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<Shahrbanou Tadjbakhsh>

Synopsis

By the time the US-led international coalition intervened militarily to remove the Taliban regime in October 2001, and the United Nations (UN) drew the Bonn Agreement as the blueprint for a functioning democracy and institutions, Afghanistan had already seen two decades of war: starting with jihad against the Soviet invasion, followed by a civil war between various mujahideen factions and culminating with the Taliban takeover of most of the territory. Chapter VII was long overdue. Although the UN had been engaged in Afghanistan throughout those years, mostly through General Assembly resolutions on the 'Situation in Afghanistan' and through the establishment of Good Offices missions in Pakistan and Afghanistan, the post-2001 period marked an intensified engagement by the United Nations Security Council (UNSC). From then on, three streams of resolutions concerning Afghanistan began to be implemented simultaneously: the continuation of a sanctions regime that had been established in response to the terrorist actions of Al-Qaida and the Taliban, authorisation given for the operation of an International Security Assistance Force (ISAF) under Chapter VII, and the UN Assistance Mission in Afghanistan (UNAMA). The past eight years have also seen the deployment of a large number of actors to the field at the same time: humanitarian organisations, international donors, UN sister agencies, and the private sector, as well as a large military presence – ISAF and Operation Enduring Freedom (OEF) troops led by the North Atlantic Treaty Organisation (NATO).

Despite the completion of the Bonn timetable and the rudimentary establishment of formal democratic institutions, the state-building agenda became increasingly challenged by the resurgence of the Taliban, as well as by institutional problems of uncoordinated and wasted aid. Meanwhile, in New York, Council resolutions went from minimal *carte blanche* to becoming increasingly ambitious, reflecting diverging interests among the Permanent Five (P5) and rotating countries. Increasingly, the original design of the 'light footprint' approach proved unviable: even though the UN mission had been consistently underfunded, other entities on the ground, especially the military contingency run by NATO and the US-led Operation Enduring Freedom, were inflated with resources, personnel and equipment, particularly as the operation moved from security assistance to full-fledged combat and counter-insurgency. The role of the UN also became increasingly difficult to implement,



considering the simultaneous tasks given to UNAMA of coordinating aid from a large but fragmented international community, implementing its own projects and advocating for peace and reconciliation in a country where insecurity and institutional weaknesses were reversing gains made on democratisation. By late 2008, it had become clear that a military solution was not the answer. However, it was not apparent that a political solution, in terms of negotiations with the Taliban (which were left out of the Bonn Agreement), would bring long-term stability. As the country prepared for presidential elections in late summer 2009 and parliamentary elections the year after, the puzzle was whether the Taliban would take part in the political process or remain outside of it, and whether the government, after the elections, would be able more effectively and transparently to deliver public goods increasingly demanded by the Afghan people.

In the meantime, for the international community, the two pressing priorities are to transform the international presence from a heavily militarised operation to a civilian one, and to shift its external coordination into a locally-owned enterprise. The case of Afghanistan shows the particular challenge of implementing a UN peacekeeping mission, jumpstarting state-building and political assistance, coordinating aid in a fragmented framework, and implementing resolution 1325 (2000) on women, peace and security in situations where there is no peace to keep, and where the international community becomes engulfed in a counter-insurgency operation. The UN Security Council resolutions have made the peace enforcement operation in Afghanistan legal, but a combination of operational, political and conceptual difficulties have raised problems of effectiveness, if not legitimacy.

The case of Afghanistan raises a number of questions for the future of peacekeeping missions: can external forces help bring political stability, and if so, how effective can the role of the United Nations be in this process, and how does outsourcing of stabilisation to regional security organisations support such a role? This study argues that three elements are necessary: an impartial role for the international community; clarity about the division of responsibilities and better cooperation between the political and military sectors; and a more strategic role for the United Nations.

I. Background to the conflict

I. Historical context

Afghanistan is a landlocked mountainous country bordering Pakistan to the east and south, Iran to the west, Turkmenistan, Uzbekistan, and Tajikistan to the north, and China to the northeast. It is home to multiple ethnic communities: Pashtuns in the south and the east, Tajiks and Uzbeks in the north, and Hazaras in the central regions. The major languages are Pashto and Dari/Farsi. By latest estimates in July 2008, the population was 32.7 million (48 per cent of which were women).¹ In 2007, Afghanistan ranked 174th out of 178 countries on the United Nations Development Programme (UNDP) Human

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Development Index. Life expectancy in 2005 was 42.9 years;² literacy rates, 28 per cent;³ and Gross Domestic Product (GDP) per capita, US\$ 964. Administratively, the country is divided into 34 provinces (*Welayat*), each further divided into districts (*Woleswali*).

The country's present borders were established at the end of the nineteenth century when the great powers sought to establish a buffer state between the then British and Russian empires. After the Second World War, although Afghanistan preserved its political neutrality, it received considerable quantities of development and military assistance from both the United States (US) and the Soviet Union.⁴ Internally, regimes have come and gone with frequency: in 1964, King Zahir Shah (1933-1973) adopted the first liberal Constitution that established a bicameral legislature and allowed for greater political freedoms, including for the many newly-formed political parties. The monarchy, however, ended in 1973, when Zahir Shah was overthrown by his cousin Mohammad Daud. Daud's republican government faced opposition from both the leftist People's Democratic Party of Afghanistan (PDPA) and religious and tribal leaders. Five years later, the PDPA seized power in another military coup, which overthrew Daud and installed a pro-Soviet communist regime under Noor Muhammad Taraki. In September 1978, Taraki was replaced by his deputy, Hafizullah Amin, who also failed to suppress armed revolts launched by Islamic and tribal leaders. In 1979, in response to increasing fears of Islamic resistance both within Afghanistan and in the newly-declared Islamic Republic of Iran, the PDPA 'invited' the Soviets to enter Afghanistan. The Soviets installed Babrak Karmal, the leader of a less hard-line faction of the PDPA. Thus began the two decades of war that caused a million deaths and made five million people refugees in Iran and Pakistan.

From then on, the Afghan conflict mutated over time to distinct phases:⁵

a) *1979–1988: Jihad in the Cold War context.* From late 1979 until February 1989, Afghanistan was occupied by Soviet military forces, whose presence reached over 100,000 troops. These were fiercely resisted by Western-backed guerrilla fighters, the mujahideen, who mounted a mainly rural resistance. Estimates of combat fatalities range between 700,000 and 1.3 million. The resistance movement received substantial international assistance starting with US\$ 30 million from the United States in 1980, and reaching US\$ 630 million in 1987, with Saudi Arabia approximately matching US aid.⁶ They were also joined by thousands of Muslim radicals from the Middle East and Africa, eager to fight the Soviet Union in the name of Islam. Among them was Osama bin Laden, who first arrived in Pakistan and Afghanistan in the early 1980s and built training facilities for foreign recruits. During this period,

¹ CIA World Factbook, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>.

² UNDP, *Afghanistan National Human Development Report 2007: Bridging Modernity and Tradition - the Rule of Law and the Search for Justice*, Kabul, Afghanistan, 2007.

³ Ibid.

⁴ From 1955 to 1978, the Soviet Union provided Afghanistan with US\$ 1.27 billion in economic aid and roughly US\$ 1.25 billion in military aid, while the United States furnished US\$ 533 million in economic aid. See Barnett Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System*, New Haven: Yale University Press, 2nd Edition, 2002, p.20.

⁵ Adapted from Mohammed Haneef Atmar and Jonathan Goodhand, 'Afghanistan: The Challenge of Winning the Peace', in Monique Mekenkamp, Paul van Tongeren, and Hans van de Veen (eds.), *Searching for Peace in Central and South Asia*, Boulder, Colorado: Lynne Rienner Publishers, 2002.

⁶ Rubin, 2002, op. cit., pp. 180-181.

approximately three million refugees settled in camps along the Afghan border in Pakistan, and about two million fled to Iran. Various international non-governmental organisations (NGOs) established operations in the refugee camps both to provide humanitarian aid to the displaced and channel aid into areas that were under the control of the mujahideen within Afghanistan. In 1988, two years after Babrak Karmal was replaced by Mohammad Najibullah, the UN-facilitated Geneva Accords paved the way for Soviet withdrawal. An interim government composed of different mujahideen parties was set up under the aegis of the United States, Pakistan, and Saudi Arabia.

b) *1989–1994: Jihad among Afghans.* The accords, however, failed adequately to address the question of post-occupation government setup, and the war continued between the regime of Najibullah and an increasingly divided mujahideen, who could not agree on a power-sharing formula. In 1992, the mujahideen took Kabul, forcing Najibullah to take refuge in the UN compound, where he would remain until his violent death four years later. On 24 April 1992, the Peshawar Accord brought the agreement of leaders of the mujahideen to form a government first under Sebghatullah Mojadeddi, and several months later under Burhanuddin Rabbani. Rabbani was declared President of the Islamic State of Afghanistan in July 1992, but fighting continued in Kabul among various forces, including Hazara parties, the forces of Ahmad Shah Massoud, Rabbani's Minister of Defence, and Hekmatyar. As financial assistance from the superpowers declined with the end of the Cold War, fighters began fuelling the war economy with alternative local sources of drugs and contraband.⁷

c) *1994–2001: Talibanisation.* The third phase of the Afghan conflict was initiated with the arrival of the Taliban on the military scene in 1994. The Taliban consisted mainly of Pashtun youth raised in refugee camps in Pakistan, from where they brought conservative values from the *madrassas* (Koranic Schools),⁸ who believed that the mujahideen had corrupted Afghan society. Resistance to the Taliban was led by a coalition of groups calling themselves the United National Islamic Front for the Salvation of Afghanistan (UIF), also known as the Northern Alliance, which included Rabbani, Massoud, and Uzbek leader Dostum. If the Taliban initially benefited from the financial and military support of the Inter-Services Intelligence Agency of Pakistan and the United States, the Northern Alliance was backed by Iran, Russia, Uzbekistan, Tajikistan, and India. The Taliban, however, enjoyed military superiority and advanced with relative ease, taking control of Kabul in September 1996. During the takeover, former President Najibullah was dragged from the UN compound, beaten to death and hung in one of the city's main squares. The Rabbani government relocated to Taloqan and Mazar-e Sharif but was pursued by the Taliban, who took over the northern provinces in 1997. In October of that year, the country became the Islamic Emirate of Afghanistan.

By mid-2001, the Taliban controlled 95 per cent of Afghanistan, but were never accorded official international recognition except by Pakistan, Saudi Arabia, and the United Arab Emirates (UAE). Their strict policies (especially those regarding women) earned them the opprobrium of most of the

⁷ Christopher Cramer and Jonathan Goodhand, 'Try Again, Fail Again, Fail Better? War, the State, and the "Post-Conflict" Challenge in Afghanistan,' *Development and Change* 33 (5), 2002, pp. 885-909.

⁸ Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia*, London: I.B. Tauris Publishers, 2000.

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international community and world opinion. The Taliban regime was based on a very strict interpretation of sharia law combined with the Pashtun honour system, *pashtunwali*, which interfered in the private lives of citizens, with strict edicts. They were, however, able to stop fighting in the territory they controlled and to eradicate opium cultivation through the imposition and strict enforcement of *fatwa* (religious edict).

d) *2001: US-led international 'war against terrorism'*. On 9 September 2001, the military leader of the Northern Alliance, Ahmed Shah Massoud, was killed by two suicide assassins posing as journalists. Two days later, the 11 September 2001 (9/11) terrorist attacks on the United States were blamed on the Al-Qaida network led by Osama bin Laden, who was supposed to have taken refuge in Afghanistan. On 7 October 2001, after the Taliban refused US demands to extradite bin Laden, a US-led international coalition, Operation Enduring Freedom, launched a military attack under the auspices of a self-defence operation. With the support of the Northern Alliance forces, the coalition took Kabul on 13 November 2001. By late November, the Taliban had been removed from power and defeated militarily, albeit temporarily.

2. UN responses: Context of the intervention


Afghanistan joined the UN in 1946 as one of its earliest members. Throughout the years of conflict leading up to September 2001, Security Council engagement with Afghanistan was, however, inconsistent and often ineffective.⁹

During the Soviet invasion

Afghanistan was placed on the Security Council's agenda for the first time in January 1980, following the December 1979 invasion by the Soviet Union. The Council considered a draft resolution that condemned the intervention of foreign troops, which was consequently vetoed by the Soviets. Afghanistan therefore stayed off the Council agenda for the duration of the Soviet military involvement.

The General Assembly, in the meantime, adopted a series of resolutions on the 'Situation in Afghanistan' throughout the 1980s. These consistently deplored the armed intervention, called for the withdrawal of all foreign forces, asked states to contribute with humanitarian assistance, and called for UN assistance to find a political settlement. In 1985, the General Assembly also began a separate consideration of the human rights situation, by asking the Special Rapporteur on Human Rights appointed by the Commission on Human Rights in May 1984 to report to both the Commission and the General Assembly at regular intervals. Strongly-worded annual resolutions on 'human rights and fundamental freedoms in Afghanistan' were then issued by the General Assembly until 2003, deploring

⁹ Security Council Report, 'Afghanistan: Profile Report', 7 November 2006, available at http://www.securitycouncilreport.org/site/c.gkKWLeMTIsG/b.2232713/k.67DB/Profile_Afghanistanbr_7_November_2006.htm



human rights abuses and the severe consequences for the civilian population of indiscriminate bombardments and military operations. UN Secretary-Generals, for their part, remained engaged throughout the Soviet invasion period, and also afterwards by appointing Personal Representatives and Special Envoys to act on their behalves.

Soviet withdrawal and its immediate aftermath

In May 1987, under UN auspices, Afghanistan, Pakistan, the Soviet Union, and the United States signed the Agreements on the Settlement of the Situation Relating to Afghanistan (the Geneva Accords). By resolution 622 of 31 October 1988, the Security Council authorised Javier Pérez de Cuéllar to set up a mission to monitor the withdrawal of foreign forces – the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP, 1988-1990). The Security Council also authorised the dispatch of 50 military officers from existing UN operations to Afghanistan and Pakistan to assist in the mission. The mandate of UNGOMAP, derived from the accords, was a traditional peace monitoring mission which included, in addition to the supervision of the withdrawal of Soviet troops, the monitoring of non-interference by the parties in each other's affairs and overseeing the voluntary return of refugees. UNGOMAP's mandate formally ended on 15 March 1990, one year after the conclusion of the withdrawal of Soviet troops, and focus thus returned to the humanitarian situation.

Post-Soviet years

In 1990, the Secretary-General established a successor to UNGOMAP, the Office of the Secretary-General in Afghanistan and Pakistan (OSGAP, 1990-1996), which negotiated local agreements with local commanders, making it possible for humanitarian actors to deliver aid within Afghanistan. While OSGAP was responsible for monitoring the political situation, humanitarian efforts were coordinated through the UN Office of the Coordinator for Afghanistan (UNOCA) and subsequently through the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Afghanistan. The separation between the political and humanitarian tracks was seen as important in order to maintain the neutral and impartial nature of the humanitarian mission, although for long periods the two tracks were headed by the same individual.¹⁰

In December 1993, in response to the further deterioration of the situation, the General Assembly requested the Secretary-General to establish a new UN Special Mission to Afghanistan (UNSMA, 1993-2001), into which OSGAP was incorporated in 1996. The mission was supposed to achieve a ceasefire between the mujahideen groups, a political settlement through direct negotiations between parties, and a regional political consensus in support of the peace process. It was also tasked with coordinating with the UN resident and humanitarian coordinator for Afghanistan, while discussing UN and international community concerns directly with the Taliban leadership.

The mission, however, under a weak General Assembly mandate, had neither the resources nor the authority of missions under strong Security Council mandates. Its role and legitimacy was frequently

¹⁰ Ibid.

¹¹ Ibid.

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questioned by non-state actors involved in the conflict.¹¹ As a result, UNSMA had very little success in facilitating dialogue between the warring parties, and the humanitarian situation within Afghanistan continued to deteriorate as the conflict went on. The role of the UN in Afghanistan was further complicated when former President Najibullah took refuge in its compound in Kabul in 1992, from where he was abducted in 1996 by the Taliban when the UN withdrew its senior staff.

The Taliban years

The Council was much freer to address the situation of Afghanistan after Soviet withdrawal. Real engagement, however, did not begin until after the establishment of the Taliban government in Kabul. Between 1996 and 2001, the Security Council responded to the worsening humanitarian and human rights situations by issuing eleven presidential statements calling, fruitlessly, on the warring parties to return to the negotiating table. The Council also issued five resolutions condemning violence and calling on all Afghan parties to engage in political dialogue – resolutions 1076 (1996), 1189 (1998), 1193 (1998), 1214 (1998), and 1267 (1999). Throughout these resolutions, the Council reiterated its concern that the conflict had provided fertile grounds for terrorism and drug trafficking which had destabilised the region and beyond. Afghanistan, during the Taliban years, was the target of some of the strongest human rights language in any Council resolution ever.¹²


As hostilities continued, the Secretary-General appointed Lakhdar Brahimi, former Foreign Minister of Algeria, as his Special Envoy for Afghanistan in July 1997. Brahimi convened a series of informal meetings with what became known as the 'Six plus Two' group, comprising the six states bordering Afghanistan (China, Iran, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan) plus the United States and Russia. But Brahimi's task was particularly challenged by the lack of international recognition of the Taliban regime. Since the capture of Kabul by the Taliban in September 1996, the Rabbani government in the north had continued to retain the UN seat, although the Taliban controlled the largest amount of territory in Afghanistan. UN humanitarian operations, meanwhile, faced problems of lack of access, lack of a recognised government to coordinate with, and the Taliban edicts that hampered programmes from reaching their beneficiaries.

Towards the sanctions regime

Beyond the issuance of resolutions, which were largely ignored by the parties within Afghanistan and frequently also by neighbouring states, and making statements deploring violence, the Security Council had not taken any decisive steps. This soon changed with the imposition of a sanctions regime.

Following the August 1998 terrorist attacks on US embassies in Nairobi and Dar-es-Salaam, the Council adopted resolution 1193 (1998) in which it reiterated its concerns over the continuing presence of terrorists in the territory of Afghanistan. It condemned attacks on UN personnel as well as the capture of the Consulate-General of Iran in Mazar-e Sharif. In December, through resolution 1214 (1998), the Council demanded that the Taliban stop providing sanctuary and training for international terrorists, and that all Afghan factions cooperate in bringing indicted terrorists to justice. On 15 October, citing the failure of the Taliban to respond to this demand, the Council applied

¹² Ibid.



broad sanctions under Chapter VII. In resolution 1267 (1999), the Council demanded that the Taliban turn over Osama bin Laden, the perpetrator behind the terrorist attacks in Africa. The sanctions, imposed on 14 November following non-compliance, included the freezing of all assets owned or controlled by the Taliban, a ban on flights of any aircraft owned, leased or operated by the Taliban, as well as an arms embargo and diplomatic sanctions. In December 2000, the Council, through resolution 1333, strengthened the sanctions, requiring all states to close Taliban offices in their countries, including those of Ariana Afghan Airlines, to restrict international travel of Taliban officials of deputy minister rank or higher, and to freeze the financial assets of bin Laden and his associates. It also imposed sanctions against Al-Qaida.

The Council, in an effort to enforce compliance with resolution 1267 (1999), set up a monitoring mechanism, the 'Al-Qaida and Taliban Sanctions Committee' as one of the three Security Council subsidiary bodies set up to deal with terrorism-related issues, the others being the Counter-Terrorism Committee and the 1540 Committee. The ongoing work of the Committee is pursuant to specific guidelines¹³ on listing¹⁴ and de-listing¹⁵ procedures, exemptions to the assets freeze¹⁶ and from the travel ban.¹⁷ The Committee publishes annual reports of its activities¹⁸ and its chairman briefs the Security Council in joint meetings with the other two Committees.¹⁹ The names of the targeted individuals and entities are placed on the Consolidated List,²⁰ which has come under renewed controversy as the possibility of negotiations with segments of the Taliban has been raised in recent months.

The sanctions, in the meantime, were difficult to implement. The report by the Committee of Experts on the Effectiveness of the Sanctions, in May 2001, noted, for instance, that they were routinely violated by Afghanistan's neighbours. The report singled out Pakistan, in particular, for its role in continuing to arm and supply the Taliban, as well as Iran for its role in arming the United Front. The Taliban had only limited assets abroad, and since much of its economic activity consisted in black market trade in heroin and opium, the financial asset freeze had limited effects. The arms embargo also did not appear to have much impact: arms in Afghanistan were already plentiful and the borders relatively porous.

The sanctions regime became modified and strengthened by subsequent Chapter VII resolutions – 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006) and 1822 (2008). These either strengthened sanctions against the Taliban and Al-Qaida or expanded the scope of the

¹³ http://www.un.org/sc/committees/1267/pdf/1267_guidelines.pdf.

¹⁴ http://www.un.org/sc/committees/1267/fact_sheet_listing.shtml.

¹⁵ http://www.un.org/sc/committees/1267/fact_sheet_delisting.shtml.

¹⁶ http://www.un.org/sc/committees/1267/fact_sheet_assets_freeze.shtml.

¹⁷ <http://www.un.org/sc/committees/1267/pdf/factsheet-on-travel-ban.pdf>.

¹⁸ <http://www.un.org/sc/committees/1267/annualreports.shtml>.

¹⁹ For a comparative table of the distinct but complementary roles of the three Committees, see http://www.un.org/sc/committees/1267/pdf/Revised%20comparative%20table_ENGLISH%20_7-11-2008_.pdf

²⁰ Narrative summaries of reasons for listing of the individuals, groups, undertakings and entities included in the Consolidated List can be found at <http://www.un.org/sc/committees/1267/narrative.shtml>.

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regime, the Committee's mandates or that of the Monitoring Team. They also adopted new listing requirements for financial sanctions, travel bans and arms embargo, while renewing the guidelines for listing and de-listing.

Chapter VII and Security Council engagement after September 2001


If Security Council actions and words proved inefficient during the Soviet invasion and the civil war, the period after the 11 September 2001 attacks was, in contrast, marked by intense Security Council involvement.²¹

The day after 11 September, the Security Council, in resolution 1368 of 12 September 2001, condemned the attacks, and called on states to bring to justice the perpetrators, organisers and sponsors of those terrorist acts. This was followed almost immediately by two resolutions: resolution 1373 of 28 September 2001, which created a comprehensive package of measures to curb terrorism and called on all states to cooperate and deny safe haven to those who financed, planned or supported terrorist acts; and resolution 1377 of 12 November 2001, a declaration encouraging intensified global efforts to combat terrorism.

The Council played no direct role in authorising the subsequent use of military force in Afghanistan by the US-led coalition Operation Enduring Freedom. However, in resolution 1368 (2001), the Council had recognised 'the inherent right of individual or collective self-defence in accordance with the Charter', and in resolution 1373 (2001) it had reaffirmed 'the inherent right of individual or collective self-defence as recognised by the Charter of the United Nations as reiterated in resolution 1368 (2001)'. The use of force against Afghanistan by the US-led coalition was therefore recognised, if not directly authorised, under the auspices of Article 51 in the right to self-defence.

While the OEF operation began, the Secretary-General appointed Lakhdar Brahimi as his Special Envoy to Afghanistan on 3 October 2001. Brahimi began by organising a meeting of the 'Six plus Two' to get the neighbouring countries to agree on the need for a new government. The Security Council then adopted resolution 1378 of 14 November 2001, in which it welcomed the intentions of the Special Representative to convene a meeting of the various Afghan actors to form a transitional administration. Resolution 1378 (2001) also affirmed that the UN should play a central role in supporting efforts to establish a new administration. The meeting, organised on 5 December 2001 in Bonn, led to the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions. Known as the Bonn Agreement, the accords were signed by representatives from the Northern Alliance, the Rome group led by the former king, Zahir Shah, and the Peshawari parties, and established an Afghan Interim Authority under the chairmanship of Hamid Karzai. The agreement was endorsed the next day by Security Council resolution 1383 (2001), in which the Council declared its willingness to support the interim institutions and to implement its annexes.

²¹ In 2002, for example, during the first year of operation of UNAMA and ISAF, Afghanistan was prominent on the agenda and the Council discussed Afghanistan 18 times, a three-fold increase from the previous year.



There were two significant annexes to the Bonn Agreement. One requested the deployment of a multinational force to assist the government in providing security in Kabul. The Security Council authorised the deployment of an International Security Assistance Force, ISAF, through resolution 1386 of 20 December 2001. The other annex requested the establishment of a UN Assistance Mission in Afghanistan, UNAMA, whose initial mandate was to provide support for the implementation of the Bonn Agreement, which the Security Council also authorised through resolution 1401 (2002). In the three months between the establishment of ISAF and UNAMA, Brahimi moved with a small team to Kabul, where he was joined by a team from the Islamabad-based UNSMA and UNOCHA offices.

Thereafter, three streams of UNSC resolutions concerning Afghanistan began to be implemented simultaneously: in addition to the continuation of resolutions on the sanctions regime, a second stream of resolutions acting under Chapter VII followed the authorisations given by the Security Council for the operation of ISAF troops for security purposes, while another stream of resolutions came under the direct supervision of the United Nations around the political transition and state-building process implemented by the UNAMA mission. While the sanctions regime and the ISAF resolutions were under Chapter VII, UNAMA ones, given the political assistance nature of the mission, were not. As the rest of this study will show, ultimately it has been the uncomfortable co-existence between the security and political mandates which has hindered the successful implementation of these resolutions.

II. The political stream: UNAMA and the state-building project

I. Preparation for the mandate

Preparations at the UN

In terms of management, the UNAMA mission faced a rather favourable context compared with other UN operations. The 2002 mission came in the wake of the Brahimi Report and with the personal involvement of its author. It was also conceived as a small mission in comparison to the sizes of preceding missions in Timor-Leste and Kosovo following the 'light footprint' approach established by Brahimi.

The mission, conceived from the beginning as a political mission, was at first managed by the Department of Political Affairs (DPA) at UN headquarters, but was subsequently handed over to the Department of Peacekeeping Operations (DPKO), in 2003. This shift was carried out at Brahimi's request, who sought better administrative follow-up, standard practice for larger peacekeeping missions under DPKO, as well as access to more resources through the Department of Field Support Services (FSS). The initial decision to field UNAMA as a DPA mission was made because it had grown out of

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UNSMAs, and no decisions had been made to field blue helmets, since ISAF had already been authorised. Although most of those interviewed for this project claimed that there was no fundamental difference between a DPA- or a DPKO-led mission, and that differences had only to do with the size of the mission and its operational capacities, a few people conceded on a potential conceptual difference in the approaches of the two UN units when it came to political decisions. One interlocutor claimed, for example, that DPA and DPKO had different ways of defining the problems of and solutions to state-building. DPKO traditionally tackled issues related to the legitimacy of the use of force in crisis settings, while DPA had more experience with notions of failed states and state-building. These differences, in theory, would affect the peacekeeping role and exit strategy, although in the particular case of Afghanistan, the two potentially different approaches were irrelevant, as the situation on the ground was the decisive factor, which solicited reactions rather than conceptual approaches.

The DPA/DPKO difference could, theoretically, also have affected the way that state-building questions such as transition justice and elections were handled. The peacekeeping approach, for instance, would tend to accept the state as it is, while the political approach would argue that peace cannot be built without transitional justice first. But in the case of Afghanistan, Brahimi was adamant that a state had to be built first before opening the Pandora box of transitional justice, even though the Bonn Agreement had been designed during the time when UNAMA was led by DPA. As to what concerns elections, there may have been a difference between standards prescribed by the Office of Electoral Assistance at DPA and the realistic factors and pressures that DPKO had to deal with in the management of elections and recruitment of expertise during the 2004 presidential elections. Although many at the UN, including at UNAMA, warned against the lack of resources, security and technical expertise, the Security Council ultimately had the last say about the imperative of holding the elections during a particular window of time.²² Ultimately though, the decision to hand over management to DPKO was made purely on operational and administrative grounds, while any conceptual approach to strategic design was affected not by differences at headquarters but by Security Council imperatives, as well as by events on the ground.

In hindsight, however, the complexity of the Afghan mission was beyond the capacities of any of the units to handle individually without the support of a variety of other actors. As one UN official explained, DPKO would not have had the necessary tools to understand counter-insurgency operations, while DPA would have lacked sufficient multilateral support to handle such a complex mission. A large evolving mission such as UNAMA was eventually backed by the operational capacities of DPKO, which included, in any case, two political officers following-up on Afghanistan. As to the contributions of DPKO and UNAMA to mandate design, interlocutors claimed that even though the resolutions took into account the changing situations on the ground, the role of UN offices in directly providing inputs for resolutions was minimal. P5 countries, most of which were directly involved in Afghanistan through funds or troops, took most of the decisions about what was discussed and what was approved.

²² The timing for the Afghan elections in October 2004 was most likely to coincide with the month of presidential elections in the United States during which the success of elections in Afghanistan could be showcased.

Coordination at headquarters and the Integrated Mission Task Force

The preparation for the re-engagement of the UN in Afghanistan after Bonn was coordinated by the Integrated Mission Task Force (IMTF) for Afghanistan, which had inputs from members of the United Nations Development Group, the Executive Committee on Humanitarian Affairs, and the Executive Committee on Peace and Security at UN headquarters. Afghanistan became the first mission to implement the proposal, emanating from the Brahimi Report, for IMTFs to be set up as a management tool and bring all relevant departments and agencies together at headquarters for planning.

The planning of the UNAMA mission in Afghanistan in 2001 was the first application of the IMTF doctrine, consequently revised, refined, and adapted for each UN mission. In practice, the first attempt at implementing an IMTF for UNAMA received mixed reviews from observers,²³ including an internal evaluation made at the end of the planning phase in February 2002.²⁴ According to these evaluations, while starting early and with an inclusive number of units represented, the IMTF failed to live up to its designated role and rather became a legitimising institution which accepted plans but did not shape them.²⁵ The various evaluations and studies note, for example, that Special Representative of the Secretary-General (SRSG) Brahimi worked out the most important strategic decisions with his personal staff, leaving only the lower-level practical assignments to the IMTF. At the same time, IMTF personnel were generally too junior in rank to have access to key decision-makers at the UN as well as outside of it. Moreover, despite its deliberately inclusive composition at headquarters, frictions arose between central planning by the IMTF and the SRSG's office, on the one hand, and field leadership of the UN country team (UNCT), on the other. The UNCT re-established itself in Kabul long before UNAMA mission planning was finalised, and agencies felt they were not sufficiently consulted. UN agencies also initially chose to return to or procure different physical locations, and this uncoordinated re-establishment of UN agencies inhibited the common location and 'One UN idea' intended by the integrated mission doctrine.²⁶ Furthermore, in the absence of formal budgetary and disciplinary powers for the SRSG, the new concept of an integrated mission was obstructed by the agencies from the beginning, and continued to pose a challenge as UNAMA's mandate expanded to coordinate not just humanitarian actors but all aid in 2008.

In the field: The redeployment of the UN in Afghanistan

While the SRSG started to gather staff in Kabul, a technical survey team from DPKO supported by the Office of Missions Support was sent to Afghanistan to begin developing options for enhancing United Nations activities. Since the Taliban had seized the UNSMA office building in June 2001, US\$

²³ Thorsten Benner, Andrea Binder and Philipp Rotmann, 'Learning to Build Peace? Developing a Research Framework', *Global Public Policy Institute Research Paper 7*, Berlin: GPPI, 2007, pp. 53-54.

²⁴ The IMTF self-evaluation is a non-public document quoted by Benner et al., 2007, op. cit., p. 53.

²⁵ Nicola Dahrendorf, Astri Suhrke, Jolyon Leslie and Arne Strand, *A Review of Peace Operations: A Case for Change. Afghanistan Report*, London: Conflict, Security and Development Group, King's College London, 2003, para. 35; Benner et al., 2007, op. cit., p. 54.

²⁶ Benner et al., 2007, op. cit., p. 53; William J. Durch, Victoria K. Holt, Caroline R. Earle and Moira K. Shanahan, *The Brahimi Report and the Future of U.N. Peace Operations*, Washington, DC: The Henry L. Stimson Center, 2003, p. 49.

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15 million were authorised by the Security Council and the Advisory Committee on Administrative and Budgetary Questions for initial costs of repairs, staffing and equipment to launch the new UN mission. Through a letter to the Security Council, the Secretary-General then asked for the Special Representative to be given the overall coordinating role of all UN activities in Afghanistan. The first task of the Office of SRSG Brahimi was therefore to unify UN presence in Afghanistan by merging the administrative components of UNSMA with that of the Office of the SRSG to minimise the duplication of overhead costs incurred in both Kabul and Islamabad. Simultaneously, the staff and assets of UNOCHA were integrated. In the meantime, all UN agencies moved their activities from Islamabad to Kabul within several weeks of the installation of the Interim Administration. Their initial deployment was at first constrained by security restrictions, and all initially maintained offices in Islamabad until procurement, banking and other needs were organised directly in Kabul. The international staff from the Office of the SRSG and UNSMA outside of Kabul was also initially limited to two political-civil affairs officers in Mazar-e Sharif, and one each in Herat, Kandahar and Jalalabad. Security restrictions and logistical constraints limited the number of staff that could be deployed outside of Kabul.

By March 2002, Brahimi's office was ready to implement the mandate that the Security Council had provided for the political stream, starting with resolution 1383 (2001).

2. First phase: The initial mandate of UNAMA. Implementation of the Bonn Agreement

UNAMA was created on 28 March 2002 by Security Council resolution 1401 for a period of one year, with subsequent renewals approved each following year. In its first stage covering the Bonn process, the UNAMA mandate was extended through resolution 1471 of 28 March 2003, which also endorsed the creation of an electoral unit, and resolutions 1536 of 26 March 2004 and 1589 of 24 March 2005.

The mandate for UNAMA came after the use of force by OEF, after a January 2002 donor conference in Tokyo that had laid out the various international responsibilities through the Lead Nation modality, and after the authorisation given for the deployment of ISAF troops by the Security Council, discussed below. In essence, the roles, responsibility and the limitations of the UN had already been crafted through previous events and negotiations by the time the Security Council authorised UNAMA.

For the UNAMA mandate, the Security Council did not make specific mention of the Chapter VII clause, leaving that for the separate ISAF resolution. Instead, resolution 1401 (2002) reaffirmed the Council's strong commitment to the 'sovereignty, independence, territorial integrity and national unity of Afghanistan' and 'the inalienable right of the Afghan people themselves freely to determine their own political future'. The minimally worded resolution simply endorsed the establishment of UNAMA according to the mandate and structure laid out in the report of the Secretary-General. The actual content of UNAMA's mandate did not therefore appear in resolution 1401 (2002) but in the report of the Secretary-General of 18 March 2002 (S/2002/278).

The initial mandate was broad and included essentially four areas:

- Laying the foundations for state-building, as outlined by the Bonn Agreement, which meant supporting the democratisation process and laying the foundations for state institutions;
- Monitoring, including reporting on human rights abuses;
- Coordinating all UN relief, recovery and reconstruction efforts in coordination with the Afghan Interim Administration and its successor;
- Promoting national reconciliation and rapprochement throughout the country through the good offices of the SRSG.

The state-building project: Bonn process

During this first stage, UNAMA's main function was thus to put the Bonn Agreement in place by following the benchmarks that had been agreed upon: first, the convening of an Emergency Loya Jirga (Pashto for 'grand council', a traditional consultative assembly at which tribal and local leaders meet to settle disputes) to elect a transitional administration and its head (June 2002). UNAMA, together with the international community, provided logistics, including transport, premises and communication facilities, and fielded 50 staff and international observers to provide support for the Loya Jirga Secretariat on rules and procedures, voting mechanisms and elections. The SRSG used his good offices to address complaints of intimidation during and after the Loya Jirga by mediating with governors, local commanders and the authorities of the Interim Administration. Subsequently, Security Council resolution 1419 of 26 June 2002 welcomed the holding of the Emergency Loya Jirga from 11 to 19 June 2002.

This followed the preparation of a Constitution, drafted by a nine-member drafting commission, with the support of advisers fielded by UNAMA. The Constitution, vetted during a January 2004 constitutional Loya Jirga, established a presidential system with parliamentary oversight, the framework for the rule of law consistent with the beliefs and prescriptions of Islam, and a quota for 25 per cent representation of women in the lower house of an eventual Parliament (*Wolesi Jirga*).

The third milestone of the Bonn Agreement called for presidential elections to be held in June 2004, or two years after the convening of the Emergency Loya Jirga. UNAMA set up an UN-Afghan Joint Electoral Management Body (JEMB) and carried out voter registration to register 10.5 million people, 41 per cent of which were women. In reason of what was at the time billed as security reasons, and because a full disarmament, demobilisation and reintegration (DDR) process had not been completed yet, the elections were postponed and finally held on October 2004. Hamid Karzai won with 55 per cent of the 8 million ballots finally cast. UNAMA nominated an independent panel of international electoral experts to investigate complaints alleged by opposition candidates, but did not conclude any serious irregularities.

The final milestone of the Bonn process was the organisation of parliamentary elections for the lower house, the *Wolesi Jirga*, which were originally scheduled for April 2005 but finally held in September 2005,

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at the same time as elections for provincial councils to elect their representatives in the *Meshrano Jirga*, the upper house of the National Assembly. District Council elections, however, had to be postponed.


3. Second phase: Completion of the Bonn process, and new mandate for implementing the Afghanistan Compact

Despite some constitutional deficiencies as to the lack of District Council elections, the Bonn road map was declared accomplished in late 2005 with the holding of the elections for the National Assembly. The focus then shifted to a successor to the Bonn framework as the road map to follow for the international community. At that point, UNAMA had been involved in the organisation of the institutional road map with tight timelines for concrete milestones. It had continued to coordinate international assistance around the Bonn process while reporting on human rights. It had also, in a sense, used good offices to mediate between conflicting parties, such as local commanders, opposition candidates, and others, although a peace process in the formal sense had not been launched in Afghanistan.

The evolution of the mandate in the second phase was primarily because of the completion of the original one, stipulated specifically for the implementation of the Bonn Agreement. If some at headquarters would have wanted to scale down the UNAMA operation by then, it became obvious, however, that beyond the institutional setup, further content needed to be added. At the same time, as the security situation began a downwards trend, the development and political streams could not take a backseat at this crucial junction. During this second phase, the security situation increasingly appeared on the agenda of the Security Council, which initially reacted asking for more detailed and timely reports from ISAF.

In February 2006, the successor to the Bonn framework, the Afghanistan Compact, was adopted at a conference in London where donors pledged US\$ 10.5 billion over the next five years. The Security Council then endorsed the Compact through resolution 1659 of 15 February 2006. In March 2006, UNAMA's mandate was renewed through resolution 1662 of 23 March 2006 (and renewed again through resolution 1746 of 23 March 2007) to 'ensure the overall strategic coordination of the implementation of the Compact'. UNAMA was tasked to co-chair, with the now functional Government of Afghanistan, the Joint Coordination and Monitoring Board (JCMB), which became the coordination body through which international support was supposed to be channelled from then on.

The revised mandate of March 2006 expanded on a wide range of peacebuilding tasks in areas such as DDR, security sector reform (SSR), economic reconstruction, human rights and gender rights monitoring mechanisms (including through supporting the Afghan Independent Human Rights Commission), as well as reform of the justice sector and the fight against narcotics. By March 2006, UNAMA's mandate contained six main elements: providing political and strategic advice for the state-building process, providing good offices; assisting the Afghan government in implementing the Afghanistan Compact;



promoting human rights; providing technical assistance; and continuing to manage all UN humanitarian relief, recovery, reconstruction and development activities in coordination with the government.

4. Third phase: Reacting to the challenges of coordination, insecurity and reconciliation through a 'sharpened' mandate

By the time the UNAMA mandate was 'sharpened' in March 2008, there had been three evolutions since 2006 which had seriously endangered the state-building process: first, there was an intensification of debates around aid effectiveness, which had come to question the role of the international community, the capacity and accountability of the government, and difficulties of ownership of the reconstruction project in addition to the omnipresent question of coordination. These debates had been raised around the preparation of the Afghanistan National Development Strategy (ANDS), which was subsequently adopted at the Paris Conference on 12 June 2008. Second, the worsening security situation had taken a new twist: insurgency was progressively billed as a reaction to increased civilian casualties caused by international forces. The UN, between 2006 and 2008, intensified its reporting of illegal detentions and civilian deaths as a result of aerial bombings, through reports that often conflicted with those coming out of NATO and OEF. UNAMA increasingly saw its role as custodian of humanitarian law in times of conflict. The third evolution since 2006 was the intensification of a political dialogue with different parts of the Taliban, brokered at various levels and by various actors ranging from the British military (Musa Qala Agreement, November 2006) to the Saudis (October 2008). Although the UN did not yet have a role in these direct negotiations, a consensus had been reached that military solutions alone could no longer address the growing problems of Afghanistan. All this meant that the deteriorating situation in Afghanistan solicited more attention from the Security Council.

In his report of 6 March 2008, the Secretary-General recommended that while the mission's core activities should remain the same as those outlined by the Council in 2005, the mission should place emphasis on six different, if not new, areas: coordination, political outreach, support for sub-national and local governance, humanitarian coordination, elections, and cooperation with ISAF. The Security Council endorsed these tasks through resolution 1806 of 20 March 2008 and resolution 1868 of 23 March 2009. Resolution 1806 (2008) was a 'sharpening' of the original mandate, a more precise spelling out of the tasks that UNAMA and its new SRSG (Kai Eide, from Norway) had to perform in Afghanistan. 'Sharpening' allowed the UN to do more, but it also set up a very ambitious agenda for UNAMA.

As the situation on the ground became more complex, and as the new US strategy vouched to exit from Iraq and enter more forcefully in Afghanistan through a political, economic and military surge, the Security Council resolutions became increasingly intricate. The text of resolution 1820 in 2008, for example, was excessively long, at times repetitious, and extremely detailed as compared with previous resolutions. It made sure to mention the various international conferences and strategies that had taken place or were going to take place with regard to the situation in Afghanistan: the Rome

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Conference on the Rule of Law, held the year before, and the Afghanistan–Pakistan Peace Jirga of September 2007 were both mentioned. The anticipated Third Regional Economic Cooperation Conference on Afghanistan that was supposed to take place in Islamabad, for example, kept reappearing both in resolution 1806 (2008) and in resolution 1868 (2009) a year later, although there were no indications for its actual taking place. Resolution 1806 (2008) placed its hopes in the Paris Conference that was to adopt the ANDS in June 2008, while resolution 1868 (2009) counted on the Moscow Conference, under the aegis of the Shanghai Cooperation Organisation (SCO) (27 March 2009), and on the international conference in the Hague, which was to garner regional support for the new American Strategy for Afghanistan (31 March 2009).


Resolution 1806 (2008) also recognised the interconnectedness of challenges and urged actors to work towards a comprehensive approach. Resolution 1868 (2009) went further and for the first time recognised that there could not be a purely military resolution to ensure the stability of Afghanistan. A host of other issues, such as the situation of prisons, public administration reforms, corruption, the need to report on resolution 1325 (2000) and 1820 (2008), the use of children by the Taliban, amongst others, were also raised in resolution 1806 (2008) and reiterated in resolution 1868 (2009), reflecting a trend towards more detailed Council attention to Afghanistan. Resolution 1806 (2008) also added direct reference to the sanctions regime, in anticipation of the negotiations that were starting to take place with the Taliban. In paragraph 30 of resolution 1806 (2008), for example, the Security Council recognised the efforts of the Afghan government and UNAMA to cooperate with the Security Council Committee established pursuant to resolution 1267 (1999) 'by identifying individuals and entities participating in the financing or support of actors or activities of Al-Qaida and the Taliban using proceeds derived from illicit cultivation, production and trafficking of narcotic drugs and their precursors'. The updated resolution 1868 (2009) also made an explicit linkage between terrorism and illicit drugs in Afghanistan.

The revised, expanded and sharpened activities of UNAMA were reiterated through a Security Council mission that visited Afghanistan between 21 and 28 November 2008. The mission concluded that the original UNAMA mandate was still 'sound, comprehensive and appropriate', but UNAMA needed to be provided with additional financial and human resources to meet the enhanced demands.

Resolution 1806 (2008) thus laid out the enhanced responsibilities for UNAMA in detail, and the same text appeared subsequently in the extension of the UNAMA mandate through resolution 1868 (2009). 'Sharpening' added a host of enhanced responsibilities under the general rubric of peace consolidation:

(a) Promote, as co-chair of the JCMB, more coherent support by the international community to the Afghan Government and the adherence to the principles of aid effectiveness enumerated in the Afghanistan Compact, including through mobilisation of resources, coordination of the assistance provided by international donors and organisations, and direction of the contributions of United Nations agencies, funds and programmes, in particular for counter-narcotics, reconstruction and development activities.

This meant that UNAMA was tasked not only with facilitating the coordinated delivery of humanitarian aid through regular forecasting, assessment of the humanitarian situation, and launching appeals, but



also of the US\$ 20 billion pledged by donors to ANDS. UNAMA was supposed to channel this aid through government financial instruments, and muster support for reporting to the JCMB, the board of which, under UNAMA oversight, was restructured. Increasing aid effectiveness also meant better coordination of international assistance and better use of local expertise to curb 'aid flight' outside the country. It also meant curbing national corruption, which the UN sought to address through public sector reforms and support to the implementation of the national anti-corruption strategy. Resolution 1806 (2008) had given UNAMA the challenging task of improving the coordination of common efforts, whether through development agencies, humanitarian actors, NGOs, and Provincial Reconstruction Teams (PRTs). The question, however, was whether players were willing to coordinate, and whether it was possible to increase aid effectiveness, on the one hand, by increasing donor coordination and transparency, and improve government accountability, on the other:

(b) Strengthen the cooperation with ISAF at all levels and throughout the country, in accordance with their existing mandates, in order to improve civil military coordination, to facilitate the timely exchange of information and to ensure coherence between the activities of national and international security forces and of civilian actors in support of an Afghan-led development and stabilisation process, including through engagement with provincial reconstruction teams and engagement with non-governmental organisations.

This detailed paragraph, which in previous resolutions of UNAMA had appeared in a minimal language, showed the impact of the intensified discussions about civilian-military coordination at the Security Council referred to below. The situation on the ground had sharply deteriorated since 2005, with unprecedented levels of insurgency, especially in the volatile provinces in the south, east and central parts of the country. The answer to the insurgency required a strong international military presence, but also better cooperation and understanding between military and civilian components. Civilian deaths had also created deep divisions within Afghan communities and at the Security Council. UNAMA envisaged its own role in the escalating downturn spiral through a three-pronged approach: 1) better sharing of tasks and information with ISAF, including better coordination of facts in the assessment and reporting of civilian casualties; 2) expanding its own presence in different regions; and 3) intensifying its own efforts in the protection of civilians and upholding of humanitarian law during conflict.

(c) Through a strengthened and expanded presence throughout the country, provide political outreach, promote at the local level the implementation of the Compact, of the ANDS and of the National Drugs Control Strategy, and facilitate inclusion in and understanding of the Government's policies.

In essence, UNAMA sought to do this by expanding its presence through regional offices and concentrating on sub-national governance.

(d) Provide good offices to support, if requested by the Afghan Government, the implementation of Afghan-led reconciliation programmes, within the framework of the Afghan Constitution and with full respect of the implementation of measures introduced by the Security Council in its resolution 1267 (1999) and other relevant resolutions.

By 2007, all stakeholders had agreed that a military solution was not enough to stabilise Afghanistan and that a political dialogue was needed. The question was which actor was supposed to lead this dialogue, at

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what level, and for what ultimate goal. By including the paragraph above in the UNAMA resolution, the Security Council stressed on two issues: first, that the government, and not other entities such as regional powers or the military, was supposed to lead negotiations and would involve the UN if requested; second, it reminded all of the existence of a list, created through resolution 1267 (1999), on which most of the Taliban with whom various actors were trying to negotiate found themselves. Yet, the Security Council also left the doors open by recognising the legitimacy of actors who could be opposing the government but acted within the Constitution. Ultimately, though, the Council, by recognising the need for reconciliation, was in essence accepting the failure of the Bonn political process, which had failed to include the Taliban.


(e) Support efforts, including through the Independent Directorate for Local Governance, to improve governance and the rule of law and to combat corruption, in particular at sub-national level, and to promote development initiatives at the local level with a view to helping bring the benefits of peace and deliver services in a timely and sustainable manner.

UNAMA was tasked with launching a sub-national governance programme that sought to coordinate activities between various sub-national entities created by the government or by the international community, including, especially, the ISAF's Provincial Reconstruction Teams, which were channelling donor support directly to local communities, bypassing government structures. The need to coordinate on anti-narcotics programmes rose even more by 2007 when counter-narcotics was added to the ISAF mandates. UNAMA was also tasked with the development of trust in government institutions, which were losing legitimacy through a combination of corruption and lack of delivery. Public administration reforms, police reforms and implementation of the national justice programme were supposed to bring back credibility to government institutions.

(f) Play a central coordinating role to facilitate the delivery of humanitarian assistance in accordance with humanitarian principles [...], including by providing effective support to national and local authorities in assisting and protecting internally displaced persons.

(g) Continue, with the support of the [Office of the High Commissioner for Human Rights] OHCHR, to cooperate with the Afghan Independent Human Rights Commission (AIHRC) [...], to monitor the situation of civilians, to coordinate efforts to ensure their protection and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a state party, in particular those regarding the full enjoyment by women of their human rights.

From this general paragraph on monitoring of human rights, a few issues can be deduced. First, the Security Council approved of UNAMA's important role in safeguarding humanitarian laws during conflict and monitoring of civilian casualties, even if it meant clashing with the international military forces posted in Afghanistan. Second, it also pointed out to the importance given to human rights issues in Afghanistan, including freedom of expression, rule of law and especially women's rights, issues that were consistently raised and kept on the Security Council agenda by a core group of European countries, especially the Nordics. At the same time, however, one issue not explicitly mentioned in the mandate, but alluded to through support given to the work of the AIHRC, was the issue of transitional justice. Since 2007, an action plan on transitional justice existed, but no concrete measures on



transitional justice *per se* had been adopted either by the Government of Afghanistan or by the UN Security Council. The resolution welcomed the adoption of a national justice programme, stressing that its full implementation was vital to the elimination of impunity, among other goals. But direct reference to transitional justice was missing. This pointed out to the problem of opening the Pandora box on the question of impunity and accountability for past violations, which would have implicated many in the government and was not favoured by Brahimi from the beginning. The issue of transitional justice at the UN was delegated to the more technical follow-up by the Office of the United Nations High Commissioner, including through the seconded OHCHR officers based at UNAMA, who worked in collaboration with, but separately from, the Human Rights Unit, within the integrated mission modality.

(h) Support, at the request of the Afghan authorities, the electoral process, in particular through the Afghan Independent Electoral Commission (AIEC), by providing technical assistance, coordinating other international donors, agencies and organisations providing assistance and channelling existing and additional funds earmarked to support the process.

Unlike during the 2004-2005 elections in Afghanistan, the UN was not to take a lead position in the preparation of the presidential (August 2009) and parliamentary (2010) elections in Afghanistan this time around. Instead, it was supposed to render technical and financial resources to the AIEC, mostly through UNDP, and provide international observers. The Security Council argued for the need for fair, free and inclusive elections before renewing UNAMA's mandate in March 2009, but again reiterated the primary responsibility of the Government of Afghanistan, in an effort not to undermine the progress that had supposedly taken place in the consolidation of sovereignty and capacity of the government since 2004. The government was left to deal by itself, for instance, with the 'constitutional uncertainty' that had been created as a result of the gap that would exist in the three months that came after the presidential term expired on 22 May 2009 and the 20 August 2009 election date set by the AIEC. It was nonetheless expected that the preparations for the August poll would take place during a period of intensified fighting, paving the way for the Secretary-General to endorse 'a judicious deployment of additional international troops to provide security for the Afghan people' in his March 2008 report.

(i) Support regional cooperation to work towards a stable and prosperous Afghanistan.

Regional cooperation was substantive in the language and mandate added in resolution 1806 (2008), and came essentially around the time that Security Council powers had individually intensified their own regional strategies. The thought process that eventually went into the United States' revised strategy for Afghanistan came, for example, with General Petraeus' recognition of the role of neighbours in pacifying spoilers, including that of Iran. The United States fielded an Envoy for Afghanistan and Pakistan, Richard Holbrooke, tasked with negotiating a regional peace strategy. The Russians and Chinese, on their part, intensified regional cooperation, through the Shanghai Cooperation Organisation on drugs, terrorism and crime, with the Central Asian republics and made overtures to Afghanistan through appointing a Contact Group and inviting Afghanistan to join SCO initiatives. Since 2007, the Taliban were also *de facto* implementing their own regional strategy by spreading into Pakistan and Central Asia, leading to the situation of Pakistan being discussed for the first time in relation to Afghanistan at the Security Council.

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For UNAMA, the mandate of regional cooperation essentially meant working on two fronts: soliciting a political dialogue and regional strategy for the region, which Kai Eide tried to initiate through travelling to regional capitals and seats of regional organisations; and at the same time, enhancing regional cooperation on issues such as drugs, refugees, energy, infrastructure, and trade as confidence-building measures towards regional security. In the meantime, the UN DPA had fielded its first regional field mission in Central Asia through the creation of a Regional Centre for Preventive Diplomacy based in Ashgabat, Turkmenistan, with the mandate of initiating regional dialogue and projects around common threats. For the Central Asian countries, the common threat was, inevitably, instability in Afghanistan. The UN, however, was careful not to cross the mandates of its two missions. Yet, the ultimate coordination had to be between the role of the UN and that of US Envoy Holbrooke in the region.


Resolution 1806 (2008) was extremely ambitious, a 'grocery shopping list' (according to one experienced UN officer interviewed for this project), difficult to manage, even with the added budget that the Security Council authorised and the increased authority of the new SRSG. Throughout the years, different Security Council members had added their priority areas to the mandate, without taking anything off the agenda. It was imperative for the international community to find a way to restore the credibility of the political process it had laid out.

5. Operational aspects

Operational structure, staff and resources for implementation

Kai Eide was confident that UNAMA could address its responsibilities within the mandate of resolution 1806 (2008), but needed more resources and political will. At an October 2008 briefing he gave to the Security Council, he argued, for instance, that as a small and vulnerable mission it would take until May or June 2009 for UNAMA to be able to garner the resources and recruit the staff needed to be able to implement the ambitious mandate given in March 2008 through resolution 1806. More resources meant more and better qualified personnel as well as financial commitments. The Security Council endorsed the recommendations for greater resources (including a doubling of UNAMA's budget to US\$ 120 million) and the expansion of the mission in Afghanistan through six new field offices. In terms of structure, the implementation of resolution 1806 (2008) meant adding a new Aid Coordination Unit, headed by the former United States Agency for International Development (USAID) director for Asia, to UNAMA's second pillar.

UNAMA was initially designed with two separate pillars: Pillar I (Political Affairs) and Pillar II (Relief, Recovery, and Development), each headed by a Deputy Special Representative of the Secretary-General (DSRSG). These were also supported through special advisers on human rights, gender, drugs, rule of law, police, military and demobilisation, and legal issues. By October 2008, the UNAMA mission had some 1,300 staff, around 80 per cent of whom were Afghan nationals. The international staff included 16 military observers, 3 civilian police and 39 UN volunteers.



Initially, the mission attracted well-qualified and experienced staff, donated by key donors, or picked up from former UN missions in the region. The early UNAMA under Brahimi was staffed by people who knew the region very well. Gradually, however, such human resources gave way to officers familiar with civil affairs used in typical political missions. What one interlocutor called the 'professionalisation of peacekeeping' came to replace regional expertise, which, combined with the loss of institutional memory, played to the detriment of providing context-specific solutions. UNAMA staff also included Afghan diasporas of various qualities, whose inflated salaries, by virtue of being hired with foreign passports, prevented their genuine integration into Afghan society.

If, gradually, the quantity and quality of staff at UNAMA decreased, by the time Eide picked up his responsibilities, he was able to negotiate a doubling of the budget, the need for recruitment of more quality experts, and bringing down the then 30 per cent vacancy rate to 10 per cent. He also requested more expertise in new areas, such as agriculture, aid effectiveness, power, and capacity-building.

One of the problems for the implementation of the resolutions in Afghanistan has been the consistent under-resourcing. The need for more resources was consistently raised at Security Council debates throughout the years, but the Council, formally at least, had little say over the budget of UNAMA, which was decided by the General Assembly. Ultimately, however, leadership counted when it came to unleashing more resources for the operation. According to Eide himself,²⁷ the reason for which he was successful in doubling the budget of UNAMA was his constant dialogue at the political level with donors, directly with governments. He convinced donors and Security Council members of the need to expand to the regions, even in the context of insecurity, for it was at the regional level that UNAMA could better coordinate with ISAF and the government's local governance structures.

6. Role of the SRSG

In the case of Afghanistan, leadership of the UN mission counted tremendously, not least because of the presence of larger, more powerful international entities, such as the US and NATO. The mandate of UNAMA, as stipulated by all Security Council resolutions, emphasised the role of the SRSG in leading civilian efforts, coordinating with the various actors and establishing trust by the government and for the government at the same time.

The first SRSG, Lakhdar Brahimi (2002-2004) was appointed even before UNAMA was established and played an important role in designing the Bonn Agreement, which, in effect, from his point of view, was brokering a peace with the former mujahideen with which he had familiarity from his previous appointments as Special Envoy for Afghanistan. Brahimi did not need political directives before deployment: UNAMA came at the heel of the Brahimi Report, allowing the author to put into practice what he had recommended. However, in hindsight, it is possible to claim that Brahimi's success in

²⁷ Interview with Kai Eide, Kabul, 21 January 2009.

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setting Afghanistan on a proper political path was hampered structurally by the fact that the US-led military operation was sidelining the political agenda. Brahimi's personal impact was also limited during his appointment, for it coincided with that of US Ambassador Zalmay Khalilzad, labelled unofficially as the 'Viceroy', not only because of the powerful country he represented, but also for his own connections among the Afghan political elite. An uneasy relationship between subsequent UN Special Envoys and representatives of the American coalition or NATO was testimony to a larger problem of peacekeeping during an ongoing military campaign.

If Brahimi, with all his power, personality, authority, experience, and backing by the Security Council was overshadowed, the more low-key SRSGs that followed him were even less able to leave a mark. Frenchman Jean Arnault (2004-2006) had the experience of having worked already in Afghanistan as Brahimi's deputy, and Tom Koenigs (2005-2007) was a respected 'green' politician in his native Germany. Despite their intense efforts, including long and detailed reporting to the Security Council, as did Arnault, and personal engagement in denouncing civilian deaths caused by the military as well as pleading with the Security Council for a more integrated political and military strategy, in the case of Koenigs, these two SRSGs were not considered as authorities neither by the Security Council nor by the main actors in the field. Yet the problem remained more structural than personal: coordination between the military and civilian arms of the international community presence in Afghanistan continued to create a unique challenge for any SRSG.

By the end of 2007, the solution to the problem of coordination was being sought in the appointment of a 'Super Envoy' which would merge the role of UN Special Representative and NATO Senior Civilian Representative with that of the Representative of the European Union in Kabul. However, the proposed candidate, Lord Ashdown, former UN High Representative for Bosnia and Herzegovina, was ultimately rejected. His persona, and the expanded powers of an international coordinator, proved too controversial for the Government of Afghanistan, which feared the undermining of sovereignty and legitimacy, and the collapse of the entire idea of 'Afghan ownership'. The proposed structure of a 'Super Envoy' was also ultimately scratched as an idea by the international community: not only were some UN members reluctant to be too closely associated with NATO, and the Americans not too happy about oversight of NATO operations, but the ability of a 'Super Envoy' to coordinate without independent access to resources would have been almost null.

Instead of the Super Envoy, the Security Council endorsed the appointment of Kai Eide on 10 March 2008. Within a few months of his appointment, Eide was able to earn high praise from the Council. As former Permanent Representative of Norway to NATO,²⁸ he had good knowledge and understanding of military imperatives. He also had, perhaps more than any other SRSG, the full support of the US Administration, which, fortunately for him, had just changed to a more cooperative one after the election of President Barack Obama.

²⁸ Eide had also previously served with the United Nations as Special Envoy of the Secretary-General in Kosovo in 2005, as Special Representative of the Secretary-General in Bosnia and Herzegovina in 1997-1998, and as the Norwegian Ambassador to the Organisation for Security and Cooperation in Europe (OSCE).



In hindsight, the political authority of the SRSG in different capitals counted more than the bureaucratic preparation (including briefing, training, directives, etc.) that headquarters would provide in the case of Afghanistan. The power that the SRSG was able to project, in terms of decisive action and big picture approach and solutions, was respected more in a highly dynamic geostrategic terrain than managerial skills of running a simple civil operation. Yet, the SRSG was also the head of office of UNAMA, and as UNAMA's operational and programmatic responsibilities expanded with each mandate, the SRSGs were expected to combine managerial skills with diplomacy. If a focus trade-off based on these two separate types of activities would undermine the effectiveness of any SRSG, this reflected more the ambiguity of the role of the UN in the field, as will be discussed below, than deficiencies in bureaucracy or leadership.

Two additional structural problems continued to plague the authority of the SRSG: one was the role of UNAMA in supporting the Government of Afghanistan. UNAMA, as a political mission, was created explicitly to support and advocate for the legitimacy of the government. Through resolution 1806 (2008), for example, the SRSG had to muster up support for government policies at the sub-national level in addition to ensuring that aid at the national level went through the government budget. The SRSG was therefore mandated to play the role of honest broker on behalf of the government with the rest of the international community. As one head of agency commented, the perception among the UNCT was that government capacity was considered so low and its own budget revenues so meagre that the international community was *de facto* in the driver's seat. However, Kai Eide reminded everyone that the government should be in the driver's seat.²⁹ Nevertheless, as the capacity and accountability of the government became increasingly scrutinised after 2007, and as the support of the international community for Karzai became scant by 2008, in the lead up to the elections, UNAMA was put in an awkward position. But as Eide himself would reiterate, the mandate was not necessarily in support of the government as a political unit *per se*, but of an Afghan political process. In this sense, the SRSG stood for 'Afghanisation'.

The other structural problem was the lack of clarity about reporting lines between UNAMA and ISAF. Neither did ISAF/NATO have to report to the SRSG in the field, nor did the SRSG have any power over military operations. The relationship had to depend more on personalities rather than structure. By 2008, the Pentagon had proposed to make General David McKiernan overall commander of both ISAF/NATO as well as OEF troops in Afghanistan. This would have made McKiernan the most powerful person in Kabul, given that the military presence far outnumbered the civilian one in terms of personnel, resources, terrain and, ultimately, significance. Yet, when Eide took a public position against the military in denouncing civilian deaths, aerial bombing and detentions, he gained what many considered 'moral authority'.

Ultimately though, for the resolutions to be effective, the Security Council had to field a high-level representative with a clear mandate to oversee the political process and full authority over the international community, with the task to negotiate with neighbouring countries. A super political

²⁹ The challenge for UNAMA, as one international interlocutor interviewed mentioned, was that it was recognised by the government as the UN and, by others, as the government.

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envoy for the UN would have had to conduct shuttle diplomacy among regional and international powers to garner support for a regional peace deal, and not for limited deals with individual countries or for additional support for UN programmatic operations. Although Eide saw his position as also including such diplomacy, the fact that UNAMA had a full operational and coordination mandate implied lesser political possibilities for the SRSG.

III. The security stream: ISAF mandates and operations

I. Mandates and operations

Before UNAMA became operational on the ground, ISAF troops, it is important to recall, had already been deployed pursuant to the second annex of the Bonn Agreement. The Security Council, acting under Chapter VII in resolution 1386 of 20 December 2001, had authorised the establishment of a coalition of troops from various countries, initially led by the United Kingdom, to assist the Afghan Interim Authority in maintaining security in Kabul and its surrounding areas. ISAF was deployed in conjunction with, but distinctively from, the separate OEF coalition forces under US command, which continued combat operations against Taliban and Al-Qaida forces within Afghanistan.


ISAF's initial mandate was for a period of six months. It was extended for an additional six, and then on a yearly basis when ISAF came under NATO command through resolutions 1413 (23 May 2002), 1444 (27 November 2002), 1510 (13 October 2003) – which expanded ISAF's mandate beyond Kabul – 1563 (17 September 2004), 1623 (13 September 2005), 1701 (12 September 2006), 1776 (19 September 2007) and resolution 1833 (22 September 2008).

The Security Council initially authorised ISAF to provide security for Kabul and tasked it with performing two functions: protecting civilians and providing public security, including for the elections. However, as ISAF expanded beyond Kabul through resolution 1510 (2003), and became integrated into NATO, it became increasingly engulfed into the counter-insurgency operation at the same time as it was expanding into reconstruction and development projects through the PRTs. By the end of 2008, ISAF/NATO was composed of about 52,700 troops, with contributions of military personnel from 40 NATO and non-NATO countries.

A number of evolutions can be noted in the ISAF mandates and operations since 2001:

a) An increasingly detailed mandate

For the first six years, ISAF resolutions were more or less generic. The Security Council was unwilling to go into too much detail about the functions, scope, activities, and rules of engagement of ISAF, allowing these to be discussed separately in troop-contributing countries, and in Brussels once NATO



took over. The major difference in the ISAF mandates came after 2007, when the Council faced the need to respond to the intensification of insecurity on the ground, and the dissent against the military operation by some countries in the Council. After 2007, more explicit guidance was given to ISAF, reflected in more detailed mandates which enhanced the scope of goals to be achieved, such as protection of civilians and overall 'Afghanisation', as well as with regard to methods. By 2008, ISAF mandates were as ambitious as UNAMA's and included counter-narcotics, SSR, training and support for the Afghan National Army (ANA) and the Afghan National Police (ANP), rule of law and prison reforms, and ensuring the security of elections. The only goal missing was to guard the Pakistan/Afghanistan borders to prevent the infiltration of weapons and fighters.

b) *NATO takeover*

Given that ISAF was established as a coalition of troops from voluntary countries, its command, leadership and resources were a challenge at the beginning. According to the first NATO Senior Civilian Representative in Afghanistan, Hikmet Çetin, it was not easy to get countries to lead the ISAF forces; after Turkey, for example, it took another six months to pass on leadership. To the problem of finding willing lead nations was added the difficulty of soliciting contributions, both in terms of troops and financial commitments, for the coalition. In August 2003, NATO took command of ISAF, taking responsibility for the coordination and planning of the force and supporting it through NATO troop-contributing nations. NATO's role in assuming the leadership of ISAF was supposed to overcome the problem of a continual search to find new nations to lead the mission and set up new headquarters every six months. From the vantage of NATO, the command and control of ISAF allowed it to establish headquarters on the ground in Afghanistan, led by a military commander and assisted by a Senior Civilian Representative. This became the first NATO operation outside its own regional area. The merge eventually increased ISAF's powers, personnel and geographic coverage, which from then on was guided by the regional organisation's rules of engagement.

For the Security Council, this merger had a number of implications, least relevantly, operational ones. After ISAF was merged into NATO, the Council began considering the early renewal of ISAF forces, in order to accommodate European parliaments requesting a Council resolution before considering troop commitments when they convened. With the completion of the Bonn Agreement, ISAF troops did not have to withdraw from Afghanistan, since by then they had been under the command of NATO with a new *raison d'être*, namely self-defence and counter-insurgency. But the merger with NATO had other kinds of political consequences for the Security Council. NATO was not directly mandated by the UN through Chapter VII. When the US was attacked on 11 September 2001, NATO *de facto* invoked article 51, the right of collective self-defence, since an armed attack had occurred against one of its members. By handing over the responsibility for ISAF, under a UN mandate but not its control, the Security Council, in effect, indirectly handed over Chapter VII peace enforcement to NATO. Gradually ISAF, although not a homogeneous force, became incorporated into the doctrine of NATO and, by 2008, through the joint command of General McKiernan, came to coordinate more closely with that of the OEF. ISAF therefore moved away from a peacekeeping force to becoming associated with a self-defence operation (article 51, with NATO) and counter-insurgency (with OEF), which, to date, has not been codified within the UN Charter.

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c) Expansion outside of Kabul

ISAF's initial deployment, limited to Kabul, showed the hesitation of contributing nations to provide combat troops, on the one hand, and the desire of one powerful P5 country to have monopoly over the use of force outside of Kabul, on the other. It took two years before ISAF's mandate was extended beyond Kabul, through resolution 1510 of 13 October 2003. In hindsight, however, by the time it expanded, there was no more peace to keep. As ISAF troops became increasingly engulfed in counter-insurgency, they moved away from any pretences of a traditional peacekeeping mission. The expansion, primarily through the establishment of ISAF-led PRTs, was gradual, and once again showed the preference of troop-contributing countries to engage in 'heart and mind operations' rather than in direct fighting. While insecurity was decidedly geographically located in the south and east from the beginning, ISAF first expanded in 2003 to the more peaceful north, in 2005 to the west (Herat), and only in 2006 to the south and east. As it moved south, however, ISAF had increasingly to engage with the more thorny activity of counter-narcotics and counter-insurgency.

d) Foray into development and humanitarian activities

It was through PRTs that ISAF initially ventured outside of Kabul. PRT modalities were first conceived by the OEF in December 2002 as an opportunity for military presence in rural areas to deliver humanitarian goods and quick-impact projects, such as small-scale infrastructure under the auspices of 'heart and mind operations'. The intention was for ISAF gradually to take over OEF's reconstruction responsibilities throughout the country. ISAF saw this foray into relief and development as an opportunity to extend peacekeeping operations: it got involved in the identification of needs, in the rehabilitation of schools and medical facilities, in the restoration of water supplies, and, in sum, in channelling donor funding for civilian-military projects. By the end of 2008, 26 NATO/ISAF PRTs were operational.

From the point of view of the military, the PRTs were there to extend the authority of government, thus contributing to stability and an enabling environment for development. Yet, the PRT concept was not necessarily without controversy. In the ISAF resolutions of the Security Council, reference to the PRTs happened only once, in resolution 1623 (2005), where the Security Council welcomed the 'the commitment by NATO lead nations to establish further Provincial Reconstruction Teams (PRTs)'. In contrast, UNAMA resolutions regularly called for UNAMA to strengthen cooperation with ISAF, 'including through engagement with provincial reconstruction teams' (resolution 1868). This omission of reference to the PRTs in ISAF mandates was perhaps a continuation of the Security Council's hesitation in providing concrete directives for ISAF's operational aspects. However, another explanation could be that the PRT concept had been more successfully evaluated by military actors than by political, development, and humanitarian actors. For humanitarian actors, the PRTs endangered the neutrality of humanitarian aid workers if confusion was made between the different operations by local communities. From the point of view of government and development actors, even though PRTs were supposed to operate under the ANDS, they had in fact created parallel institutions. In the government's view, local capacity was eroded, quick-impact projects were not durable developmental projects, and donors who funded the PRTs were contributing to the lack of transparency of aid in



Afghanistan. What is more, coordination between the PRTs, and among them and other actors, proved to be challenging. As each PRT was led by a different country and followed a different national concept, the transfer of experiences was difficult, and the cumulative effect was at best *ad hoc* and uncoordinated. Overall, the PRT experiment contributed to the militarisation and securitisation of development efforts and aid in Afghanistan. They have also benefited from the trend of power devolution from central to provincial level, given that real power has been appropriated by the PRTs at the local level.

e) *Better articulation of the relationship with the UN*

A fifth area of evolution that can be traced in ISAF mandates is the articulation of the relationship with UNAMA. UNAMA and ISAF both had UN resolutions, but their relationship was left more or less to the goodwill of actors on the ground since 2005 despite the need for synergy between UNAMA and ISAF having appeared stronger in both mandates. Language used in both resolutions called for strengthened cooperation, coordination and mutual support. Mechanisms, however, were not spelled out.

Civilian-military cooperation had always been difficult, given the large ISAF presence compared with a small UNAMA one. The coordination for NATO was supposed to happen mostly through its Senior Civilian Representative (SCR).³⁰ The first NATO civilian to occupy this post, Hikmet Çetin, from Turkey, between 2003 and 2006, for example used to organise weekly informal meetings, which he co-chaired with the SRSG at the time, Jean Arnault, who brought together ambassadors from the EU, US, NATO, OEF, and such countries as Japan for their role in the DDR. However, there was no formal structure of coordination, although a Memorandum of Understanding (MOU) did exist between ISAF/NATO and the UN.

This relationship became tense, however, when there were differences between the parties, such as those shown by the incidents and reactions over civilian deaths. By the time he became SRSG, Eide was keen on developing better integration, cooperation and operational cohesion between international and Afghan forces, urging restraints on detentions (by ensuring more transparency to avoid mistakes), house arrests (by showing cultural sensitivity) and air power (by refraining from their use in populated areas). Yet, there was also a need for better coordination over the allocation of overall resources that were going directly through PRTs, bypassing the government's budget and records.

A NATO high-level official interviewed for this project recognised the need for more coordination with the UN, although he agreed that, in practice, relationships depended much on personalities. When actors were largely unequal, integration was viewed with scepticism. Instead, coordination, cooperation and integrated planning were the modalities preferred by NATO. Despite the asymmetry that existed in terms of resources and personnel between the two entities, the UN also meant a number of advantages for NATO: it had information that the ISAF/NATO and OEF systems could not reach; it had knowledge of Afghanistan through a long history of involvement, as well as the total trust and

³⁰ These included Hikmet Çetin of Turkey (2003-2006), Daan Everts from the Netherlands (2006-2008); Maurits R. Jochems (Acting SCR January 2008-May 2008), and Fernando Gentilini of Italy (since May 2008).

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confidence of the government; and it could mediate well amongst different interests. To this end, most actors interviewed, especially from among the Afghan government, insisted in a better military and political coordination, and more regular meetings between the SRSG and the NATO commander. At the same time, however, despite the will and need for cooperation, a number of practical problems endured: the centre of gravity of most organisations, for instance, remained internal. Assessments of causes of problems were different. Regional organisations like NATO did not have the habit of cooperating on a daily basis with other partners. Timing was also off: ISAF was supposed to be a short-term operation and NATO a reactive counter-insurgency one, while the objectives of UNAMA were long-term. Time scales were different between political actors and military cycles.

When it came to providing a political solution, especially long-term negotiations over power-sharing, however, the role of ISAF and NATO was more limited. Balance needed to be reached between directives for reconciliation and those for elimination, such as the OEF directive to 'kill or capture'. Reconciliation at the provincial level, on the other hand, could be facilitated through ISAF and NATO, which had local contacts and local interests in securing peace. But localised peace was not what the Security Council would necessarily have preferred to see in Afghanistan.

f) Stronger mandate language on civilian deaths


In the meantime, the stronger language on civilian casualties that appeared in the UNAMA and ISAF mandates after 2007 was both a result of events on the ground and of a discord that increasingly set member countries apart at the Security Council.

In the field, the issue of civilian casualties put a decisive line between the UN and the military operation. As the number of civilians killed increased dramatically at the end of 2006 and during the first months of 2007, UNAMA started systematically to verify and document incidents involving civilian casualties caused by international forces, through criteria developed in cooperation with the Office of the High Commissioner for Human Rights. The verification of civilian casualties became one of the main elements of UNAMA's human rights work and was initiated by the then SRSG Tom Koenigs. In December 2006, UNAMA issued a public report urging 'all parties to uphold international humanitarian and human rights law and to ensure the protection of civilian life'.³¹

Until then, however, UNAMA investigations had been privately shared with the ISAF leadership, and cases had been resolved through internal procedures. None of these reports were shared with the public. Tom Koenigs had preferred to negotiate with ISAF behind closed doors to bring about an amendment of the *modus operandi* with regard to the use of force, thus lessening future conflicts on the ground³² UNAMA sought to position itself as an impartial and credible advocate on behalf of civilians by conducting objective verifications of those incidents and sharing the information with key

³¹ Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security, A/61/799–S/2007/152, 15 March 2007, available at: <http://unama.unmissions.org/Portals/UNAMA/SC%20Report/07march15-report.pdf>

³² Jeannette Boehme, *Human Rights and Gender Components of UN and EU Peace Operations: Putting Human Rights and Gender Mandates into Practice*, German Institute for Human Rights, October 2008, p. 27.



actors. Koenigs, in the meantime, regularly reported on civilian casualties more generally to the Security Council. As a result, in renewing UNAMA's mandate in 2007, resolution 1746 urged UNAMA 'to continue to contribute to human rights protection and promotion, including monitoring of the situation of civilians in armed conflict'.

A particular incident in the summer of 2008 marked a turning point when the UN publicly rejected the US assessment of civilian casualties. Investigations by UNAMA showed that some 90 civilians, including 60 children, had been killed in an US-led coalition air raid in Herat on 21 August 2008. US investigations, however, had initially claimed only five to seven deaths before agreeing to reopen the investigation and apologise for civilian casualties. On 25 August, the Afghan government called for a review of agreements regulating the presence of international troops in Afghanistan and for regulating their presence with a Status of Forces Agreement. The Afghan cabinet was joined by the UN in demanding an end to air strikes on civilian targets, uncoordinated house searches and illegal detentions. In the October 2008 debate at the Security Council, the US Ambassador to the UN, Khalilzad, expressed regret for the accidental loss of civilian lives, and claimed that the US would do everything to ensure that ISAF and OEF prevented civilian casualties and acknowledged them when they occurred. Yet, Khalilzad reiterated that the main culprits were the Taliban, who used civilians as shields and increasingly resorted to asymmetric attacks against population centres.

Meanwhile, Russia circulated a draft press statement deploring the air strikes on Herat. Russia, South Africa, and Indonesia proposed rewordings in the ISAF mandate being considered for renewal. The question was, however, whether the issue of civilian casualties would appear in the preamble or in the operational part of the ISAF mandate. The wording finally appearing in the preamble of resolution 1833 (2008) mentioned that the Security Council expressed 'its serious concern with the high number of civilian casualties' and called 'for compliance with international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians'. Further, the mandate adds:

Recognising the efforts taken by ISAF and other international forces to minimise the risk of civilian casualties, and calling on them to take additional robust efforts in this regard, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Afghan government in cases where civilian casualties have occurred and when the Afghan government finds these joint investigations appropriate.

In late 2008, in response to criticism raised on cultural insensitivity, NATO issued a new tactical directive, which stated that respect for the Afghan people, their culture, and their religion should be the guiding principle of all ISAF personnel, both on and off the battlefield. As will be discussed below, Russia, on its part, would claim that actions (namely politics) in New York had an affect on the outcomes in the field.


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2. The Security Council and NATO: A polite relationship

Yet, even though compromise had been reached over the inclusion of a particular issue in the preamble of the mandate, the Security Council was still not very explicitly authoritative when it came to ISAF. The Council, for example, routinely expressed authority only in 'deciding to extend the authorisations' and in authorising 'member states participating in ISAF to take all necessary measures to fulfil its mandate', or in encouraging 'ISAF and other partners to sustain their efforts, as resources [permitted], to train, mentor and empower the Afghan national security forces, in particular the Afghan National Police' (resolution 1776).

ISAF did not report directly to the Council; it did so through a letter sent by the NATO Secretary-General or, as was the case with the report released in November 2008, by the Deputy Secretary-General, to the UN Secretary-General, who then forwarded it to the president of the Security Council. Although resolution 1386 (2001) had required ISAF to report to the Council regularly on its activities, its reporting practices remained erratic, often minimal in terms of information, without reference to the actual mandate, and regularly late and outdated in six months by the time they were declassified and released. For instance, the report circulated in May 2008 covered the period from 1 November 2007 to 31 January 2008; the one released in September 2008 covered operations from 1 February to 30 April 2008; another released in November 2008 covered the period from May to August 2008. Hence, in later resolutions, the Security Council changed the paragraphs on reporting. According to one diplomat interviewed, who was familiar with the reports, there was definitely 'room for improvement both on the substance and the timing' of ISAF reports. One solution proposed was to have periodic oral reports to the Security Council. NATO, as a regional organisation, did not report directly to the Security Council but to Brussels. In the meantime, the attendance of the UN Secretary-General at NATO summits, including, for example, the April 2008 Bucharest one, was criticised by some at UN headquarters.

ISAF was not a UN force under UN command, but a coalition of the willing deployed under the authority of the Security Council. The Council therefore neither discussed the rules of engagement nor the national caveats and troop contribution, even though caveats posed by national contingents weakened ISAF's enforcement mandate. The UN had very little control over ISAF and had no leverage over troop-contributing countries. The leading nations and NATO decided the rules of engagement for ISAF. To one observer interviewed, the relationship between the UN and ISAF/NATO was similar to that of a divorced father who wrote checks. In fact, the UN had no authority and could only provide cooperation, authorisation, and legitimisation. According to a NATO official interviewed, when Chapter VII operations are subcontracted, the UN is effectively handing over its authority, although it can still play an important part as a legitimising power. The dilemma is further exacerbated when the UN is given a secondary role as coordinator without control over the budget that others are using. In the case of Afghanistan this applied, for instance, to the role of the UN in police training and SSR sectors. While the



United States Central Command (CENTCOM) Combined Security Transition Command–Afghanistan (CSTC-A) was spending 80 to 90 per cent of the budget called for training under ANDS, the UN could not drive the process. According to the same NATO official, the UN could play a role in the legitimisation of the international presence in Afghanistan, by organising processes for others to participate in, by providing intelligence and information for the more effective operation of ISAF/NATO and OEF forces, amongst other things. However, most of the weight of the Afghanistan mission was placed on the military, and especially on the US military – not on the political process. Under such circumstances, power derived from those who spent money and had forces.

The UN was legitimate but not necessarily effective, and the Security Council authorised broad mandates but did not have effective authority to determine concrete action and rules of engagement. Yet, the timid authorisations and lack of discussion on details of the military operation at the Security Council manifested the desire of one of the P5 countries who was taking the lead on military operations to keep a free hand without much interference from others. It suited the US and NATO well for the Security Council not to discuss details while reaching general consensus over the role of ISAF. On several occasions, however, Russia steered Security Council debates towards the issue of the military operation, in order to question the details of the so-called consensus.

Russia abstained, for instance, from the vote of September 2007 to renew the ISAF mandate, in reason of its concern over the inclusion of a clause pertaining to maritime interception by the OEF. The maritime interception component appeared in the text of resolution 1776 (2007), under request from the Japanese government. Japan, which had been providing fuel and water to the US Navy and other coalition ships engaged in OEF, needed reference for this component to allow its Parliament to enact new legislation under Japan's Anti-Terrorism Special Measure Law.³³ Russia, however, argued that OEF operations were outside the context of the UN and abstained from the vote to renew the ISAF mandate in 2007. The same language appeared again in resolution 1833 (2008), but this time additional clarification was added to make linkages with Afghanistan more explicit in response to Russia's concerns. The 2008 resolution mentioned the Security Council's appreciation for OEF leadership, including on the maritime interdiction component of OEF, 'which [operated] within the framework of the counterterrorism operations in Afghanistan and in accordance with the applicable rules of international law.' Resolution 1833 (2008) was approved unanimously, without Russian objection, although the wording remained. Ultimately though, in order to obtain the Russian vote (or at least to avoid another abstinence) for the extension of ISAF, resolution 1833 (2008) included stronger language on civilian protection and on counter-narcotics, both issues strongly pushed by Russia at the Council.

In general, however, the unanimous support for the ISAF/NATO operation at the Security Council reflected not only the collective interest in security in Afghanistan, but also the fact that each

³³ Security Council Report, 'Monthly Forecast For September 2008', 27 August 2008, available at www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.4441245/k.5181/September_2008brAfghanistan.htm.

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country had its own strategic interests with regard to ISAF/NATO, including the Russians, who were concerned with the possibility of alternative supply routes transiting through its territory once the route through Pakistan proved unsafe. At the same time, troop-contributing countries did not want the Security Council to give procedural directives. The Council therefore resorted to cooperative language, giving guidance, suggestions and encouragement, while the real work of coordination between the UN mission and ISAF remained the challenge to be dealt with by the personal figures on the ground.


IV. Challenges for the implementation of the resolutions

As noted above, the ever more detailed mandate of UNAMA reflected the more ambitious wishes of Security Council members. In a way, the less they individually endeavoured directly, the more they transferred responsibilities to the UN. As the situation deteriorated, the UN was expected to do more itself, on the one hand, as well as do more on behalf of Council members on the other. Yet, the implementation of such an agenda was considerably hampered by the lack of clarity as to what type of operation, at the end of the day, UNAMA was supposed to carry out: a peacekeeping one, when there was increasingly no peace to keep, or a state-building one, when the construction of a liberal, democratic state was being gradually abandoned as an ideal and replaced with the more immediate, short-term objective of stabilisation.

The most important operational factor that inhibited the full implementation of UNAMA and ISAF mandates in Afghanistan was the constantly deteriorating security situation from 2005 onwards.

Violence affected ordinary Afghans, but also increasingly targeted local and international aid workers, forcing them to restrict the scale and scope of their operations. In 2007, 40 humanitarian workers were killed and 89 abducted. From January to July 2008, over 84 security incidents involving aid organisations were reported, causing the deaths of 19 NGO staff. By the end of 2008, Afghanistan remained roughly divided between the generally more stable west and north, where insecurity was linked to factionalism and crime, and the south and east, where an increasingly coordinated insurgency reigned.

The security situation was exacerbated by a number of factors: the burgeoning drug economy trapped many indebted farmers into supporting local commanders and drug lords in the regions. Demobilised combatants had little opportunities to rejoin the civilian economy and easily tipped over. The National Police and National Army were still inadequately trained and ill-equipped. The political vacuum and instability in Pakistan opened the gates to a flood of weapons and fighters from border areas. At the same time, the force with which international troops went about eliminating insurgencies also increasingly created sympathy for the latter. The military operation was increasing popular dissatisfaction through air strikes on civilian targets, uncoordinated house searches, and illegal detentions of Afghan citizens.



The UN consistently argued that the problem of security required a multipronged approach: in addition to the deployment of additional international forces, progress needed to continue on the security sector reform, including enhancing the size and capabilities of the Afghan National Army and National Police. Since October 2003, the DDR process, supported by the UNDP Afghanistan's New Beginnings Programme, under the leadership of Japan, had disarmed former soldiers of the Afghan National Forces. The major challenge that remained, however, was the disarmament of unofficial militia associated with warlords, criminal gangs, and politicians. In June 2005, the Disband Illegally Armed Groups (DIAG) programme was initiated, but it proved to be a difficult process that brought direct resistance from spoilers profiting from the drug economy. As part of DIAG development activities, District Development Assemblies (DDAs) were established in 82 districts, which added to the complexity of sub-national institutions set up by the government or by different donor initiatives.

In the meantime, the UN argued that the security problem needed more than security sector reforms, and should also concentrate efforts in the areas of reform of the justice sector, anti-narcotics activities, reconstruction, expansion of government authority, and imposition of the rule of law, including anti-corruption projects. As Eide mentioned during the October 2008 debate to the Security Council, real security would be established by an improvement in the daily lives of Afghans.

Beyond the issue of the larger problem of insecurity, it is possible to cluster the challenges for the implementation of Security Council resolutions in Afghanistan, especially those related to UNAMA, around two distinct yet related sets of factors: 1) challenges that derived from the operational context, and 2) underlying political problems of design and implementation of the resolutions.

I. Operational challenges

UNAMA was conceived as a political mission with a broad mandate. The shortcomings in the implementation, from an operational point of view, were related to the lack of resources, which limited leverage and the ambition of coordinating the multiplicity of actors that operated in Afghanistan. Starting in 2006, the Security Council had begun gradually to give more responsibilities to the UN, as a show of confidence in its legitimacy as well as its efficiency in getting the work done in a better way. Implementing such an ambitious mandate, however, faced a number of structural difficulties.

Internally, within the UN

a) Integration challenges

Within the UN system, the Integrated Missions modality was supposed to bring the UN Country Team, which included 17 UN agencies and Bretton Woods institutions, under one framework led by UNAMA. The coordination of the UNCT was carried out by the UN Resident Coordinator (traditionally a post held by a UNDP staff), but acting as the DSRSG in UNAMA and head of the Development and Humanitarian Pillar. Weekly coordination meetings were held to discuss security and

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programmatic concerns. Under this integrated framework, it was the SRSG who had the final say as he spoke on behalf of the UN and was the direct representative of the Secretary-General.

However, divergent priorities and reporting requirements among the agencies often obstructed progress on coordination in the field. Furthermore, some agencies had problems of principle with the question of integration, on grounds of neutrality. UNOCHA, for example, protested that the neutrality of humanitarian assistance would be compromised if it were integrated under the political mission of UNAMA. In the final analysis, it was decided that UNOCHA would stay within the integrated framework, albeit in different offices, and report both to the SRSG and UNOCHA. The integrated framework modality not only suffered from the usual problem that exists when UN agencies are multiple but also, in the case of Afghanistan, it was exacerbated by the nature of the mission as well as the context.

b) Coordinating and implementing at the same time

UNAMA was not only responsible for coordinating UN relief and reconstruction activities, but also for implementing projects in the areas of DDR, SSR, relief, reconciliation, human rights, gender, anti-narcotics, and livelihoods. The mission was therefore tasked with the sometimes conflicting mandates of coordinating among the large number of international actors and implementing projects directly. According to the head of an agency, interviewed for this study, UNAMA designed the political strategy and represented the Secretary-General and the Security Council, while UN agencies acted as executive agencies. In the eyes of the UNCT, then, UNAMA brought added-value by focusing on political and policy issues, leaving implementation and execution of projects to others. Yet, Security Council resolutions directly mandated UNAMA also to implement projects. The problem was therefore structural, and, if conflicts were avoided, it was mostly because of the personal figures of the SRSGs, on the one hand, and because needs were numerous on the other.

Within the larger international community

c) Lack of leverage

A major challenge to the successful implementation of the resolutions had to do with the lack of leverage that the UNAMA operation had, given its meagre resources. Despite consensus, commitments did not always translate into the proper financial and human resources necessary for UNAMA to gain political authority and to function in the complex theatre that was Afghanistan. In terms of security, the ISAF/NATO operation, let alone the OEF one, was much more equipped. Without its own police and military forces or a substantial amount of resources dedicated to training national forces, the UNAMA mission could not begin to have leverage and authority on security operations. In terms of resources, the money available for UNAMA's projects and administration did not match what was available for the UN Country Team, let alone the World Bank and the EU. The leverage of UNAMA was associated with the personal figure of the SRSG, but to be able properly to coordinate the civilian side of the international community, financial resources mattered. In the operation in Afghanistan, power mattered in terms of resources and military might: politics and soft power, in the end, did not count for much, even though Kai Eide tried precisely to make soft power work. It was expected that as the financial possibility of UNAMA increased with resolution 1806 (2008), the leverage would also increase.

d) *Light footedness in a heavy environment*

Coordination problems were exacerbated by the sheer number and variety of actors present in Afghanistan, including actors over which the UN did not have power, such as international troops, humanitarian international NGOs, and private military and security personnel. In such an environment, the initial light footprint approach proposed by Brahimi may have been a doomed project, despite its initial consensus at the Council. Under the leadership of Brahimi, the focus of the Bonn Agreement was to bolster Afghan capacity and to rely only on limited international presence. This approach was supposed to limit the UN role in governance – at least on paper – and was a sharp divergence from the previous approach used in Timor-Leste and Kosovo, which relied on a massive international presence and personnel at all levels.

Brahimi used two important factors to his advantage for advocating a new design principle of light bureaucracy:³⁴ in terms of leadership, he took advantage of his personal standing within the Secretariat; and in terms of structural conditions, he profited from the unwillingness of the Security Council at the time to engage in heavy transitional administration, especially in a country such as Afghanistan, which historically showed resistance to foreign rule. At the field level, the light footprint approach also benefited from ISAF's limited deployment in Kabul and US pressure not to limit the freedom of its own anti-terrorism operations throughout the country.³⁵

Eight years on, experience with this approach, however, has pointed out two serious fallacies: first, formal 'lightness' hardly ever translated into practice. Even if the UN was initially small, the large number of international NGOs, private sector security and international troops definitely exaggerated the heaviness of the international presence. Even if the UN was supposed to refrain from intrusive administration, the fact that it was entrusted to form the government, build democratic institutions step-by-step and build institutional capacity made the 'light footprint' a mere formality. Second, this approach was, perhaps, to begin with ill-suited for the post-Taliban environment. A number of people interviewed for this project claimed that the initial 'light footprint' had prevented Security Council resolutions from being effective, through limiting, for instance, the timely expansion of UNAMA into regions. Initial hesitation, in hindsight, especially with regard to moving ISAF forces beyond Kabul, resulted in a loss of time and patience, allowing for the Taliban to regroup and present a new, formidable challenge.

e) *Coordinating a fragmented Afghanistan*

Another structural problem that the UN faced, and which was negotiated from the beginning, was the fragmentation that donors *de facto* produced along the geographical area and sectors. The Tokyo Conference of January 2002 introduced what came to be known as the 'lead country' approach for five building blocks: National Army (US lead), National Police (German lead), Judicial Training (Italian/European Commission lead), Counter-narcotics (UK lead) and Demobilisation (UN lead). The

³⁴ Benner et al., 2007, op. cit.; Dahrendorf et al., 2003, op. cit.

³⁵ Simon Chesterman, *Tiptoeing Through Afghanistan: The Future of UN State-Building*, New York: International Peace Academy, 2002, p. 4.

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lead nation modality was, however, problematic. It led to one-dimensional interventions without proper linkages between sectors. When each sector became individually associated with a separate donor, problems of coordination and integration were inevitable. By the end of 2008, UNAMA had on its plate an ambitious plan to play a larger role in the police, rule of law, anti-narcotics, and others, perhaps partly because, by then, the lead nation mechanism had in fact failed. Hitherto, donors had wanted more direct handling of these sectors, leaving the UN. As this proved inefficient, responsibilities mounted for the United Nations.

The lead nation approach was also adopted in the military, with different countries basing their ISAF troops and PRTs in different regions: the UK in Helmand; Canada in Kandahar; Germany in Kunduz; Sweden in Mazar-e Sharif; amongst others. When donors began funnelling their resources through PRTs, this led to the donor-generated geographical area fragmentation of Afghanistan, and the bypassing of national institutions set up and supported by the UN, such as the JCMB, a criticism reiterated by Eide in the context of aid effectiveness throughout 2008. The geographic division of Afghanistan was exacerbated when military resources were allocated mostly to provinces that were experiencing the worst fighting, in effect 'punishing' the more stable provinces of the north. Instead, Eide argued that a more balanced and equitable distribution of resources was needed, based on the actual needs of provinces.


f) The need for transparent information

After UNAMA received a mandate to coordinate international resources going into ANDS, it needed proper information from donors to be able to brief the Council. In his briefing to the Security Council prior to the renewal of the mandate in 2009, Eide stressed that international donors were ploughing as much as US\$1 billion into Afghanistan without going through the government, ultimately hurting the broader development effort. On their part, donors lacked confidence in the government because of pervasive corruption and inability to coordinate or account for aid. They tended therefore to bypass the central government in Kabul, focusing directly on the provinces. As a result, the Afghan government and the UN lacked an overall picture of how much aid was available or spent for specific purposes.

A January 2008 Oxfam report claimed that since 2001 Afghanistan had received more than US\$15 billion in assistance, but much aid was provided in ways that were ineffective and inefficient. As in Iraq, too much aid was being absorbed by the profits of companies and subcontractors, or spent on non-Afghan resources and on high expatriate salaries and living costs. The cumulative impact was that some 40 per cent of aid to Afghanistan flowed out of the country.³⁶ Oxfam, said that international assistance was too 'top-heavy, prescriptive and supply driven' and not enough Afghan-owned, which would make it sustainable.³⁷

³⁶ Oxfam, 'Afghanistan: Development and Humanitarian Priorities', *Briefing Article*, January 2008, available at http://www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/afghanistan_priorities.pdf

³⁷ *Ibid.*



In his efforts to 'tame donor behaviour', Eide wanted to propose the creation of coordination cells in the government with focal points from each donor to communicate what was being done. The SRSG also set out to restructure the JCMB that had been established in 2006 for the implementation of the Compact, by replacing the consultative groups with three standing committees dealing with security, governance, rule of law and human rights, and economic and social development. Yet, efforts of gathering information and databases were hampered by donor mistrust of government capacity and accountability, or simply due to donor interest in keeping control over their own resources directly.

g) Lack of a comprehensive approach

If discussions at the Security Council revolved around the problems of alignment of resources around unified structures, the underlying problem was the lack of a clear sense of direction, a comprehensive military, development, and political strategy, one which was consistently demanded by the various SRSGs briefing the Council. What many interlocutors pointed out in interviews for this case study was that the UN, neither at the field level nor at headquarters, had a coherent conception of a strategy for dealing with Afghanistan in the long term. The underlying problem was that for a peacekeeping mission there was no peace to keep. Under such circumstances, strategising was forfeited for reactionary practices, and reaction was based not on what was needed but on what was available.

2. Underlying political challenges

a) Political problems with the legitimacy of engineered democratisation

Politics also mattered greatly: a further constraint in the implementation of the Security Council resolutions was the problematic design and implementation of the Bonn Agreement. In hindsight, the rapid establishment of the formal tenets of Western-style democracy in Afghanistan (elections; separation of powers, etc.) were more attuned to the international community's need to show success in the country rather than engrained in the deep understanding of the psyche of a traumatised and ultimately traditional Afghan demos.³⁸ Democracy and state-building 'outside in' proved not only an expensive exercise for the international community, but it also did not become rooted in Afghan traditions of political participation.

The Bonn process, at the end of the day, did not commit to genuine democracy. The use of traditional consultative fora such as the Loya Jirga, seemed to bring consensus about new political frameworks, but the choice had already been made as to the imposition of a Western-backed president to whom this method, coupled with highly mediated national elections, seemed to provide *ex post* legitimacy. The Constitution secured the president a very high degree of influence. During the presidential

³⁸ Shahrbanou Tadjbakhsh and Michael Schoistwohd, 'Playing with Fire? The International Community's Democratization Experiment in Afghanistan', *Journal of International Peacekeeping* 15 (2), April 2008, pp. 252-267.

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elections, a number of political manoeuvres came to influence the outcomes: US and UN officials apparently persuaded the main opposition candidate, Yunus Qanuni, to step down; refugees in Pakistan were registered in mass allowing for a Pashtun vote, and those in Iran, who would have voted for Tajik candidates, encountered so-called logistical difficulties; there was massive international pressure for the West's preferred candidate. During the parliamentary elections, political parties were banned from standing for election, to ensure unlimited presidential influence; at the same time, election laws were not followed, as candidates with links to militant groups were allowed to be nominated. The end result was that Afghans were most confused as to the difference between 'old' and 'new democracy' and as to why democracy should be promoted when all efforts were used to install a preferred candidate. They elected candidates for Parliament without any understanding of what their responsibility would be.

The Bonn Agreement had also not adequately taken into account the need for a reconciliation process. Brahimi saw Bonn as a peace process amongst the royalists, the mujahideen, and communist parties. The Taliban, however, were excluded under US request, owing to the misconception at the time that the Taliban were a matter of the past. As a result, the Bonn Agreement was not an indigenous peace accord in the first place; it was an externally-mediated agreement among victors in a war, won primarily by the US. In the long run, the marginalisation of the Taliban impeded the possibility of reconciliation, on the one hand, and led to a false premise that the war had been won or settled, on the other.

Brahimi himself conceded in hindsight to the mistakes committed in the Bonn process. In a briefing to the Security Council in September 2008, Brahimi recalled that at the 2001 Afghanistan peace talks there had been immense pressure to conclude an agreement within a few days, although several months were required. Nor had it been possible to pursue a genuinely inclusive political process because political realities demanded the contrary. In the words of Brahimi, 'But we also failed, later, to reach out to many constituencies who might have joined the political process. It should have been clear to us, all along, that those who were absent would have no stake in the success of the agreement and would obstruct its implementation.'³⁹

Legitimacy for democratisation may be lost when the West and the UN are seen as 'engineering' institutional processes. Democratic processes not fully explained and not rooted in local traditions are doomed to limited legitimacy.

b) Failed state-building?

Most importantly, by 2008 there were indications that the agenda of liberal state-building had also failed. The West had wanted to impose democratisation with emphasis on human rights, gender equality and political participation. Traditional Afghan forces, however, were not ready to accept such changes, especially if they failed to provide the everyday bread on the table. Lack of genuine commitment to justice and accountability had led to impunity for human rights violations, undermining confidence in the rule of law. In the meantime, corruption in government institutions had seriously

³⁹ Lakhdar Brahimi briefing the Security Council at the 23 September 2008 debate.



eroded institutional trust, and donors required improvements in the quality of the Administration and curbing of corruption before delivering more aid to the budget. Most importantly, corruption had undermined people's confidence in the government's capacities and will to deliver. In December 2008, Kai Eide reported that in only three years Afghanistan had dropped from 119th out of 159 countries in Transparency International's Corruption Perceptions Index to the fifth last in the world.

Overall, the democratic state-building agenda had been largely problematic in design and practice. Given that the reconstruction project in Afghanistan did not begin on the basis of established real needs-assessments or a carefully planned process based on agreements among all parties to the conflict, but rather as part of a rushed 'knee-jerk reaction' by external actors to the sequence of events that followed 9/11, the country's absorption capacities were overlooked, leading to short- and long-term deficiencies in the delivery and impact of the aid and state-building. In the rushed attempt to (re)create a state, the credibility of institutions, the long-term capacity and needs, and nation-building through reconciliation were omitted.

c) Underlying problem: A political mandate during the primacy of a military operation

Ultimately, however, no matter what the authority and resources of the UN mission were, the successful implementation of the resolutions in Afghanistan was hampered by an overarching structural problem: there was not, and in the final analysis there had never been, a peace to keep in Afghanistan. Lack of peace made objectives difficult to reach on the ground structurally, no matter what mechanisms were used and how broad and consensual UN mandates were. When it came to redesigning the international presence in Afghanistan post-11 September 2001, the separation of the political stream from the military one reflected, in a sense, ambiguities about the 'peace' that had been negotiated at Bonn by the Security Council.

The fact that security enforcement was given to coalition countries and not the UN was an indication that, at the Security Council, the two tasks of nation- and state-building and stabilisation and securitisation were seen as different exercises, each led by different interests. This separation also hinted at differences that existed between a political process, which needed to be followed through an impartial UN, and a stabilisation process which risked being, and subsequently became, engulfed in the conflict as a party to war. In effect, the mandates of two Security Council-authorized entities seemed incompatible at best and contradictory at worst: the strategic goals of UNAMA of legitimising a political process and state-building clashed with the stabilisation objectives of ISAF. The further contradiction came when ISAF began to undertake PRT operations, considered by many to be in conflict with the reconstruction and development mandate given to the UN by the Security Council.

In the meantime, the UNAMA office maintained its own military advisers, who reported on the generic military situation to the SRSG. According to one old Afghanistan hand who had worked in the UN for many years, it was important for UNAMA to have access to its own military information, and the Security Council needed to be informed by 'neutral' elements, and not ISAF, which was seen as representing the interests of lead nations first and of NATO subsequently. If the situation was to be rectified, argued this specific interlocutor, a proper UN peacekeeping mission would have been necessary, complete with its own military and police component. This however, would not have served

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the interests of Security Council members, who were themselves individually involved, outside of the UN alliance, as lead nations for the police, or for contributing and leading troops as part of NATO or OEF.

Ultimately, the main impediment to the success of the UN in Afghanistan lays in the fact that the international intervention is not a classic peacekeeping one but a military campaign, and the UN is not at an advantage during military interventions led or initiated by other countries. The views presented in the 2009 *Annual Review of Global Peace Operations* are therefore applicable to the case of Afghanistan: when peace operations engage in war-fighting, the diffuse nature of peace operations command structures are accentuated and present a series of operational and doctrinal dilemmas. Thus, '[p]eace operations work best when they are not only authorised internationally but also invited to deploy under the terms of a peace agreement, offering both local and international legitimacy. When peacekeepers are asked to identify enemies, the legitimacy of the operation can be called into question'. The use of force by peacekeepers also becomes a problem: '[b]lurring the line between peacekeeping and war-fighting runs the risk of compromising the entire peacekeeping enterprise. For this reason peace operations should be kept doctrinally and organisationally distinct from combat operations'.⁴⁰

V. Chapter VII in Afghanistan


I. Security Council dynamics: Retrospectively

For its involvement with Afghanistan, the Security Council acted in constant reaction: it was presented with a *fait accompli* after the 9/11 attacks solicited action in self-defence by one of the P5 members. The various mandate evolutions came as a result of consensus that had been reached in Kabul among various actors, on the one hand, and among political powers behind the scene on the other. The Security Council became, in the case of Afghanistan, a platform for authorising the results of prior negotiations.

Yet, although it is often said that the Security Council reunited countries that already had consensus on the case of Afghanistan, it was in the details that dissent could be observed. For a number of years, it was Russia and China that kept Afghanistan on the Security Council agenda. The United States would have wanted to have broad consensus but drive discussions away from details. Under the Obama Administration, however, it is expected that Council discussions on Afghanistan will increase.

Looking back at the first eight years of debates post-11 September, it is possible to make six sets of conclusions in terms of the political dynamics within the Security Council:

⁴⁰ William J. Durch and Madeline L. England, *The Purposes of Peace Operations. Annual Review of Global Peace Operations 2009 Briefing Paper*, New York: Center on International Cooperation, with the support of the Peacekeeping Best Practices Section of the UN Department of Peacekeeping Operations, 2009, p. 4.



a) First, there was general consensus among the P5 on the need for action in Afghanistan and general support for the three streams of resolutions (related to the sanctions, to UNAMA, and to ISAF). Consensus was reached on a number of issues throughout the years: on the need for engaging in Afghanistan because of the danger that the power vacuum, created between the withdrawal of Soviet forces and the 11 September 2001 attacks, had represented for the international community at large. There was also consensus for fielding a separate UN political mission to support the state-building efforts, and an international military one for securitisation purposes. Throughout the years, there was consensus on the deterioration of the security situation in general, and the need for more comprehensive approaches. Elections, institution- and capacity-building were also always consensual. The need to allocate resources both for the UN mission, for the different sectoral interventions, and for the Government of Afghanistan was also a matter of verbal consensus in Council debates. Furthermore, Security Council members and observers were unanimous in their support for frameworks such as the Bonn Agreement, the Compact and the ANDS for coordinating aid, and for aid in itself to be more transparent, accountable and effective, especially after reports by international NGOs denouncing corruption and waste both on the part of the government and the international community.

A 'surge' in the support to UNAMA for implementing the more ambitious resolution of 1806 in 2008 also found unanimous support. Council members were also *in parole* united in their desire to see more ownership by the Afghan government, including more capacity for its police and national army. Finally, there was consensus that a military solution was not sufficient to stabilise Afghanistan.

b) Despite general consensus and underlying unanimous assumptions, the devil was in the details: discussions at the Security Council concentrated primarily on the political and institutional situation, with the US ensuring that the details of the security operation would not be discussed at the Council *per se*. Details of the military operation were relegated to Brussels for the NATO/ISAF operation and to Washington for the OEF one. In this sense, the US wanted to have a free hand in Afghanistan. The Security Council had authorised the military operation by NATO but did not have any power or authority over the action of a regional organisation. The rules of engagement for ISAF, for instance, were not discussed or decided by the Security Council but by NATO. Discussions at the Security Council were also toned down because a part of the P5 members was already present in Afghanistan as part of military coalitions and decided matters outside the Council. Another absent item on the Security Council agenda was a discussion on the influence of Pakistan on the destabilisation of Afghanistan until mid-2008.⁴¹

c) Despite the fact that one Security Council member, namely the US, initially dominated by virtue of having started the operation in Afghanistan and being the largest contributor both in terms of financing for development activities and military personnel, as the security situation deteriorated, the power of the United States was increasingly challenged by a China-Russia-Southern countries coalition of dissent during more elaborated debates often led by non-P5 members (Qatar in 2007; Libya in 2008).

⁴¹ Much to the discontentment of the Foreign Minister and the Afghan Ambassador to the UN. According to one DPA official, Tom Koenigs had become PNGed in Pakistan for raising the alarm over their role.


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Russia was one country that consistently created dissent at Security Council debates on Afghanistan. In 2007, it abstained from the vote extending ISAF's mandate, protesting over the inclusion of maritime interdiction for OEF. Together with China and some Southern observers, it specifically chided ISAF troops for causing civilian deaths. And given its dissent over the potential negotiations with the Taliban, it dampened enthusiasm to tackle the question of negotiations directly at the Council. By 2008, European P5 countries and the US wanted to have negotiations with the rank-and-file of the Taliban. Russia, however, did not want reconciliation with whom it considered as criminals, Taliban leaders who were on the 1267 sanctions list. Russia's powerful blockage explains why negotiations with the Taliban were not directly discussed during Security Council debates, although by 2008 it was clear that they had already started in various fronts.

d) The debates at the Council, open to Iran, Pakistan, Afghanistan, and India as interested countries, reflected the reality of a North-South, East-West divide in the UN. European countries, notably the Nordic ones, kept insisting on the human rights component to stay on the agenda. They were also the ones who raised concerns over transparency, competence and representativeness of Afghan institutions, naming specifically the problem of corruption. If European countries became the defenders of first generation political rights, developing countries in addition to China and Russia consistently argued for second-generation rights. In 2008, for example, there was consensus to aid the government in its economic and political challenges, but the US and European countries specifically mentioned the need for reforms and curbing of corruption, hinting at their discontentment with the legitimacy of the government, while China, Russia, and Southern countries refrained from blaming the government and instead concentrated on the economic challenges and poverty in the country as more structural problems. All Security Council countries wanted to see more from ISAF and UNAMA and agreed in principle that more resources were needed for these operations. Iran and Russia, however, wanted to see more direct support to the Afghan national armed forces and law enforcement with modern weapons in addition to training. Russia also wanted to see a breakdown and rationale for the proposed expansion of UNAMA, and China in general preferred to see a shorter mandate for UNAMA with a clear exit strategy.

e) The debates at the Security Council were also an opportunity for countries to claim ownership over certain sectors, mirroring and legitimising the 'lead nation' modality agreed upon as early as 2002, or for showing the intention or desire to be associated with part of the solution. In this sense, Security Council debates came to reflect a forum for the 'marking of territory'. In the statements made by different Council members, for example, each highlighted the concrete support they had provided for Afghanistan, either bilaterally or through the Afghan Reconstruction Trust Fund (ARTF). EU countries stressed their role in tackling the issue of human rights abuses and the need for policing, to which they had contributed through the 170-strong European Police Mission. Japan, as the lead donor for DDR activities, reported on achievements in that sector. Iran, as an observer during the July 2008 debate, highlighted the support it provided for the three million refugees it hosted, as well as its experiences with curbing of drug trafficking for which it sought international legitimacy. Russia heralded the ongoing initiatives, outside of the UN framework, by the Shanghai Cooperation Organisation and the Collective Security Treaty Organisation (CSTO) inviting NATO/ISAF to join the CSTO on anti-terrorism and anti-drugs initiatives.

f) Overall, the role of the Security Council in Afghanistan was one of giving authority to decisions made outside of its corridors and, therefore, it reflected the inter-governmental function of the



institution, with each country acting through national interest, rather than its trans-governmental function of creating a common good and implementing it in a coherent and effective manner. There may have been consensus amongst the P5, but the Security Council did not have the authority or the leverage to be effective. It adopted resolutions but could not give enough resources and the necessary mechanisms to implement them. After the 1990s, the Security Council had become what one UN official called an 'ongoing seminar', a forum of debates and discussions on general cooperation but without proper authority to move from the generic to the specific. According to another high-level official interviewed for this study, the handing over of authority to regional organisations, such as NATO in this case, and being overshadowed by one particular member's interests, was a reflection of the weakness of the Security Council as an institution, which, given its lack of reforms, had lost its authority.

More fundamentally, however, there was the question of diffused ownership over the operation and whether, ultimately, the Afghan engagement was a peacekeeping or war-fighting mission; whether it was primarily set up for state-building or for stabilisation. Furthermore, even though the Afghan operation was conceived as part of an international war against terror which solicited a Chapter VII imperative to protect international security, the question remains as to what happens to the relevance of such mandates when a national government gains full sovereignty.

2. What does Chapter VII really mean?

Of the three streams of resolutions for Afghanistan, ISAF and the sanctions regime were designed under the Chapter VII umbrella, while UNAMA, in virtue of being a political mission in support of the government, was not technically a Chapter VII intervention. The UN did not have police, military components or security installations, even though it did have military advisers. ISAF, however, was not accountable to the UN, despite its being authorised by the Security Council under Chapter VII.

According to an internal memo at the DPKO viewed by this project team, there is a lack of clarity about the legal basis for peacekeeping operations and the operational implication of the Security Council invocation of Chapter VII. Historically, Chapter VI was the reference for traditional peacekeeping operations and Chapter VII for enforcement-oriented operations. In recent years, the Council has adopted the practice of explicitly invoking Chapter VII (Chapter VI has never been invoked) or mandating peacekeeping forces to perform specific tasks without specifying the chapter, but drawing on the language in Chapter VII. Invocation of Chapter VII denotes the legal basis for action and signals firm political resolves as well as reminding the parties and the wider UN membership of their obligation to give effects to its decisions. Yet, as the memo noted, in reality the Council does not need to refer to a specific chapter of the Charter when adopting or extending resolutions for UN peacekeeping operations. The missions should be guided not by references to the chapters involved but by the tasks specified in their mandate, by the accompanying rules of engagement and by other directions pertaining to the use of force and international humanitarian law.

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In cases like Afghanistan's, where the UN delegated its responsibilities to a regional organisation, however, the defeating factor was that even when Chapter VII was invoked the UN had no authority. In cases when UN authorisations happen after the use of force, as was the case in Afghanistan, where OEF operations had already started before ISAF was created, the invocation of Chapter VII may in fact mean little. The real alliance-building and decision to act happened outside of the Council's negotiations. In this sense, invocation of Chapter VII becomes associated with forceful action. The result is the overstretching of peacekeeping in situations where there is no peace to keep – Afghanistan squarely applies in this category.

The use of Chapter VII in a resolution is supposed to invoke legitimacy and consensus from national actors. Yet, as national actors are hardly consulted in the preparation of mandates, and, as is often the case, national actors, especially in situations of regime change, may not be sufficiently accountable, the question is raised about the issues of sovereignty and national consensus. From the point of view of the national government, reference to Chapter VII does matter. Haiti, for example, had asked for the removal of references to Chapter VII in the Security Council resolutions in order to maintain investor confidence. In the case of Afghanistan, as the government, created through the UN-led Bonn process, gained capacity, legitimacy and sovereignty, it increasingly became critical of the use of force in its territory, especially in discord and in the absence of coordination with its own national forces.

3. Perceptions from the viewpoint of the national government

Interviews conducted for this project with high-level members of the Afghan government confirmed that it was not properly consulted in the preparation of Security Council resolutions for Afghanistan. According to one high-level official interviewed, the draft resolutions were showed to the government a day before they were to be presented at the Council. Another claimed that while Afghans wanted proper consultation, all they would get was a request to give permission. It is granted, however, that what was going to be in the resolutions themselves did not hold any secrets: they had been designed through action on the ground and, in the case of mandate renewals, already tested and implemented. Likewise, it was also granted that the resolutions, in principle, would not include text that would be against the wishes of the Government of Afghanistan, especially with regard to UNAMA. Yet, according to the government officials interviewed, sovereignty required consultation with national actors.

At the same time, however, these officials conceded that Afghans did not have the proper capacity to be able to have input into the resolutions, or negotiate over the texts, if such opening were normatively provided to countries where interventions took place. The Afghan Ambassador at the UN, however, did raise a few times objections to reports presented at the United Nations, which in the government's view did not reflect a true picture of the country. In December 2008, for example, Ambassador Tanin presented a strong objection to a report issued by International Council on Security and Development of the Department of Children and Armed Conflict presented at the Security Council meeting on Children and Armed Conflict in Afghanistan, which examined the monitoring of the implementation



of resolution 1612 (2005) on the protection of children during conflict. He rejected the report due to its questionable methodology, its questionable understanding of the political and socioeconomic realities in Afghanistan, and for misidentifying both the causes and the solutions to the grave abuse of children's rights.

The UNAMA operation, seen from the point of the view of the Afghan government as an operation to support a sovereign nation, consistently earned positive evaluation, at least formally, and the efforts of the SRSG were appreciated. The UN had rendered legitimacy to the government through the Bonn process, and it now needed to build on the gains. For the government officials interviewed for this study, however, it was not the UN resolutions or UNAMA actions but NATO decisions and US strategies that required more forceful scrutiny by national counterparts.

The objection that the government did raise, by 2008, when civilian casualties as a result of military action, including by international forces, had reached their peak, was a request for a revision of the Status of Force Agreement with OEF forces. The government had already signed a detailed Military-Technical Agreement and a Strategic Agreement with ISAF, and, in any case, as ISAF troops operated explicitly with a Chapter VII mandate, the host country could not limit their operation. But it was the US forces in Afghanistan that raised more concerns for government. As civilian casualties, insecurity and insurgency mounted, the Afghan government wanted more control over the international forces and requested a better definition of their role. According to one official, forces should not be seen as occupiers, ignoring local cultural sentiments. If the US operation had initially started under the right of self-defence, and that of ISAF under a mandate to provide security for Kabul, the role of international forces had mutated to stabilisation and counter-insurgency. Such mutation needed to be renegotiated with the sovereign government. Yet, as one diplomat familiar with the debates conceded, no one had hinted at a role for the Security Council in the relationship between the Afghan government and international troops. It was not, at any rate, at the Security Council but at NATO headquarters that such decisions would have been discussed. The Afghan government, in the meantime, did not have a specific representative in Brussels other than the embassy staff that would attend the summits as observers.

Overall, the Afghan government lacked the resources and capacity for fielding expert negotiators. But the problem was not one of capacity only, but also one of legitimacy as a sovereign nation to decide on what goes on in its territory, even though the territory was ultimately used in the context of a global war against terror. Karzai, showing his frustration at the end of 2008 with the lack of success and the intensification of blowback reactions, asked the visiting Security Council mission to provide a concrete timetable for ending the war, otherwise he would have to have free hand to find his own peace, presumably by negotiating with the Taliban. He had also on numerous occasions criticised the PRTs for having created a parallel government and undermining the work of provincial governments. As the security situation deteriorated, however, criticism and accusations became mutual. The Government of Afghanistan was accused by the international community of being increasingly corrupt, unaccountable, weak, and incapacitated. In January 2009, NATO Secretary-General Jaap de Hoop Scheffer claimed in an op-ed in the *Washington Post* that the current Afghan authorities were almost as much to blame for the country's 'dire straits' as the resurgent Taliban and that the Afghan government was plagued by corruption and lacked efficiency in problem-solving.

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Yet, according to high-level Afghan officials, criticism of the government was misplaced because ISAF/NATO and OEF operations worked without coordination with the National Army and National Police, without coordination among themselves, and without coordination with government policies, an accusation increasingly made not only about military operations but also about the actions of the international community in general. The Afghan government also wanted NATO to be involved in the monitoring of the Pakistan-Afghanistan border and wanted the question of Pakistan to be debated at the Security Council. During the 9 July 2008 debate at the Security Council, for instance, the Afghan foreign minister claimed that one of the main factors contributing to the deterioration of the security was the *de facto* truce in the tribal areas beyond Afghan borders.


Yet, it was apparent that the international community needed the Afghan national government for breaking the cycle of violence, as much as the latter relied on the former for not withdrawing prematurely. The stabilisation of Afghanistan was as much a matter of interest to the Afghans as it was to the international community. When the new US strategy for Afghanistan was being redesigned under the Obama Administration in late 2008, there was a first step properly to involve the Afghans themselves in the process, and a delegation headed by the Foreign Minister of Afghanistan went to Washington in a bid to be included in consultations around the new design.

VI. Is an exit strategy viable?

In the Security Council resolutions no exit strategies were clearly spelled out both for operational and, especially, political purposes, neither for ISAF nor for UNAMA.

The ISAF resolutions were narrow to begin with, but as they became increasingly engulfed in the NATO operation, the exit strategy for ISAF/NATO became the unwritten goal of defeating insurgency in Afghanistan. The Obama Administration has revised the US strategy of reaching democracy in Afghanistan, and seeks a more limited objective aimed at getting the troops out in the long term. In the short term, this implies infusing more international troops into the country while devising a strategy of handing over control to Afghan security forces, both the army and the police, whose numbers the US Administration estimates will substantially increase by 2011. However, the short-term strategy would make the longer-term one a *de facto* moving target. The more US and NATO troops arrive in Afghanistan, the more resentment, resistance and violence ensue from a population increasingly associating the international intervention with national occupation. There ultimately could not be a stabilisation strategy for a mission engulfed in war fighting.

For the UNAMA mission, the benchmarks within the resolutions were the achievements of specific short-term, 3-5 years blueprints: implementation of the Bonn Agreement, followed by the Compact, the ANDS, and so forth. In reality, however, the state-building mission kept increasing its scope, even with the completion of the different processes. On the one hand, the Security Council, by defining specific timelines, hesitated in committing to long-term state-building, especially in view of the



deterioration of the security situation. On the other hand, an untimely retreat from Afghanistan became increasingly impossible as not only state-building but increasingly the temporary peace in Afghanistan became an illusion. This was reflected in the extra responsibilities that the Council kept adding to the mandate of UNAMA.

Speaking about an exit strategy would have been a wrong political move as it would have meant a lack of commitment by the international community to the enduring problem of Afghanistan. It was also an increasingly impossible strategy operationally. Both streams of resolutions at the Security Council were ultimately linked in a quagmire, one undoing achievements in the other, one unable to operate without the other, and both trying to achieve a moving target, that of long lasting peace in Afghanistan.

I. Negotiation as an exit strategy?

By the end of 2008, it had become apparent that a political solution was necessary, even though a military surge was expected with the additional 17,000 US troops that the Obama Administration was planning to send to the country, as well as additional NATO troops that were solicited at the Strasbourg meeting in the beginning of April 2009.

The political solution, however, was a minimal one: negotiating power-sharing with elements of the Taliban, even though the possible inclusion of any active functionaries of the Taliban movement who had been placed on the Consolidated List could violate UN resolution 1267 (1999). Unlike other peacemaking operations, when the UN was usually tasked with brokering talks between conflicting parties, in Afghanistan negotiations were being carried out by different parties, sometimes along contradictory dictates. Furthermore, as parts of the international community, the US and NATO were themselves parties to a war against insurgencies; therefore, third-party negotiations by the UN were imperative. Yet, the UN mandate, as stipulated by the Security Council, requested it to be officially asked by the government to launch reconciliation, while national reconciliation was not a project that could be properly owned by the Karzai government in the first place.

In the final analysis, however, negotiation with the Taliban, and their eventual inclusion in the political process, was not going to prove a viable exit strategy for the international community. Although negotiations could have tackled the problem of insecurity through power-sharing mechanisms that would disarm the insurgency, they would not have addressed the long-term needs of nation-building in Afghanistan. For the Tajik and Uzbek political parties, for example, the inclusion of more Pashtun elements in the government through negotiation with the Taliban raised fears of ethnic dominance, and federalism was being proposed as a solution, even though the Afghan economic and political system would have major challenges in implementing a peaceful decentralisation. Furthermore, negotiations with the Taliban could also have put the international community in a situation of compromising over values, such as for example women's rights, which would have been detrimental to gains made in the past eight years. Without reconciling the demands of national unity, sovereignty for Afghanistan, and

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welfare for the citizens, returning the Taliban to the political map was not going to be an easy exit strategy for the international community.

'Afghanisation', the general goal repeated in the different resolutions, and which was, perhaps, a pseudonym for sovereignty, would have been a proper exit strategy for Afghanistan. There was perhaps from the beginning an inherent hesitation as to how the subject of sovereignty was tackled in Afghanistan. As one Western diplomat said, Afghanistan was not supposed to be a trusteeship of the UN, but a sovereign nation. Yet, when the budget of the international community far surpassed the one available to the Government of Afghanistan, the modality in practice, if not on paper, was that of a trusteeship; likewise, as the number of national police and army, and their limited capabilities, could not compare with the increasing number of international troops coming into the country, the Afghan state could not even begin to be in control of the legitimate use of force. With limited government institutional capacity, massive enduring poverty and unemployment, heavy sustained dependency on external donors for the recurrent budget, and lack of monopoly over the use of force in its own territory, the full sovereignty of Afghanistan required more than what the international community could provide in terms of 'Afghanisation'. As the country prepared for presidential elections in late summer of 2009 and parliamentary elections the year after, the puzzle was whether the Taliban would take part in the political process or remain outside of it, and whether the government, after the elections, would be able to deliver more effectively and transparently the public goods increasingly demanded by the Afghan people. In the meantime, for the international community, the two pressing priorities were to transform the international presence from a heavily militarised operation to a civilian one, and to shift it from the externally-directed focus into a locally-owned enterprise.

2. The long-term danger: Regional bleeding out

Although the 'war on terror' that started in September 2001 was meant to address the dangers that the capture of weak or non-existent states by globalised extremist networks presented for international security, it became increasingly clear that instability in Afghanistan had an immediate and primary negative bleeding out effect on the security situation of the immediate neighbourhood. The alarming rate at which Taliban activities became radicalised in Pakistan demonstrated how porous borders, trafficking of narcotics, weapons and criminal activities, including terrorism and extremism, were concerns to the entire set of countries that share immediate borders with Afghanistan.

Since they share frontiers, histories, ethnic populations and common threats, the countries of the neighbourhood, including Pakistan, Iran, China, and the Central Asian republics of Uzbekistan, Tajikistan, and Turkmenistan are interlinked in a common regional security complex: their security problems cannot be analysed or resolved separately. As each set of countries is also locked in a security complex with its own neighbours, a larger circle of countries is potentially affected, ranging from India to Russia. Although the priority for the US Administration is increasingly focused on avoiding runaway radicalisation in Pakistan, a regional strategy is imperative to address common potential vulnerabilities



as well as opportunities that the wider neighbourhood represents. Although the UN may be the most legitimate actor to be able to 'broker' regional cooperation, its effectiveness, resources and leadership are less formidable than those of the United States.

Yet, the design and implementation of a regional strategy is not without its pitfalls. Focus has to remain on stabilising Afghanistan and preventing the descent into chaos of Pakistan. Any efforts to create larger groupings could result in endless conversations with no results, as it would be difficult to reach wide consensus. However, leaving out key players that have more long-term stakes cannot be envisaged either. Central Asian countries, for example, may not want directly to take part in solving the security problems of Afghanistan, but they are potentially impacted by transiting of drugs, terrorism and proliferation of arms. There are also a number of limitations to regional cooperation, including lack of capacity, trust, leadership and motivation. The mistrust between the international community and a number of countries in the region also has an impact on the legitimacy of cooperation: the war of words on the nuclear affair between Iran and the international community, competition over resources that sees a more assertive engagement of China, question marks about the scope of Russian influence in Central Asia, and the presence of NATO and US troops in the region are all unresolved matters that have their direct impacts on trust enhancement.

More mechanisms are needed to fill the absence of a cooperation framework amongst regional actors and external stakeholders. For the UN, a regional strategy cannot be limited to the implementation of isolated and small-scale projects or initiatives, be they in the field of development or military security, without taking into consideration the wider implications and linkages. Ultimately, however, regional stability and development have to be driven by the region and not from the outside, while extra-regional institutions could play a role in facilitating these processes. Countries in the region need to be more positively engaged and refrain from using Afghanistan to settle their other scores. At the end of the day, one of the most important factors is the rooting of a strong government in Afghanistan which can manoeuvre amongst the different interests in the region. The success of international efforts to foster security and economic growth in Afghanistan is linked to the wider stabilisation and development in the states in its proximity, a fact expected to be noted at the Security Council in the coming years.

VII. Implementation of resolution 1325 (2000)

After the highly-mediatised portrayal of the gender apartheid that women were experiencing during the Taliban regime, banned from access to education, employment and health services, and the public sphere, one of the much-publicised reasons for toppling the Taliban was to ensure that the rights of women were respected. The implementation of Security Council resolution 1325 (2000) on women, peace and security in such a context was a moral imperative. Yet, Afghanistan continued to present a particularly challenging environment for the implementation of this resolution. International action was seriously limited where the gun ruled over the rule of law; where the Taliban decrees that denied

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women's rights were still being enforced in many parts of the country; and where fear of violence and sexual harassment drove women away from public spaces.⁴²

I. The Security Council and resolution 1325 (2000)


In the various debates at the Security Council, it was the European countries which were most vocal about concerns over violations of human rights, including those of women and their access to education and public office. Explicit language with regard to resolution 1325 (2000), however, made an appearance relatively late in the various Council resolutions.

UNAMA-related resolutions only began making references in their preambles to resolution 1325 (2000) in 2007, and it was only in the 2008 resolutions that terms were added to condemn the continuing discrimination and violence against women and girls and the need to implement resolution 1325 (2000) and report on it. Until then, the texts of UNAMA's mandates only referred to the recommendations contained in the reports of the Secretary-General on the situation in Afghanistan, which, however, systematically detailed all that was happening concerning women's human rights and participation during the initial Bonn process, as well as progress made on institutional set-ups. By 2004 the Council also explicitly asked UNAMA to 'assist in the full implementation of the human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a state party, in particular those regarding the full enjoyment by women of their human rights'. This standard phrase was included in extensions provided to UNAMA from 2005 to 2009.

If the UNAMA mandates stressed the importance of promotion of human rights and participation of women in the political process, protection-related questions were supposed to have appeared instead in the ISAF resolutions. Yet, there too references to resolution 1325 (2000) only appeared in the 2007 and 2008 resolutions, but without any details in terms of specific responsibilities towards the protection of women. Resolution 1386, which had authorised the establishment of ISAF in December 2001, stressed that 'all Afghan forces must adhere strictly to their obligations under human rights law, including respect for the rights of women, and under international humanitarian law', but did not make explicit mention to the protection of women. No language on women or gender issues appeared in the resolutions extending the ISAF presence between 2002 and 2006.

Progress on the implementation of resolution 1325 (2000) in Afghanistan was monitored and reported not by the Security Council, but by the Secretariat bodies and thematic groups. The Secretary-General, in his detailed reports on the situation in Afghanistan and its implications for international peace and security, consistently provided updates for the Council on progress and challenges concerning the human rights situation of women and their participation in the new institutional set-ups. Afghanistan

⁴² Medica mondiale, 'Women, Peace and Security in Afghanistan: Implementation of United Nations Security Council resolution 1325, Six Years On: Post-Bonn Gains And Gaps', October 2007.



was analysed at the General Assembly as well as in two functional commissions of the Economic and Social Council (the Commissions on the Status of Women and on Human Rights) and expert bodies, such as the Sub-commission on the Promotion and Protection of Human Rights, where the Special Rapporteur on Afghanistan at the UN Human Rights Commission gave frequent updates and raised concerns over the continued abuses and violations of the human rights of women and girls until 2006. In addition, the situation of girls in Afghanistan was highlighted by the Secretary-General's Special Representative on Children and Armed Conflict.

There was, however, no working mechanism for the implementation of resolution 1325 (2000) specifically responding to the Security Council, apart from the UN system-wide Action Plan on said resolution. Women's organisations were lobbying the Security Council for it to appoint a working group on women, peace and security with a task force on Afghanistan but they had not been successful so far.

2. Institutional mechanisms at UNAMA and at the UNCT

In the initial years of the UNAMA operation, the institutional set-up began answering the requirements from headquarters on mainstreaming gender into peacekeeping activities. By 2002, a Gender Unit was created and gender focal points appointed in the field offices, tasked with mainstreaming gender into the activities of UNAMA at the national and provincial levels. From 2002 to 2005, the UNAMA institutional set-up carried out a number of gender-related activities, including awareness-raising, training and capacity-building, both in-house and for Afghan counterparts. An Action Plan was presented to the UN Operations Managers Team that recommended the collection of sex-disaggregated data on the composition of the national and international staff of the UN. In August 2005, UNAMA also launched a mission-wide information campaign and a mandatory staff training programme on prevention of and response to sexual exploitation and abuse and sexual harassment.

After 2006, however, UNAMA's gender activities suffered from the vacancy of the post of the gender adviser for almost two years. During those years, a staff member from the Division for the Advancement of Women of the Department of Economic and Social Affairs at headquarters was seconded to serve as adviser in UNAMA on an interim basis. By the time another gender adviser was appointed in early 2008, the post had been vacant since September 2006. Because of frequent staff changes, institutional memory could not be sustained at UNAMA, a fact that was detrimental to the implementation of the resolutions.

In terms of accountability, the UNAMA gender adviser reported to the DSRS in charge of the Humanitarian and Development Pillar and had little direct access to the SRSG. If DPKO directives encouraged senior officials' accountability for the implementation of resolution 1325 (2000), in Afghanistan this was very much left up to the personal commitment of the leadership. Yet, given the high turnover of UN staff, this was not the most desirable practice. By the end of 2008, the new

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gender adviser had carried out an exercise about awareness of resolution 1325 (2000) and found that, overall, UN staff were not sufficiently aware of this resolution nor of the DPKO gender policy in general, and only a selected group had received training. There seemed to be little interest in training from management. Opportunities were also being lost in terms of collecting disaggregated data through UN projects implemented at the sub-national levels, since information was not being shared with the gender adviser. Better communication, information-sharing and reporting architecture needed to be implemented at the UNAMA level between the gender focal points of all the regional offices and units and the gender adviser.

In early 2009, when research was being carried out for this project, UNAMA was involved in the preparation of reporting on resolution 1820 (2008) as an input into the Secretary-General's report due in June. UNAMA's chief of staff had been appointed as the head of the task force in charge of preparing the report together with stakeholders. Senior managers were taking the focus on reporting on resolution 1820 (2008) seriously because it was required. If reporting had also been required with a precise deadline for resolution 1325 (2000), it would have provided an impetus to take stock on what had been achieved and what remained to be done.

Since 2002, under the auspices of UNAMA's Gender Unit, a Kabul-based UN inter-agency gender network was tasked with providing technical assistance to agencies in the areas of training, gender analysis of staffing and activity reporting. Although most UN agencies had appointed gender focal points, the UN country team did not have a joint action plan for resolution 1325 (2000). The work of the UNCT could also have improved by creating a working group on the implementation of resolution 1325 (2000) and building on the findings of previous conferences, workshops and information campaigns held on the resolution in Afghanistan.

The United Nations Development Fund for Women (UNIFEM) and UNDP, in the meantime, were the agencies most active in gender programming. UNIFEM, for instance, had programmes on economic empowerment, gender and justice, political participation, violence against women, gender and media, and had launched a comprehensive women, peace and security programme. The Fund also regularly undertook advocacy and educational activities, producing Dari and Pashto newsletters on gender issues, organising events with civil society, and working with female MPs. UNIFEM, however, had not explicitly framed its activities further to strengthen the implementation of the resolution, although it provided training and workshops for civil society organisations and government ministries based on resolution 1325 (2000). UNDP had various programmes on women, including gender-awareness training for government institutions, capacity-building for the Ministry of Women's Affairs (MOWA), programmes on awareness-raising for women and education through local media, particularly the radio, as well as the construction of *hamams* for women.

3. Implementation of resolution 1325 (2000)

The provisions of resolution 1325 (2000) can be organised under the rubric of what has come to be known as the '3 Ps': **participation** of women in peace processes; **promotion** of women's human rights, including international standards of human rights that are reflected in national laws, creating accountability mechanisms; and **protection** of women in war and peace, including protection from gender-based violence, in particular from rape and other forms of sexual violence.

Participation of women in the peace process

Given the unique feature of post-conflict state-building in Afghanistan in the absence of a standard peace process, the issue of women's participation can be divided into two lines of query: to what extent women participated 1) in the political process set out at Bonn and 2) in the eventual peace process which unfolded through negotiations with the Taliban after 2006. In a nutshell, although the UN mission was successful in institutionalising the *de jure* and *de facto* participation of women in the Bonn process between 2002 and 2005, it is also possible to claim that women were completely ignored, both in terms of physical representation and issue-related representation, in the various negotiations that have sprung in recent years.

a) Bonn process

The Bonn Agreement committed the country to a 'broad based, gender-sensitive, multi-ethnic and fully representative government'. With the help of the UN, notably UNAMA, UNIFEM, and UNDP, women took relatively important steps in the first institutions that were set up to implement the Bonn Agreement. In June 2002, women accounted for 12.5 per cent of the delegates who participated in the Emergency Loya Jirga, and, in December 2003, they made up 20 per cent of the delegates at the Constitutional Loya Jirga. The Constitution Drafting Commission consisted of nine members of which two were women. The Constitution adopted on 4 January 2004 states that '[t]he citizens of Afghanistan – whether woman or man – have equal rights and duties before the law'. The Constitution also stipulated a number of provisions relating to the political participation of women: article 83 ensured women 25 per cent representation in the lower house of the National Assembly and guarantees were provided for women's access to public services. In the electoral process that began in December 2003, 41.3 per cent of the 10.5 million Afghans registered to vote were women. One woman, Masooda Jalal, presented herself as candidate for presidency. In March 2004, the Gender Advisory Group established the Election Task Force, chaired by the UNAMA gender adviser, which monitored the participation of women in the electoral process. During the 2004 registrations for the elections, UNAMA and the Joint Electoral Management Body set up separate registration centres reserved for women, hired women registration staff and conducted outreach efforts targeted at female voters and at raising men's understanding of women's right to vote.

Political participation was also supported through the creation of MOWA, established in 2002 according to the Bonn Agreement, and supported by UNAMA, UNIFEM, and UNDP. MOWA

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followed up on the Convention on the Elimination of Discrimination against Women (CEDAW) and the National Plan of Action according to the Beijing Platform, but did not have a specific plan for the implementation of resolution 1325 (2000). It identified four priority areas, health, education, legal protection and economic empowerment, but not protection. Its activities included gender mainstreaming within the ministries, preparing a sectoral plan and a budget, and working with candidates and voters for the 2004 presidential elections. MOWA opened up departments in 34 provinces and appointed gender focal points within ministries, although their integration and support varied from ministry to ministry. It also assumed secretariat functions as of 2004 of a Gender Advisory Group, which included representatives of national and international organisations. Needs, however, were many: the Ministry lacked sustained support in terms of funding and technical assistance, including training, data collection and analysis. Ministries needed capacity to integrate the gender perspective, and the government had yet to adopt an overall strategy on gender mainstreaming. Frequent changes of ministers and high-level officials within MOWA undermined long-term strategic planning and leadership. When training was conducted, lack of institutionalised follow-up often impeded progress.

Despite efforts, however, the results achieved were less than expected. Women rarely occupied strategic or senior-level positions with real power to influence and change government policies. The participation or presence of women did not necessarily lead to meaningful engagement or leadership. At the most, there were three female ministers at one point in the Afghan Cabinet, including that of MOWA, but no politically-sensitive cabinet posts were ever held by women. They were rarely represented in any senior positions at the district level. Similarly, while women's presence in the Parliament was facilitated by quotas – 23 per cent for the lower house and 33 per cent for the upper house – their presence never meant that they held the same degree of power as male MPs. The large presence of warlords and their affiliates in Parliament silenced many women, intimidating them from arguing against legislation adverse to their interests.

b) Women in peace talks?

Although resolution 1325 (2000) recalls the importance of the involvement of women in reconciliation processes and encourages talks in post-conflict settings to involve women, in the case of Afghanistan, given the nature of covert negotiations and local peace deals, no women were involved in negotiations. More troubling was the perspective that women's rights would be subject to compromise if negotiations started with the Taliban. In contrast, track two meetings, such as the August 2007 Peace Jirga between Pakistani and Afghan tribal leaders, supported women's participation in the informal peace talks. But such Jirgas had come to represent large 'talk shops' with little decision-making power.

By the end of 2008, UNIFEM was trying to organise women to take an active part in negotiations. It did so, for example, through working with parliamentarians, training them on resolution 1325 (2000) and teaching MPs about the need for a unified message to be carried through the political process: that no negotiations should compromise on women's rights and no negotiations should happen without women at the table. But women could not participate in peace negotiations, not only because of their lack of preparation, education or leadership, but especially because of the nature of male-dominated



negotiations being carried out, in secret, with some members of the Taliban. Ultimately, the main reason they could not participate in the peace process was that Afghanistan was still a conflict situation.

Promotion of human rights

UNAMA, both through its Human Rights Unit and through its support to the Afghan Independent Human Rights Commission, paid special attention to the promotion of human rights, including women's rights, which was a recurring mandate in the various Security Council resolutions. The UNAMA Human Rights Unit, supported by the Office of the High Commissioner for Human Rights, monitored and investigated, for instance, gender-based violence throughout the country, including domestic violence, forced marriages, kidnapping of young girls by local commanders and attacks against girls' schools.

UNAMA was tasked by the Council to work specifically with the AIHRC, also established in 2002. The Commission included units on women's rights, human rights education, transitional justice, monitoring and investigation, children's rights, and people with disabilities. The AIHRC was one of the few Afghan institutions consistently mentioned by the Security Council in all UNAMA-related resolutions for collaboration on human rights. Its chairperson, Sima Samar, addressed the Security Council directly in April 2002, in her former post as the Minister of Women's Affairs, to stress that the rights of women were put to risk by the absence of security. Yet, AIHRC's efforts were also hampered by a lack of capacity, particularly in the judicial monitoring programme. Moreover, the environment was not ripe for proper human rights promotion. The official court system was ineffective, biased, and corrupt, and in numerous instances justice was dispensed through the tribal system of community assemblies, through which girls could be awarded as compensation to wronged parties. There were also no effective complaints mechanisms through which to report violence against women.

The correlation of national laws with international covenants on human rights took on a particularly high relevance in Afghanistan, given the draconian Taliban edicts, in the name of Islamic law or customary practices, which had effectively kept women out of public life. Despite efforts made in designing and decreeing new laws and cancelling the Taliban decrees post-2001, Afghanistan continued to face a gap between the official legal frameworks and discriminatory customary laws and practices. UNIFEM sought to prepare MPs better to understand the customary laws and cultural practices harmful to women and contradictory to national laws and international covenants.

Protection of women and girls, and respect for their rights

In October 2001, Human Rights Watch made the following recommendation:

*The Security Council, together with the Secretary-General and the High Commissioner for Human Rights, should press for prompt and thorough investigations both of violations of international human rights and humanitarian law, including cases of extrajudicial execution of civilians, disappearances, sexual violence and of the system of gender-based persecution established in areas of Taliban rule; and should ensure that violations against women are a separate and specific part of any investigation.*⁴³

The exact same recommendation was still applicable in 2008, eight years after the intervention. The same applied to the findings of a 2004 Amnesty International report that claimed that 'women and

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girls risked rape, sexual violence and intimidation in many parts of Afghanistan, and that these abuses had been perpetrated by armed groups with impunity since the fall of the Taliban in 2001'.⁴³ Despite Security Council commitments to the protection of civilians, explicitly mentioned in the ISAF resolutions, not much has been achieved in terms of security and protection for women.

The pervasive insecurity in Afghanistan was not conducive to the materialisation of the commitments set out in resolution 1325 (2000). The deteriorating security situation and ongoing terrorist activities continue to affect women's security and their access to health, education and social protection. Women activists, civil servants, women educators and girls' teachers, and women in high-profile government positions are especially vulnerable as they are targeted by conservative elements in society that consider collaboration with international organisations a betrayal to national identity.


The Afghan Ministry of Defence was made aware of resolution 1325 (2000) through trainings, but the follow-up, in terms of providing gender-sensitivity training for the Afghan National Army as part of its responsibility for the protection of women and children and for DDR was not carried out. The Ministry of Interior had organised a workshop in the summer of 2008 on how resolution 1325 (2000) should be implemented but also needed to take steps towards recruiting female police officers, and convincing commanders in the field of the requirements stipulated in the resolution. Gender training also needed to be provided for the entire police force. UNDP was setting up a gender unit within the Ministry of Interior to build capacity for gender mainstreaming and to integrate gender into SSR. These two ministries need specific resolution 1325 (2000) action plans and strategies.

Within the NATO system, a policy on gender-related issues in deployment was developed in consultation with member states, stipulating that all personnel taking part in NATO-led operations should receive appropriate training to make them aware of gender issues, including of resolution 1325 (2000). Although ISAF had a protection mandate in general, prevailing gender norms in Afghanistan restricted ISAF's interaction with Afghan women and limited the ways in which the force could offer protection from violence. PRTs had more interaction with Afghan civilians, but the low number of women represented in such units meant little interaction with local women. In 2007, the Afghan Women's Network (AWN), which comprised 57 Afghan women's organisations, urged NATO to develop a gender policy for its PRTs better to address the specific needs of women.

The issue of protection by international troops was especially thorny in Afghanistan, since ISAF/NATO and OEF troops were increasingly accused of showing cultural insensitivity in their military operations, through, for example, entering people's homes in tribal and traditional Pashtun areas where women were heavily secluded. While protection of civilians, including women, was highlighted as an inherent part of the ISAF mission, the mission had no clearly defined strategy and approach to protect women and girls in particular. Some ISAF troops, notably those from United Kingdom and Germany, were

⁴³ Human Rights Watch, 'Afghanistan, Humanity Denied: Systematic Violations of Women's Rights in Afghanistan', *Human Rights Watch Report* 13 (5), 1 October 2001.

⁴⁴ Amnesty International, 'Women, Peace and Security – Fourth anniversary of Security Council resolution 1325', October 2004.



provided with gender sensitivity as part of their pre-deployment training in their home countries, and NATO headquarters occasionally held pre-deployment gender workshops in Brussels. Yet, such gender training was neither mandatory nor institutionalised.

4. Conclusions on resolution 1325 (2000)

While some awareness of resolution 1325 (2000) existed among the international community in Afghanistan, and many different activities had been carried out in the past few years, there was no strategy to coordinate among them under the umbrella of resolution 1325 (2000). There was no unified action plan for its implementation neither by the government, nor by UNAMA or the UN country team.

Capacity-building was needed, but so were mechanisms for accountability. Most women's civil society organisations, or organisations working on gender issues, worked in service delivery, while fewer on advocacy issues. Several women's organisations were aware of resolution 1325 (2000), which had been translated into Dari, Uzbek and Pashto, yet civil society organisations were not sufficiently rallied behind this specific resolution. Despite the rich resource they represented, women's organisations were also seldom consulted with regard to peace and security issues, neither in Afghanistan nor in international arenas.

In the case of Afghanistan, there was a huge gap between theory and practice, between what was stipulated in the various resolutions and their implementation. At the UN level, the gap was marked less by commitments from the Council than by the lack of resources and capacities, as well as the context of a particularly traditional and insecure society. There is not much evidence that the Security Council paid less *de facto* attention to gender issues and women's rights because Afghanistan was a traditional society. Yet, difficulties and obstructions to promote gender equality existed and a highly dynamic political and security situation put various other priorities continuously on the Council agenda. In the meantime, commitment and capacity at senior level in the UN in the field seemed to be *ad hoc* and inconsistent.

Ultimately, protection, one of the pillars of resolution 1325 (2000), could not be adequately implemented, while its absence hampered progress on the other provisions. Resolution 1820 (2008) was easier to report on, given that violence against women was pervasive on the ground. Resolution 1325 (2000), on the other hand, was not easily implemented in a situation where there was no peace, where the legitimacy of political institutions was being questioned, and where international forces were trying to protect the population, provide development assistance, and fight insurgencies all at the same time.

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VIII. Concluding observations

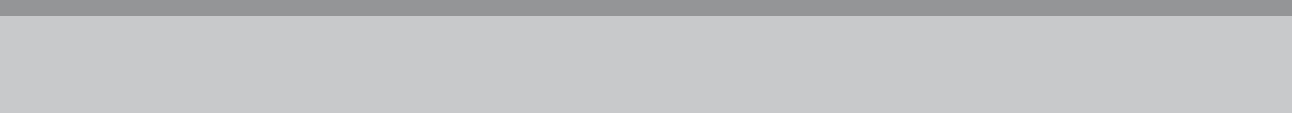
In the final analysis, there was consensus among those interviewed for this project that there had been a general underestimation and under-evaluation of the problem of Afghanistan. The Security Council did not have the proper mechanisms for assessing the situation on the ground proactively, and its increasingly ambitious mandates reflected desperate action as the situation deteriorated. The longer-term creation of stability in Afghanistan and in the region needed a more proactive strategy, one that needed to be worked out before engagement, and not left to *ad hoc* reactions to unfolding events. The international community, aware of previous disastrous interventions by the British and the Russians, was weary not to allow history to repeat itself. Despite this knowledge, however, it too became engulfed in the Afghan theatre, precisely because it believed that it would be able to design a better liberal peace. It underestimated the role that local tribal politics played, on the one hand, and the value of freedom from occupation that exists in the Afghan ethos, on the other. As a result, an inadequate and incomplete state-building project by the international community became incompatible with the war-fighting mission.

The case of Afghanistan raises a number of questions for the future of peacekeeping missions: can external forces help bring political stability? If so, how effective can the role of the United Nations be in this process and how can outsourcing of stabilisation to regional security organisations support such a role?

To ponder an answer to these questions requires reflection on a number of issues:

First, *a priori*, is an impartial role for the international community. In the case of Afghanistan, lack of impartiality is precisely what hampers the effectiveness and legitimacy of the international presence. By virtue of being created as missions to assist the new government back in 2002, neither UNAMA, as a political mission, nor ISAF, as an originally conceived security force to assist the government in Kabul, can be considered neutral by design. Yet, the question of partiality is further complicated by the mere fact that the troops of some Security Council members are directly engulfed in fighting in Afghanistan. If the military operation is being conducted on behalf of the government against insurgencies, it is a fact that the insurgency has increased directly as a reaction to the presence of foreign troops in Afghanistan. In the mind of local Afghan populations, the international community is perceived as being a party to war. Technically, this may not be a wrong perception, given the continuation of the international war against terrorism and Al-Qaida on the territory of Afghanistan, in addition to the other war against insurgents and the Taliban. The double war adds to confusion and increases the militarisation of the campaign at the expense of a political settlement. External actors thus perceived as partial cannot exercise a third-party peacekeeping and peacemaking role.

The second, and related, element is clarity about the stage of post-conflict that characterises a peacekeeping operation. In a classical setting, political stabilisation and development are not carried out in tandem with massive stabilisation through military means, especially by the same set of actors, that is, an external 'international community', as they are in Afghanistan. The fact that in current complex emergencies the various stages of peace operations are merged may be a growing trend. However,



co-existence and the merging of stages can be self-defeating when, as is in the case of Afghanistan, the method adopted by the military in stabilisation undermines the political process by creating more 'blowback' reactions.

Third, the more pertinent question that stems from the Afghan case is the potential co-existence of the United Nations with regional security actors such as NATO. In an optimistic scenario, the two can cooperate through a division of labour: while security organisations clear the terrain, the United Nations can focus on organising elections, state-building and delivery of humanitarian and development assistance. Such division of responsibilities is, however, far from being clear and effective in Afghanistan. The foray of the military into development and humanitarian aid delivery through PRTs, as well as the reaction of insurgents to the massive and indiscriminate military presence and operations, makes the political and development role of the UN ineffective, at best. Outsourcing may be a cost-effective way for the UN to undertake peacekeeping operations in general, but they can become problematic if the security and the political sides of the operations are not properly coordinated.

In the final analysis, the role of the United Nations is crucial to bringing stability to a very volatile region. Only the UN as an inter- and trans-governmental body – and not UNAMA, currently conceived as a limited mission with an ambitious mandate – can be perceived as an impartial actor that can act as a legitimate third party that can broker negotiations within Afghanistan and negotiate a political strategy for the region. For this, the Security Council should encourage the UN to play a more strategic role, by for instance appointing contact groups and powerful envoys responsible for shuttle diplomacy and strategic interventions. The military operation is expected to increase in terms of a surge in funds and manpower provided by the United States and NATO countries. Yet, a different type of leverage needs to be found for the UN to be able to play the kind of role that may set Afghanistan on a path of recovery.

The case of Afghanistan shows that the gap between design and implementation of Security Council mandates is not only due to operational or political limitations, but can also be in reason of conceptual differences about what peace is and how to get there. The UN Security Council resolutions have made the peace enforcement operation in Afghanistan legal, but the combination of the problems outlined above have made it problematic and, therefore, ineffective at best, if not lacking legitimacy.

