflict.¹⁹ In fact, in a number of peace processes in the past, amnesties were actively sought, for example in Argentina, Cambodia, Chile, Haiti, Sierra Leone and among others.²⁰ In order to end a conflict and achieve ceasefire, it is necessary to negotiate with political and military leaders, who are the ones most responsible for the grave violence conducted during the conflict. Knowing that their own responsibility for war crimes will be pursued after the war, those leaders will never agree to end the fighting. Amnesties, of course, have been an important issue in Afghanistan. During the meeting for drafting the peace agreement in 2001, the U.N. drafters had included a clause stating that the interim administration should decree there would be no amnesty for war crimes or crimes against humanity. The clause met strong resistance from members of the delegations of the Northern Alliance for a reason that such a clause would “defame the struggle of the mujahidin”; instead, they insisted an amnesty clause to be included in the agreement. Neither clause won a place in the final text of the Bonn Agreement. However, this row over amnesty, as Rubin pointed out, did define the political context, in which transitional justice had to struggle thereafter.²¹

Second, in addition to transitional politics, a lack of stability and security on the

¹⁷ Report of the Secretary-General, The situation in Afghanistan and its implications for international peace and security (A/57/487-S/2002/1173), 21 October 2002, para.21.

¹⁸ See the cases in Latin America in Kritz (ed.) *op. cit.*

¹⁹ See Snyder and Vinjamuri, *op. cit.*

²⁰ Michael P. Scharf, “Trading justice for peace: The contemporary law and policy debate” in Edel Hughes, Wiliam Schabas and Ramesh Thakur (eds.), *Atrocities and International Accountability*, United Nations University Press, 2007, p. 248. The difficulty of amnesty issues is reflected in the fact that the United Nations’ stance on amnesties had been ambivalent until recently. It is only in 2004 that one of the UN Secretary General’s reports clearly noted that “United Nations-endorsed peace agreements can never promise amnesties for genocide, war crimes, crimes against humanity or gross violations of human rights”. Report of the Secretary-General to the Security Council, “The rule of law and transitional justice in conflict and post-conflict societies” (S/2004/616), para.10.

²¹ Rubin, “Transitional”, pp. 571-572.

ground imposed further difficulties on the pursuit of transitional justice. The ongoing military campaign and instability meant that ensuring security remained the priority in post-Taliban Afghanistan. The prioritisation of security led to lenient attitudes that the coalition leaders, U.N. officials, as well as Afghan leaders, took towards warlords, for the reasons raised above. When asked a question about warlords in 2002, Karzai replied: “We must first have peace, stabilise peace, make it certain, make it stand on its own feet and then go for justice. But if we can have justice while we are seeking peace we’ll go for that too.” He concluded: “So... justice becomes a luxury for now. We must not lose peace for that”, implying that he would not actively seek accountability of past war crimes conducted by warlords.²² This was also echoed by Lakhdar Brahimi, Head of UNAMA, who is said to have commented that “‘our responsibility to the living has to take precedent’ over justice to the dead”.²³ When peace and security are not yet ensured, pursuing justice for past war crimes is regarded as naïve and rather dangerous.

Third, immediately after the defeat of the Taliban, major countries, as well as the United Nations, paid only limited attention to the long-term aspect of peacebuilding in Afghanistan. The United States and its coalition’s aim in the country was to eliminate the Al Qaeda network and topple the Taliban regime that had harboured it. With these ‘short-term’ military objectives in the context of the War on Terror, they did not take seriously the long-term project of achieving justice and reconciliation and bringing sustainable peace in Afghanistan. Simon Chesterman notes:

When interventions are justified by the national interest, ... this may lower the standards against which post-conflict reconstruction is held. The level of physical and economic security required in Afghanistan to prevent it becoming a terrorist haven, for example, is not the same as that required for the basic peace and prosperity of the general population.²⁴

On the part of the United Nations, there were lessons learned from expanded mandates given to past U.N. operations, such as the United Nations Transitional Administration in Timor-Leste (UNTAET). A mission of the scale of UNTAET, which included a number of activities related to transitional justice, was regarded, for example by Brahimi, as “not necessary and not possible”.²⁵ Instead, it was regarded that “UNAMA should aim to bolster Afghan capacity ... , relying on as limited an international presence and on as many Afghan staff as possible”.²⁶ This ‘light footprint’ approach in Afghanistan led to the U.N.’s reluctance to take a lead in human rights, transitional justice, and judicial sector reform.²⁷ The Secretary General’s report

²² “Karzai sets out Afghanistan vision”, *BBC News*, 14 June 2002, <http://news.bbc.co.uk/1/hi/world/south_asia/2044337.stm>, accessed on 25 July 2008.

²³ Quoted in Conflict, Security and Development Group, *op. cit.*, para.84. This comment interestingly corresponds with that made by an anonymous contributor to *Human Rights Quarterly*, who, in the context of the Yugoslav War, argued from a peace negotiator’s point of view that the pursuit of justice was incompatible with the pursuit of peace: “The quest for justice for yesterday’s victims of atrocities should not be pursued in such a manner that it makes today’s living the dead of tomorrow.” Anonymous, “Human rights in peace negotiations”, *Human Rights Quarterly*, vol. 18, 1996, pp. 249-258.

²⁴ Chesterman, p. 252.

²⁵ Quoted in *Ibid.*, p. 90.

²⁶ Report of the Secretary-General, The situation in Afghanistan and its implications for international peace and security, UN Doc A/56/875-S/2002/278, 18 March 2002, para.98 (a).

²⁷ Chesterman, p. 176.

in 2002 on the situation in Afghanistan stated that “the United Nations approach will be guided by Afghan human rights organizations and activists, who are best placed to advise on how international human rights law and standards can be implemented in Afghanistan’s particular social, political and cultural context.”²⁸

In sum, in Afghanistan immediately after the defeat of the Taliban, there was little space for transitional justice to prevail. This was partly because justice for past abuses was regarded as of secondary importance to peace in the process, and also because justice was seen to be risking the achievement of peace and stability. Transitional justice has generally not been regarded as an issue that a society should pursue immediately after conflict.

2. Early Signs of Transitional Justice

The United Nations, however, was not totally silent about human rights and transitional justice. Pursuant to the Bonn Agreement, in 2002 UNAMA supported the establishment of the Afghanistan Independent Human Rights Commission (AIHRC), now regarded as the primary agency for protecting and promoting human rights in Afghanistan. It focuses on five programmes: investigation and monitoring; human rights education; the rights of women; the rights of children; and transitional justice. After its establishment, AIHRC was given a mandate through a decree signed by Hamid Karzai to “undertake national consultations and propose a national strategy for transitional justice and for addressing the abuses of the past”.²⁹

Based on this mandate, AIHRC undertook nationwide consultation, and published the result in the form of a report, *A Call for Justice*.³⁰ Findings of the consultation with individuals showed a widely-shared sense of victimisation among people in Afghanistan: “69 % identified themselves or their immediate families as direct victims of serious human rights violation” during the conflict from 1978 onwards.³¹ Many Afghans showed desire to see justice for their sufferings, which 40 % understood primarily in terms of criminal justice before the courts.³² Then, who do the Afghans see as responsible and the targets to be brought to justice? Fifty-five per cent responded that only commanders, or those who have committed serious crimes and commanders responsible for them should be tried, while 27 % responded that all those responsible for human rights violations should be tried.³³ *A Call for Justice* notes that “It is generally perceived that violations were committed by those in power, and that power has been arbitrarily used and grossly abused against ordinary citizens.”³⁴ This corresponds with the people’s view of the decade-long war; the majority regarded it not as primarily ethnic in nature, “but that ethnicity was manipulated and used by

²⁸ Report of the Secretary-General, UN Doc A/56/875-S/2002/278, 18 March 2002, para.43.

²⁹ *A Call for Justice*, <http://www.aihrc.org.af/rep_Eng_29_01_05.htm>.

³⁰ *Ibid.* The consultation was undertaken with 4151 individuals and with 200 focus group discussions with over 2000 participants, covering 32 of Afghanistan’s 34 provinces as well as refugee populations in Iran and Pakistan. *Ibid.*, p. 5.

³¹ *Ibid.*, p. 8.

³² *Ibid.*, p. 18.

³³ *Ibid.*, pp. 21-22.

³⁴ *Ibid.*, p. 11.

commanders (and external powers, including Iran and Pakistan).”³⁵

Significantly, the report highlighted that a link between security and justice was recognised by the Afghan people in a tangible way. While the report clearly showed that it is a lack of security, not of justice, that was regarded as the most urgent concern among the Afghan people,³⁶ it also showed a widely-shared view among the locals that “war criminals are a source of instability” and that they needed to be eliminated from the front stage. In this context, 76 % indicated that “they thought that bringing war criminals to justice in the near future would increase the security in Afghanistan”.³⁷ When asked about prosecuting war criminals, 44.9 % indicated that they would like to see trials now, and 25.5 % within 2 years.³⁸ The Afghan people clearly recognised that those responsible for gross human rights violations remained in power, and held a strong desire to remove them from official positions. It is partly in relation to this desire that people strongly support war crimes trials or other accountability mechanisms to address the past wrongdoings.

The report concluded by pointing out the impact of the marginalisation of transitional justice in the Bonn process:

Transitional justice and the political process have... proceeded on separate tracks since the Bonn Agreement, but it is no longer viable for the political process to proceed independently from any accountability considerations. This approach will undermine true peace and security. ... accountability should acquire a more prominent role in the election process and in the decision to appoint people to public office.³⁹

The AIHRC report did play a crucial role in highlighting the importance of transitional justice for the post-conflict peacebuilding process in Afghanistan, and thus, in changing the attitude of Afghan leaders and international policy makers. In January 2005, the report was presented to President Karzai and Louise Arbour, United Nations High Commissioner for Human Rights. On receiving the report, Karzai ordered the establishment of a Task Force on transitional justice, consisting of members from the President's office, AIHRC and UNAMA. They drafted the Action Plan for Peace, Reconciliation and Justice in Afghanistan, a government-approved strategy for addressing past atrocities to respond to victims' needs, ensure accountability, and promote reconciliation. The Action Plan consists of five ‘Key Actions’: Acknowledgement of the suffering of the Afghan people; Strengthening state institutions; Truth-seeking and documentation; Promoting reconciliation and national unity; and Establishment of effective accountability mechanisms. The plan was presented at a conference in The Hague in June 2005.⁴⁰

In December 2005, the Transitional Justice Conference: Truth-Seeking and Reconciliation in Afghanistan was held in Kabul, organized by OHCHR, UNAMA and AIHRC, and attended by more than 120 participants from all regions of Afghanistan. Representatives of government, civil society, academia and the religious community were also present. The conference focused on the question of whether Afghanistan

³⁵ *Ibid.*, p. 11.

³⁶ *Ibid.*, p. 16.

³⁷ There was only 8 % felt that it would decrease security. *Ibid.*, p. 17

³⁸ *Ibid.*, p. 20.

³⁹ *Ibid.*, p. 43. See also The Afghanistan Justice Project, *Casting*.

⁴⁰ See <http://www.aihrc.org.af/tj_actionplan_19_dec_05.htm#_ftn>, accessed on 1 August 2007.

needed a mechanism for truth-seeking and reconciliation. Desire was expressed by participants to conceive of justice measures, including prosecutions and the removal of human rights abusers from positions of power. The conference ended by laying out the importance of “addressing the legacy of past human rights violations in comprehensive and practical fashion”. The conference was the first public forum in Afghanistan that discussed the issue of transitional justice. Christopher Alexander, Deputy Special Representative for the Secretary-General for Afghanistan, symbolically stated: “four years ago it seemed like many of these tasks were out of our reach. It was difficult even to talk about these issues. Today, thankfully, all of you are talking about them and many more talked about them during the election campaign, and there is much more talking to do.”⁴¹ More importantly, the Afghan cabinet adopted the Action Plan prior to the conference. Abdullah Abdullah, the Afghan Foreign Minister, stated that the conference itself showed that work on transitional justice was under way.⁴²

In February 2006, the Afghanistan Compact was signed at the London Conference. Although it noted that Afghanistan had not yet achieved a transition to peace and stability, it declared that the reconstruction of Afghanistan had entered into a second phase, and set up a broader state-building agenda. As crucial areas of activity, the compact raised three pillars: Security; Governance, rule of law and human rights; and Economic and social development. Crucially, these three areas are regarded as interdependent. The compact also stated that the Afghan government, with the support of the international community, will implement the Action Plan, for “rebuilding trust among those whose lives were shattered by war, reinforcing a shared sense of citizenship and a culture of tolerance, pluralism and observance of the rule of law”. It noted that the implementation of the Action Plan will be completed by the end of 2008.

Indeed, towards the end of 2005 and into 2006, the time seemed to be finally ripe for Afghanistan to face and tackle its own difficult past. The AIHRC’s report played an important role here in articulating not only the ethical but also the practical importance of transitional justice in Afghanistan. At the same time, it should be noted that political order and security on the ground also supported the movement of transitional justice during this period. With the inauguration of President Karzai, and the elections and launch of the new National Assembly, Afghanistan had completed the political transition provided for under the Bonn Agreement, and was seen as to having made significant progress over four years. What is more, during the previous four years the security situation on the ground was also improving. Thus, towards the end of 2005 and the beginning of 2006, there was an emerging awareness that transitional justice ‘can’ and ‘should’ be brought into the political process of Afghanistan’s recovery from war.

⁴¹ Press Statement, Statement by Christopher Alexander, Deputy Special Representative for the Secretary-General for Afghanistan, On the Occasion of the Closing of the Transitional Justice Conference: Truth-Seeking and Reconciliation in Afghanistan, 15 December, 2005, <http://www.unama-afg.org/news/_statement/DSRSG/2005/05dec15.pdf>, accessed on 1 August 2007.

⁴² UNAMA Press Release, December 15, 2005, <http://www.unama-afg.org/news/_pr/_english/Others/2005/05Dec15%20-%20AIHRC.doc>, accessed on 1 August 2007.

3. Potential and Limitations of Transitional Justice in Afghan Peacebuilding

However, as the security situation on the ground deteriorated immediately after the London Conference, human rights and transitional justice issues became marginalised once again. From the euphoria of the Transitional Justice Conference in December 2005, it took one year for Karzai to formally launch the Action Plan in December 2006. Ever since, AIHRC has been working on activities to raise public awareness of transitional justice and truth seeking.⁴³ However, at the government level, an Advisory Panel for Appointments, which was to advise the President on senior political appointments, was not established until March 2007 and finally became functional only in August 2008.⁴⁴ The Joint Coordination and Monitoring Board's Annual Report for the period of March 2007 and March 2008 stated as follows:

in the controversial area of transitional justice, some 26 months since its approval by the Cabinet, there is no recorded progress in the implementation of the Action Plan on Peace, Reconciliation and Justice. The three-year timeframe for the Action Plan's implementation comes to a close at the end of 2008. Even limited compliance with the plan's key action points is now in serious doubt, and calls to develop an expedited plan by JCMB VIII have so far gone unheeded.⁴⁵

The difficulty of pursuing justice when security is absent again became clear. Indeed, even those who recognise the importance of transitional justice accept that justice is difficult to pursue without, or at the expense of, peace and security.

Yet, this does not mean that transitional justice cannot and should not be sought in Afghanistan. In fact, as seen above, there is a substantial need for transitional justice and its nascent processes emerging within the society. Local needs and initiatives are especially important if Afghanistan is to achieve sustainable peace; Sustainable peace cannot be achieved unless the root causes of a conflict are tackled and eliminated. And transitional justice needs to be taken seriously, if there remains frustration about the absence of justice and if it is desired by the locals. This last section attempts to examine the significance of transitional justice approaches, both as a process and a mechanism, in the context of Afghanistan, and to make a tentative analysis of the potential and limitations of transitional justice in Afghanistan's peacebuilding process from the perspective of deterrence, victims' justice, reconciliation, and institutional reform, which are key themes shared both by transitional justice and peacebuilding.

3.1. Deterrence

Alex Boraine points out that transitional justice includes a number of areas such as prosecution, truth-telling, reconciliation, reparation, and institutional reform.⁴⁶ However, whatever form it takes, transitional justice in Afghanistan has been generally

⁴³ Benchmark Status Report March 2007 to March 2008, prepared by Working Groups Supported By JCMB Secretariat Kabul, Afghanistan, April 2008, <<http://www.ands.gov.af/ands/jcmb/site/index.asp?page=j8>>, accessed on 10 January 2009.

⁴⁴ Nader Nadery, "A Human Rights Awakening?" in J. Alexander Thier (ed.), *The Future of Afghanistan*, United States Institute of Peace, 2009, pp. 57-8.

⁴⁵ Joint Coordination and Monitoring Board: Annual Report March 2007—March 2008, <<http://www.ands.gov.af/ands/jcmb/site/index.asp?page=j8>>, para38, accessed on 10 January 2009.

⁴⁶ Alex Boraine, "Transitional justice as an emerging field" presented at the "Repairing the Past: Reparations and Transitions to Democracy" symposium, Ottawa, Canada, 11 March 2004, <<http://www.idrc.ca/uploads/user-S/10829975041revised-boraine-ottawa-2004.pdf>>, accessed on 20 November 2006.

marginalised from post-conflict peace and peacebuilding process due to the lack of security. At the same time, interestingly, the people in Afghanistan saw the importance of transitional justice in terms of security, as much as justice. As the results of the AIHRC consultation illustrate, the linkage between security and transitional justice was recognised through the understanding “that war criminals are a source of instability, and that measures that seek to deal with them will enhance security.”⁴⁷

This is important in two senses. First, it is the local people themselves who support transitional justice in relation to security, unlike the international actors and Afghan leaders who tend to emphasise the negative relationship between the two. Transitional justice mechanisms and processes, especially prosecution, are expected to eliminate these war criminals from the position to conduct violence, and thus deter further war crimes and human rights abuses. This is a rather pragmatic and instrumental approach to transitional justice. Second, transitional justice is seen as important in relation to the present violence. Since the deterioration of security in mid-2006, the view has widely been held that a major obstacle to security in Afghanistan is the warlords. Many of them are allegedly responsible for war crimes and serious violations of human rights in the past, and such abuses are still widely conducted in the country, sometimes committed by exactly the same mid-level commanders who had committed similar crimes in the past, enjoying total impunity.⁴⁸ It is not only warlords; according to a 2007 report of the Human Rights Watch, insurgent forces and the Taliban had been committing serious war crimes, regularly and intentionally targeting civilians.⁴⁹ This situation indicates that the prevailing culture of impunity for past abuses induces ongoing violence and abuses, leading to insecurity on the ground. Of course, it is not clear whether transitional justice mechanisms would successfully eliminate war crimes and, whether, by doing so, they would stop violence on the ground; the deterrent impact of transitional justices is actually contested. However, for the present violence, as well as future stability, warlords and the Taliban need to be convinced that war crimes and human rights abuses are not permissible and that they would face the risk of punishment. This is the basis of the rule of law, which is widely seen as the backbone of post-conflict peacebuilding.

3.2. Victims' Justice

The demonstrative impact of transitional justice mechanisms—“that atrocities are unacceptable, condemned, and not to be repeated”—conveys an important message not only for past and future abusers but also for victims of abuses.⁵⁰ In a country in which the majority of people feel that they have been victimised by widespread violence, justice for victims is not merely an aspiration but also a practical need. Ending impunity is the vital first step to respond to victims' calls for justice. Bringing perpetrators to justice and dealing out punishment is one way of redressing victims' sufferings. It would also prevent victims' personal acts of retribution, which are a

⁴⁷ *Call for Justice*, p. 17.

⁴⁸ See *The Afghan Justice Project*, p. 8.

⁴⁹ Human Rights Watch, *The Human Cost: The Consequences of Insurgent Attacks in Afghanistan*, April 2007, Volume 19, No. 6(C), <<http://www.hrw.org/reports/2007/afghanistan0407/>>, accessed on 10 January 2009.

⁵⁰ Stromseth, Wippman and Brooks, *op. cit.*, p. 259.

potential cause of future violence.⁵¹

What has been actively attempted in Afghanistan is truth-seeking. In order for victims and a society to recover from past atrocities, it is regarded as necessary to identify what has actually happened in what ways and who was responsible for such grave abuses: they have a ‘right to know’.⁵² In addition, the victims also need their suffering to be officially recognized and acknowledged—an important step for restoring their dignity.⁵³ At the same time, some argue that revealing and sharing truth cultivates the collective memory, which is important for restoring national identity lost in a society torn apart by large-scale violence.⁵⁴ Indeed, in the process of building peace, former enemies, or victims and victimizers, need to agree to live together. If the reconstruction of Afghanistan is to be based on the principle of human security and local needs and perception, victims’ needs must be taken seriously.

3.3. Reconciliation

Reconciliation is regarded as a key mechanism as well as a process of transitional justice. And reconciliation, especially national reconciliation, has been one of the vital themes for the peacebuilding process in post-Taliban Afghanistan. The key feature of reconciliation is to “rebuild fractured relationships” after estrangement and conflict, and an important aspect in this context is a “process through which a society moves from a divided past to a shared future”.⁵⁵ It is here that transitional justice and reconciliation are linked through their common attempt to bridge between past and present. However, as Rama Mani pointed out, the crucial difference between the two is that while the former is weighted more towards the past, the latter is weighted towards the future.⁵⁶ This ‘backward-looking’ aspect of transitional justice, be it trials or truth commissions, she argues, creates a victims versus perpetrator framework as well as division and exclusion, instead of unity and inclusion, which are key for reconciliation.⁵⁷ Indeed, as seen below, the ambiguous relationship between transitional justice and reconciliation has been observed in Afghanistan.

The AIHRC’s report illustrates that the majority of focus group participants believed that reconciliation among the people of Afghanistan is needed, while interestingly thinking that “the efforts should be focused on the leaders and commanders who have not reconciled and who caused the conflict in the first place.”⁵⁸

⁵¹ See Richard J. Goldstone, “Justice as a tool for peace-making: Truth commissions and international criminal tribunals”, *International Law and Politics*, vol.28, 1996, pp. 485-503.

⁵² See Juan E. Méndez, “Accountability for Past Abuses”, *Human Rights Quarterly* vo.19, no.2, 1997, pp. 261-262.

⁵³ Payam Akhavan. “Justice in The Hague, peace in the Former Yugoslavia? A commentary on the United Nations War Crimes Tribunal”, *Human Rights Quarterly*, vol.20, 1998, p. 765.

⁵⁴ Antonio Cassese, the first president of the ICTY, pointed this out in the context of the conflict in the former Yugoslavia. See “Reflections on international criminal prosecution and punishment of violations of humanitarian law”, in Jonathan I. Charney, Donald K. Anton and Mary E. O’Connell (eds.), *Politics, Values, and Functions: International Law in the 21st Century: Essays in Honor of Professor Louis Henkin*, Kluwer Law International, 1997, p. 269.

⁵⁵ Rama Mani, “Does power trump morality? Reconciliation or transitional justice?”, in Edel Hughes, William Schabas and Ramesh Thakur (eds.), *Atrocities and International Accountability*, United Nations University Press, 2007, p. 30.

⁵⁶ *Ibid.*, p. 30.

⁵⁷ *Ibid.*, p. 36.

⁵⁸ *Call for Justice*, p. 36, p. 40

Indeed, as many recognise, the Bonn Agreement was not exactly a peace settlement and did not direct the way for national reconciliation because it excluded the Taliban from the peace process. At the same time, the inclusion of moderate Taliban has been regarded as crucial from the early stages. In 2003, President Karzai was already emphasising the importance of drawing a clear line between ‘good’ and ‘bad’ Taliban, and established an independent peace and reconciliation commission for Afghanistan, which offered amnesty to those who would “lay down their weapons, accept Afghanistan’s new constitution, and obey the decrees of Karzai’s government”, while deliberately excluding from the programme high-level Taliban and individuals accused of war crimes.⁵⁹ This approach to the Taliban actually corresponds with the Afghan people’s attitude towards transitional justice pointed out above: people would like to bring to justice not necessarily every single individual perpetrator but those middle- and high-ranking commanders and leaders, who were in the position to order war crimes or war crimes-related actions, or did not try to prevent or stop such actions from occurring.⁶⁰

With the further deterioration of the security situation in 2006 as the result of the regrouping of the Taliban militias, the importance of ‘talking to the Taliban’, instead of attempting to defeat them with force, came to be seriously considered. Karzai expressed in September 2007 his idea of talking to Mullah Mohammad Omar and Gulbuddin Hekmatyar, the notorious leaders of the Taliban and Hezb-e Islami, which is described as ‘the radical and ideologised “neo-Taliban”’. He is said to have even gone on to “float the idea that executive positions in his government could be found for Taliban and Hezb-e Islami notables.”⁶¹ Indeed, one of the lessons belatedly learned through peace operations in Afghanistan is that the Taliban needed to be incorporated into the country’s peace and peacebuilding process. However, unlike an earlier attempt to include moderate Taliban, a reconciliatory approach reaching out to those high-ranking commanders who were and still are responsible for serious abuses is problematic not only ethically but also in the political and strategic sense. Bringing radical factions, who are currently driving insurgency and serious war crimes, into the government does not necessarily guarantee security and stability. Even if peace and stability are secured in the short term, it would surely hinder other peacebuilding activities, severely damage the legitimacy of, and trust in, the Karzai government in the eyes of the Afghan people, and worsen the reconciliation process between people and the government.⁶² In addition, such a government would not receive backing from the United Nations, which denounces any amnesty for war crimes, crimes against humanity and genocide.

A further dilemma between reconciliation and transitional justice is caused also by warlords inside the Afghan government. In January 2007, as a reaction to the launch of the Action Plan, the idea of granting blanket immunity against accusations of war crimes was raised at the lower house of parliament. Among those who raised the issue were Abdul Rabb al Rasul Sayyaf, Mohammed Qasim Fahim, and Burhanuddin Rabbani, who, as commanders of warlords, are allegedly responsible for past war

⁵⁹ Quoted in Hekmat Karzai, “Strengthening Security in Contemporary Afghanistan: Coping with the Taliban”, Robert I. Rotberg (ed.), *Building A New Afghanistan*, Brookings Institution Press, 2007, p. 75.

⁶⁰ See also *The Afghanistan Justice Project*, p. 4.

⁶¹ Quoted in William Maley, “Talking to the Taliban”, *The World Today*, November 2007, p. 5.

⁶² *Ibid.*, p. 6.

crimes and serious human rights abuses. Later that year, the Amnesty Law was passed in the name of ‘national reconciliation’. As Karzai himself has been rejecting approval of the law, its legal status is still in limbo. Nonetheless, amnesty in the name of reconciliation is clearly problematic if it is endorsed by perpetrators themselves. As reconciliation is to ‘rebuild fractured relationships’, there are a number of ways and mechanisms to achieve it, including forgiving and forgetting, rather than punishing and remembering. However, it can never be achieved unilaterally by ignoring the other side of the relationship—victims themselves. Paul van Zyl emphasises: “If reconciliation is to be accepted it cannot amount to ignoring the past, denying the suffering of victims or subordinating the demand for accountability and redress to an artificial notion of national unity.”⁶³

Potential conflict between reconciliation and transitional justice can also be seen through the process of DDR of former militias, one of the core activities in the country’s peacebuilding undertaken within the framework of security sector reform. One of the major challenges for the disarmament and demobilisation processes is to create interest and incentives on the side of militia commanders to give up their weapons and status. Here the potentially negative impact of transitional justice if pursued in parallel with DDR should be noted, because if the faction leaders and militias are convinced that they are to be arrested and punished for their past violence, they will not agree to demobilize.⁶⁴ This is why many DDR programmes include amnesty provisions.⁶⁵ Perhaps an even more difficult challenge for transitional justice is the reintegration process, whereby ex-combatants become ordinary citizens together with their former victims and where ‘individual reconciliation’ becomes a real and acute issue. At this stage, justice would need to be pursued in some form, be it judicial or non-judicial.

Reconciliation highlights one of the dilemmas transitional justice faces in the peacebuilding process. This is especially so in a case such as Afghanistan, where violence and abuses are ongoing and national reconciliation is seen as a way of ending violence. To prevent the transitional justice approach being totally sidelined in the name of reconciliation, it needs to seek more forward-looking strategies; in other words, transitional justice strategies have to be sought in a way that promotes reconciliation rather than expecting reconciliation to naturally follow post-conflict justice.

3.4. Vetting and Institutional Reform

One of the practical and political impacts of transitional justice is a stigmatisation effect. Prosecution delegitimises those responsible for past abuses, strips them of authority, and labels them as war criminals.⁶⁶ Truth-seeking also has a de-legitimising and disempowering impact on major perpetrators by revealing the detail of leaders’ malevolent behaviour and their responsibility. This forms an important part of vetting, “processes for assessing an individual’s integrity as a means of determining his or her

⁶³ Paul van Zyl, “Promoting Transitional Justice in Post-Conflict Societies” in Alan Bryden and Heiner Hänggi (eds.), *Security Governance in Post-Conflict Peacebuilding*, Geneva Centre for the Democratic Control of Armed Forces, LIT Verlag, 2005, p. 212.

⁶⁴ See Gossman, p. 263.

⁶⁵ See escola de cultura de pau, DDR 2008: Analysis of Disarmament, Demobilisation and Reintegration (DDR) programmes in the World during 2007, <<http://www.escolapau.org/img/programas/desarme/ddr005i.pdf>>, accessed on 20 December 2008.

⁶⁶ See Payam Akhavan, “Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?”, *The American Journal of International Law*, vol.95, 2001, pp. 7-31.

suitability for public employment”, which countries in transition from war to peace, from authoritarian to democratic regimes, often employ in order to mark a new beginning.⁶⁷ Transitional justice and vetting are directly connected when the record of past conduct, war crimes and human rights abuses is taken seriously in screening public employees or candidates for public employment. It is this function that the supporters of transitional justice particularly emphasise in the Afghan context.⁶⁸ Seeking accountability for past war crimes and abuses, if conducted successfully, can remove those criminals from their official positions.⁶⁹ Removing criminal leaders from high-ranking positions is critical for reforming and rebuilding government institutions, especially security sectors, such as police and military, and the judicial sector, which had been frequently used as an instrument of abuse and violence. This process is also crucial for regaining public trust in the new authority.

In fact, in Afghanistan, some vetting processes were implemented following the suggestion of the AIHRC report. For example, vetting was designed to screen out certain candidates for the national assembly election held in September 2005. It was directly linked to transitional justice because those to be screened included those who “had been convicted of any crime, including a crime against humanity”.⁷⁰ However, strict vetting process was not implemented partly because vetting on the basis of human rights records was considered unconstitutional,⁷¹ and partly because of the concern that those powerbrokers excluded from the elections would oppose the central government. As a result, a number of commanders associated with armed groups, those who belong to criminal gangs, as well as those who face serious allegations of war crimes and human rights violations, were elected as members of the parliament. This has been strongly damaging to the integrity and legitimacy of the government. The AIHRC report pointed out that Afghanistan suffers from “an almost total breakdown of trust in authority and public intuitions” because of the widespread and profound disappointment of the Afghan people in seeing that “Many persons who committed gross human rights violations remain in power today.”⁷²

Considering the fact that, together with security, the lack of legitimacy of the current government and its institutions in the eyes of the Afghan people has been highlighted as a serious problem in post-Taliban Afghanistan, the linkage between transitional justice approach and public trust in the Afghan government needs to be recognised. According to the AIHRC consultation, 90% of respondents indicated a desire to see these perpetrators removed from their posts.⁷³ As the report’s analysis suggested, high support for criminal trials among the Afghan people should be understood in this context, expecting criminal trials to remove perpetrators from

⁶⁷ Roger Duthie, “Introduction”, in Mayer-Rieckh, Alexander and Pablo de Greiff (eds.), *Justice as Prevention: Vetting Public Employees in Transitional Societies*, Social Science Research Council, 2007, p. 17.

⁶⁸ See *A Call for Justice*, Afghanistan Justice Project, ICTJ Briefing.

⁶⁹ Pablo de Greiff, “Vetting and Transitional Justice”, in Mayer-Rieckh, Alexander and Pablo de Greiff, (eds.), *Justice as Prevention: Vetting Public Employees in Transitional Societies*, Social Science Research Council, 2007.

⁷⁰ Quoted in Gossman, p. 274.

⁷¹ ICTJ Briefing Note Afghanistan: Addressing the Past, ICTJ, 2008, <<http://www.ictj.org/static/Asia/Afghanistan/20080204AfghanistanBriefingNote.pdf>>, pp. 5-6.

⁷² *A Call for Justice*, p. 17.

⁷³ *Ibid.*, p. 28.

power.⁷⁴ The AIHRC report also pointed out that “Many see the truth seeking process as a means to expose such individuals”.⁷⁵ Whether through prosecution or truth commission, transitional justice mechanisms are regarded by Afghan people as a way of removing inadequate individuals from an official post. In other words, transitional justice mechanisms and processes function as a tool to restore trust in, and the legitimacy of, state institutions.

What is more, the process of seeking accountability for past abuses, if achieved in a way that the local people can support and accept, would demonstrate the end of a culture of impunity and, by doing so, establish rule of law and the norm of accountability in Afghanistan. This is especially important in a country that has suffered from long years of impunity, signifying the total corruption and malfunction of its security and judicial sectors. Adopting a transitional justice approach would be a vital step for new institutions to show their commitment to order and justice and thus enhance their legitimacy and public trust.

Improving the legitimacy and public trust in the government in turn would delegitimise the Taliban. The fact that 57.8% responded that they did not trust their legal system⁷⁶ and that “the absence of properly functioning judicial institutions has facilitated the establishment of unofficial courts by the Taliban”⁷⁷ indicates that rebuilding the justice sector, as well as the Afghan National Army and Afghan National Police, which are seen as legitimate and trust-worthy, is of primary importance in peacebuilding in Afghanistan. Yet, rebuilding judicial and security sectors *per se* would not guarantee the rule of law. Jane Stromseth and others point out that “‘promoting the rule of law’ is an issue of norm creation and cultural change as much as an issue of creating new institutions and legal codes.”⁷⁸ New institutions have to operate with the right kind of norms and culture, to which transitional justice approaches can contribute substantially.

3.5. Local Initiative

As seen above, the importance of transitional justice is not only aspirational and ethical but also political and practical, which can contribute to achieving sustainable peace in Afghanistan. What is even more important is that transitional justice is wanted by the local population and that there is a nascent process of pursuing justice for past abuses. Ahmad Nader Nadery pointed out that Afghanistan has developed a unique transitional justice strategy, “using a bottom-up approach and systematic consultation while avoiding prearranged and preselected processes.”⁷⁹

Indeed, AIHRC’s wide-scale consultation with the Afghan people was conducted through the initiative of its local staff and became a vital starting point, based on which subsequent transitional justice strategies were conceived and put in the form of the Action Plan by the Afghan government. What is crucial is that the local people were given the opportunity to think and speak about ways for the country to come to terms with its own past. Importantly, the consultation revealed that people’s understanding

⁷⁴ *Ibid.*, p. 27.

⁷⁵ *Ibid.*, p. 46.

⁷⁶ *A Call for Justice*, p. 22.

⁷⁷ Nadery, “Peace”, p. 175.

⁷⁸ Stromseth, Wippman and Brooks, p. 75.

⁷⁹ Nadery, “Peace”, p. 179.

of justice, truth, reconciliation, and human rights surely has Islamic influences. Yet, this does not negate the importance of transitional justice per se; it is equally recognised in an Islamic country, even though what is achieved in what way may not be identical to what international advocates emphasise. The AIHRC consultation showed that people were willing to pursue some form of justice for their past suffering and to take initiative to develop the very process of transitional justice, with some support from the international community where it is necessary.⁸⁰ In this sense, it is symbolic that the Afghan Justice Project, which has completed a comprehensive documentation of war crimes committed during a decade-long Afghan war, concluded in its report: “The decision on how to hold perpetrators to account and address the needs of victims must be part of the political process in Afghanistan.”⁸¹ Such a political process would greatly contribute to consolidating peace based on justice and order.

Conclusion

Because of the country’s serious security situation and difficult post-Taliban political process, transitional justice has been marginalised in the peacebuilding process in Afghanistan. Seeking accountability for past war crimes is of secondary importance, or is seen as a threat to peace and security under a fragile post-conflict context. However, as shown in this chapter, transitional justice, both as a mechanism and a process, has potential and significant roles to play in deterrence, justice for victims, reconciliation, and institutional reforms, all of which are necessary components for sustainable peace in the country. What is more, when the importance of local needs and perceptions is taken seriously in the peacebuilding process, it becomes clear that transitional justice approach cannot be sidelined completely in the process. Peoples and societies which have experienced conflict are heavily traumatised, and are willing to address their past sufferings in some form. Accordingly we see, even in a difficult situation such as Afghanistan’s, that there are limited but substantial attempts for transitional justice led by the local initiative.

As is seen in Afghanistan and elsewhere, peacebuilding is an extremely difficult and complex process, coloured with fragile peace and transitional politics. Justice in such a context is often seen as a ‘luxury’. However, the significance of justice needs to be regarded in terms of a tool for peacebuilding, and the function of transitional justice needs to be examined in relation to other peacebuilding activities: how it interacts, contributes to, or clashes with other peacebuilding imperatives. Pragmatic, realistic, and even compromising strategies of transitional justice need to be conceived both by advocates of peace and of justice, in order to achieve sustainable peace based on what local people truly need and want.

End Notes

* The opinions expressed are those of the author and do not necessarily reflect those of the United Nations University.

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⁸⁰ See for example people’s attitude towards criminal justice in *A Call for Justice*, pp. 24-26.

⁸¹ *Afghanistan Justice Project*, pp. 6-7.

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Japanese Assistance to the Security Sector in Afghanistan

Nobutaka Miyahara

Introduction

As the security situation in Afghanistan has been deteriorating, the United States has called for its allies to strengthen their military assistance. It was reported that Japan was requested to provide military assistance such as a helicopter unit for logistic support to the International Security Assistance Force (ISAF), or to make an additional financial contribution of US\$ 20 billion, which is equivalent to almost 14 times the Japanese assistance to Afghanistan since September 2001. The Japanese government, the parliament, and the media seem to have nervously discussed Japanese assistance to the security sector in Afghanistan for the past year.

Here, I would like to point out the following:

- Japan made a lot of contributions to the security sector such as assistance to ‘Disarmament, Demobilization and Reintegration (DDR)’, ‘Disbandment of Illegal Armed Group (DIAG)’, de-mining, reconstruction of police and counter-narcotics.
- Some people in Japan discussed Japanese assistance to the security sector in Afghanistan without distinguishing assistance to the Operation Enduring Freedom (OEF) from that to the security sector. The purpose of the logistic support from the Japanese Maritime Self-Defense Force’s fuel supply fleet in the Indian Ocean is to prevent smuggling of arms and financial resources such as opium. But it does not directly contribute to the improvement of the security situation in Afghanistan.

Indeed, Japan has been asked by the United States whether it can make further contributions to the improvement of the security situation in Afghanistan. The support for the OEF under the new Anti-Terrorism Special Measures Law is important and should continue. But support to the security sector is another thing. Therefore, this Chapter focuses on Japanese assistance to the security sector; examines the past assistance to the sector; draws lessons from that; and discusses possible assistance for the improvement of the security situation in Afghanistan.

1. Past Assistance to the Security Sector

Japan's assistance to Afghanistan since September 11, 2001 has reached US\$ 1.46 billion by the end of 2008. The assistance to the security sector accounts for more than 15 % of the total amount.

In the Security Sector Reform (SSR) of Afghanistan, Japan led the assistance to DDR together with the United Nations Assistance Mission for Afghanistan (UNAMA), following the task sharing arrangement agreed among the government of Afghanistan, UNAMA and G8 countries. Japan continued its support for DIAG after the DDR project, which decommissioned about 60,000 ex-combatants, was completed in June 2006. Through the DDR process, 50,000 light weapons and 100,000 heavy weapons were collected.¹

Security Improvement Measures (million US\$)	
DDR & DIAG	144
De-mining	40
Counter-Narcotics	7
Police Reform	14
Border Management	12
Ammunition Management	4
Total	221

(Source: Japanese Foreign Ministry)

Other than DDR and DIAG, Japan has also been an important contributor to the SSR. Since 2002, Japan has continuously supported police reform and counter-narcotics by providing equipment for the traffic police, radio apparatuses for the police in Kabul, Kandahar, and Mazar-i-Sharif, by constructing the Border Police Center in Nimroz province (Afghanistan-Pakistan-Iran border) and the Border Customs Facilities in Tahar province (Afghanistan-Tajikistan border), by contributing as a major donor to the salary of the Afghan police officers, and by offering police training in Japan by the Japanese National Police Agency. Japan was very sensitive to extending its assistance in military matters, but now it financially assists in ammunition management.

Japanese assistance to the mine action in early 2002 immediately after the Bonn agreement² and Tokyo International Conference on Reconstruction for Afghanistan (Tokyo Conference)³ is also important. During the ground war in Afghanistan in the fall of 2001, almost all the equipment of the United Nations Mine Action Center (MACA) and its affiliate NGOs for de-mining was either destroyed or robbed, making immediate start of mine action for reconstruction impossible. Japan contributed around US\$ 20 million for the MACA to purchase equipment necessary for its actions. Since then, Japan has incessantly supported mine actions in

¹ MOFA, January 2009, <http://www.mofa.go.jp/region/middle_e/afghanistan/assist0901.pdf>.

² It was concluded on 5 December 2001.

³ It was held on 21-22 January 2002.

Afghanistan.

2. Current Japanese Assistance to the Security Sector

As described in the section one above, Japan made a considerable contribution to the security sector in Afghanistan. However, it does not necessarily mean that Japan practically contributed to the improvement of the security situation. Japanese assistance should be examined from the viewpoint of whether it could contribute to the security improvement. The purpose of the SSR was to bring the Afghan society the rule of law, which was expected to restore the stability of the country.⁴ As the security situation worsened, products of each reform such as troops of the Afghan National Army (ANA), officers of the Afghan National Police (ANP), and DDR were considered to be tools for improving the security. Besides, Japan took security measures different from those in the SSR to protect its reconstruction assistance projects.

Thus, the examination of the Japanese assistance to the security sector in this Chapter covers not only those for the SSR but also measures taken to protect its reconstruction assistance projects.

2.1. DDR and DIAG

As mentioned in the section one, by summer of 2006, DDR of about 60,000 ex-combatants was completed, and 50,000 light weapons and 100,000 heavy weapons were collected. Japan's contributions to DDR and its lessons can be summarized as follows:

- Japan's announcement of its will to assist in DDR and to reach out to the military side of the transitional government has contributed to the creation of an understanding among commanders and civilian officials toward the promotion of DDR.
- As a co-lead nation, Japan was a driving force behind the creation of a set of the governmental commissions⁵ and the Afghanistan's New Beginning Programme (ANBP⁶) that were responsible for the planning and implementation of DDR. The Japanese Ambassador⁷ and the Special Representative of the United Nations Secretary General (SRSG⁸) offered a blueprint to promote DDR to President Karzai, who issued a presidential decree through which a set of governmental commissions was established and Japan together with the United Nations was asked to assist in DDR. Without Japanese funding, ANBP would not have been able to start its work.
- Japan greatly contributed to the planning including the rule of engagement for

⁴ This was the understanding by the diplomats and experts working in Kabul.

⁵ In January 2003, four commissions for DDR and ANA were created by a presidential decree.

⁶ Japan and the UN agreed that Japan would provide UNDP for fund to create this program in February 2003. ANBP was established in April 2003.

⁷ Kinichi Komano, Ambassador of Japan to Ethiopia currently.

⁸ Laghdar Brahimi, former Foreign Minister of Algeria.

DDR, and paved a way for the implementation.⁹

- As for the collection of heavy weapons, Japan contributed to the planning of cantonments of heavy weapons, but it did not fund the work or provide any assistance to it.¹⁰ Canada funded the work and the ISAF extended assistance to it.
- Japan was criticized¹¹ for not leading DDR in the period just before the presidential election in early October 2004. By July 2004, DDR, which was expected to create better environment for a free and fair election by removing power source of the warlords,¹² stumbled. President Karzai, supported by the United States, made bold political decisions on his running mate and on the governor of Herat province,¹³ which helped to reduce resistance by other warlords. Under these circumstances, Japan was expected to lead the acceleration of DDR efforts, but it did not have an ambassador or a Deputy Chief of Mission (DCM) to take this responsibility.¹⁴
- Japan, apart from its financial contribution to the ANBP, carried out a variety of reintegration schemes and measures such as training programs, support to German NGO's research on jobs for ex-combatants, insertion of a clause to hire ex-combatants by certain percentage in the contract of a grassroots grant aid project, and Japan-funded projects designed and implemented by international organizations to hire or/and train ex-combatants.
- Japan tried to make reintegration schemes for ex-commanders but failed. Some ex-commanders together with some regional leaders were invited to Japan and given an opportunity to learn democracy in Asia.

The ANBP says in its introduction to DIAG,¹⁵ “In July 2004, remnants of the AMF [Afghan Military Force] as well as groups which had never joined the AMF were declared illegal.¹⁶ It was estimated that there could be up to 120,000 persons, operating in over 1,800 illegal groups, which could fall into this category.” Japan works as a lead nation in this new stage as well as the previous DDR stage, which is in a position to implement DIAG together with the Government of Afghanistan and ANBP. Japan is still the largest donor for DIAG but earmarked US\$ 35 million to

⁹ The DDR in Afghanistan needed a neutral Ministry of Defense (MOD), which was supposed to receive all the weapons collected, to control the ANA for all Afghans, and to serve as a neutral observer on the implementation. Japan made it clear that DDR would not start before the reform and restructuring of the MOD, and organized a set of unarmed foreign observer groups.

¹⁰ After the collection of heavy weapons, they were stored in regional cantonments controlled by the MOD and observed by the ISAF or other foreign military groups.

¹¹ In the panel discussion on the presidential election at the Asian Society in New York in November 2004, the panelist of the Human Rights Watch reported this as the words of the ambassadors of the United States and Canada.

¹² Party leaders or powerful commanders who ruled some areas by their forces during the civil war in 1990s.

¹³ He dropped Martial Qasim Fahim Khan, the first Vice President and influential Defense Minister in the transitional government, as his running mate in the election, and replaced the troublesome regional leader Ismail Khan with Saeed Mohammad Khirkha as the governor of Herat province.

¹⁴ Mr. Kinichi Komano, former ambassador left Kabul on 2 September 2004 and new ambassador, Mr. Norihiro Okuda arrived there one week later.

¹⁵ ANBP, 23 February 2009 <<http://www.undpanbp.org/introduction-to-diag/>>.

¹⁶ Presidential decree 50.

the National Area Based Development Program (NABDP¹⁷) and National Solidarity Program (NSP¹⁸).

Japan's contribution to the progress of DIAG can be said to be partial because Japan does not have a seat in the joint secretariat or participate in the operation of DIAG. DIAG is being implemented with the support of the Joint Secretariat whose members are representatives for the Ministry of Defense (MOD), Ministry of Interior (MOI), National Development Strategy (NDS), UNAMA, ANBP, ISAF, Combined Forces Command-A (CFC-A), and the Demobilization and Reintegration Commission (D&R Com). Operations for DIAG, which are to confiscate or collect weapons and to arrest or disarm criminal groups, are conducted through the actions and measures undertaken by the ANA, ANP, ISAF and Coalition Forces.

The ANBP says, "As part of DIAG development activities, District Development Assemblies (DDAs) have been established in 82 districts whereas projects in 40 districts are in its planning stage."¹⁹ Japanese development assistance for DIAG earmarked to the NABDP and the NSP does not appear to contribute to this because either the NABDP or the NSP is not tailored for district level application.²⁰

2.2. Police Reform and Counter-Narcotics

It is assistance to police reform that Japan seriously considered in the SSR in March and early April 2002. Under the instruction of the prime minister's (PM) office, I acting as the director in charge in the Ministry of Foreign Affairs (MOFA), had a chance to talk with my counterpart (director of international affairs) in Japanese National Police Agency (NPA). Despite the PM office's support, NPA only dispatched instructors of wireless apparatuses provided by Japan.

According to the counterpart, NPA was not prepared to send its personnel to an unstable country such as Afghanistan for the purpose of conducting police training, due to trauma incurred from the loss of a police officer working for the United Nations Transitional Authority in Cambodia (UNTAC) and difference in culture of treatment of civilians between Japan and Afghanistan. Since international cooperation is not categorized as a proper service of NPA, officers to be dispatched will be all volunteers. Such a volunteer will not be necessarily an expert for needed tasks. In Afghanistan, rule of law has not been established while in Japan it has long been rooted. Japanese officers are not eligible to train officers working in a country under construction of its law and order.

Thus, Japanese assistance to police became limited to the provision of wireless apparatuses, vehicles and equipment for the traffic police in the early stage. The provision of wireless apparatuses was made to police forces in Kabul, Kandahar and Mazar-i-Sharif. These cities were selected because Japanese reconstruction assistance was concentrated in these provinces so that the area of responsibility for these police forces coincides with that of Japanese reconstruction assistance. Japan expected that such assistance would not only contribute to the improvement of

¹⁷ NABDP is the program of the Ministry of Rural Rehabilitation and Development (MRRD) that aims to strengthen the ability of the provincial governments for planning and assessment on development.

¹⁸ NSP is the program of the MRRD that aims to strengthen the ability of rural communities for development.

¹⁹ ANBP, *op. cit.* p. 11.

²⁰ It still needs confirmation by the MOFA.

security but also to draw favorable consideration by each police for protecting Japanese assistance projects.

Construction of the Border Police Center in Nimruz province and border customs facilities in Tahar province, and contribution to the Law and Order Trust Fund for Afghanistan (LOTFA²¹), and police training in Japan by NPA can be categorized as assistance contributing to both security improvement and SSR. These assistances except for the police training have been conducted financially. Police training by Japan was conducted outside of Afghanistan. Under the deteriorating security situation, however, these assistances become more significant and show to what extent Japan can contribute to security improvement. The effective police are a key to security improvement in general and to promotion of DIAG and counter-narcotics in particular. Stable salary payment, training, equipment and facilities are indispensable to the establishment of the effective police.²² In addition, the Border Police Center in Nimruz is very important as a base for counter-terrorism operations because of its geographic position.²³ So are the border customs facilities in Tahar province.²⁴

2.3. Mine Actions

As mentioned in the section one, Japan provided fund to purchase de-mining equipment lost during the war in Afghanistan in the fall of 2001. Without de-mining, no assistance could be provided. Private business, return of refugees or even reopening of embassies would be impossible. In this sense, funding US\$ 14 million by Japan in early 2002 had great significance not only in early start of refugee repatriation and rehabilitation,²⁵ but also in a whole reconstruction process. Since then, indigenous NGOs that specialized in demining under the umbrella of the MACA have worked as reliable entities for promoting reconstruction and improvement of security.

Japanese assistance to demining has contributed to the entire security environment beyond demining. First, as a part of the OGATA Initiative,²⁶ the MACA entrusted a Japanese NGO called the Association for Aid and Relief (AAR) with producing education goods on mines and a mine education film, which have been broadly used in schools in a large part of the country and the returnee centers of the UNHCR.²⁷ Secondly, the MACA made a reintegration program for demobilized ex-combatants, called 'Mine Action for Peace', which focused on reconciliation

²¹ It was established in 2002 under the supervision of the United Nations Development Programme (UNDP).

²² Main purposes of the LOTFA are salary payment, institutional development, non-lethal equipment and rehabilitation of police facilities.

²³ Afghanistan borders Iran and Pakistan in Nimruz province.

²⁴ Tahar province borders Tajikistan and this border has been famous as a route of drug smuggling.

²⁵ Japan knew in early January 2002 that voluntary refugee return had already started and assumed that Japan-funded urgent rehabilitation programs by UNDP and JICA would start by March 2002.

²⁶ This is also known as Japan's Comprehensive Area Development Program. In order to implement the program, Japan funded several U.N. agencies such as UNHCR, UNICEF and WFP, 4 times in January and October 2002, March 2003 and March 2004. Seamless assistance through the phases of humanitarian assistance, recovery, reconstruction and development is one of its key characters.

²⁷ Voluntary returnees drop at one of the centers and receive some fund and materials before they return home. During the civil war, commanders and soldiers ruled communities harshly and arbitrarily by force and tension still remains between ex-combatants and people in the community.

between ex-combatants and people in the community through demining activities.²⁸

2.4. Security Measures for Protection of Assistance Projects

It was after the trunk road rehabilitation started from the city of Kandahar to the east in summer 2003 that Japan created its own security measures to protect its assistance projects. By implementing these measures, it was recognized that the key to stability was support from local people.

The security measures taken for security of the trunk road rehabilitation in the period between August 2003 and October 2004 were: information gathering and analysis; protection by the local police and private security guards, and the patrol and emergency evacuation plans of the U.S. force in the coalition force; and winning the support of local people for the projects.

It can be said that all the measures worked well since no casualty was incurred during the project though a few minor incidents happened. The Embassy staff nurtured good relationships with local communities and tribes as well as local authorities by listening to their grievances and offering them rehabilitation projects. Then, in return, the staff asked them for support to Japanese projects. The contractor of the road rehabilitation project hired an international private security company for protection, but most of the guards were supplied by the local communities. Based on local cooperation including local NGOs, Japan developed a security information network. In addition to these arrangements, the project had routine patrols by the U.S. force and had an agreement on an evacuation plan in the event of a security emergency.

The main reason for the completion of the trunk road rehabilitation without a serious incident can be attributed to the conditions specific to the project mentioned above, considering the fact that the other trunk road rehabilitation projects that covered between the city of Kandahar and Gereshuk in Helmand province stumbled.²⁹ The road rehabilitated first passes through a single district called Daman. This allowed the Japanese government representatives to focus on the benefit and welfare of the people under a single administration. From the local office, the contractor was able to make weekly visits to the district shura (council) to listen to local problems and concerns. In addition, influence of the insurgents was rarely seen. There was a case in which local people informed us that some insurgents who were escaping from an armed confrontation with the Coalition Force passed by the district.

In contrast, the rehabilitation of the 115 kilometers of road west of Kandahar presented great difficulties. This section passes through five districts in which the insurgents had a strong presence, and had attacked local police stations, an NGO compound, a school built by UNICEF. Additionally, people in these districts were reluctant to cooperate with government's operations to eradicate poppy.³⁰

Having said so, however, the importance of winning support of the local people for security of assistance projects remain unchanged. We had neither enough time nor personnel to persuade local people to support us. The strong presence of the

²⁸ Ambassador Komano at the Japan's Ambassadors' conference in March 2002.

²⁹ A storage site was attacked and burned in March 2005. The project was suspended and then reorganized.

³⁰ Interviews conducted in four districts in April 2004.

insurgents and reluctance of the local people in cooperating for poppy eradication as well as a split between the generations of local populace, and tribal and inner conflicts which were often observed by outside watchers just explain why we needed more time and personnel to persuade. Furthermore, military operations against and searches for insurgents by the Coalition Forces and ANA might have added serious difficulty to win the support of the local populace, because of collateral casualties and damages, and their ignorance of indigenous culture and lifestyle. They affected negatively on our effort toward winning the popular support.

2.5. Cooperation with Provincial Reconstruction Teams (PRTs)

Japan started cooperation with PRTs in 2007. This is a concrete cooperation deal that Prime Minister Abe pledged in his speech addressed to NATO's North Atlantic Council in January of that year. Japan decided to fund humanitarian projects proposed by ISAF's PRTs up to around US\$ 20 million through the Grant Assistance for Grass-Roots Projects (GAGP). As of 2 October 2008, 29 projects, which cost US\$ 2,647,927, have been approved as projects under this scheme, and further 39 project proposals are under consideration of the eligibility by the Japanese authorities.³¹ In a further step, the Japanese Embassy in Kabul appointed a Liaison Officer to the NATO Senior Civilian Representative's (SCR) Office to provide full-time assistance in the screening of potential projects and administration of those approved.³²

Since the creation of PRT, Japan was urged to dispatch development experts to PRTs. Japan considered it but chose cooperation and coordination between PRTs and Japanese bilateral assistance projects on the field level. As the security situation has been worsening, however, Japanese experts have not been allowed to visit rural areas freely for finding possible GAGP projects. On top of that, Japan was asked to cooperate with ISAF for the improvement of security. Therefore, this type of cooperation with PRTs is a logical conclusion. If Japan has more officers who have expertise on development and wish to join PRTs, next step might be to place a Japanese expert to an individual PRT.

3. Lessons Learned

The examination of the Japanese assistance to the security sector in Afghanistan indicates the following lessons:

- Japan made a sizable financial contribution to the SSR in general, and to DDR and DIAG in particular. In relation to DIAG, Japan also made a large financial contribution to police reform, counter-narcotics and border management.
- Japanese assistance to SSR has evolved by focusing on DDR and DIAG. In order to accelerate the DDR process, Japan extended political support for promoting ANA construction, and equipment provision to ANP. With an aim to promote DIAG, Japan also started to assist in ANP and counter-narcotics.

³¹ FACT SHEET, Media Operation Centre, October 2008.

³² *Ibid.*

- Japan has carefully avoided military assistance in the security sector. Japan did not fund disarmament, especially collection of heavy weapons, which had significance in achieving the ultimate DDR purpose, which is the establishment of rule of law. On the issue of cooperation with NATO, by using the GAGP scheme, Japan was able to avoid providing military assistance directly to NATO operations.
- Japan played a political role as a lead nation in creating the D&R Com and ANBP, restructuring of MOD, illegalization of armed groups which are not incorporated into AMF, and so on. In contrast, only a small number of Japanese experts have worked for DDR and DIAG implementation, although the contribution by a Japanese expert to the formation of the rule of engagement and international observer groups for DDR should be noted.
- The improvement of security situation means creation of better conditions for reconstruction assistance. In this context, the Japanese assistance to demining in the early stage facilitated early start of humanitarian, recovery and reconstruction assistance.
- The experiences of Japanese assistance to Afghanistan in the past seven years show that winning popular support was the key to secure assistance projects. The local people want stable and secure life. Those who can bring such life or at least contribute to it will win popular support. This brings us a question of whether the key to peace and stability in Afghanistan is also winning popular support.

If you read only what was mentioned above, the conclusion of the examination of the Japanese assistance to the security sector may be that Japan did well with some limitation. However, the reality of the security situation in Afghanistan is: the insurgents strongly influence the south and southeast of the country; the insurgents can conduct attacks by suicide bombings and improvised explosive devices (IED) beyond the areas they hold and the increase in the number of such attacks continues; progress of DIAG is slow; there is a political split between the government and the parliaments; the government led by President Karzai has lost trust of the people; and so on. Against this reality, the evaluation of the Japanese assistance in the past might be said to be meaningless.

Yoshiyuki Yamamoto who worked for UNHCR and MACA in Afghanistan more than seven years says in his recent article that “each of us often looks at Afghanistan in a totally different context” and stresses “the need to establish at least three different layers of discussion: the global political environment; the international assistance regime specific to Afghanistan; (and) the local populace in Afghanistan.”³³ According to his categories, the examination conducted above falls on discussion in the international assistance regime specific to Afghanistan and has its own merits in assessing the security situation and effectiveness of the assistance.³⁴

Yamamoto also says in the conclusion of the same article that “without community well-being, the stability of Afghanistan cannot be secured, and thus the global political goal would not be achieved. Therefore, from the first and second to

³³ JIIA, Chapter 2 ‘Three different Layers of discussion on the international intervention in Afghanistan,’ *Afghanistan: Japan’s Experience Revisited*, December 2008, <http://www.jiia.or.jp/indx_research.html>

³⁴ *Ibid.*

the third layer, and then back to the first layer, they are interconnected in a circular relationship.”³⁵ One of the bullet clauses mentioned above is discovery of the key to peace and stability in Afghanistan, namely winning popular support. If we follow Yamamoto’s argument, we should make a strategy to achieve the global goal of the international intervention in Afghanistan based on that key, i.e., winning popular support. All the bullet clauses of the conclusion should be put to good account according to the strategy based on the key.

The United States is in the process to formulate a new strategy on Afghanistan and Pakistan. Japan as well as Afghanistan has been invited by the United States to this strategy formulation process. Japan should make use of this opportunity to change a course of discussion by making above-mentioned points as a foundation of an internationally shared strategy for Afghanistan.

4. Possible Japanese Assistance to Improvement of the Security Situation in Afghanistan

Winning popular support is the key to peace and stability in Afghanistan. In order to improve the security situation, which would greatly contribute to winning of ‘war on terror,’ the first priority of a new strategy under formulation by the United States and its allies should be put on providing security for the lives and livelihood for ordinary Afghans. The strategy should be realigned on this point.

Having this in mind, the recommendations on international assistance to the improvement of the security situation are as follows:

- 1) In formulation of a new strategy by the international community headed by the United States:
 - In order to cut popular support to the terrorist groups, the new strategy should focus on how to provide security for the lives and livelihood for ordinary Afghans. The strategy should be realigned on this point.
 - In order to provide security for the lives and livelihood for ordinary Afghans, two actions are necessary: forming a fair and stronger government to protect them and therefore to be supported by all Afghans; and immediate actions to protect the ordinary Afghans.
 - For forming a fair and stronger government, a new national reconciliation process should be established. Political fragmentation weakens the government and poses one of the largest threats to the ordinary people’s lives. The presidential election should be an opportunity to promote such reconciliation. The recent decision by the president to move forward the election date from August to May this year was not expected to contribute to the reconciliation. Afghanistan needs inclusion of reconcilable Taliban in the process. In order to accommodate such Taliban who are willing to engage in reconciliation, the international community should abandon the list of the wanted Taliban except those clearly proved to have a direct connection with the al Qaeda, while increasing the number of international troops to press the Taliban to sit at the table of reconciliation. As for the Afghan side,

³⁵ *Ibid.*

it is requested that the presidential election should be made use of for selecting the president who would bring reconciliation and a government for all the Afghans.

- To provide security for the lives and livelihood for the ordinary Afghans, immediate actions should be taken in accordance with the security level of each region. In the south and southeast of the country where the terrorist attacks have been surging and incurring a lot of civilian casualties, the first priority should be given to prevention of terrorist attacks. In addition to the present intelligence system, the ISAF, ANA and ANP should align with the tribal network (not individual tribal elders) who knows bases of the insurgents and drug mafias and drug factories for getting more intelligence.
- In the other areas of Afghanistan where much fewer terrorist attacks have happened and civilian assistance workers can cautiously make activities, visible results must be produced to show the people a better future.
- PRTs have produced successful results in the north, west and central regions. Yet, the real force for development is civilian assistance and private sector's activities. In this sense, more cooperation in information sharing and actual assistance works on security and reconstruction should be promoted.
- While national reconciliation efforts and immediate actions is going on, tackling corruption of government officials and strengthening the ability of Afghan government institutions should be pursued. There are urgent needs to bring justice to governmental institutions and to strengthen the capabilities of the government. For the sake of the former, reform of the ANP, now widely seen as corrupt and incompetent, and reform of the justice system are indispensable to eliminate corruption. As for strengthening the ability of the institutions, efforts to enlarge the ANA and to reform the ANP should be the first priority. The role of ISAF is extremely important in this field. The training officers and equipment for training should be increased.
- For making the government trusted by ordinary Afghans, the international community should increase direct assistance in the form of investment in national development programs such as the NABDP and NSP. Through the implementation of programs, national government institutions and their staff are expected to be empowered and, in the end, trusted by people.
- Counter-narcotics policy should include both capturing drug traffickers and factories, and pursuing comprehensive rural area development focusing on profitable agriculture and agro industry. In eliminating drug criminals too, the collaboration with the tribal network in the south where poppy cultivation is concentrated would play a significant role.

2) As contribution to improving the security situation, Japan may offer the followings:

- For forming a fair and stronger government, Japan, as a member of the Joint Coordination and Monitoring Board (JCMB), can take initiative to form a foreign neutral committee to observe the process of reconciliation.
- To improve the security situation in the south and southeast of the country, Japan may connect the international and governmental security apparatuses and the tribal network for strengthening security intelligence. Japan has a

human asset to do this work. This tribal network, reluctant to contact directly with the security apparatuses, has already made a security plan and is now in process of elaboration.

- In the areas other than the south and southeast, first, the Kabul Metropolitan Area Development Program supported by Japan may become a flagship project to show the population better future. The capital, with almost four million people, a high unemployment rate, deteriorating living and security conditions, and a political mess, needs visible change. Success in this program can be followed by area development programs in other major cities and their surrounding districts.
- If Japan increases governmental officers commissioned to PRTs, it may make PRT's work more effective and more expansive. The Japanese Embassy in Afghanistan has had close connections with local NGOs and private companies. By using these assets, the civilian officers can play a role in bridging between PRTs and civilian and private sectors of the international community and Afghanistan. This should be started from areas that are safer, and then move on to areas that are less safe.
- For the sake of reform of the ANP, Japan can offer more. In addition to increase its contribution to the LOTFA and construction of police facilities, Japan may expand its police training program by sending experts on law and order.³⁶
- In DIAG, Japan can try to get involved in operations in order to work as an active lead nation. One solution for this is to send a legal expert to the secretariat or the D&R Com.
- Japan can increase direct assistance to the national development programs not only for ex-combatants but also strengthening the robustness of governmental institutions.
- Japan has already started cooperation with ANA by funding ammunition management activity. Japan may help logistics and recruitment of soldiers and officers for ANA and ANP.

Reference

- Afghanistan Study Group Japan, *Afghanistan: Japan's Experience Revisited* (JIIA, December 2008)

³⁶ Such experts should come from the judicial circle, which has excellent records on cooperation overseas. If Japan succeeds in this, it may extend its assistance to Justice Reform.

Breaking the Vicious Cycle of Insecurity Counter-insurgency in Afghanistan

Yuji Uesugi

COIN (counter-insurgency) is a struggle for the population's support. The protection, welfare, and support of the people are vital to success.

The U.S. Army/Marine Corps Counterinsurgency Field Manual, I-159

Introduction

In the aftermath of the U.S. intervention of Afghanistan in October 2001, the United States and the rest of international community had a window of opportunity to help Afghans build a government capable of providing its population with at least basic public services. Neither al Qaeda nor Taliban was capable of posing an immanent threat to the new regime in Kabul, but the international community failed to seize the golden opportunity.¹ Meanwhile, vital initial years were lost, and little progress was made in extending effective governance to rural areas of Afghanistan. As a result, by the time the reconstitution of insurgency groups such as Taliban became apparent,² the population in the most vulnerable areas, especially in the 'Pashtun belt,' had little reason to risk their lives for a government that had shown no ability to protect them.³

After seven years of muddle through, the current peacebuilding process in Afghanistan now faces a vicious cycle of insecurity. Such a vicious cycle is often characterized as a *security-development dilemma*.⁴ "The civilians argued development could not happen without security, but the military countered there could be no security

¹ James F. Dobbins, *After the Taliban: Nation-building in Afghanistan* (Washington D.C.: Portmac Books, 2008) p. 163.

² Insurgency can be defined as "an organized effort to gain control of a country from within through a combination of subversion, guerrilla warfare, and terror. Insurgencies grow out of bad governance. Insurgents try to persuade disaffected groups that they can meet the needs of ordinary people better than the current regime. Once the insurgents erode support for the government, they use guerrilla warfare to undermine further its credibility. ... Insurgents employ terror, but unlike contemporary terrorist organizations, they do so very selectively. ... Overuse of [terror] costs the insurgents the popular support they require to success. Limited use of terror and clear political objectives distinguish classical insurgency from utopian terrorism, which aims at broad ideological goals, has few other tactics except terror, does not distinguish between military and civilian, and seeks mass casualties" (Thomas R. Mockaitis, "The Phoenix of Counterinsurgency," *Journal of Conflict Studies*, Summer 2007, p. 11).

³ *Ibid.*, p. 165.

⁴ This dilemma refers to the fact that security needs to be restored in order to foster development, but without development security cannot be sustainable.

without economic growth.”⁵ This civil-military quarrel caused a delay in reconstruction, which in turn exacerbated the security environment on the ground. Due to such a negative spiral, the people of Afghanistan have not been able to enjoy their share of ‘peace dividends.’ As a result, anti-government sentiment among the general population has increased for the last few years, allowing insurgent forces such as Taliban to maneuver for the popular support.

The Afghan government together with the international community engages in counter-insurgency activities in order to break up the negative spiral of insecurity caused by the security-development dilemma. The term ‘counter-insurgency’ gives an impression that it is a part of military operations conducted by the security forces of the government, which aims at subduing rebel groups and other anti-government elements. In fact, in the post-9.11 Afghanistan, counter-insurgency measures employed by the Afghan security forces and the U.S. forces were heavily military in nature, i.e., focusing on killing of their enemy.⁶

However, the past record of counter-insurgency campaign shows that successful counter-insurgency requires a comprehensive strategy that addresses the root causes of unrest while working to destroy the insurgent organizations without harming the general population.⁷ An important part of counter-insurgency measures includes non-military activities, which aims at nurturing the popular support through enhancing the legitimacy and the capacity of the central government concerned.⁸ In fact, one of the fundamental objectives of counter-insurgency is to ‘win the peace’ by winning the hearts and minds of ordinary people. In this sense, it can be said that a spearhead of counter-insurgency measures should be aimed at the general population in the form of ‘development aid.’ Military operations aimed directly at insurgent forces only play a partial role in a wider counter-insurgency strategy. In other words, it is aids that are placed at the forefront of non-military aspects of the counter-insurgency strategy. Indeed, the development aid has been employed as a political tool to contribute to the restoration of social order, and to break the vicious cycle of insecurity in Afghanistan. Winning the popular support is the most important milestone of the peacebuilding process in Afghanistan, and this goal has been pursued through the establishment of a legitimate and capable central government in Kabul.⁹

In the efforts towards such a goal of state building, the international community introduced a measure called *security sector reform* (SSR) to address the problems of insecurity in the post-9.11 Afghanistan. By establishing effective state institutions such as the Afghan National Army (ANA) and the Afghan National Police (ANP), the international community sought to enhance the capacity of the Afghan central government to undertake the military aspect of counter-insurgency operations (SSR in

⁵ *Ibid.*, p. 146.

⁶ Based on the lessons learned from the counter-insurgency operations in Afghanistan and Iraq, the new the U.S. Army/Marine Corps Counterinsurgency Field Manual writes, “Some of the best weapons for counterinsurgents do not shoot. Counterinsurgents often achieve the most meaningful success in garnering public support and legitimacy for the HN [host nation] government with activities that do not involve killing insurgents (though, again, killing clearly will often be necessary),” quoted from *the U.S. Army/Marine Corps Counterinsurgency Field Manual* (I-153), p. 49.

⁷ Mockaitis, p. 12.

⁸ Seth G. Jones, *Counterinsurgency in Afghanistan*, RAND Counterinsurgency Study Vol. 4, National Defense Research Institute, 2008, p. xi.

⁹ *Ibid.*, pp. xi-xii.

Afghanistan is covered by Chapter Three of this volume).

At the same time, the U.S. forces operating in Afghanistan (re)invented a concept which is now known as *provincial reconstruction team* (PRT) in order to address the need for security and development in areas where the central government has very little or no effective control.¹⁰ After a certain period of trial and error, PRTs have assumed the responsibility in carrying out ‘non-military counter-insurgency’ tasks in the non-permissive environment. Being confronted with the spread of insurgency activities and the deterioration of the security situation, especially in southern and eastern parts of Afghanistan, the necessity of further development in the least developed part of the country was recognized, and the utility of PRTs as a counter-insurgency measure to deliver aids to the heart of vulnerable communities has been acknowledged.

By focusing on the non-military aspect of counter-insurgency, this Chapter seeks to review the effectiveness of PRTs as a means to break the vicious cycle of insecurity by shedding the light on their ‘non-military counter-insurgency’ functions. By doing so, the Chapter seeks to examine critically the use of development aid for pursuing a political objective in the context of peacebuilding.

1. Failure of Counter-insurgency in Afghanistan

In the post-9.11 Afghanistan, the U.S.-led coalition forces and the U.N.-mandated International Security Assistance Forces (ISAF) played a major role in counter-insurgency. The emphasis of their activities was put on the military aspect of counter-insurgency, that is, they have been trying to ‘clear out’ the insurgents from the area. It is often said that there are three basic steps in counter-insurgency operations: (1) clear, (2) hold, and (3) build.¹¹ In Afghanistan, the first step was easily done by military means of the coalition and ISAF forces. However, the lack of effective means, such as local police forces, to ‘hold’ the area once military forces have cleared out insurgents prevented the third step from being initiated by the government and international development agencies. While it is true that the inability of the local police forces to ‘hold’ the cleared area undermined the entire counter-insurgency strategy, the very means employed by the military in the first step such as the bombing of suspicious villages (causing intolerable number of ‘collateral damages’) and the coerced house search (conducted in a disrespectful and insensitive manner) gave a fatal blow to the feeling of ordinary people towards the presence of the coalition forces in particular, but also towards that of the ISAF. In short, the counter-insurgency operations conducted chiefly by the coalition and ISAF forces so far proved to be counterproductive in winning the hearts and minds of the population, which is the most important objective of counter-insurgency.

Although it is reported that a growing number of non-Afghan fighters such as

¹⁰ The mission of PRT is described as follows: “PRTs will assist the Government of Islamic Republic of Afghanistan to extend its authority, in order to facilitate the development of a stable and secure environment in the identified area of operations, and enable Security Sector Reform and reconstruction effort” (*ISAF PRT Handbook*, February 2007).

¹¹ Seth G. Jones explains the three-step approach in a slightly different way. By referring to an ‘ink-spot’ strategy, he argues that one of the most successful approaches in Afghanistan was the use of a “clear, hold, and expand” approach (Jones, pp. 93-94).

‘Pakistani Taliban’ are now taking part in insurgency activities in Afghanistan, the majority of the insurgents in Afghanistan are still considered to be from local communities. Under such a circumstance, the ‘kinetic’ counter-insurgency strategy, which aimed at exterminating the insurgent forces, often backfires. While it may be necessary to rely on kinetic means of counter-insurgency under extreme circumstances, killing of an insurgent sometimes results in turning the entire member of his or her family, if not the entire community, into the side of insurgency. The secret of success in counter-insurgency rests largely upon the ability of the government to change the unwanted behavior of insurgency forces, and not necessarily upon its ability to push them to the wall. In short, ‘smart power’ needs to be exercised by the incumbent government and the international community to exerted their influence over the behavior of the insurgent forces.

Another important point in a counter-insurgency operation is to win the hearts and minds of the people. The result of the counter-insurgency operations in Afghanistan indicates clearly that relying heavily on the military tool is not only insufficient but also it can cause an adverse effect upon the most important goal of counter-insurgency, that is, winning the popular support. The United States “failed in Afghanistan by focusing too much on the enemy and not enough on providing security for the Afghan people.”¹² This failure of counter-insurgency in Afghanistan implies that the use of ‘non-military counter-insurgency’ measures needs to be explored in order to win the popular support. For this purpose, the policy regarding the execution of development aids might have to be realigned to meet the political requirements on the ground and to shape a political environment conducive to peacebuilding.

Indeed, such a use of development aids is what Mark Duffield called “civilian forms of counterinsurgency.”¹³ Such a forms of counter-insurgency can be a key to breaking vicious cycles of insecurity in Afghanistan. Although the concept of PRT is a product of improvisation and compromise, it has the potential to serve as a useful platform for launching ‘non-military counter-insurgency’ operations by delivering public goods and services to the people in needs under the non-permissive environment.

2. PRT and Non-Military Counter-insurgency

PRT is a form of civil-military operations, which aims to promote stability in the post-9.11 Afghanistan by facilitating reconstruction efforts in areas where the security situation would not permit civilian development agencies to carry out their operations. The first series of PRTs was introduced in November 2002-Janurary 2003 against the backdrop of the security-development dilemma, and organized to address comprehensively three agendas of peacebuilding: security, governance, and development. The term PRT now enjoys the full recognition by the experts of the Afghan affairs, and a number of reviews have already been produced on its activities. Nevertheless, most of the existing accounts on PRT focus on its function of civil-military coordination and cooperation, and they do not seem to examine its

¹² Nathaniel C. Fick and John A. Nagl, “Counterinsurgency Field Manual: Afghanistan Edition,” *Foreign Policy*, January/February 2009, p. 44.

¹³ Mark Duffield, *Development, Security and Unending War: Governing the World of Peoples* (Polity, 2007) p. 147.

performance as a tool for non-military counter-insurgency.

Of course, one of the most peculiar features of PRT can be attributed to its close relationship between the military and the civilian elements, and it is true that in practice such an integrated structure often caused a harsh criticism against the blurring of the line between the military and the humanitarian agencies. Despite the criticism from the humanitarian community, PRTs are designed to assist in development and reconstruction projects especially in rural areas of Afghanistan where assistance is most needed but civilian agencies are not able or willing to serve due to their safety concerns. In other words, PRTs are expected to deliver 'peace dividends' to communities as a form of 'non-military counter-insurgency' strategy.¹⁴

However, the total amount of development aids that flow into Afghanistan channeled through PRT each year only consists of about 5 to 9% of the entire funds for development.¹⁵ Moreover, some PRTs deployed in the northern and central parts of Afghanistan (i.e., non-Pashtun belt) work side by side with civilian development agencies operating independent of PRTs, although in the southern and eastern parts of Afghanistan (i.e., Pashtun belt), where civilian agencies are scarce or nonexistent due to their safety concerns, only a handful PRTs are deployed and engaging in non-military counter-insurgency operations. Even these PRTs in the Pashtun belt can only operate in pockets because of security concerns.¹⁶ The irony is that rural areas in the Pashtun belt, which were most at risk from the insurgency and where unhappiness with the slow pace of change was greatest among the population, received little assistance, due to security concerns.¹⁷ Although the use of PRT has been advocated and legitimized by emphasizing its ability to work under such a non-permissive environment, in reality, it was not the case. This indicates that so far PRTs failed to be a 'silver bullet' for breaking a vicious cycle of insecurity.

In other words, 'non-military counter-insurgency' operations are still needed desperately in many parts of Afghanistan, especially in the Pashtun belt. In theory, in the area where civilian agencies maintain their access to vulnerable communities, they can carry out the bulk of non-military counter-insurgency operations by themselves. On the other hand, in the area where civilian agencies are not able or willing to work, the military component of a PRT will have to deliver needed assistance to vulnerable communities as a part of non-military counter-insurgency operations. In reality, however, the U.S. and ISAF forces involved in PRTs have been over sensitive to their requirement of force protection. This prevented PRTs from actively engaging in the local population and delivering the 'peace dividends' to their communities. The latest U.S. Army counter-insurgency field manual, which was revised after the U.S. operations in Afghanistan and Iraq, even goes on and says, "Some times, the more you protect your force, the less secure you may be. Ultimate success in COIN [counter-insurgency] is gained by protecting the populace, not the COIN force."¹⁸ In order for non-military

¹⁴ One of NATO's counter-insurgency approaches employed in Afghanistan is called the Afghan Development Zone (ADZ) or 'ink blot' strategy. According to Mark Sedra, ADZ involves concentrated security and development work in pre-selected insurgency-affected areas to build momentum and provide a demonstration effect for neighboring districts and communities (personal email communication with Mark Sedra, 19 March 2009).

¹⁵ *ISAF PRT Review Part I*, para. 2.3., p. 3.

¹⁶ Jones, p. xiii.

¹⁷ *Ibid.*

¹⁸ *The U.S. Army/Marine Corps Counterinsurgency Field Manual*, U.S. Army Field Manual No.

counter-insurgency activities of PRTs to penetrate the hearts and minds of local populace, and to break the vicious cycle of insecurity, PRTs need to “[f]ocus on protecting civilians over killing the enemy. Assume greater risk. Use minimum, not maximum force.”¹⁹

It can be argued that PRTs have not been given enough resources to demonstrate their full potential as a platform for non-military counter-insurgency activities. For example, they lack sufficient number of civilian experts who can supervise, much less undertake, needed reconstruction tasks in a non-permissive environment, and the Afghan government who is supposed to be the counterpart of PRT does not have adequate capacity to deliver public services. While these points have certainly influenced negatively upon the poor performance of most of PRTs, it can also be argued that the activities of PRTs have not been placed adequately in the counter-insurgency strategy. Although civil-military coordination or cooperation is a means to an end, which is to serve as a platform for breaking a vicious cycle of insecurity and for resolving security-development dilemma, it seems that fostering civil-military coordination and/or cooperation via PRT became an end itself.

Furthermore, lack of effective Afghan security forces, especially the police, on the ground made it difficult for the counter-insurgency effort by the United States to be successful in Afghanistan. The international actors have recognized the importance of SSR in a peacebuilding process and they initiated a five-pillar approach to SSR in Afghanistan. Nevertheless, the SSR strategy, especially the pillar that led by the United States, was heavily influenced by the goal of destroying the extremists network, and shaped by the ‘kinetic’ counter-insurgency tactics. The goal of establishing internal Afghan-focused security was subordinated to the U.S.’s national security concerns. Newly recruited and trained Afghan security forces were deployed to the frontline of U.S.’s war against terrorism and partook in combat against insurgents. With the benefit of hindsight, obviously this was a mistake. The U.S. and the international community should have helped the Afghan government to build competent and legitimate security forces that would serve for the people of Afghanistan in the early stages of the counter-insurgency.²⁰ The development of security institutions should have pursued in close alignment with a broader goal of peacebuilding in Afghanistan.²¹

Despite these pessimistic observations, some positive developments can be identified in the relationship between SSR and PRT. Some PRTs have served as a platform for helping SSR initiatives in rural provinces. For example, some PRTs assisted in conducting *disarmament, demobilization and reintegration* (DDR) of combatants.²² As a result of the reviews of some of the earlier generation of PRTs, the international community has begun to assist the construction of the ANP through PRTs, and now foreign police advisors are embedded in most of PRTs to carry out on-the-job training and mentoring of ANP personnel.

While SSR is an essential part of a comprehensive peacebuilding package and a

3-24/Marine Corps Warfighting Publication No. 3-33.5 (I-149), University of Chicago Press, 2007, p. 48.

¹⁹ Fick and Nagl, p. 43.

²⁰ Jones, p. xii.

²¹ J Alexander Their (ed.) *The Future of Afghanistan*, USIP, 2009, p. 7.

²² Yuji Uesugi, *The Provincial Reconstruction Teams (PRTs) and their Contribution to the Disarmament, Demobilization and Reintegration (DDR) Process in Afghanistan*, HiPeC Research Report Series No.3, 2006 <<http://home.hiroshima-u.ac.jp/hipec/ja/products/RP3.pdf>>.

certain number of professional police officers are needed to maintain social order in Afghanistan, SSR alone is not sufficient to bring a qualitative change in the current security situation. In fact, the international community must break the vicious cycle of violence and insecurity before it is too late. It is true that the more capable and legitimate indigenous security apparatuses (especially the police) are needed in Afghanistan, and in theory the police are the primary arm of the government in a counter-insurgency because of their presence in local villages and district.²³ Under the deteriorating security situation, however, it is doubtful that deploying immature police forces to the frontline of the counter-insurgency warfare will bring any positive change on the ground. By the same token, Robert Perito argues:

International and indigenous police cannot operate effectively unless the intervention military force is able to create a safe and secure environment. Absent a reasonable level of public order, police will be fully engaged in providing for their own security. This will leave the civil population defenseless against common crime. This situation is exacerbated if the intervention military force attempts to utilize local police as auxiliaries or even as strike force against paramilitaries.²⁴

This is what is happening in Afghanistan. This leads to a conclusion that “a more comprehensive counter-insurgency strategy will be needed to reinforce political outreach to disaffected groups and address the security gaps that exist.”²⁵ In fact, despite the deteriorating security environment, the counter-insurgency must find ways to reach rural communities, especially in the Pashtun belt, that are most vulnerable to the temptation of insurgency. In the next section, therefore, a key to successful counter-insurgency is discussed by shedding the light on a holistic approach to counter-insurgency operations, underlining the role of non-military aspects of counter-insurgency.

3. A Key to Break the Vicious Cycle of Insecurity

As mentioned above, the counter-insurgency strategy employed so far by the U.S. and the rest of international community has proved itself to be ineffective in bringing stability in Afghanistan. In order to break the vicious cycle, a new approach might have to be introduced. Upon rethinking the counter-insurgency strategy, one must take into consideration numerous factors, but in the following, three important points will be discussed: (1) regional approach, (2) human security, and (3) popular support.

3.1. Regional Approach

Now that the global Islamic extremists have consolidated their sanctuary in the Federally Administered Tribal Areas (FATA) in Pakistan alongside the Afghan border, they no longer seem to require the safe heavens and training camps in Afghanistan. Rather, the global Islamic extremists seek to add more complexities to, and further the intractableness of the U.S.'s global war against terrorism, by frustrating the U.S. efforts

²³ Jones, p. xii.

²⁴ Robert M. Perito, *The Coalition Provisional Authority's Experience with Public Security in Iraq: Lessons Identified*, USIP Special Report, April 2005, p. 11.

²⁵ United Nations Secretary-General, *The Situation in Afghanistan and Its Implications for International Peace and Security*, A/62/345-S/2007/555, September 21, 2007, p. 3.

towards counter-terrorism and counter-insurgency from their safe heavens in the FATA and Baluchistan, south of Afghanistan. The fact that the global Islamic extremists maintain the 'strategic depth' in Pakistan to launch a hit-and-run attack against the coalition/ISAF and the Afghan security forces might require for the United States to conduct overt military operations in Pakistani territories, if the United States wants to carry out effective counter-terrorism and counter-insurgency operations in Afghanistan. Indeed, any successful counter-insurgency strategy in Afghanistan will have to engage Pakistan in one way or another.²⁶

However, the current counter-insurgency lacks such a regional perspective, and non-military counter-insurgency efforts via PRTs are confined to the territory of Afghanistan. This is because PRT has been primarily mandated to extend the control of the central government to the provinces in Afghanistan, i.e., it is predominantly a 'sub-regional' operation. A new thinking in this regard might require a 'wider-regional' counter-insurgency approach; that is, undertaking non-military counter-insurgency operations in the border areas, especially in the FATA and Baluchistan, to address the neglected resentment of a greater Pashtun community in the Pakistan side of the border. These Pakistani-led PRTs should be provided with the cash and supplies to install power generators, to give local police officers more pay and to hire thousands of local Pashtuns to build roads, hospitals and schools.²⁷ Unless the Pashtun communities in the FATA are willing to deny the access of the Islamic extremists, the sanctuary will remain and insurgency will continue. Perhaps, under certain circumstances, overt U.S. military intervention might be necessary, but military counter-insurgency measures must be accompanied, if not led, by an overwhelming amount of non-military counter-insurgency effort. Within the wider-regional counter-insurgency approach, PRTs in Afghanistan and similar endeavor in Pakistan must be well coordinated. "[L]ong-term stability depends on getting reconstruction right on both sides of the border."²⁸

Nevertheless, the U.S. intervention into the FATA, Pakistani territory, is such a delicate issue for Pakistan's internal politics that the U.S. intervention will most likely to cause a burst of anti-Americanism among the ordinary Pakistani population, if handled carelessly. Mismanagement of the feeling of ordinary Pakistani people will lead to a deathblow to the current Pakistani government, which is based on a highly fragile balance. Destabilization of nuclear Pakistan is indeed a nightmare for the United States and the rest of international community, and it must be avoided at any cost as instability in Pakistan will pose more serious threat to the international peace and security than the continued disorder in Afghanistan.

Under such a circumstance, counter-insurgency efforts in Afghanistan must find a solution to the dilemma between the necessity for having a regional perspective and the necessity for avoiding the collapse of Pakistan. In other words, the solution must include Pakistan into the picture, but such an approach may crack thin ice on which the Pakistani government sits. While it is difficult to envision a prescription that allows us to overcome such a dilemma, it is possible to argue that a key is to find a way to form an alliance between Afghanistan and Pakistan for bringing stability in the region. Of

²⁶ Mark Sedra and Geoffrey Hayes, "Introduction," Geoffrey Hayes and Mark Sedra (eds.), *Afghanistan: Transition under Threat* (Wilfrid Laurier University Press, 2008) p. xx.

²⁷ Parag Khanna, "How Not to Lose Afghanistan," *New York Times*, 26 January 2009.

²⁸ *Ibid.*

course, the fact that the two countries have a sensitive boarder dispute over the 'Durand Line' will surely complicate the search for a regional solution. But "[o]nly when the international community addresses Pakistan's insecurity, and Afghanistan's concerns, in relation to the Durand Line will the two countries be able to find a basis for a stable, good neighborly relationship."²⁹

One positive step towards such a goal is to draft a new comprehensive political framework for peacebuilding in Afghanistan that include a regional solution to transnational problems of arms control, drag and human trafficking. "The very fact that Pakistan serves as a sanctuary for the Taliban and al Qaeda makes regional diplomacy far more necessary than it was in Iraq."³⁰ Since the need for a new political framework was discussed in the introductory Chapter of this volume, this point will not be elaborated further here, except that such a framework must turn both Afghanistan and Pakistan from the battlefield for the global war against terrorism (or for the global Islamic jihad) to the battlefield for the global war against human insecurity.

3.2. Human Security

As argued in the introductory Chapter of this volume, it is important to promote a top-down approach that copes with cross-boarder/regional issues and seeks to revise the high-level political framework in the new strategy. At the same time, however, the new strategy must also include a bottom-up approach, through which the needs of ordinary citizens can be met.

So far, the insurgent forces have targeted mainly and deliberately at the government officials and security forces as well as international forces and aid workers although their attacks often caused 'collateral damages' to innocent civilians.³¹ While insurgents in Afghanistan sometimes employ the means of terror against civilians, they do not seek mass casualties indiscriminately, since overuse of terror will cost them the popular support they require to succeed. It is reported that the ANP has become a primary target of insurgents although intimidation of all kinds has increased against the civilian population, especially those perceived to be in support of the government, international military forces as well as the humanitarian and development community.³²

While the attacks by the insurgent forces constitute direct and imminent threat to the government and the international actors in Afghanistan, as long as the insurgents employ selective and effective use of terror such as 'night letters,' they are not perceived as such by the ordinary citizens of Afghanistan.³³ According to Nojumi et al., "rural Afghans are not being targeted by armed political groups in the ways that internationals and Afghans associated with internationals and the Afghan government are. Instead, rural Afghans face a different set of threats and insecurities. These threats may result from the weakening of defense mechanism at the village level, where

²⁹ Husain Haqqani, "Insecurity along the Durand Line," Geoffrey Hayes and Mark Sedra (eds.), *Afghanistan: Transition under Threat* (Wilfrid Laurier University Press, 2008) p. 236.

³⁰ Fick and Nagl, p. 44.

³¹ According to the RAND research, in 2002-2006, more than 40% of the insurgent targets are the Afghan government officials (including civilian, police and military) and foreign forces, and about 10% are the private citizens (quoted in Jones, p. 53).

³² Anthony H. Cordesman, *Losing The Afghan-Pakistan War? The Rising Threat*, CSIS, September 2008, p. 5.

³³ Neamatollah Nojumi, Dyan Mazurana, and Elizabeth Stites, *After the Taliban: Life and Security in Rural Afghanistan* (Lanham: Rowman & Littlefield Publishers, 2009) pp. 33-34.

traditional social networks and institutions were disrupted by massive migration, shortages of local resources, and the rise of armed groups and warlords.”³⁴ He goes on and argues that while much of the violence is linked to Taliban and has cross-boarder/regional origins and implications, there is also growing insecurity in areas with little or no Taliban influence.³⁵

Such a view is echoed in a report of the Afghanistan Study Group Japan, in which a series of noteworthy recommendations for turning the tide in favor of peace and stability in Afghanistan is presented.³⁶ It highlighted the importance of addressing the ‘human security’ needs of the Afghan people in communities as a matter of top priority, arguing that ‘human security’ can only be ensured through promoting reconciliation amongst the population and establishing social order and sustainable livelihood in individual communities.³⁷

“A lack of national infrastructure, severe depletion of human resources, endemic crises of governance at the central and local levels, corrupt and ineffective police and justice institutions that fail to protect and enforce the rights of citizens, widespread gender discrimination, warlordism, and an increasingly criminalized economy based on the production and trafficking of illicit narcotics have all contributed to the continuing high levels of human insecurity.”³⁸ Above all, the loss of personal safety is particularly traumatic for most of ordinary Afghan people. Crime—not terrorism or insurgency—is their primary concern. The top concerns for the ordinary Afghans include kidnapping (31%), Taliban (24%), and coalition bombings (16%).³⁹ Due to a grave lack of social order, or the rampant rule of gun, and inability of the Afghan government and the international community to deal with the most fundamental function of a government, the central government is increasingly seen as weak and illegitimate, which only fuels greater instability.⁴⁰ The lack of alternative sources of protection is the main reason why the people in the vulnerable communities have to accept the control of Taliban and other insurgent groups. “The centrality of these issues in the deterioration of safety and security in Afghanistan indicates the importance of key aspects of human security in the contest over stability in Afghanistan.”⁴¹

Obviously, as mentioned above, SSR remains one of the key requirements in restoring social order, and the Afghan society must be empowered in such a way as to provide law and order in communities. The international community must continue to help build such capacity of the Afghan government; particularly the establishment of the effective police force is a matter of utmost urgency. “If the Afghan National Security Forces (ANSF) is employed to foster the development of government ministries and protect roads, farms, and towns, millions of Afghans will see tangible improvements in their daily lives and will accept a government that they view as legitimate.”⁴²

³⁴ *Ibid.*, p. 34.

³⁵ *Ibid.*, p. xv.

³⁶ Afghanistan Study Group Japan, *Afghanistan: Japan's Experiences Revisited*, December 2008, <http://www2.jiia.or.jp/pdf/resarch/2008_afghanistan/2008_afghanistan.pdf>

³⁷ *Ibid.*, pp. 1-6.

³⁸ Nojumi, et al., *After the Taliban*, xiv.

³⁹ Gary E. Langer and ABC Polling Unit, *ABC News/BBC/ARD Poll*, “Where Things Stand in Afghanistan,” February 11, 2009, p. 37.

⁴⁰ *Ibid.*, p. xiii.

⁴¹ *Ibid.*, p. xv.

⁴² Ali Jalali, “The Future of Security Institutions,” in J Alexander Their (ed.) *The Future of Afghanistan*

At the same time, however, the international community must also fill in the gap of the government capacity to protect its citizens from threats to their human security. In other words, the counter-insurgency efforts need to be refocused on improving and securing the actual lives of people on the ground.⁴³ By reviewing the past records of success and failure of counter-insurgency operations, the latest U.S. Army counter-insurgency field manual now supports such a view, arguing that successful practice of counter-insurgency focused on the population, its needs and its security, whereas unsuccessful practice of counter-insurgency overemphasized killing and capturing of the enemy rather than securing and engaging the populace.⁴⁴ The primary objective of PRTs, as a tool of counter-insurgency, needs to be re-aligned with the refocused goal of protecting vulnerable people from human security threats by criminals, warlords, insurgents and terrorists, and establishing sustainable livelihood in frustrated communities.

The shift of emphasis of the counter-insurgency strategy for Afghanistan is critical and urgent as the incompetency of the international community in supporting the Afghan government in this regard feeds the distrust of the people towards the central government and the international community. Losing trust and support of the ordinary people who have been patiently waiting for a positive change in their lives, is indeed a recipe for the failure of counter-insurgency. Winning popular support is the key to breaking the vicious cycle of insecurity. Without it, the peacebuilding process would become groundless and peace and stability in Afghanistan cannot be envisioned.

3.3. Popular Support (avoiding collateral damage)

Perception matters in the fight over the popular support in the counter-insurgency. So far, the United States, its NATO allies and the Afghan government have barely managed to win the popular support in Afghanistan, and now they are facing a critical juncture. With the revival of the insurgency groups, they are losing not just ground in Afghanistan, but also the hearts and minds of the Afghan people.⁴⁵ This is largely because the government and the international community have failed to maintain social order and provide human security to the ordinary citizens in Afghanistan.

It is true that no matter how strong the insurgency elements might be, their expansion of the area of control does not indicate automatically that they enjoy popular support in their territory. It is very difficult to imagine that the general population in Afghanistan wishes the return of the extremist's rule. Of course, the resurgence of Taliban is a key element of the public concern: 58% of Afghans see Taliban as the biggest danger to the country, measured against local warlords, drug traffickers or the U.S. or Afghan governments.⁴⁶ Also, as long as the international community supports the incumbent government both militarily and economically, it is very difficult to foresee the regime change in the near future. The local populace shares such a view. Only 8% of Afghans believe that Taliban will win the current struggle.⁴⁷ Even if

(USIP, 2009) p. 30.

⁴³ Afghanistan Study Group Japan, p. 1.

⁴⁴ Fick and Nagl, p. 51.

⁴⁵ *Support for U.S. Efforts Plummets Amid Afghanistan's Ongoing Strife*, <<http://abcnews.go.com/images/PollingUnit/1083a1Afghanistan2009.pdf>>, p. 1.

⁴⁶ *Ibid.*, p. 6.

⁴⁷ Gary E. Langer and ABC Polling Unit, *ABC News/BBC/ARD Poll*, "Where Things Stand in

insurgency groups such as Taliban were able to defeat the incumbent government security forces in the battlefield, it would be extremely difficult to anticipate that they would be able to acquire majority of the votes in a democratic election.

At the same time, however, increasing number of people in the southwest where most of the counter-terrorism and counter-insurgency operations take place is losing their faith in the central government. According to the most recent *ABC News/BBC/ARD Poll* (February 2009), 57% of the population in six provinces in the southwest (Daykundi, Helmand, Kandahar, Nimroz, Uruzgan, Zabul), and 64% in Kandahar province, express at least some support to Taliban although that number decreases sharply to 22% nationwide.⁴⁸ “Amid widespread experience of warfare—gun battles, bombings and air strikes among them—the number of Afghans who rate their own security positively has dropped from 72 percent in 2005 to 55 percent today—and it goes far lower in high-conflict provinces. In the country’s beleaguered Southwest ... only 26 percent feel secure from crime and violence; in Helmand alone, just 14 percent feel safe.”⁴⁹ It is reported that in the southwest, 60% of the civilian casualties has been incurred by the U.S. or ISAF forces, whereas 55% of them at the hands of Taliban, al Qaeda or foreign jihadi fighters.⁵⁰

In the eyes of the people in the southwest, the U.S. and ISAF forces are seen as the most serious threats to their security. In fact, civilian casualties or the ‘collateral damage’ incurred by the air strikes of the U.S. or ISAF forces have caused serious damage to the perception of Afghans—not only in the southwest but also such a negative view is possessed by the Afghans nationwide—towards the presence of western forces. 77% of Afghans call such air strikes unacceptable, saying the risk to civilians outweighs the value of these raids in fighting insurgents.⁵¹ It is alarming that the blame for collateral damage is aimed chiefly at the U.S. and ISAF forces although the insurgents are also to be blamed for concealing themselves among civilians.⁵² This indicates that if such a trend continues, the insurgents could win the hearts and minds of the people. It is therefore important that the current counter-terrorism and counter-insurgency approaches employed by the U.S. and ISAF forces need to be reconsidered drastically, taking into consideration some lessons identified in the latest counter-insurgency field manual.

First and foremost, the U.S./ISAF and the Afghan government security forces must be recognized not as security threats but as the legitimate and credible security provider for the Afghan citizens, especially for the vulnerable people in the Pashtun belt. In this sense, collateral damage must be avoided at any cost as it proved fatal to the most important goal of counter-insurgency, that is, winning the popular support. The United States must understand that “[s]ometimes doing nothing is the best reaction” in counter-insurgency operations.⁵³ The most effective way for the United States to be recognized as the security provider can be found in the search for human security of the people in Afghanistan through both military and non-military counter-insurgency efforts.

Afghanistan,” February 11, 2009, p. 53.

⁴⁸ *Ibid.*, p. 50.

⁴⁹ *Support for U.S. Efforts Plummets Amid Afghanistan’s Ongoing Strife*, p. 3.

⁵⁰ Langer et al, p. 51.

⁵¹ *Support for U.S. Efforts Plummets Amid Afghanistan’s Ongoing Strife*, pp. 4-5.

⁵² *Ibid.*

⁵³ Fick and Nagle, p. 47.

Indeed, some of the best weapons for counter-insurgency do not shoot.⁵⁴ They are non-military counter-insurgency measures also known as development aid, i.e., access to jobs, clean water, education, health care, justice and other essentials for human security. Perhaps, this maybe the only way left for the government to win the contest with the insurgency groups for the popular support in the Pashtun belt, and to break the vicious cycle of insecurity. PRTs can serve as a platform for such an endeavor.

4. Conclusion

This Chapter argued that a non-military form of counter-insurgency that can encompass the regional approach, pursue human security, and win popular support is the key to breaking vicious cycles of insecurity in Afghanistan, and that PRTs, although their concept is a product of improvisation and compromise, can serve as a useful platform for launching such initiatives by delivering public goods and services to the people in needs under the non-permissive environment.

Providing protection and human security to the people in the most vulnerable areas is a way to break the negative spiral of insecurity. Use of PRTs as a platform for initiating human security projects can contribute to this end as long as these projects aim at bringing social order and sustainable livelihood to the communities in both Afghanistan and Pakistan. Nevertheless, if the emphasis of the U.S. and ISAF's counter-insurgency operations remain in killing of the enemy such as al Qaeda and Taliban, and their air strikes and raids continue to kill innocent civilians, it is very difficult to anticipate that the people would support the U.S. effort towards the peacebuilding process in Afghanistan.

PRTs are tactical tools for counter-insurgency subordinating them to a broader political strategy. If PRTs are employed in such a way as to establish security, create a conducive regional environment, build basic governmental legitimacy, engage the citizenry, and create economic opportunity—these are the building blocks of a virtuous cycle—, then they will broaden opportunity for ordinary Afghans while narrowing the space for insurgents.⁵⁵ In other words, a successful counter-insurgency operation might create the conditions for political success, but it cannot force indigenous decision-makers to take action to stabilize their countries.⁵⁶ PRTs are not the substitute for a good political strategy. As discussed in the introductory Chapter, a new political initiative is needed desperately to turn the tide in Afghanistan. We must grasp the growing momentum behind efforts to forge a political settlement with Taliban. In fact, political negotiation is indeed an important tactic of non-military counter-insurgency.

⁵⁴ *Ibid.*, p. 45.

⁵⁵ J Alexander Their, "Introduction: Building Bridges", in J Alexander Their (ed.), *The Future of Afghanistan*, USIP, 2009, p. 7.

⁵⁶ Andrew Exum, "How not to Lose Afghanistan," *New York Time*, 26 January, 2009.

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