External Democracy Promotion in Post-Conflict Zones: Evidence from Case Studies

Afghanistan

Hamish Nixon and Brendan Whitty

Freie Universität Berlin

This report has been commissioned by Freie Universität Berlin for a comparative project on the international factors shaping transitions to democracy in post-conflict countries. See http://www.polsoz.fu-berlin.de/polwiss/forschung/international/frieden/lb/projekte/democracypromotion/index.html.
External Democracy Promotion in Post-Conflict Zones: Evidence from Case Studies

An Introduction To The Project

Christoph Zuercher

U of Ottawa and Freie Universität Berlin

The Research Question

Can countries emerge from civil wars as democracies? And if they can - to what extent and by what means can external actors support such a transition? While much research effort has been devoted to the question of how warring societies break the conflict trap and return to peace, much less effort has so far been spent on investigating under what circumstances warring societies not only end violence, but succeed in creating a stable and democratic polity. Political theorists, from Machiavelli to Huntington, are in general very skeptical with regard to the possibility of democratic regimes arising out of civil war. Instead, many see an intermediate stage of autocratic rule as unavoidable in order to overcome societal divisions and rebuild the fundamental political institutions of the polity. The empirical evidence seems indeed to suggest that countries rarely emerge from war as democracies. When we look at the overall population of countries that experienced a civil war after WWII (regardless of whether there was a peacebuilding mission or not), we find little reason for optimism. Only 10% of the countries that experienced civil wars reached a polity score of +7 or higher (approximately like Kenya, Moldova or Mali) two years after war ended. 53% all war-affected countries show a polity score of -5 or lower two years after the end of civil war, that is, a regime type similar to Gambia or Iran. 37% have a polity score of -7 or lower, similar to Belarus or Uzbekistan (all data is from Sambanis, Nicholas, with Michael Doyle, 2000: International Peacebuilding: A Theoretical and
Quantitative Analysis, in: American Political Science Review 94: 4, 779 - 801). The picture looks similarly gloomy five years after the end of civil war: 52% have a polity score of -5 or lower; 39.4% have a score of -7 or lower; and only 10.6% have a score of +7 or higher. Yet, there are historical examples of countries that did emerge from war as democracies: Germany and Japan in the aftermath of World War II, and Mozambique, Namibia or Macedonia in the post cold war period, to name only a few. What made these cases of post-war democratization successful, and what, if any, role was played by external actors? This is, in a nutshell, the puzzle that this research project investigates.

The study of post-war democratization is a relatively new field, and there is surprisingly little empirical scholarly work devoted to the factors that allow a post-war country to become both stable and democratic. This can partly be explained by the fact that the two bodies of literatures, which are relevant for such an endeavor, are concerned with only one half of the problem. The democratic transition literature is predominantly interested in the democratic outcome of a political transition in countries which were authoritarian, but at peace. The literature on peace building is interested in transitions from civil war to peace. Whether this peace is accompanied by a measure of democracy or not is typically not of interest to this body of literature. This division of labor may explain why there is only a very small literature that is explicitly interested in outcomes which are both peaceful and democratic. But is this division warranted, or is it perhaps a consequence of academic inertia? The answer to this question depends on whether we think that post-war countries are in essence a sub-class of transition cases, or whether we think that post-conflict countries are cases sui generis.

The researchers involved in this project think that post-conflict cases are fundamentally different from transition cases, and they assume that these differences may have an impact on the factors which affect peace and democracy. If this is true, then it is necessary to account for the possibility that the factors which affect a transition to democracy are not necessarily the same, or do not necessarily have the same impact, in a post-conflict setting. We must also account for the possibility that the factors which affect peace and democracy respectively do not necessarily simply add up, but that they may cancel each other out. One
implication of this is then that we have to disaggregate the concept of “success” into sub-concepts. One way of doing this is to individually look at “absence of war”, “democratic quality of the regime” and “state capacities”. While these three concepts may merge in the case of fully established democracies, we argue that for countries emerging from war we need to disaggregate them in order to be able to empirically explore which sequences and combinations are most conducive to the normatively desirable outcome: stable democracies at peace.

The Research Design

Given these challenges, we opted for a case study oriented research design. Case studies allow for process-tracing, which is indispensable for discovering causal mechanisms. Case studies allow researchers to treat cases a whole, which facilitates the identification of multiple causation and which may lead to the identification of typological sub-classes. Case studies can be arranged into different sets of structured comparisons; and finally, small-n research designs are not dependent on the few available global data sets, because the small number of cases allows researchers to collect the specific original data which they think may be relevant for the explanation of the observed phenomenon.

We collaborated with an international team of country experts, who prepared ten structured cases studies between October 2008 and December 2009. Our sample covers cases on Macedonia, Bosnia, Kosovo, Mozambique, Namibia, Rwanda, Afghanistan, Tajikistan, East Timor and Haiti. We deliberately chose cases from the post cold-war period only, because our main interest is the contribution of external actors to post-war democratization, and democracy promotion and massive peace building missions became fashionable and feasible after the end of the cold war in the late 1980s.

The Universe of Cases

The universe of cases consists, theoretically, of all civil wars that came to an end after 1989. We count 52 cases (Data from Doyle/Sambanis 2000). Our main interests is the
question of whether and how countries that were affected by large-scale violence can emerge as stable and democratic polities, and we are particularly interested in the impact of external support to this outcome. Other outcomes are possible and indeed more probable. Post-conflict countries can relapse into war; post-conflict countries can emerge as stable, yet undemocratic polities; and post-conflict countries could emerge as democratic, yet unstable polities. For comparative purposes, we wanted to include all of these outcomes in our sample. Furthermore, we also want to have variation on the main independent variable, that is, the amount of external support for democracy. Hence, we have four different outcomes, and two different values on our main independent variable. This can be depicted in a table with 2 x 4 cells. In order to group the cases into the cells, we have to define measures for stability, democracy and external support. Because this is not for analytical-descriptive purpose, but for sampling, we do this in a fairly rough and ready way. We classify countries that are still at peace five years after the war ended as stable. We classify countries as democratic when they reach a polity IV score of 10 or higher five years after the war ended. We proxy the amount of external support by the type of UN mission. Countries in which a complex peace building mission, or a peace enforcement mission, took place are coded as having received high external support. For all coding we rely on a data set compiled by Michael Doyle and Nicholas Sambanis (Sambanis 2000).

The next table groups all cases in the eight cells. Case in bold were included in our sample:

<table>
<thead>
<tr>
<th>High external support</th>
<th>Stable democratic</th>
<th>Stable undemocratic</th>
<th>Unstable democratic</th>
<th>Unstable democratic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cambodia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>El Salvador</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guatemala</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mozambique</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Namibia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Macedonia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lebanon</td>
<td></td>
<td></td>
<td>Afghanistan</td>
<td></td>
</tr>
<tr>
<td>Rwanda</td>
<td></td>
<td></td>
<td>Timor</td>
<td></td>
</tr>
<tr>
<td>Yugoslavia-Croatia</td>
<td></td>
<td></td>
<td>Haiti 1994</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Low or no external support</th>
<th>Stable democratic</th>
<th>Stable undemocratic</th>
<th>Unstable democratic</th>
<th>Unstable democratic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh--Hill Eritrea</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethiopia-ideol Georgia-Akhazia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Georgia-Ossetia Haiti</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burma</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chad</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congo-Shabba I&amp;II Djibouti</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethiopia-Ogaden Indonesia-East Tim.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

IV
The Research Template

In order to generate fine-grained data, we developed a structured research template that consists of 101 questions, divided into four sections. Country experts answered these questions, thereby generating rigidly structured case studies with a tremendous amount of data, which we used for comparative analysis. Only then did the authors shorten the studies turning them into condensed analytical narratives. The original versions of the reports are accessible at the project’s webpage.

The first section is devoted to a description of the outcome. We disaggregate the concepts “security”, “democracy” and “state capacities” into sub-concepts: With regard to democracy, we inquire about various dimensions of democracy. These dimensions are rule of law, participation, competition, and accountability. We also ask how the majority of the population perceives democracy. Is there any cultural bias in favor or against democracy? For example, is it seen as a Western export that suits outsiders more than the local population? By security, we refer to whether the state is able to provide physical security to its population by ensuring the absence of war and providing protection from other forms of

---

1 The Template is available here: http://www.polsoz.fu-berlin.de/polwiss/forschung/international/frieden/ib/projekte/democracypromotion/index.html
2 http://www.polsoz.fu-berlin.de/polwiss/forschung/international/frieden/ib/projekte/democracypromotion/index.html
organized violence (e.g. criminal violence). By state capacity, we refer to the capacity of
the state administration to autonomously make decisions and effectively implement them.
In general terms, this implies that stronger states with more capacities can rely on well-
developed bureaucratic apparatuses which are staffed by cohesive cohorts of civil servants
and steered by flexible elites who have an incentive to hold in check rent-seekers and re-deploy available resources in pursuit of strategic policy objectives. Finally, this section asks
whether the regime is seen as legitimate, and we differentiate between procedural input
legitimacy (the regime is legitimate because its procedures ensure that society can voice its
preferences and feed them into the decision-making process) and output legitimacy (the
regime is legitimate because it provides public goods).

The second section asks about long-term structural factors (such as long-term economic
development, the structure of the economy, or previous experiences with democracy), about
war-related factors (such as duration and type of war, numbers of fractions, level of war-
related destruction, and quality of any peace agreement) which may have had an impact on
the countries’ capacities for a democratic peace.

The third section inquires about neighborhood effects on democracy such as linkages and
integration; it then asks about the scope and characteristics of the external intervention
focusing on both military and non-military aspects. We are interested in state-
reconstructing and democracy-promoting measures, and in the question of how intrusive
these measures were. We also ask whether and how diplomacy, normative pressure and/or
persuasion contributed to the democratization process. Another set of questions explores
the interaction between the local elites and the interveners, their respective preferences and
constraints. These questions allow us to reconstruct the strategic interaction and bargaining
which we assume contributed to the outcome.

The fourth and final section covers development aid. Development aid is a specific form of
external intervention; we investigate it separately in order to be able to detect its distinct
effects. This section is intended to map the resource flows in the conflict country and to
assess how they contributed to democratization and stabilization. This section inquires
about the most important donors and about the prevailing modalities of delivery. We also asked country experts to collect disaggregated data on the sectoral distribution of aid where available. Experts provided annual figures for: elections and political processes; rule of law, accountability, anti-corruption, human rights and minority rights; institutional infrastructure (parliamentary and public administration, decentralization, administrative capacity); civil society, media, civic education, empowerment; civil-military relations, DDR, security sector reform. Please note that these are our generic categories which may differ from those used by donors or by the OECD-DAC, and that this data should be treated as illustrative rather than complete for most case studies due to a lack of availability of such information. Finally, we asked our experts to indentify instances of applied aid conditionality and to assess the impacts.

The Case Studies

The case studies are available from our website. We think that they provide a valuable source of fine-grained data which help us to better understand the processes which lead to a much desired, yet rare outcome: A successful transition from war to peace and democracy.
Evaluating International Influences on Democratic Development (Volume 2: Post-Conflict Countries)

Case Study: Afghanistan

Hamish Nixon
Brendan Whitty

23 January 2009
Executive Summary Afghanistan

Afghanistan since 2001 has neither experienced a transition from war to peace, nor from destruction to development, nor yet from authoritarianism to an Islamic democracy or republicanism. The human costs of this failure over the preceding six years, still not definitive, and perhaps partly unavoidable given the challenges facing the country and its partners in 2001, present us all with a continued moral and political challenge. The process of democratic development in Afghanistan is only one of the many dimensions of this challenge. In assessing the influence of external factors on the political development of the country, as in many post-conflict or conflictual environments, it is crucial to consider that the promotion of democracy falls among a range of other imperatives and dynamics. It is the inter-relation of these forces that defines the environment mediating international influences on democratic development.

Afghanistan’s transition derives from, and represents, a pivotal moment in the historical trajectory of democracy promotion activity in post-conflict circumstances. While external influences have always been significant, they were long underplayed in the analysis of democratization in the 20th Century, and have truly come to the fore since the termination of the Cold War.1 The early 1990s saw the arrival of a set of post-Cold War peacebuilding processes in which a fortunate trio of circumstances combined to produce encouraging, if not always wholly democratic or peaceful, outcomes, in places such as Namibia, Cambodia, Mozambique, and El Salvador. These factors were (1) the withdrawal of foreign forces and influence combined with an elimination of sanctuary for belligerent forces in neighbouring countries, (2) an acceptance of elections as a way of substituting process for outcome in distributing post-conflict political power, and (3) the availability of the United Nations as a mediating and later monitoring presence through Chapter Six peacekeeping operations due to the end of Cold War paralysis of UN action.2 No doubt, this combination could backfire, as it did in Angola, and soon afterwards Rwanda, where

1 Democratization literature came to a serious attempt to analyse international influences in the 1990s, see for example, Whitehead (1996). The most prominent examples of post-conflict democratization, Germany and Japan, were long overlooked in the general democratization literature focusing on the “third wave” (Huntington, 1990).
2 On the emergence of this model of “Electoral Peacebuilding” and its particular trajectory in Cambodia and El Salvador, see Nixon (2005).
it never properly got off the ground. However, it formed the core of a consensus on post-conflict peacebuilding, embodied in

Boutros Boutros-Ghali’s An Agenda for Peace, that saw peace settlement, peacekeeping, elections, and development, as the sequence by which conflict would be replaced by peace and eventually democracy.

The events of the mid-1990s and after quickly put paid to the notion that such a design would apply in all circumstances. Events in Bosnia, Kosovo, and East Timor brought a dual new emphasis to dealing with conflict and the development to follow: peace enforcement, and statebuilding. The use of robust military force to bring parties to the table, or to stabilise the territories in question, was combined with semi-trusteeship type arrangements for administering them. Grand efforts and resources were expended to create new institutional forms for managing ethnic and other cleavages, while watchful UN administrators held onto important executive powers during the transitional periods.3 These efforts of course also produced mixed outcomes.

In combination, it might be argued that these experiences by the turn of the millennium were generating a substantial corpus of knowledge and expertise – the “lessons learned” so beloved of peacebuilding think-tanks – that could inform and guide the policy and practice of peacebuilding, and its relative, democracy promotion. Among other documents, the “Brahimi Report”, with its emphases on rapid deployments and forceful security postures, long-term commitments, sufficient resources, robust mandates, political will and clear purpose, represented part of the new consensus on peace operations that attempted to draw upon the lessons of both those conflicts settled by negotiation and those with a more forcefully motivated termination (United Nations, 2000).

However, the events of 11 September 2001 altered this landscape so dramatically that the transitions engendered by them would be hard pressed to acknowledge, let alone implement these lessons. Instead, Afghanistan became the proving ground of a multifaceted effort that encapsulated regime change, stabilization, counter-terrorism, reconstruction and humanitarian relief, counter-narcotics, statebuilding and democratization all at once. This maelstrom of international motivations, coupled with

---

3 Some have even argued that peacebuilding in East Timor suffered from an over-resourcing in relation to the challenges: Doyle and Sambanis (2000).
the overwhelming influence in the early period of the intervention of the United States, is a crucial element to understanding the dynamics of democratic development, insofar as it has occurred, in Afghanistan.

The second key element to understanding the impact of international influences on democratic development in Afghanistan is in the interaction between statebuilding and democratization initiatives with the local natures of power in the country. Far from representing an appeal to “political culture” explanations, this element turns on the historical political economy of the Afghan state-society relationship, and the social consequences of three decades of conflict, foreign interference and economic displacement. The role of more “essentialist” factors, such as ethnicity, tribal custom, or religion, are best viewed through these lenses, and not as the causal bedrock themselves. Section Two of this case study examines those factors, and Section Three the complex international dynamics alluded to one paragraph above. But first, it is necessary to examine the situation of democratic development in Afghanistan after five years of such efforts, as well as two other key dimensions of the relationship between the polity and its people – security and state capacity. As with all transitions, it is a complex picture.
Section One

Security, Statebuilding and Democratization in Afghanistan, 2001-2006

Introduction

Afghanistan since 2001 has neither experienced a transition from war to peace, nor from destruction to development, nor yet from authoritarianism to an Islamic democracy or republicanism. The human costs of this failure over the preceding six years, still not definitive, and perhaps partly unavoidable given the challenges facing the country and its partners in 2001, present us all with a continued moral and political challenge. The process of democratic development in Afghanistan is only one of the many dimensions of this challenge. In assessing the influence of external factors on the political development of the country, as in many post-conflict or conflictual environments, it is crucial to consider that the promotion of democracy falls among a range of other imperatives and dynamics. It is the inter-relation of these forces that defines the environment mediating international influences on democratic development.

Afghanistan’s transition derives from, and represents, a pivotal moment in the historical trajectory of democracy promotion activity in post-conflict circumstances. While external influences have always been significant, they were long underplayed in the analysis of democratization in the 20th Century, and have truly come to the fore since the termination of the Cold War. The early 1990s saw the arrival of a set of post-Cold War peacebuilding processes in which a fortunate trio of circumstances combined to produce encouraging, if not always wholly democratic or peaceful, outcomes, in places such as Namibia, Cambodia, Mozambique, and El Salvador. These factors were (1) the withdrawal of foreign forces and influence combined with an elimination of sanctuary for belligerent forces in neighbouring countries, (2) an acceptance of elections as a way of substituting process for outcome in distributing post-conflict political power, and (3) the availability of the United Nations as a

---

4 Democratization literature came to a serious attempt to analyse international influences in the 1990s, see for example, Whitehead (1996). The most prominent examples of post-conflict democratization, Germany and Japan, were long overlooked in the general democratization literature focusing on the “third wave” (Huntington, 1990).
mediating and later monitoring presence through Chapter Six peacekeeping operations due to the end of Cold War paralysis of UN action.\(^5\) No doubt, this combination could backfire, as it did in Angola, and soon afterwards Rwanda, where it never properly got off the ground. However, it formed the core of a consensus on post-conflict peacebuilding, embodied in Boutros Boutros-Ghali’s *An Agenda for Peace*, that saw peace settlement, peacekeeping, elections, and development, as the sequence by which conflict would be replaced by peace and eventually democracy.

The events of the mid-1990s and after quickly put paid to the notion that such a design would apply in all circumstances. Events in Bosnia, Kosovo, and East Timor brought a dual new emphasis to dealing with conflict and the development to follow: peace enforcement, and statebuilding. The use of robust military force to bring parties to the table, or to stabilise the territories in question, was combined with semi-trusteeship type arrangements for administering them. Grand efforts and resources were expended to create new institutional forms for managing ethnic and other cleavages, while watchful UN administrators held on to important executive powers during the transitional periods.\(^6\) These efforts of course also produced mixed outcomes.

In combination, it might be argued that these experiences by the turn of the millennium were generating a substantial corpus of knowledge and expertise – the “lessons learned” so beloved of peacebuilding think-tanks – that could inform and guide the policy and practice of peacebuilding, and its relative, democracy promotion. Among other documents, the “Brahimi Report”, with its emphases on rapid deployments and forceful security postures, long-term commitments, sufficient resources, robust mandates, political will and clear purpose, represented part of the new consensus on peace operations that attempted to draw upon the lessons of both those conflicts settled by negotiation and those with a more forcefully motivated termination (United Nations, 2000).

However, the events of 11 September 2001 altered this landscape so dramatically that the transitions engendered by them would be hard pressed to acknowledge, let alone implement these lessons. Instead, Afghanistan became the

---

\(^5\) On the emergence of this model of “Electoral Peacebuilding” and its particular trajectory in Cambodia and El Salvador, see Nixon (2005).

\(^6\) Some have even argued that peacebuilding in East Timor suffered from an over-resourcing in relation to the challenges: Doyle and Sambanis (2000).
proving ground of a multifaceted effort that encapsulated regime change, stabilization, counter-terrorism, reconstruction and humanitarian relief, counter-narcotics, statebuilding and democratization all at once. This maelstrom of international motivations, coupled with the overwhelming influence in the early period of the intervention of the United States, is a crucial element to understanding the dynamics of democratic development, insofar as it has occurred, in Afghanistan.

The second key element to understanding the impact of international influences on democratic development in Afghanistan is in the interaction between statebuilding and democratization initiatives with the local natures of power in the country. Far from representing an appeal to “political culture” explanations, this element turns on the historical political economy of the Afghan state-society relationship, and the social consequences of three decades of conflict, foreign interference and economic displacement. The role of more “essentialist” factors, such as ethnicity, tribal custom, or religion, are best viewed through these lenses, and not as the causal bedrock themselves. Section Two of this case study examines those factors, and Section Three the complex international dynamics alluded to one paragraph above. But first, it is necessary to examine the situation of democratic development in Afghanistan after five years of such efforts, as well as two other key dimensions of the relationship between the polity and its people – security and state capacity. As with all transitions, it is a complex picture.

**Democracy in Afghanistan 2001-2006**

**Rule of Law**

Assessing the state of the rule of law in Afghanistan must consider three core features. First, the constitution and formal legal framework, while featuring a number of democratic or proto-democratic provisions, is also complicated by its acknowledgement of the range of religious, traditional, international and formal sources for law. Secondly, the capacity of the formal justice system to administer the rule of law is drastically curtailed and distorted by low capacity and widespread corruption. And thirdly, formal law co-exists as a regulating institution in Afghanistan with a wide range of customary structures that are equally, or even more important, in structuring the rights, obligations, and behaviour of Afghans on a day-to-day basis. In
short, the rule of law has some formally democratic features, but is ambiguous, weakly applied, and contested or complemented by informal systems.

Afghanistan’s current Constitution, promulgated in January 2004, contains a range of provisions formally consistent with democracy and states in its preamble the intention to “establish an order based on the people’s will and democracy.” (Constitution, 2004, Preamble and Ch.1, Art. 6) The constitution commits the country to universal human rights instruments, guarantees equal rights to the citizens of the country, including among men and women, and establishes the Afghanistan Independent Human Rights Commission (AIHRC) (Art. 58).

However, it also contains areas of considerable ambiguity. Articles 1-3 establish Islam as the foundation of the republic, noting that no law shall contravene the tenets of the “holy religion of Islam” (Art. 3). This provision is more open than the constitution of 1931 in that it does not specify the *hanafi* school of jurisprudence as the sole source of Islamic law, but considerably more ambiguous in its provisions than the 1964 Constitution, which noted that no law should be contrary to Islam or the other values in the constitution. In this sense the 2004 document leaves considerable space for conflict between the articles referring to Islam and those referring to international human rights instruments, for example. Broadly speaking, in incorporating a range of the sources of Afghanistan’s law and political organization, the constitution both better reflects reality than some of its predecessors, but does not venture to provide a clear direction in interpreting the ambiguities when these sources – whether Islamic, traditional, national, statutory, and international – interact with each other. The result has often been a large disjuncture between some aspect of the constitution and actual practice (for example in cases surrounding freedom of expression and Islamic principles), leaving a large (and therefore politicized) role for the Supreme Court.

The constitution establishes the Supreme Court as an independent organ with control over all aspects of the judicial profession and court administration. The Supreme Court judges are appointed by the President, with the approval of the National Assembly. In 2006 the National Assembly did in fact reject the reappointment of Chief Justice Shinwari, whose religious conservatism did converge with many MPs views, but whose notorious partiality in appointments and corrupt practices did not. Additionally, the formal justice sector consists of the Attorney
General’s office, an “independent” branch of the executive responsible for a nationwide network of prosecutors, and the Ministry of Justice, responsible for drafting laws, civil pre-trial mediation, and prisons (a responsibility transferred from the Ministry of Interior in 2003).

While these formal institutions could conceivably form the basis for the rule of law, the actual situation is a long way from the ideal of equal application, independence, publicly known and stable laws, and protection. The court system is notoriously weak, and only some 20% of civil or criminal disputes come into the formal justice system (UNDP, 2007). When they do, court processes in almost all cases and locations are tainted by inefficiency and corruption, and these instrumental challenges are an important reason for reliance on customary practices (UNDP, 2007 pp 91-100).

In 2003 Amnesty International “documented a widespread pattern of human rights violations committed by members of the police, including torture and arbitrary arrest. Extortion is commonly practised by police officers” (Amnesty, 2003, 1-2). In 2005-6 the author received corroborated reports of illegal detention in two provinces during fieldwork, and while recent retraining of Afghan National Police may be bringing results under the focused district development programme, in the period under review police and court functioning were deeply flawed in their contribution to the establishment of the rule of law. Land grabbing by authorities and powerful individuals constituted a further common source of abuse, and the impunity attached to such practices often spectacular, as evidenced by the 2005 acquisition of large parts of the Sherpur district of Kabul by prominent commanders including members of the Afghan cabinet.

The weakness of formal institutions of the rule of law in Afghanistan contributes to and is compounded by the prominent role played by informal institutions of justice among most segments of Afghan society. There are a wide range of different customary, traditional and informal governance configurations in the country. The former state-appointed maliks remain key actors in some places when resolving disputes, and are irrelevant in others. Jirgas or shuras remain an important means of solving problems in many areas, whereas in others armed commanders
produced by the war influence or supplant these structures. Even *shuras*, some argue, are a recent introduction to local governance, though consensus-based councils in general and especially *jirgas* have a longer history. The variation among and the principles upon which many of these institutions are based present issues for the equal and just application of the rule of law in a democratic sense. For example, many common practices among Pashtuns defined by the customary codes of *pashtunwali* present issues in respect to gender equality and collective punishment.

A final issue for the rule of law concerns transitional justice. While institutions such as the Afghanistan Independent Human Rights Commission and limited exercises in public awareness have recognised the issue of transitional justice, in general “the rhetoric has focused on the technical aspects of peace-building, as if past abuses and the reality of warlords, lawlessness, and repressive authorities are immaterial to the stated goal of democratic and accountable governance.” (Niland, 2004, 79) The passage of a self-protecting amnesty law by the members of the National Assembly in 2006 and the limited progress in documenting historical abuses further limit the application of the rule of law in Afghanistan.

On the whole, therefore, Afghanistan does not enjoy the application of the rule of law in a manner consistent with democracy, despite the formal trappings. This shortcoming is among the most significant among the many *de facto* limitations to the considerable political progress the country has made from its chaotic civil war or its authoritarian Taliban past.

*Participation*

The situation of political participation in Afghanistan features some similarities to that of the rule of law: a degree of formal acceptance and guarantee heavily tempered by *de facto* limitations. The constitution provides for the right to “elect and be elected” as well as for the freedom of expression and to form political parties (Arts. 22, 33, 34), although some have pointed to concern that the provision that no party can be “opposed to the principles of the holy religion of Islam” could be

---

7 *Shura* and *jirga* denote communal decision-making bodies in Afghanistan consisting of elders or other almost exclusively male notables. *Shura* generally refers to a body that persists through time and handles ongoing issues in a community, whereas a *jirga* is typically convened to deal with a specific issue. These bodies have different characteristics and importance according to geographic, ethnic, and historical considerations in Afghanistan.
a stipulation open to political manipulation (Art. 6, Political Parties Law; ICG, 2005, 4).

Formal provisions for political participation in Afghanistan are tempered by three main limitations. One is that, regardless of the health or lack thereof in the party system, the country has not had a comprehensive peace agreement, and therefore a significant political actor or actors – broadly speaking the Taliban, as well as portions of the hezb-e Islami party – are currently outside the political system. This fact has gained importance as the former somewhat hubristic assessment that the Taliban was a spent force has had to be revised in the face of renewed and intensified insurgency since 2004. While some point to the complexity of the Afghan insurgency (Giustozzi, 2007), the point remains that political, religious or tribal in nature, several significant segments of the political landscape remain outside the political system altogether. It is increasingly argued that little prospect for peace, never mind an inclusive political system, exists until this actors are engaged systematically, as they were not during the period under review.

A second limitation on participation derives from the limited and skewed political party system in Afghanistan. While a few parties, at least in name – such as Afghan-e Millat headed by the Finance Minister Anwar ul-Haq Ahady – persist from the pre-war era, these are the same in name only. In general, since 2001 political party development has been limited by the dominance of the tanzim, the former mujahidin groups, and their control of armed factions, and by the slow institutional development of an enabling environment for parties. Chief among the collective political organizations in Afghanistan are the various Sunni tanzim and in particular Jamiat-e Milli, Hezb-e Islami, Shi’a parties centred on the Hezb-e Wahdat, and the northern and largely Uzbek and Turkmen-based Junbesh-e milli. Each of these groups remained throughout 2001-6 as highly personalized, factionalized and only partially committed to democratic forms of participation.

On the other hand, it was not until September 2003 that a political parties law was enacted, and this law left ambiguous the conditions under which party registration might be disallowed or parties banned for opposition to “the principles of the holy religion of Islam”. The decision to adopt the Single Non-Transferable Vote in 2004 was crucial in bringing an end to a phase of “optimism about a developing party pluralism” (Ruttig, 2006, 18). This electoral system, adopted through a combination
Afghanistan Case Study

of deliberate desire to limit party development and some incompetence, allowed people to vote only on the basis of individual candidates and disadvantaged any new parties or those seeking to organize across existing cleavages (Reynolds, 2006; Wilder and Reynolds, 2005). Despite these limitations, some new forces emerged in the National Assembly and the loya jirgas that preceded its election: the “New Democrats”, four small groupings comprising youth activists, or with roots in the former People’s Democratic Party of Afghanistan (PDPA) and exiles particularly in Germany, or in ex-jihadi Hazara forces.

A third limitation on participation is the relatively disadvantaged position of Afghan civil society. This derives from a combination of a lack of capacity in some quarters and a relatively difficult enabling environment for political participation. While there are many Afghan development organizations, these are often conflated and confused with a range of private companies and militia groups with poor reputations. In addition, the lack of a freedom of information law (despite it being called for in the Constitution) and other supports make it difficult for collective participation through these means.

An important exception to this has been the involvement of local communities in development activities through the National Solidarity Programme (NSP). This community-driven development programme is administered by the Ministry of Rural Rehabilitation and Development (MRRD) and facilitated by a range of international and Afghan organizations. Communities elect a local council that deliberates with community members on the disposition of development grants at the community level. By 2006 about half the communities in the country were covered by such councils; while their functioning and effectiveness in broadening participation to women and marginalised groups varied widely, it certainly represented a substantially new form of representation (Nixon, 2008a). However, there was not yet an assured framework for continued political/institutional or practical sustainability of these councils, as there still is not at the time of writing.

**Competition**

The successful holding of Presidential elections in 2004, and for the National Assembly and Provincial Councils in 2005, were major achievements in a context of severe underdevelopment, questionable security, and limited institutional capacity. An important element of the Bonn Agreement’s outline for political transition in
Afghanistan involved the progressive legitimization of the new Afghan government. The first stage in that process involved the transformation of the early Interim Afghanistan Authority into a transitional government through ratification by *loya jirga* in June 2002, to be followed by elections to the presidency and national assembly. In the event, the parliamentary polls were postponed due to a combination of legal, logistical and political factors – not least because no electoral law had been passed.

After a delay of a few months, the Presidential election took place in October 2004 with 23 candidates on the ballot. Many of these were the heads of influential *mujahedin* factions, the aforementioned *tanzim*, and relied on support through their networks of commanders and supporters with regional and/or ethnic bases, or in a few cases religious appeals based on status as *sufi pirs*. Masuda Jalal was the single female candidate. In the election Hamid Karzai gained 54.4 percent of the vote in the first round on an estimated turnout of 55 percent of 10.3 million registered voters. His nearest rival, Yanous Qanooni, a Tajik leader, received 16.3 percent. A Hazara *jihadi* leader, Mohaqeq, received 16.3 percent and the Uzbek warlord Dostum 10 percent. The front-runners had all been supported quite narrowly on ethnic and *jihadi* bases. The election demonstrated the dominance of the structures built up through years of conflict over party systems, while Karzai’s victory itself drew on the support across Pashtun tribal lines as the only national Pashtun figure, as well as strong US backing and broad optimism and support for the transitional process that remained among the population.

The limitations on parties described in the previous section were introduced in order to limit the influence of these types of political groupings that draw support from their influence over networks of armed commanders, or rely on ethnic and tribal appeals drawing strength from the traumatic ethnicization of the conflict in the decade before 2001. In the event it seems likely that these provisions had the opposite effect – as the *tanzim* parties were the only established political organizations they could take advantage of the vacuum of alternatives. Meanwhile, support and discussion around the emergence of new, or multi-ethnic, alternatives was limited.

---

8 On the increased ethnic dimensions of the Afghan conflict in recent years, see Glatzer, 1998.
The National Assembly elections in September 2005 largely reinforced this pattern. The system of single non-transferable vote further hampered party development, making it very difficult for organizations to strategically campaign, and leaving candidates to draw on their own localised support bases. The large multi-member provincial constituencies meant that candidates were often elected with very few votes and there were narrow differences between successful and unsuccessful candidates. However, it is important to consider that there is a genuinely deep mistrust of political parties in Afghanistan – in fact, 87 percent of the candidates for the national assembly election registered as independents. Despite this mistrust, about two-thirds of those elected had fairly clear affiliations with some form of party, mostly ethnic or jihadi (Wilder, 2005, 4-7).

One area in which the introduction of the new institutions did perhaps provide competition from novel directions was through the inclusion of women in the electoral process. The electoral law provides for positive measures to ensure the participation of women and marginalised groups. The *wolesi jirga*, or lower house of the National Assembly, has a reservation of 68/249 seats for women, a number in fact exceeded as about one-third of women who were elected won without benefit of the quota (Wilder, 2005, 3). A similar proportion of seats are reserved for women in provincial councils. One thorough assessment of the role of these provisions on women’s participation indicated that while they had provided an important opportunity for women to be represented, the articulation of gender specific interests and issues was hindered by a lack of support and enabling factors in the Assembly and disunity among female parliamentarians (Wordsworth, 2007).

In sum, while the conduct of both the 2004 and 2005 elections in Afghanistan represented an achievement, the legal order and practical realities under which they were conducted limited the scope for competition to become better institutionalised. Not only were there limitations on the ability of party grouping to articulate platforms in the face of the stronger pre-existing organizations and ethnic networks, but also the legal responsibilities of the bodies to be elected were as yet unclear and poorly understood – in the case of the provincial councils, the law on provincial councils actually post-dated their election. Furthermore, there are serious and enduring doubts about the preparations (registration, security environment) for the next elections, or the sustainability of the system as a whole. The electoral calendar calls for an
unmanageable number of elections, little sustainable capacity is yet evident in the Independent Electoral Commission, and the domestic fiscal basis for elections is not yet present.

**Vertical Accountability**

Afghanistan’s weak representative institutions, strong Presidentialism, and limited formal state capacity, all hamper vertical accountability. The Constitution calls for a number of elected bodies – at district, municipal and village level – that have yet to be established. However, given the highly centralised structure of the state and the extensive powers of the executive branch through the system of provincial and district governors, it is difficult to see how these bodies might bring true accountability to voters. As there have not yet been successful re-elections carried out in the country, it is difficult to assess the institutionalisation of accountability downwards to voters. However, the local level examples of informal elections under the National Solidarity Programme do point in some cases to communities making local office-holders accountable for poor performance or corruption (Nixon, 2008a).

The strong Presidential role in Afghanistan manifests itself nationally, where the links between performance and cabinet appointments have appeared weak and driven instead by political and stabilisation considerations. It also occurs subnationally, where provincial and district governors are ostensibly Presidential appointees (often mitigated by key powerholders, including powerful governors themselves). While formally local representatives of the central government with responsibilities for security issues and coordination, these governors actually practice a range of powers, including influencing other appointments heavily, controlling or shaping expenditures by line ministries (who have the primary responsibility for delivering services) and interfering in local governments such as municipalities. All these powers are enjoyed without sufficient frameworks of accountability, whether electoral or through oversight by elected bodies.

Finally, the weakness of the state itself is a form of limit on vertical accountability. The requirement that the state rely so heavily on external actors – both domestic and international – limits its ability to be called to account, or to call others to account, for poor performance. For example, in areas where security provision by the state is inadequate, then local militias may still play a role, and the government has even at times encouraged this (through for example the Afghanistan National
Auxiliary Police in Helmand) outsourcing of a key state role – to generally negative effect. Similarly, where international donors control the resources for public goods, the state can do little to enforce good performance or to answer for poor performance. Examples abound in the use of contractors by aid agencies for projects including roads and schools.

**Horizontal Accountability**

The balance of accountability among institutions of the Afghan state is, as in all nations, developing. For the first years of the transition the presence of an interim and then transitional authority meant that formal authority was essentially decree-based, with little or now horizontal oversight or accountability. The President, with the involvement of his cabinet, deliberated and decided on important policies. In addition, it appears that outside actors such as the US Embassy had important influence in decisions regarding the constitution and electoral system during this transitional period.9

With the establishment of elected bodies at the national and provincial level, a new dimension of horizontal accountability has been introduced. The National Assembly has the power to interpellate and pass votes of confidence on Ministers. However, this power has been ignored in at least one case – that of the Foreign Minister, who has acted despite the National Assembly passing a vote against him in 2006. Similarly, Provincial Councils have the ability to ask questions and oversee provincial administration – however, there are no corresponding obligations on the administration to respond in meaningful ways and the councils do not have any significant sanctioning authority (Lister and Nixon, 2006).

However, despite these limitations, the National Assembly and Provincial Councils have played some role, and one that is arguably increasing in significance. The annual budget approval process began in the fifth year after the transition to involve more assertive questioning by the National Assembly, particularly on questions of equity and civil servant compensation. However, these issues have yet to be met by adequate tools (for example a provincial breakdown in the budget document) to make them meaningful. In a very similar way, provincial councils have proven themselves assertive in pointing out issues and attempting to represent local

---

interest, while lacking the institutional framework to make this accountability robust and assured.

The independent agencies of the Afghan government appear to have limited ability to implement forms of horizontal accountability. The Afghanistan Independent Human Rights Commission (AIHRC), established under Art. 58 of the Constitution, is responsible for monitoring the observation of human rights in Afghanistan, promoting their advancement and protection, receive complaints to the Commission and refer cases of violation of human rights to the legal authorities, and assisting in defending the rights of the complainant. While the Commission has established some regional offices, carried out a number of studies, and is documenting violations where possible, it has not been able to actively hold government institutions to account. It also has been able only to approach the question of transitional justice from a documentation and information point of view.

Similarly, the Senior Appointments Board was established as part of the governance pillar of Afghanistan Compact signed with the international community in January 2006, and is responsible for reviewing appointments to key posts including governors and police chiefs. However, the commissioners themselves have noted that two years later they are unable to vet such appointments and have essentially been waiting for the high-level support needed. An anti-corruption commission established around the same time has also not been able to make significant inroads.

Summary

Five years after the intervention began, Afghanistan’s political system was still fundamentally structured by continuing disjunctures between a set of de jure institutions that were struggling to impose themselves on a much more complex, variegated, and informal de facto political reality. The state featured a range of formal features associated with a young democracy: an elected president, parliament and provincial councils; independent human rights institutions; and a growing body of laws, though with many gaps and confusion among existing legislation. At the same time, the relationships and roles of these institutions were often unclear or their capacity limited, the system of appointments to them often apparently subject to obscure influences and motivations, and corruption of various type often undermined the legitimacy and efficacy of both the input and the public goods outputs of most institutions of government.
Afghanistan thus falls far short of the requirements of being labelled democratic. In almost all areas noted above the gap between the formal provisions of the Constitution and the legal elaboration or de facto application of these provisions is vast. Formally, while the constitution and electoral system lay down most of the key elements of democratic institutions, there remain some ambiguous provisions regarding individual freedoms and the relationship between religious and customary law and the state. Nevertheless, the constitution allows the conditions for a relatively democratic Islamic republic. However, the provisions of the constitution have not yet been realised in the establishment of representative institutions, and numerous lacunae exist where law does not sufficiently specify the role of these and other institutions.

Beyond this gap, the state additionally is unable to enforce these provisions throughout the country even where it attempts to due to limited capacity and reach, further exacerbated by worsening conditions of insecurity in large parts of the country (see next sections). Finally, the practical ability of democratic institutions in Afghanistan, when established, to support the rule of law, participation, competition and accountability is hampered by persistent interference in their functioning through a dominant executive and strong systems of informal power that penetrate all levels of the state preventing institutionalisation of democratic practices. As Samuels has noted more generally in post-conflict situations: “A climate of unregulated power will ultimately undermine the stability and legitimacy of the new state, and in immature democracies, the institutions that have been built are frequently too weak to hold governments accountable, which jeopardizes long-term stability” (Samuels, 2006, 17).

This bleak picture, however, must be complemented by an appreciation of the severe conditions under which the transition in Afghanistan began, and the high expectations raised by the swift defeat of the prior regime. Furthermore, as noted in the introduction, understanding the transition in Afghanistan requires acknowledging that the political process there is not solely – nor even primarily perhaps – driven by an agenda of “democracy promotion”, but rather mixes a range of processes. This confusion, when combined with the complexity and fragmentation of local political realities, not surprisingly produces a very mixed picture and one difficult to interpret. It is further complicated by the failure of Afghanistan to achieve “post-conflic” status
and its continuing security issues, and the state capacity issues that result from its long decades of conflict.

Security: The declining balance

The security environment in which Afghanistan’s political transition has been taking place grew significantly worse in the course of the five years under review. This security situation has a number of dimensions, and is examined here from the perspective of the Government of Afghanistan and its international backers, but also from the perspective of the citizenry. The main characteristics of the security situation relevant to this discussion are the insurgency; physical insecurity from an absent rule of law; and other aspects of human insecurity most affecting rural populations.

Insurgency

The first dimension of insecurity has been a continued and indeed intensified armed conflict with an insurgency comprising several dimensions. While the rapid defeat, or retreat, of the Taliban in late 2001 suggested that the movement had collapsed, by the spring of 2002 there were already asymmetric-style insurgent attacks taking place in several provinces including the capital (Jones, 2006, 116). These attacks, with the normal seasonal variation, climbed quite steadily throughout the review period.

![Figure 1. Number of Insurgent Attacks, 2002-05](image-url)

**Figure 1. Number of Insurgent Attacks, 2002-05**

Sources: RAND-MEPT Terrorism Incident Database. The data incorporate insurgent attacks against Afghans, international aid workers and coalition forces.
However, the quantity and quality of insurgent activity took new directions in 2005-6. On the one hand, the deployment of more than 3,000 NATO forces to each of the southern provinces of Kandahar and Helmand dramatically increased the contact between NATO’s attempt to expand the reach of the state with anti-government elements, who had also planned to exploit the political uncertainty surrounding the suddenly expanded UK, Canadian and Dutch involvement in combat operations. In the summer of 2006 several large-scale pitched battles between international forces and Taliban formations numbering hundreds or in one case thousands took place, drawing comparisons with the Korean War. These battles resulted in severe casualties for the insurgents, and subsequent fighting seasons have seen an intensified return to asymmetric tactics in these areas.

At the same time, the intensity of asymmetric attacks in general, and suicide bombing in particular, had increased dramatically. While suicide bombing was unknown in Afghanistan until the 9 September 2001 murder of Ahmad Shah Massoud, and only took place five times until 2005, it occurred 17 times that year, and in 2006 jumped to 123 attacks (UNAMA, 2007, 10). Similarly, bomb blasts and rocket attacks approximately doubled in frequency between 2004 and 2006 (ICG, 2006, 6). These frequencies corresponded with expanding areas of the country where state authority was contested violently, and where military, police, human rights, and humanitarian actors found it more and more difficult to operate.

The composition of this insurgency has been the subject of much discussion, but certainly has involved several elements. There is an ideological and strategic leadership which has been largely based in or directed from Pakistan with overt or tacit support there among local Taliban, Islamist elements, and state security services. These elements are supplemented by some foreign fighters. There are a range of local commanders, sub-tribal elements, and local recruits in Afghanistan motivated by a range of grievances including tribal marginalization in the new governance structures, discontent over poor government performance and abuse, and abuse or deaths resulting from operations by foreign military units. Finally, there are a number of spoilers who benefit from continued insecurity and lawlessness via the lucrative and exploding drug trade – production for which is now centred on the most insecure provinces of the country (ICG, 2006, Giustozzi, 2007). Afghanistan can thus be characterised as experiencing an ongoing war.
Absent Rule of Law

While it is common for assessments of the security situation in Afghanistan to focus on the insurgency, for the citizenry there are other very significant dimensions to insecurity. One of these could be broadly characterized as the widespread and comprehensive failure to establish the rule of law, described in an earlier part of this section. Beyond the implications for democracy, this failure has very serious security implications. For most Afghans, the inadequacy and corruption of the police and the court system, coupled with the relatively unchecked influence of local and regional commanders, has produced a second severe strand of insecurity through victimisation.
by crime, sometimes at the hands of putative state authorities. In 2003 rural Afghans in a range of provinces rarely reported any crimes to police for fear of further victimization or corruption. At the same time, in many places these authorities as well as district and provincial administration were seen as linked to commanders and armed groups. Interestingly, the intensity of this form of insecurity was often greater in areas of the country that were “more secure” when viewed simply through the lens of insurgency (Feinstein Center, 2004, 50-58).

Human insecurity

It is important also to emphasise here that for many Afghans, other aspects of their situation are seen as primary sources of insecurity. These include societal and communal security, economic and resource security, and governance and political security (including to the elements just discussed). For many rural Afghans crucial “security” issues mentioned to researchers during the period under review were access to safe water and irrigation, education, and health care (Feinstein Center, 2004). While these public goods fall outside many traditional definitions of security, they are crucial to the creation of a secure environment for rural Afghans. In addition, the character of this form of insecurity has very important gender dimensions. Furthermore, due to the high expectations engendered in the early part of the transition, the failure by the government and its international partners to adequately provide these goods has an important impact on the legitimacy of the state – discussed next.

Political stability/instability

Despite the continued problem of insecurity in both military and human terms, the regime established after the fall of the Taliban has exhibited considerable stability. The reasons for this must include the co-optation of potential spoilers (ie the regional commanders such as Marshall Fahim of the Northern Alliance) by the government. In the absence of a robust disarmament programme the provision of ministerial posts and other concessions was important in drawing several major armed actors into the Kabul fold. At the same time, periodic cabinet reshuffles, and Karzai’s naming of two vice-Presidential candidates from competing factions before the 2004 elections have formed part of the dominant strategy of stabilization. While this policy, as discussed in Part Three of this case study, has produced costs in terms of broad legitimacy, there can be no denying the part it has played under the circumstances.
There have been relatively minor incidents of unrest and protest, including Kabul riots in 2005 following a US convoy motor-vehicle accident, and violent protests in 2006 after the republication of notorious cartoons depicting the Prophet Mohammad in Danish newspapers, or the reporting of the desecration of a Koran in Guantanamo Bay. In each of these instances order was relatively quickly restored, although at times over a period of days. Kabul experiences periodic peaceful protests ranging in focus across issues such as regional inequalities, kidnapping, salaries for civil servants and the like.

Statebuilding in Afghanistan

The adoption of a strong Presidential system would suggest a state structure with a fairly autonomous decision-making capacity. However, the need to balance competing interests alluded to above, coupled with extreme dependency on international partners, mean the Afghan government’s ability to design and implement policy has been sorely limited (Suhrke, 2007, 13-14). In areas such as constitutional design, counter-narcotics, elections, and security, the hand of international donors, and the United States in particular has been evident. Striking examples include the timing of the elections and the failure of the international community to deploy peacekeeping forces beyond Kabul until 2005 despite strong requests to do so from many quarters. This problem of limited autonomy has been exacerbated by the nature of cabinet politics in the country, where Ministerial seats have been often seen as sops to influential leaders and consequently the emergence of cross-government policy on issues such as local governance, rural development, or urban services is difficult to discern.

The Islamic Republic of Afghanistan also inherited a state structure whose processes were severely degraded by conflict, limited in its bureaucratic capacity, and with tenuous infrastructure for the delivery of any services. Nevertheless, a small core of civil servants and processes remained and did form some of the backbone for the resurrection of administrative structures (Evans et al., 2004, 142). During the five years since 2001 important gains were made in areas such as public financial management and budgeting at the central level, and some public services have begun to be delivered more widely, albeit mainly through national programme approaches and not established government processes.
In 2008 the World Bank, for example, is able to report that Afghanistan’s core public financial management systems perform on average better than low income countries, though issues around budget credibility, financial management within sectors, transparency, and audit, hamper the state’s effective use of public finances and budget as a tool of policy (World Bank, 2008b, i-vii). The development of state capacity followed an “asymmetric” and fairly Kabul-centred and Technical Assistance-reliant approach in the first five years after the fall of the Taliban. The result has been a central state that has functioning public financial management systems in the context of relative transparency and aggregate fiscal discipline (World Bank, 2007a, 7). Currency stability has been an important outcome of this process, though naturally other factors such as heavy aid remittances and the drug trade have also had an impact. However, the reach of the state in terms of public goods delivery has fared less well. As noted above, the state has proven unable to provide security across its territory, and falls far short of holding the monopoly on coercive force.

What gains in public services that have occurred have been through heavily donor-dependent national programmes. In health and rural development, the Basic Package of Health Services (BPHS) and the National Solidarity Programme (NSP) respectively, have expanded the reach of public services significantly through a mixed delivery model. In these programmes a central Ministry houses a programme department that contracts service provision to a range of – mainly international and some local NGO – providers. As a result, primary health care access has improved dramatically to 87 percent of the population, and key primary health indicators such as maternal mortality have fallen by 21 percent (World Bank, 2007a, 7). Similarly, community development councils were elected in about half of the country’s villages by 2006, and some 10,000 small rural development projects had been completed, with thousands more in the pipeline (Nixon, 2008a). However, the long-term structure for the delivery of public services remains varied and unclear by sector. Education has taken a largely state-led approach, and school enrolment has gone up dramatically, while major problems of facilities and quality remain.

In terms of large infrastructure, the state has been dependent on international donors almost exclusively, and there has been some success in this regard in reconstruction the main ring road linking the country’s major urban centres. However, as these projects have often been at least initiated off the government budget, the
Afghanistan Case Study

long-term fiscal and administrative basis for the operation, expansion and maintenance of heavy infrastructure is still an issue. Major works on electrification are underway, but in the first five years there were few sustainable gains made in the provision of widespread infrastructure needed for livelihoods and broader economic development. However, given the extreme state of the country’s infrastructure in 2001, these failures must be taken in perspective.

The prevalence and importance of informal structures has had a great impact on the capacity of the state to provide public goods, beginning most importantly with the failure to provide security and the rule of law. In essence, the population has been caught between the powerful influence of commanders and “warlords” and their influence over state structures on the one hand, and the mounting pressure from insurgents including Taliban on the other – the result is continued human insecurity as detailed above. In this situation, informal structures remain important in resolving local disputes and providing some semblance of law and order (UNDP, 2007). Where insecurity prevails, or corruption undermines access, the incidence of improvement in the other public services is constrained heavily. The problem of informal influence extends to the private sector, where businesses report the highest rate of “unofficial payments” (8.1 % of sales) in the region (McKechnie, 2007, 111).

These shortcomings continue to undermine public perceptions and evaluations of the state’s performance and conditions in the country. Between 2004 and 2006 the proportion of survey respondents reporting that the country was moving in the right direction fell by 20 percent from 64 to 44 percent. Among those who were dissatisfied, economic and reconstruction issues dominated as reasons. Unemployment, security, Taliban presence, Warlords, economic conditions and corruption were the largest problems reported. 77 percent felt corruption was a problem nationally and 60 percent felt it was worsening (Asia Foundation, 2006, 11-16). It is most likely that all of these indicators will have worsened since 2006. Beyond the dissatisfaction and unmet expectations just described, there is a tendency of declining legitimacy for the government due to its failure to address the political concerns of the population surrounding corruption, clientelism, and transitional justice. In the same survey 77 percent of respondents did not think the government cared what they thought, only 16 percent would approach a formal court in a dispute.
The overall situation regarding state capacity in Afghanistan involves two inter-linked dynamics. One is that the technical problems of increasing state capacity cannot be delinked from the political challenges. No matter what degree of public administration reform is achieved in the formal state sector, these gains will be undermined as long as clientelism and corruption prevent the application of these gains in the context of a “set of rules constraining powerful interests”, which would ensure greater fairness and thus legitimacy of the reforms (Lister 2007, 15). This issue is also bound up with the prevalence of informal systems influencing the provision of security and justice in particular, and the difficulties in distinguishing between those that may be more or less legitimate in doing so.

The second is the “statebuilding paradox” that the enormous dependency of the Afghan state on international resources and expertise to improve its performance may also be undermining its own long-term development and sustainability. The need to channel enormous resources through or around structures that have little capacity has generated a range of parallel structures, an external budget that undermines policy setting, and conflicting short- and long-term statebuilding imperatives such as the mix of counter-insurgency, counter-narcotics, and sustainable public administration reform (Nixon, 2007, 4). Beyond that, the fiscal sustainability of the state is a concern, with mounting requests for international assistance, climbing security expenditures, and positive, but modest revenue growth defining the medium and long-term fiscal framework.

In SY1383 (2004-05) international assistance constituted more than 40 percent of Afghanistan’s Gross Domestic Product (GDP), while domestic government revenues were only 5 percent of GDP — a very low ratio internationally. Despite increases in domestic revenues in the last year under review (2006-07), the ratio of assistance to total spending remained roughly the same. In other words, the Afghan state received nine times more resources from international donors than from its own economy. Such extreme aid dependency compromises the state’s sovereignty and ability to formulate and carry-out policy. Such difficulties were further compounded by very limited capacity of state institutions to execute funds made available to them (Nixon, 2007a, 7). This dependence not only diminished independence from international actors, but some would claim that extreme aid dependence also weakens the state’s ability to bargain with powerful nonstate actors. The state may be more
likely to accommodate such illegitimate power-holders because of uncertainty surrounding future aid flows. This problem is made worse in the context of Afghanistan’s opium economy, which provides these actors with an alternative source of income and power.

**The dynamics of security, statebuilding and democratization in Afghanistan**

There are strong inter-relations between the progress of establishing security, statebuilding, and democratization in Afghanistan. In the early period of the intervention, the imperatives of security and counter-terrorism acted counter to the interests of a robust statebuilding effort. Reliance on warlords and their militias in these efforts, combined with a relatively light multi-lateral peace enforcement or peacekeeping presence further constrained the establishment of neutral state structures. At the same time, the absence of these structures and the inclusion of informal but powerful actors contributed to the creation of an electoral but not institutionalized democratization and undermined the rule of law. In time, the failure to establish well-functioning state structures and their penetration by corrupt and illegitimate actors has further undermined stability by bringing into question the legitimacy of the new regime, particularly as it faced renewed threats dimensions stemming from the problem of insurgent support and sanctuary in Pakistan.

The conceptual framework of an “informal equilibrium” has been used to analyze the forces which have contributed to keeping Afghanistan “poor, dominated by the informal sector, weakly governed, lacking rule of law, and subject to chronic insecurity” (Byrd, 2007, 27-29). Since the Afghan state in its ruined condition and with only limited international support could not ensure security, warlords took over this role, but they undermined rule of law and had limited incentives to provide public goods. As time has passed, these warlords and commanders have been further entrenched and in many cases now hold positions of responsibility, creating a powerful constituency opposing the consolidation of the rule of law from within and around the state, just as it is challenged by deepening and widening insurgency from without. Patterns of international assistance have often been poorly suited to statebuilding goals (see part 4) by using parallel channels than the state to deliver what results have been seen. The lack of security, governance and rule of law further fuels the opium industry, which in turns undermines statebuilding through corruption of state structures.
Afghanistan Case Study

Figure 3: The Evolving Informal Equilibrium

Source: Byrd, 2007, viii
Section Two

Frameworks of Mobilisation: Qawm, Jihad and the Centre-Periphery

Introduction

In April 1978 the reformist Mohammad Daoud Khan was deposed in a communist coup that has come to be known as the Saur Revolution, and that plunged Afghanistan into a war that was to last until the invasion of the United States-led coalition in 2001. During that period, elites drew on a range of legitimising and mobilising forces, and thus defining fixed cleavages between factions can be deceptive. As with most peoples, so with the Afghans: identities are complex, and built from many overlapping claims of loyalty. Over the history of Afghanistan as a modern state, and during the war, leaders have drawn on different loyalties at different times, and there has been no single uniting claim – Islam, nationalism, ethnicity and ideologies have all played a role. Temptations to ascribe violence to one or other of these factors alone should be avoided, particularly since frameworks for mobilisation shifted as the war developed. This section discusses these frameworks against the backdrop of the recent history of Afghanistan and outlines key long-term and war-related factors that set the context for intervention, statebuilding and prospective democratization.

A.1 Long-term and Structural Factors

The development of the Afghan state is marked by a recurrent theme: that of a tension between centre and periphery, with Pashtun (generally of the Durrani tribal confederacy) rulers seeking to extend their power to the provinces, in a series of centralisation attempts which met – at best – mixed and temporary success. Modernisation, Islam, and communism have all been used to try to unite the country and to break regional power blocs; none have been used to lasting effect. New elites find themselves faced with a similar problem to the old: how to extend power over the remainder of the country.

(i) – (iv) The development of the Afghan state

The creation of a modern Afghan state can be said to have begun with the reign of ʿAbd al-Rahman Khan (1880 – 1901), a man described by Curzon as “at once
a patriot and a monster” (Tarzi, 2003, 2). Propped up by generous British subsidies in cash and arms, the “Iron Amir” embarked on a process of “internal imperialism” with the aim of securing the newly defined state boundaries. He intended, first, to weaken the power of independent land owners and tribal chiefs, and second, to make them pay taxes (Tarzi 2003), through the creation of the military, administrative and judicial institutions of a state. The justification for this assertion of authority was his interpretation of Islam, which set himself in the role of defender of the faith of Islam within the newly-defined borders of Afghanistan (Rubin and Malikyar 2003). As a tool of pacification he resettled semi-nomadic Pashtun tribesmen into the north, granting them firman (deeds) of land ownership (Wily 2003, Dorronsoro 2005). There, they could act as a buffer against Russia and ensure that he had partisan forces who could be relied upon to support the central state against the non-Pashtun peoples – primarily Tajiks, Hazaras and Uzbeks.

Amanullah Khan, the grandson of ‘Abd al-Rahman Khan, launched the first real attempt to modernise the Afghan state, creating the Constitution of 1923, Afghanistan’s first. The aim was to centralize and create a legitimate authority in Kabul which could undercut tribal institutions. However, he failed to set in place a coalition or sufficient military strength to withstand the resistance modernisation engendered (Suhrke 2006). Facing a revolt by Shinwari tribes, it also ran into trouble from both the religious establishment, who were concerned over the failure to specify Hanafi as the dominant school of Islamic jurisprudence (Dorronsoro 2005). Resistance by traditional leaders weakened him, and ultimately allowed a Tajik peasant rebellion led by a brigand known as “Bacha-I Saqao” to drive him from his throne (Weinbaum 1972).

Nadir Shah (1929-1933) came through British India and the North West Frontier Province, and took Kabul from the short-lived Amir Habibullah who had held on to power for nine months. The new king founded his monarchy on Pashtun nationalism: a conceit of racial superiority held by part of the educated elite and fostered by the British as part of a “cultural strategy of pacification” known as the Pathan Renaissance (Cullather 2002). Recognising the faults in Amanullah’s reign, he built a professional army – which he promptly used to launch punitive expeditions against non-Pashtun peoples in the north and central highlands – and was cautious not to challenge the Islamic clergy by establishing the Hanafi school. On paper, the new
constitution provided for general elections for males over 20. In practice, provincial officials, appointed by central government, engineered the election of handpicked candidates. The parliament was toothless, and acted either as a rubber stamp or was ignored. Nor did it last long: Nadir Shah was assassinated in 1933.

The long reign of Zahir Shah (1933-1973) can perhaps be attributed to his relative weakness: he refrained from extending authority over the rural areas, favouring a long-promised but never truly realised economic modernisation as the route to legitimacy. In 1963, Zahir Shah instituted his second attempt at constitutional reform – the first, abortive effort in 1949 was summarily ended in 1952 with the arrest of many of the most vocal dissenters. In September 1964, the draft constitution was put before a Loya Jirga, or grand council, which ratified it. Dupree notes that the process was viewed with a certain amount of disdain by tribal chiefs and religious leaders, whose memories stretched back to previous democratic initiatives. Afghanistan became a constitutional monarchy. The 1964 constitution in fact established the main features of constitutional monarchy. Based on considerable discussion and participation, it separated the three branches of government, excluding the royal family from public office and establishing to courts as the proper arbitors of disputes and criminal proceedings under an independent supreme court. However, in a foreshadowing of the 2004 Constitution, areas of potential contradiction existed between Shar’ia or statutory law, and in fact the 1964 law suggested (Art. 69) that statutory legislation might be prior to religious law. The consequences of an equality clause for the legal treatment of women was also unclear. Many of the institutional bases of democracy were there. The King balked, however, at approving a bill which would authorise the creation of political parties, in fear that the Wolesi Jirga would be used to advance the agenda of the radical Islamic right and a growing hard-line Communist left. The lower house took on the egalitarian nature of a tribal jirga, dominated by local notables and the clergy and without parties to unite members, it proved ineffective either as a legislature or as a check on the executive.

A growing intelligentsia, with significant membership in the military, became increasingly frustrated by the ineffectiveness of Parliament. In 1973 Prince Daoud Khan at the head of the modernizers brought the reign of Zahir Shah and the “second democratic period” to an end in a coup. Daoud’s tenure – he had himself been prime minister during the 1960s and early 1970s under Zahir Shah – was characterised by
attempts at large-scale modernisation and reform. He attempted to strengthen the state, abolished the monarchy, and launched wide-ranging reforms in the economy including land reform and land redistribution (Suhrke 2006). These reforms were accompanied by a repression of those who opposed the regime (Dorronsoro 2005). Afghanistan had increasingly become a rentier state, benefiting from its non-aligned status in the Cold War which enabled it to draw on the aid support of both the Soviets and the Americans – by the mid-1960s half of the country’s public expenditures were foreign funded (Johnson et al. 2003, 4). Kabul increasingly lost control over the development agenda and peasant income, after a period of stability lasting until 1966, had started to fall in real terms (Dorronsoro 2005). Propped up by external funds, Daoud Khan’s modernisation regime, therefore, could afford in the short term not to set up a wide coalition and bears the hallmarks of “political Dutch disease” (see Rubin 1995, Suhrke 2006).

The consequence of his failure to establish a wide base of support was similar to that of Amanullah: in contrast, however, it was not the traditional structures but the new modernist parties who toppled Daoud. In 1978 Daoud Khan was deposed by the Khalqi branch of the communist PDPA (the People’s Democratic Party of Afghanistan). They wasted no time in beginning a raft of radical reforms. Amongst other policies, these included a redistribution of agricultural land along socialist principles and a comprehensive education policy for both girls and boys which at one stroke threatened the power bases of the rural landlords, tribal aristocracy, and angered the clergy. Moreover, the state launched repressive attacks on the ulema and the tribal khans which are reported as having left 12,000 dead (Dorronsoro 2005). In the North, Pashtun khalqis from the cities were assigned administrative positions over non-Pashtun Afghans. Having alienated these powerful rural constituencies, a revolt was predictable. Triggered in Herat, and with Islam as its rallying cry, it swiftly spread to both rural and urban Afghanistan. Concerned about the fate of the communist revolution, the Soviet Union invaded in December 1979.

In the century preceding the invasion of Afghanistan by the Soviet Union, politics in Afghanistan was characterised by attempts by successive rulers to centralise their authorities. The modernisation reforms of Amanullah and Daoud both alienated key constituencies and issued from a narrow support base. They resulted in the removal of the monarch. The PDPA’s reforms were more deeply seated, and the
consequences shall be dealt with below. The stability during the reign of Zahir Shah can be attributed to his hesitance to modernise or interfere with existing structures. Only ‘Abd al-Rahman Khan, by legitimising his authority through Islam, managed to impose a centralised rule on Afghanistan which extended significantly and sustainably beyond Kabul.

(v) – (vi) Structuring social institutions: identity politics

Different sources of legitimacy have been called upon by political and military entrepreneurs (for the distinction, see Giustozzi 2005) at different times to unite and motivate elements of Afghan society. Afghan society is complex, and “characterised by a series of overlapping obligations of solidarity” (Schetter and Wimmer 2002). The word *qawm*, which Simonsen (2003, 708), translates as “solidarity group”; while most frequently associated with the tribal system, has also been used to describe association with ethnicity, religion, or profession (Rubin 1995).

_Tribe:_ The concept of a tribe is based on social segments built around a shared genealogical principle (Glatzer 2002a). Segments are constructed by descent from a common ancestor or common ancestors. “Tribes (i.e. segments in a tribal system) are constituted by the people's notion of being distinct from others through sharing closer common ancestry.” (Glatzer 2002b). Pashtun society is therefore structured along solidarity with clan and tribe. A second key principle of Pashtun society, however, is that of equality. This equality means that while an extraordinary leader can unite tribes through evidence of his superior talent, when that leader is killed or fails to follow through on his promise, the tribal coalition will swiftly disintegrate. As Glatzer (1998a) puts it: “Whereas tribes and their divisions are relatively stable and dependable, tribal leadership is not.” The emphasis of the tribal unit is therefore structural, and not necessarily political.

Furthermore, while the strategy of calling on a cohesive unit based on kinship ties is open to a tribal leader, in the south and south-west of Afghanistan this strategy is limited because tribes are less localised and geographically coherent than they are in the east of the country, and their status as coequals is mixed with hierarchies of political authority and property. Leaders may be forced to resort to other sources of legitimation to further political goals. In contrast, the Tajiks, while identifying
themselves by kinship ties, also identify with the local area, the village cluster or valleys (Glatzer 1998a).

Roussel, unpublished, emphasizes the importance of *manteqa* – translated, broadly, as “area of origin” – as a unit, often between District and village, which usually describes a village cluster and structures the institutions of rural life, such as the management of common resources like irrigation. Locality-based identification is common among non-Pashtuns, and also can structure the relations between communities and the mid-level commanders who have grown up through years of conflict to regulate and mediate local armed support to the larger political groupings or *tanzim*.

**Ethnicity:** Traditionally, ethnicity in Afghanistan was of limited use to leaders as a means of creating legitimacy. The ethnicities are too broad, and do not form obvious *qawms*. Thus, for example, there are fault lines in the Pashtun system between the Ghilzai Pashtun, broadly of the East, and the Durrani Pashtun concentrated in the South. The aristocratic families compete, and the egalitarian nature of Pashtun society makes ethnicity a difficult rubric to use to mobilise support. Where policies have had an ethnic element, these have generally been to exploit the loyalties and solidarity fostered by a shared *qawm* rather than ethnicity. For the Pashtuns therefore, while it is possible to draw on ethnic solidarity, in fact what is often being drawn on is the tribal links at the level of clan and *khel*, and not the common “Pashtun” heritage.

Ethnicity has a different role to play for the non-Pashtun groupings. The term “Tajik” has mostly analytical value, and has no particular resonance beyond shared language and religion, though the years of conflict have hardened its use at times as an identity (Glatzer, 1998, 170). For the Hazaras, there is a difference. The Hazaras speak their own dialect of Farsi. The ethnic hierarchy of Afghanistan has set the Hazaras as the lowest class of Afghans partly because the Hazaras are Shi’ite Muslims, while the other Afghan ethnicities are overwhelmingly Sunni. The Hazara homelands in the central highlands of Afghanistan were ignored by the Soviets, and they gradually managed to unite the fractured society. During the civil war, the party *Hizb-i Wahdat* emerged as the sole representative party for the Hazaras, offering a coordinated front for the first time. The party used religious rather than explicitly ethnic nationalism, however, as the means to mobilise their communities to form a
power bloc which could resist oppression by a Pashtun-dominated central government, their fate since the rule of ‘Abd al-Rahman Khan. Thus during the period between 1992 and 1996, Wahdat closed the borders of the central highlands to the Pashtun nomads who had been allotted lands under ‘Abd al-Rahman Khan (Glatzer 1998a).

Islam: The overwhelming majority of Afghans are Muslims. The Sunni Muslims follow the Hanafi school, often mediated through a range of customary codes. The Pashtunwali – or Pashtun tribal code of conduct – is not necessarily contradictory to Islam, although the emphasis is different (Glatzer 1998b). Islam has been used by the ruling class as a legitimising force for their authority. ‘Abd al-Rahman Khan in particular justified his rule by resorting to the amir’s place in the shari 'at. During the early period of the jihad, when the atheist Soviet Union troops remained in Afghanistan, Islam was used to great effect to mobilise troops. Indeed, as Dorronsoro (2005, 179) notes, arms of the central government themselves tried to harness Islamic terminology to legitimise their regime and discredit the mujahideen.

As the conflict progressed through the 1980s, the influence of Islamist politics increased steadily. This occurred in part through the material support provided to the most Islamist of the jihadi parties from the United States and Pakistan via various means including, in particular, the Inter-Services Intelligence agency of Pakistan – the ISI, themselves an organisation known for Islamic extremism ( In addition, the growth in Pakistan of madrassahs drawing on Deobandi teachings provided an ideological backdrop for the jihad and a steady stream of recruits for struggles in both Afghanistan and Kashmir.

B1, B2: War-related factors: type of war, warring parties, war variables

Introduction

The conflict in Afghanistan is ongoing. Security remains a challenge. This section will deal with the conflict during the period between the invasion of the Soviet Union in 1979 and the invasion of the United States-led coalition in 2001. During this period, three distinct stages are identified: the jihad (1978 – 1992), Civil War (1992 – 1996); Taliban pacification and rule (1996 – 2001). Each of these stages is marked by its own dynamics, variables and key actors. In what follows, the case study will deal with the main factors within each stage separately.
The PDPA successfully launched a coup in 1978. Their policies – which included violent attacks on community leaders, efforts to undermine traditional social structures and land relations and – most importantly – the “aggressive atheism” (Dorronsoro 2005, Ibrahimi 2006) of the communist regime – stripped their government of the most effective claims to state legitimacy used by rulers since ‘Abd al-Rahman Khan. The resistance to PDPA was spontaneous and widespread. Nor did the revolt express an obviously rural and urban divide. In Herat, where the revolt started, both city-dwellers and rural communities were involved. It was launched, not just against the alien ideology, but also against the political structures in place and the modernisation programmes which for a long period had alienated traditional values to no discernible benefit (Glatzer 1998b). Seeing their proxy in Afghanistan embroiled in a war they looked to be losing, the Soviet Union invaded in 1979. Hafizullah Amin was killed by Soviet Union special forces, the Parchami faction deposed, and the opposing Khalqi faction was put in place with Babrak Karmal at its head. The resistance continued unabated.

From the beginning of the resistance in Afghanistan, those exiles who had left Afghanistan to avoid the repression by Daoud formed parties in Pakistan and Iran. The Sunni parties, called tanzim, were based in Peshawar where the Pakistani government had ordered their consolidation to just seven (Ruttig 2006). These parties were political organisations who could be distinguished on the basis of their ideology, their leaders’ social position and their mode of organisation. Dorronsoro (2005) identifies three categories of parties: Islamist, clerical and patrimonial.

Recruitment flowed through the structures dominated by the seven parties, each of which acted as channels for the money flowing in to the mujahideen from external sources such as the United States and Saudi Arabia. These funds were channelled through the powerful Pakistani Directorate of Inter-Services Intelligence, a unit built up by the Central Intelligence Agency to support the war against the Soviets. Their preference was for parties who could be trusted to maintain the Pakistani cause when the jihad was completed. These parties recruited commanders in Afghanistan from mujahideen groups who broadly mirrored their own models – whether Islamist, clerical or patrimonial. The warring factions formed around these parties, which structured the nature of the resistance. Thus the war being carried out in
Afghanistan was waged in the case of both combatants - the Soviet occupiers of Afghanistan and their Afghan counterparts, as well as the Pakistan and Iran supported-Mujahideen groups – from across the borders.

The commanders who had mobilised guerrilla groups within Afghanistan, in turn, were willing to join since the *tanzim* provided arms, money, training, as well as providing more intangible benefits such as a wider solidarity network and a stamp of legitimacy when dealing outside one’s own *qawm* or *manteqa* groups (Dorronsoro 2005; Edwards, 2002, 151).

Internally, the country fragmented with the withdrawal of the state from the vast majority of the countryside, and institutions to take its place were necessary. Commanders came from leading members of the community: *khans*, the ranks of educated men and from the *ulema*. The ability of each to mobilise resistance to the government depended on their source of legitimacy. Where the commander was a *khan*, the source of legitimacy was their role in the tribal network and their traditional patrimonial networks. The educated class and *ulema*, however, could draw on sources of legitimacy which extended beyond their own tribe, and could therefore mobilise more widely. The role of the *ulema* in this was novel: sermons at Friday prayers across Afghanistan preached the obligation of *jihad* and the spiritual benefits of a death through martyrdom. In the early stages, mosques were used as spaces for the *mujahideen*. Likewise, educated men in the communities whose literacy was necessary to communicate with the parties in Pakistan and Iran, were able to mobilise fighters from across communities. While also drawing on patrimonial networks, their ability to escape from traditional structures enabled them to put administrative and military institutions in place which enabled them to professionalise their forces.

In Iran, the Shi’a parties were initially based around tribal leaders and highly fractured. The Tehran government sponsored the Hazara diaspora based in Iran over these tribal leaders, and in what amounted to a civil war, the diaspora parties won out (Ruttig 2006 p.11). From 1987 these parties were consolidated by the Iranian government into the “Tehran Eight”.

Claims to legitimacy took different forms in different areas. Thus in the Hazarajat a “clerical proto-state” was founded and ruled by the *Shura-ie Inqilab-i Ittifaq Islami Afghanistan*. The very inclusiveness of the *shura* ultimately caused its
downfall, as contradictory ideologies and agendas came to the fore and in 1984 it broke up (Ibrahimí 2006). Ismael Khan, in contrast, set up a “proto-state” based around himself, as amir, with institutions formed headed by individuals loyal to his own person (Giustozzi 2006). Initiatives such as these can be contrasted with tribal warlords, whose networks were kin-linked, or founded on military competence, as in the case of the khalqi militia commander Khano (Giustozzi and Noor Ullah 2006).

Civil War – 1989-1996

After the last Soviet tanks withdrew on the 15 February 1989, the claim to legitimacy offered by the jihad largely disappeared as the Kabul government was no longer supported by the Soviets. A national reconciliation drive initiated by the government split parties, as the Najibullah regime increasingly tried to forge links and co-opt former anti-government fighters. While funding by the United States to the mujahideen dwindled, Soviet funding of the Najibullah regime did not. As the Najibullah regime held on, sustained by Soviet money and arms, a limited number of organised and mobilised factions could be identified, each of them led by a military commander who have gradually been termed “warlords”.

Of the seven initial Sunni parties, those built on patrimonial tribal relations crumbled and the south and east of the country fractured and divided. The tribal aristocracy, drawing on tribal solidarity, had not constructed sustainable institutions. Robbed of the rallying cry of Islam, constrained by inter-tribal rivalries and, and bereft of their patrimonial glue (in the form of United States arms and money, supplemented by Saudi Arabian money), the parties built on patrimony and the powers of the khans based in the Pashtun tribal areas reduced in effectiveness. Their ability to recruit and maintain armed groups failed, and their leaders strength as “entrepreneurs of violence” faded.

In contrast, groups based on clerical and Islamist structures – mainly in the north and west – were marked by a gradual process of consolidation and regionalisation. The leaders aimed to build on the power that they had accrued during the time of jihad to control the resources of post-Soviet occupation Afghanistan. Thus Jami’at-i Islami (Jami’at) led by their military commander Masoud held much of the North; Sayyaf’s Ittihad-i Islami controlled Paghman; Harakat was dwindling in strength, due to weak leadership; Gulbuddin Hekmatyar’s Hizb-i Islami, despite the strong and continued support of the ISI, also gradually lost ground, due to an overly
confrontational and authoritarian approach which the other Afghan parties found difficult to accept. The Shi’a parties had consolidated, so that by 1989 only one remained, *Hizb-i Wahdat* (*Wahdat*), led by Mazari until his death in 1995, and subsequently by Khalili.

The *jihad* therefore marked a possible change in political fortunes: the Durrani Pashtun could no longer ignore the other ethnicities, whose mobilisation during the *jihad* had enabled them to overcome their perennial coordination problems. Thus the US-sponsored attempt in 1989 to form a government in-exile was dominated by Durrani Pashtuns and did not represent the power blocs that had evolved within Afghanistan. Without representation of the non-Pashtun ethnicities, it failed.

In 1991, the Soviet Union collapsed, and funding for the Najibullah government stopped. The regime fell in 1992, eventually pushed by the formerly pro-government militias which Najibullah himself had founded as head of the Afghan secret service, but which broke with the government as its funding dried up. Control of Kabul became the primary military objective of the parties, five of whom contested the city: Jami’at, Hizb-i Islami, Ittihad, Jumbesh-i Milli and Wahdat.\(^9\) Four of these were parties formed in Pakistan or Iran: the fifth, Jumbesh-i Milli, was led by the Uzbek Abdul rashid Dostum, a former gas worker. He had risen to prominence in a Soviet-formed militia located in Jowzjan, in the north of the country. The party started as the *Harakat-i Shamal* (the Movement of the North) in 1990 as an alliance of *jihadi* and formerly pro-government militia leaders. and formed a party, *Jumbesh* on 1 June 1992 with Dostum as the leader.

From 1992 to 1996, alliances between these parties were fluid and the fighting was intense. Kabul was the plum that formed the focus of contention (with only Haji Din Mohammad and Ismael Khan refraining from the competition). No party could gain pre-eminence. The city, which had remained relatively intact during the Soviet era, suffered daily rocket attacks. Each party had its own autonomous regional structure, set up during the time of the *jihad*. As the roads became more secure after the withdrawal of the Soviets, and trade increased, these groups increasingly turned to predation on the local communities and the trade routes. Dostum controlled the

---

\(^9\) *Harakat* controlled the West of the city, but did not compete for the capital, perhaps due to weak leadership. Two important national actors – Ismael Khan in Herat and Hajji Qadir in Jalalabad, also kept out of the fighting, and instead consolidated their regional power bases.
border-crossing at Hairatan; Ismael Khan controlled trade to Iran. Massoud exploited the gem and lapis lazuli mines in the Panjshir valley although reports differ in their evaluation of the income from these resources (Rashid 2007 asserts “$60 million in a good year for both; Rubin 2000 asserts $2 million per annum for the emeralds alone). In the increasingly-fragmented South, opium cultivation increased dramatically. Hekmatyar could draw on support from the ISI and Pakistan, who were looking for a proxy who could be relied upon to further Pakistani interests should they come into power. Each of these regional power blocs were rooted in regional trade networks, and were linked to the economic systems of neighbouring states.

Just as each party had its own rural power, so each had their own agenda: Jami’at and Hizb-I Islami wanted to construct a Sunni state, but there was a marked distrust between Masoud and Hekmatyar and a history of conflict between the parties. Sayyaf’s Ittihad had a similar goal, but had a more fundamentalist ideology. The structure of the conflict along party fault lines increasingly institutionalised and regionalised resulted in a process of ethnicisation. Unlike the other parties, Wahdat (almost exclusively Hazara) and Jumbesh (mainly Uzbek) saw themselves as being threatened by a possible reassertion of a centralised state, and sought regional autonomy. While formally they eschewed ethnically based rhetoric, informally the Wahdat was the centrepiece of Hazara nationalism and Jumbesh gradually came to represent the Uzbeks (from an initially broader ethnic constituency). Wahdat made life intolerable for non-Hazaras in the areas of Kabul held by them, and this strategy led to responses by the other parties, and ultimately the Ishfar massacres in Kabul conducted by Jami’at and Ittihad on 11 February 1993. Ethnicity gradually became politicised, but, as Giustozzi notes, this politicisation was not a cause of the conflict but a product of it. As Dorronsoro notes: “each of the parties were inevitably driven to recruit from a constituency which increasingly compromised a single ethnicity.”

The period following the point at which Soviet funding for the Najibullah regime dried up was the period least affected by spillover impacts. Shorn of external assistance, none of the parties could overcome the others – a factor to which the length and bitterness of the mujahideen interregnum can be attributed. Each party, with the increasing exception of Harakat and Hizb-i Islami, had autonomous

---

11 Ethnicity here can be divided along linguistic rather than genealogical lines. Thus Glatzer 1998a p.16 gives the example of the Persian-speaking Nurzai Pashtuns joining the mainly-Tajik Jami’at-i Islami.
structures, separate purposes and the ability to continue fighting, had therefore had the power to veto peace agreements (Cunningham 2006). The different agendas meant that agreement was impossible. It is possible that Massoud, who had gradually established dominance over Kabul, might have been able to stop the violence had the situation continued. As Hizb-i Islami became weaker and Wahdat defeated by a combination of Jami’at, Ittihad and Harakat perhaps a peace treaty might have been effected. Removal or neutralisation of the regional agendas and the destruction of Hizb-i Islami might have succeeded in providing a sufficiently wide band of negotiations that the remaining parties could agree to. Challenges would still have had to be overcome: Dostum’s Jumbesh was not widely accepted as a legitimate party, but these challenges might have been overcome due to its internal divisions – it included in its membership significant internal figures including the Jami’at commander, Atta Mohammad (Giustozzi 2007). It is unlikely that the Pashtun tribal belt would have accepted a central state run by Jami’at. The questions are moot, however, since the rise of the Taliban eclipsed the possibility.

Taliban Pacification and Rule – 1996-2001

The Taliban leadership came from Kandahar, and the first evidence of their growth as an organisation was in Kandahar Province, in 1994. Many of their recruits came from Deobandi madrassahs in Pakistan, which since 1978 had been the only place where Pashtun refugees could be educated. The Taliban were funded by the Pakistani Directorate of Inter-services Intelligence (ISI). As the Clinton Administration took a hands-off attitude to the ongoing war and CIA involvement in the region waned, the ISI continued to channel money into the country from Saudi Arabia, supporting their partisans, the Taliban. The lawlessness and predation which had marked the period between the withdrawal of the Soviets and the Taliban’s ascendancy had stripped the factions of their legitimacy, and the Taliban’s initially strict application of their interpretation of the shari’at was therefore welcomed in much of the country – particularly the South and East.

Massoud initially welcomed the Taliban, rightly considering them to be the final blow to Hizb-i Islami as a viable national force (Dorronsoro 2007). By the time he recognised they had developed into a true threat, however, it was too late. The Taliban’s defeat of Ismael Khan’s forces in 1995 eliminated one front and enabled them to concentrate their forces on Kabul. Massoud had marginalised Hizb-i Islami
and defeated Wahdat, and, ironically, it was the Wahdat who – beset by Ittihad, Jami’at and Harakat – allowed the Taliban into Kabul. Massoud’s troops withdrew north. Funded by Pakistan and by levies on the opium industry, gradually the Taliban conquered the country and drove out other forces. They took the Hazara central highlands, and finally held onto Mazar-i Sharif after losing it once. In 2001, only Massoud held out by virtue of his tactical brilliance, penned up in Takhar Province, Badakhshan and the Panjshir. The Taliban set about recreating a strong centralised state which “resembled a great deal the goal of Amir ‘Abd al-Rahman Khan” (Malikyar and Rubin 2003).

While the Taliban were ethnically almost exclusively Pashtun, they were not a traditional expression of the Pashtun tribal system. Their recruits drawn from the madrassahs, and their upbringing in Pakistan, distinguished them from the indigenous Pashtun tribal system. Indeed, their time in the madrassahs had ‘deracinated’ many of them (Rubin 2000, 1797). After they seized power in Kabul, they were careful not to challenge the tribal systems where it remained strong and functioned in its traditional fashion, but let these areas govern themselves relatively autonomously (Glatzer 1998a). Tensions existed in the Taliban hierarchy, whose supreme shura was dominated by Durrani Pashtuns, particularly when the Taliban were forced to draw on Ghilzai tribes for forces after the disaster in Mazar-i Sharif in 1998 which left 3000 dead and 3600 captured (Rashid 2000, 99).

While they “sailed through the Pashtun areas of the country with little fighting” (Malikyar and Rubin 2003) their conquest of and relationship with the other ethnicities was less sympathetic: the Taliban massacres of the Uzbeks and Hazaras in Mazar-i Sharif in 1998 and the Hazara’s reprisals against the Taliban, have succeeded in adding an ethnic dimension, “unprecedented” in Afghan history (Atmar and Goodhand 2001), although in some ways it resembled the ‘Abd al-Rahman Khan’s brutal suppression a century earlier. Here again, though, caution must be used in attributing the massacres to ethnic cleansing: that they refrained from treating ethnic Tajiks in the same manner has been attributed to the religious and class distinction, which expressed the Taliban’s desire to set the Shi’a Hazaras at the lowest rung of the Afghan social classes.

By the end of the Taliban period, the minority ethnic political organizations – with the exception of Massoud’s Tajik-dominated Jami’at party – had been crushed.
Afghanistan Case Study

The war had gradually ethnicised the country, a new process in Afghanistan’s history. The initial fervour for the *jihad* had been thoroughly lost during the infighting during the years of the *mujahideen interregnum*, and the *mujahideen* leaders and their parties had lost all legitimacy. The Taliban to a certain extent existed outside, and therefore could cut across the segmentary tribal system, which the Taliban left studiously (and very pragmatically) to its own devices wherever possible. Certainly, they were not accepted by the non-Pashtun ethnicities, and their actions sparked massacres on both sides in Mazar-i Sharif.

**B2 War-related factors: casualties**

It is difficult to get reliable figures for the number of civilian deaths during the period 1978 and 2001.\(^{12}\) Amongst the Soviet forces during the occupation (taken between 25 December 1979 and 15 February 1989) 14,453 of their personnel from all branches were killed, and a further 469,685 fell sick or were wounded whilst in Afghanistan. Figures for the number of Afghan deaths differ. Between 1980-1988 there was an estimate that there were around 100,000-150,000 combat casualties (SIPRI 1988 Yearbook) of a total estimated of 670,000 Afghan casualties during the 1980s. No statistics were found that further broke these total numbers down. A further estimate suggests that “more than 400,000 Afghan civilians have lost their lives in the 1990s alone”\(^{13}\)

**B3. War end/Peace Process**

On the 9 September 2001, two Arab journalists assassinated Ahmed Shah Massoud, and without his tactical brilliance, it is likely that the remaining pockets of *Jami’at* resistance would have been overcome by the Taliban, which would have exerted control over the entirety of the country. Events were to take a different turn, however, as two days later the United States itself was attacked.

On September 11 2001, commercial airplanes were hijacked and flown into the two towers of the World Trade Centre in New York and the Pentagon. A fourth never reached its target, but was brought down by its passengers in Pennsylvania. This act directly precipitated the war. The war was therefore ended by an exogenous event – the invasion of the international coalition, led by the United States. Until this

\(^{12}\) [http://users.erols.com/mwhite28/warstat2.htm#Afghanistan](http://users.erols.com/mwhite28/warstat2.htm#Afghanistan)

\(^{13}\) [http://www.csmonitor.com/2001/0920/p1s3-wosc.html](http://www.csmonitor.com/2001/0920/p1s3-wosc.html)
point, the Taliban had exerted control over an ever-wider proportion of the territory. From that point on, their days in control of Afghanistan were numbered.

**War end (i – iv)**

From late September 2001, the United States began to contact and provide covert assistance to potential opponents to the Taliban. They turned to the Northern Alliance, the “one realistic option” (Maley 2002, 260) for ground troops. That Massoud had set up an institutional rather than patrimonial party meant that the structures persisted beyond his assassination (Maley 2002, 261). After his death, the leadership of his “Supervisory Council of the North” – consisting of a parallel structure within Jamiat - was taken by three of Massoud’s lieutenants: Abdullah Abdullah, Fahim, and Qanooni. The prospect of the immense power of the United States being thrown against their enemies gave them an excellent incentive for cooperation. The United States air campaign was launched on 7 October 2001. It devastated the Taliban forces, who largely “melted away” as, in the early days of November 2001, Mazar-i-Sharif, Kunduz, and Herat fell to the Northern Alliance troops, largely without resistance.

No ceasefire agreement was put in place. While there was originally an informal agreement made by the United States that no party would take control of Kabul, the United States Secretary of Defense Donald Rumsfeld revoked that order and ordered the Northern Alliance into the city. On the 13 November, Northern Alliance troops led by the military successor of Massoud, Mohammad Qasim Fahim, entered Kabul without resistance. The Taliban had already abandoned the city. Kandahar, the Taliban’s southern stronghold, was to fall shortly afterwards.

**The Bonn Agreement: defining a process for reconstruction (v – xvi)**

On the 1 October 2001, President Bush announced that the United States would support a political transition and a United Nations coordinated reconstruction effort (Rubin 2004, 6). The Bonn Agreement, designed to determine the process for constructing a new government, was signed on 5 December 2001.

Four Afghan groups were invited. The Northern Alliance and the Rome group were the two most significant. The Northern Alliance was comprised mostly of commanders from the minority ethnicities, the Tajiks, Uzbeks and Hazaras. To these could be added Sayyaf, a radical Islamist and Pashtun, but one whose power base was
solely that of Paghman to the West of Kabul and not in the tribal areas or south. Their agenda could be described, broadly, as “politicized Islam, both Sunni and Shi’ite” (Rubin, 2004, 6). The Rome Group was comprised mostly of mostly Western educated Pashtun elites (Rubin 2004), and was supported by Zahir Shah, the king deposed in 1973. To these were added two smaller coalitions, the “Peshawar group”, under Pir Sayed Gailani, and the “Cyprus group” who consisted of Pashtuns and Hazaras, were backed by Iran, and were vehemently against the former king, Zahir Shah (Rashid 2007, 55).

The Bonn Agreement provided for the immediate transfer of Afghan sovereignty and sovereign powers to the Afghan Interim Authority, or AIA. It called for the convocation of an Emergency Loya Jirga (ELJ) within six months, which would have the power to decide on the Afghanistan Transitional Authority; a Constitutional Loya Jirga (CLJ) within 19 months of the ATA’s establishment; and, within two years of the ELJ, elections. The Bonn Agreement was to form the backdrop to the subsequent democratization and reconstruction of Afghanistan, and it as such there were several key features to it.

First, the Bonn Agreement was not a peace settlement, but a roadmap or process. It did not attempt to address the key problems and challenges faced, but rather specified a process for dealing with these challenges (Thier, 2004, 47). It did not therefore attempt to address the causes of the conflict, but rather put in place a process through which these could be addressed. To do this, it relied on the legitimacy of both the jirga and elections to underpin the process.

Second, its negotiation was not representative of Afghanistan’s population or all the warring factions, but has instead been described as a “winners’ conference”. It excluded both the Taliban and a range of small political movements that had emerged underground or in the diaspora during the Taliban regime with either pro-democracy or anti-Taliban tribal bases (Ruttig, 2006, 16-17). A further important exclusion was Hizb-e Islami, which subsequently declared jihad on the US-backed intervention. Whether the leaders of the Northern Alliance would have sat round the table with their long-term enemies is doubtful, but the exclusion of these leading warring factions was symbolic of the more general marginalisation of representatives of the Pashtun ethnicity and Pashtun mujahideen parties. As Brahimi, the Special Representative to the Secretary General, noted “that no one would remember how un-
representative the meeting had been if the participants managed to fashion a process that would lead to a legitimate and representative government” (Rubin, 2004, 7).

Third, the Bonn Process was presented with a problem: no single leader with broadly accepted legitimacy existed. The mujahideen groups would not easily accept a leader who had not participated in the jihad. Conversely, the bitter and increasingly ethnicised nature of the conflict participation in the jihad rendered the leaders of most of the parties abhorrent to the other parties. None of the leaders were free from accusations of human rights abuses and war crimes. A leader would almost certainly have to be from the majority Pashtun ethnicity. Massoud, who might have been an option, had been assassinated, was anyway a Tajik and had been accused of presiding over human rights abuses committed by Jami’at troops. Abdul Haq, a Pashtun and widely respected jihadi leader left during the nineties, but returned after September 11 2001 to incite a rebellion against Talib rule. He was executed by the Taliban on 26 October 2001.14 Facing the lack of an obvious leader, the decision was taken out of the hands of the Afghan parties: Hamid Karzai, an ethnic Pashtun and aristocrat from a Kandahari-based tribe, had the support of the United States and was appointed by the Bonn Accord as the President of the Afghanistan Interim Authority.

Fourth, the process was affected by events on the ground. While it was the United States air power which crushed the Taliban, it was the Northern Alliance who was on the ground and it was Fahim’s troops who took Kabul on the 13 November 2001. The reliance of the United States’ led Operation Enduring Freedom on the warlords of the Northern Alliance rendered their involvement in the new government inevitable. Even as Hamid Karzai was appointed Chairman of the AIA, three key cabinet positions went to the Panjshiri-dominated Northern Alliance in recognition of the de facto position on the ground: Dr Abdullah Abdullah the interior ministry, Fahim the Ministry of Defence and Qanooni the Foreign Ministry. As quid pro quo, these three accepted the leadership of Karzai and a limited International Security Assistance Force (ISAF).

---

14 Another Pashtun mujahideen commander, Haji Qadir, was assassinated in 2002 when he held the post of the Afghanistan Transitional Authority. The death remains unresolved – Johnson et al (2003) state that “until the killing is resolved, many Pashtuns will continue to blame Marshall Fahim”. The assassination prompted Karzai to replace his Afghan bodyguards, who were under the Fahim, to United States Special Forces (and subsequently private security contractors), Wimmer and Schetter 2003, 531.
Thus while the Pashtun warring factions were underrepresented and marginalised from government, the Panjshiri faction of the Northern Alliance were disproportionately represented. Not only did the Panjshiri control of the government alienate significant factions amongst the Pashtuns, but it also prompted non-Pashtun regional strongmen Ismael Khan and Abdul Rashid Dostum to entrench themselves in their regional fiefdoms. While in name Ismael Khan had fought under the Jamiat umbrella, he had remained functionally independent. Following the ouster of the Taliban, he had returned to his Herat strongholds and once more took control of state revenues in the form of customs duties. Abdul Rashid Dostum, as the Jumbesh commander, likewise returned to the Uzbek heartland in Sheberghan (Malikyar and Rubin 2004). In short, the process failed to create space for new, broad-based, forces to emerge, nor for existing influences to act reliably as checks and balances.

Fifth, the Bonn Process did not deal with disarmament or reintegration (Rubin 2003, 2). Initial efforts to do so by UN drafters was strongly resisted by the Northern Alliance and the draft only demands that armed groups are brought under the authority of the Afghanistan Interim Authority and would be integrated into the national army under the Ministry of Defence commanded by Fahim of the Northern Alliance. The process was affected by the aims of the United States-led Coalition, Operation Enduring Freedom (OEF). While Bonn aimed at instituting a statebuilding process, the CIA was swiftly rehabilitating the tribal militias disarmed by the Taliban “through the relatively simple means of distributing cash in such large quantities that the value of the dollar against the afghani was cut in half in three months, according to the IMF” (Rubin 2003, 1) To assist in their war on terror on al Qa’eda and the remnants of the Taliban in the South, OEF was acquiring new allies. “Throughout the next several weeks, Operation Enduring Freedom effectively handed control of Afghanistan to an array of regional commanders who had spent the early 1990s fighting each other in a vicious civil war” (Thier, 2004, 45).

These factors would profoundly affect the direction of post-Taliban Afghanistan. The losers who survived the US bombardment and Northern Alliance onslaught had fled the country. Neither Mullah Omar, the head of the Taliban, nor Gulbuddin Hekmatyar, had been captured (despite strenuous efforts to do so by the US forces). To the extent that there were key factions excluded from the process, they retained the incentive to destabilise the nascent Afghan state. To the extent that these
factions retained a military capacity – which, as subsequent events have shown, both the Taliban and Hizb-i Islami did – they also had the ability to destabilise the state and the ability to act as veto players. Thus the success of the Bonn process was undermined by the failure – or inability – of the international and national actors to bring factions who might act as destabilising forces.

The Bonn Process therefore had a significant impact on the subsequent failures of the statebuilding efforts by the international community, who were forced to throw their weight behind whatever government emerged from the Bonn Process. The Bonn Process as it actually proceeded can be seen as an imperfect solution to the “[t]he key dilemma…how to ensure both that the powerful players participate and are committed to the process, and yet also ensure that the process fosters political dialogue and empowers the people” (Samuels, 2006, 19). The focus was on an Afghan-led process, with a light international footprint. This committed the already implicated international forces into whatever agreement was reached between the political forces within the country; at the same time, by treating the war as finished, “the Coalition, the United Nations, and donor governments became party to some of the very struggles they were trying to defuse.” (Newberg, 2007, 90).

One further element deserves to be mentioned: the international community found itself unable to deal adequately with Pakistan, the main external veto player. The Taliban had fled to tribal areas in North-West Pakistan, where they were able to regroup, rearm, and – over time – launch the insurgency in Afghanistan. While cognizant of this, the United States relied on the support of General Musharraf, who under extreme pressure had declared his support for the United States’ War on Terror. His domestic support was weak, however, and he was unable to root out the remnants of the Taliban. In particular, he struggled to control all elements of the security apparatus and the Directorate of Inter-Services Intelligence in particular. Thus elements within Pakistan colluded to assist Afghan veto players. Consequently, the scene was set for the recurrence of violence, led by those Afghan elements who had not been thoroughly defeated during the invasion and who had not been engaged politically. The insurgency, led by former Taliban elements and (to a lesser extent) Hizb-I Islami, has grown in force ever since.
Section Three

Spoilers, Tribes and the New Model Modernisation

A. External intervention

Afghanistan (and indeed Iraq) represent “unusual cases of statebuilding after an external invasion, rather than a negotiated settlement to a civil war” (Paris and Sisk, 2007, 1). In Afghanistan the end of the war was driven by and coterminous with the international intervention, which took the form of a military engagement. It can therefore be contrasted with . The Bonn Process, which was led by the international intervention. The factors noted in this section therefore draw extensively on the foregoing discussion.  

A1 Parameters of the intervention

Following the attacks on September 11, NATO members formally and immediately invoked Article 5 of the April 1949 North Atlantic Treaty, which provides that an “armed attack against one or more of them … shall be considered to be an armed attack against them all.” (Maley 2002, 259). The United Kingdom and other European allies swiftly moved to condemn the attacks and stand with the United States. The United States however “snubbed” (Rashid 2007, 65) these advances. They did not ask for international support until the completion of the overthrow of the Taliban. Rather than drawing extensively on these potential allies, they preferred to be selective, using them as a “toolbox”, in the words of one commenter (Walker 2006, 5).

The United States mobilised a total of four aircraft carrier battlegroups, and the British eighteen battleships, fifty aircraft and twenty thousand troops. However, “the real work would be done by the one hundred and fifteen CIA officers and three hundred U.S. Special Operations Forces personnel inside Afghanistan, working with [Northern Alliance] leaders.” (Rashid 2007, 74.) These supported Northern Alliance warlords, who themselves The war was therefore committed on the cheap, reversing the Powell Doctrine that had been dominant in the Pentagon and which demanded mustering a concentration of US troops and airpower before an invasion took place – as in the first Gulf War. General Franks, in charge of the United States CENTCOM,

15 Please refer to section 2, B3 above.
refused to deploy troops to accept a surrender of the Taliban in Kunduz (who refused to surrender to the Northern Alliance) or to cut off retreats from Tora Bora, with the consequence that many Taliban leaders, ISI officers and al Qa’eda members escaped – including Osama Bin Laden (Rashid 2007). The first US non Special Forces troops landed on 25 November (Rashid 2007, 95).

On 20 December, the United Nations Security Council adopted Resolution 1386. This authorised under Chapter VII the creation of an international force, known as the International Security Assistance Force (ISAF). It was to be neither a UN body, nor indeed a peace-keeping body. It had wide powers, and was authorised to take “all necessary measures” to protect United Nations operations. Unfortunately, however, its geographic mandate was limited to Kabul and surrounding areas. It was only in late 2003 that the force was given a mandate to move beyond Kabul (UN Security Council Resolution 1510, Oct. 13 2003) and was structured under the auspices of NATO. By 2008, ISAF’s ranks had swollen to over 52,700 (Brookings Institute 2008, 10).

In parallel to the creation of geographically curtailed and resource-limited ISAF, the United States-led Operation Enduring Freedom carried out operations in the South. Their primary objective was counter-terrorist (Rubin 2006, 5). Seven thousand combat troops were maintained outside the command of ISAF, under the United States’ CENTCOM (Central Command). From the beginning, therefore, the international intervention was defined by split mandates. The United States pursued an agenda of counter-terrorism and ensured that ISAF remained cooped up in Kabul in order that OEF troops might have a free hand in the South. Coordination between the United States and ISAF was – and remains – weak.

Neither the United States nor the United Nations have a clear exit strategy.

A2. Election monitoring

The Joint Electoral Management Body (JEMB) was established by Presidential Decree (No 40, 26 July 2003), was composed of nine Afghan Commissioners from the Independent Electoral Commission (IEC) who were appointed by President Karzai and four international Commissioners appointed by the Special Representative to the Secretary General (SRSG). By the Presidential election, to be held on the 9 October 2004, they had registered “more than 16,000 domestic observers and monitors and approximately 227 international monitors” who would be
involved “closely watch voting in the areas where they are deployed, mainly concentrated in the regional centres.”

A3. Military aspects of the intervention

Rashid called the war in Afghanistan “the cheapest war America was ever to fight” (Rashid 2007, 63). The nature of the intervention was a product of poor planning by CENTCOM. Following the Clinton Administration’s hands-off policy towards the entire region – mitigated only later in his second term – and the first months of the Bush Administration where a similar attitude prevailed, the United States had no adequate plan for an invasion of Afghanistan. During the Clinton Administration the CIA had resisted arming or supporting the Northern Alliance, and particularly Massoud’s troops, since that would have infuriated the ISI (Rashid 2007, 48, 56) and perhaps lost valuable links to the Pakistani military and intelligence.

The total troop commitment was 4,500, led by each troop-committing country in turn (see Annex III). This group was initially led by Gen Sir John McColl, who was in command of fifteen hundred British troops. General McColl argued for the need to expand beyond Kabul, but was ignored by Secretary of Defence Donald Rumsfeld and was defied by Fahim, who kept his armed forces in and around the capital (Rashid 2007, 132). Already planning the invasion of Iraq, the United States refused to lead or initially even contribute troops (ibid, 133; Goodson 2003, 86). At the same time, the United States was pursuing the objectives of the War on Terror in the south.

Several calls for expansion of NATO were voiced. The participants at the Bonn conference, for example, requested that a United Nations mandated force be sent to Afghanistan. Lakhdar Brahimi, the Special Representative of the Secretary General (SRSG), while insisting on a “light footprint” for the United Nations, noted calls from “ordinary Afghans, as well as by members of the Interim Administration and even warlords for the expansion of ISAF to the rest of the country.” Nor did the coalition command press the militias of warlords to abandon the areas occupied by the OEF (Rubin 2006, 6), providing them with the opportunity to continue their predation and trafficking.

Unfortunately, for the initial years of the intervention, this did not happen. There was no appetite in the first three years for any peace enforcement – the troops

that could have been dedicated to Afghanistan were being concentrated on Iraq and the CIA were still running the show, even to the point of interfering with the United States Agency for International Development (Rashid 2007, 185). Instead, the state-building process was juxtaposed with a “peace consolidation” process that “was meant to maintain order among factions, allowing them to lessen their enmity while acknowledging, if implicitly, their de facto control of the country” (Thier, 2004, 47).

Facing opposition to expansion from the Pentagon (Rubin 2006) it was not until August 2003, after several months of negotiations involving NATO member states and the United Nations, that NATO unanimously agreed to take command and responsibility for the UN mandated International Security Assistance Force (ISAF) in Afghanistan (Walker 2006, 6).

Facing the need to show a success story in Afghanistan due to the upcoming election, and with the war in Iraq completed, the Bush Administration stepped up its commitment to Afghanistan in 2003. A further 8,000 US troops were deployed, making a total of 18,000. The yearly spending on aid was more than doubled from a paltry $740 million annual budget to $1.9 billion (Rashid 2007, 189). The focus turned from humanitarian aid to infrastructure. Following the election, however, the commitment declined once again.

The Provincial Reconstruction Teams were a product of the resulting “footprint dilemmas” (Paris and Sisk, 2007, 5). While the Pentagon had blocked the expansion of ISAF until 2004, their field commanders believed that development would be necessary to secure their military gains over the Taliban (Rubin 2006, 7). They argued for and won a roll-out of PRTs, which comprised of small units of military personnel accompanied by civilian aid specialists. In 2003, these were expanded beyond Kabul, and were harnessed by ISAF as a means of expansion (Rashid 2007, 200). Gradually ISAF expanded its mission into the rural areas: to the North in 2004, then in 2005 to the West By which time there were nineteen PRTs, fourteen of them American. The remaining PRTs were characterised by national caveat limiting their operations (ibid 201). ISAF only moved into the South in July 2006 (ICG 2008, 5). Even as ISAF has expanded, the United States retained around 7000 troops outside ISAF command, who have a variety of objectives (ICG 2008, 5).

The consequence of this two-year delay in implementing a country-wide securitization policy was to cede large areas of Afghanistan to the warlords, who were
Afghanistan Case Study

(as noted above) in some cases actively being supported by the United States. Likewise, including warlords in key positions in the Ministry of the Interior and Ministry of Defence allowed them to control the security institutions, and exploit them for the benefit of their clients and patrimonial networks (Sedra 2007). Efforts at disarmament, demobilization and rehabilitation (DDR) were obstructed by warlords, and poorly targeted, particularly at mid-level commanders (Dennys 2005). In 2004, Fahim still maintained 18,000 troops in and around Kabul (Simonsen 2004, 723). While ultimately these figures were dislodged by Karzai, as he consolidated his own position, an opportunity was lost.

The Tokyo donor’s conference in January 2002, following the Bonn Agreement, divided responsibility for reforming different branches of the security sector between different donors. The United States took on the Afghan National Army (ANA), the British counter-narcotics, the Germans the Afghan National Police and the Italians the justice sector. The consequence of this division was a lack of coordination, and very different paces of reform. The United States committed the most effort, but it too was delayed by their initial reliance on Fahim and by confusions in their role in combat operations. By summer 2006, the ANA still resembled an auxiliary force to the Coalition troops rather than a disciplined, sustainable, multi-ethnic, civil-government-controlled “national” army (Giustozzi 2007). Late delivery of vehicles kept ANA reliant on US logistics. Troops were equipped with United States M16 rifles rather than the ubiquitous Kalashnikov (Giustozzi 2007).

Progress with the Afghanistan National Police has been described as “pathetic and next-to-useless” (Rashid 2007, 204). Although the Germans took their coordinating role very seriously, they defined their financial and implementation roles in a much more limited way (Wilder 2007, 25). The police are often seen as a threat by the Afghan people, a situation stemming from low pay, a corrupt ministry and poor government and international backing for the Afghan justice sector. From 2004, the United States started throwing much more money at the police (Wilder 2007, 20; Rashid 2007, 190), hiring DynCorp International to manage the training. The process was marked by dual agendas, with the Germans looking to train the ANP as a civilian law and order, whereas the United States viewed them as playing an important role in counter-insurgency (Wilder 2007, 25).
A4. Intrusiveness – the Bonn Process

The Bonn Process defined the formal and informal powers taken on by the international and national actors in Afghanistan. Its first article (see Appendix 2, Article I.1) states that power will be transferred to the Afghan Interim Authority, which was chaired by Hamid Karzai. Vice-chairmen (for they were all men) were also selected in the course of the Bonn Process. The Afghan Interim Authority from the 22 December 2001 was the “repository of Afghan sovereignty” (Article I.3), was governed by the 1964 constitution (except insofar as that constitution referred to a monarch or was contradicted by the Bonn Agreement itself) and left no room for formal legislative or executive involvement by the international actors. It was to last until the Emergency Loya Jirga, The Bonn Agreement also created a Special Independent Commission for the Convening of the Emergency Loya Jirga, which was headed by the former Supreme Court Justice Mohammed Ismail Qasimyar.

The function of the Emergency Loya Jirga (ELJ) was to choose a “head of the State for the Transitional Administration and… approve proposals for the structure and key personnel of the Transitional Administration.” It took place between 10-21 June 2002. It was successful only in the narrow sense of bringing representatives together to choose a leader and maintain a fragile peace among the various armed factions. The key challenge presented was to attain an ethnic and factional balance, which could overcome the feelings of inequity following the Bonn Process. The selection process was impressively successful in producing a range of delegates according to a two-track approach “wherein approximately two-thirds of the representatives are to be selected indirectly at the district level and the remaining one-third are to be appointed by the Loya Jirga commission in consultation with various organisations, civil society groups, nomads and refugees” (ICG 2002, 7).

Several factors served to undermine this effort to ensure a process more representative than the initial Bonn Agreement. First, additional political delegates were added by Karzai (under the approval of the UN and US) who acted as a “blanket of intimidation” for the others (Thier, 2004, 54). Second, in the selection process, armed factions had used local powers to “prevent the election of undesirable candidates to the ELJ” – power which did not stop short of murdering the opposition (Ruttig 2006, 36). Third, both security services and intelligence services were operating inside the tent and were used to intimidate those who criticized from
mujahedin leaders. Fourth, the democratic factions (who had succeeded in securing two secular-minded pro-democratic deputy chairs for the ELJ) were confounded with intimidation and by the ban on political parties. This ban was prompted by Karzai and his US backers who wanted to prevent a strong opposition to Karzai (Ruttig 2006). The ELJ was therefore dominated by candidates linked to the warlords of the via the influence of the provincial governors and additional delegates, and failed to create the representative process lacking in the initial Bonn Agreement.

While the ELJ was formally dictated by the Bonn Agreement, this is not to say that international actors – and in particular the United States – did not have significant influence. The most abrupt expression of this came in the course of the ELJ, where the ambassador of the United States to Afghanistan stated in open session that Chairman Hamid Karzai would be the President of the Afghan Transitional Authority. The ongoing ban on political parties

The next step dictated by the Bonn Process was the Constitutional Loya Jirga. Prior to the Constitutional Loya Jirga itself, a nine member drafting committee convened. They eventually released a draft constitution about a month before the CLJ met on 14 December 2003. This draft was reviewed by a larger board, some foreigners and the National Security Council. In this process, the original proposals for a semi-presidential system were dropped in favour of a strongly presidential system (Rubin 2004, 11) – a result of internal politicking within the Northern Alliance and, in particular, a divergence in the political aims of Qanooni and Fahim. The CLJ itself went “better than many had dared to hope it would” (Rubin 2004, 10). Better preparations meant that opportunities for intimidation by the former mujahideen parties were curtailed. The President and his supporters – composed largely of technocratic reformers - were much more effective. Consequently the President achieve a much larger percentage of his goals. The debate around key elements of the form of the state – and in particular the degree of decentralisation and the existence of power sharing through a prime ministerial position - were viewed through an ethnic rather than technical lens. A centralized state was associated with Pashtun domination of the provinces and the minority ethnicities. The Uzbeks and Hazaras, under that narrative, seek a government structure which guarantees their security and where possible self-government. The Pashtun, in contrast “tended to want a strong and Pashtun-run central state” (Rubin
2004, 11). The Pashtun delegates, however, had united where the Northern Alliance driven by individuals with their own political agendas had fragmented. The Pashtun’s view won in the end (Rashid 2007, 215). The constitution derived from the CLJ was on paper one of the most centralized in the world, and failed to enshrine a prime ministerial position through which the Proposals for elected governors, or selection of governors from provincial council lists, by Uzbeks and Hazaras, were turned down and Uzbek was not taken on as national language. In the end, as Rubin (2004, 10) notes, the constitution was crafted with “an eye on the immediate demands of statebuilding” rather than the “immediate needs of long-term governance”.

**Box 3.1: Key Features of The 2004 Afghan Constitution**

The result of the constitutional loya jirga was a system that was heavily presidential, with a bicameral legislature and structured around a unitary centralized state apparatus. The legislature can review cabinet appointments. There are provisions for elected bodies at different administrative levels from the province to the village, but in the absence of local governments the roles of these levels of administration remain somewhat unclear. Municipalities exist as a true second tier of government, with some revenue-raising and spending powers. As reviewed in part one, Islam enjoys primacy as a standard of law, though some ambiguities are apparent with other international instruments and no specific jurisprudence is specified. The constitution also makes explicit provision for the multi-ethnic and multi-lingual character of Afghanistan.

A key part of the Bonn Process was the requirement to hold elections as called for in the constitution, and it was stipulated there that the Afghanistan Transitional Authority would in fact come to an end with the inauguration of the President and the establishment of the National Assembly. These two events were decoupled by a year, with the National Assembly and Provincial Council elections taking place a year after the 2004 presidential polls. The adoption of a presidential system in the constitution in a way responded to the desire for a unifying figure, but also gave intervenors, and the US in particular, a stable single interlocutor in Hamid Karzai. The adoption of the Single Non-Transferable Vote for the National Assembly elections, as discussed in part one, further limited the influence or development of legitimate rival power centres, attributed by some to “the unwillingness of President Karzai and his main foreign backers to have his power checked by an elected legislative” (Ruttig 2005, 41).
Executive policing

The international forces did not engage in executive policing.

Conclusions

Afghanistan is a rentier state (Suhrke 2006; Nixon 2007; see below Section 4). While sovereignty remains in the hands of the government of Afghanistan, and most of the international actors acknowledge the importance of “state ownership” of the reconstruction effort, the state is dependent for its survival on funds from the international community – in particular the United States, which is the largest donor – and on international troops. Consequently, the freedom of the Afghan government to operate is severely curtailed. It is evident therefore, that while formally the Bonn Process was dictated by the ELJ, the CLJ and the two elections, informally the process was heavily influenced by the United States and in particular their support of Hamid Karzai and their desire that he remain a single clear and unchecked interlocutor. Thus while “[i]n other post-intervention/war situations (e.g. Bosnia and Kosovo) similar influence be formalised, but the ATA, and in particular the president and his close circle, clearly look to the USA when making policy decisions.” (Simonsen 2003, 722). In practice, therefore, the degree of intrusiveness was significant, and is embodied in a series of decisions taken throughout the Bonn Process.

B. Diplomacy, normative pressure and persuasion

The effects of the pressure exerted by the United States are described in the previous section (A4). These were largely informal. The close relationship between the United States and the Karzai Administration – a relationship which only started to break down seriously in 2008 – has been exercised throughout the Bonn Process.

C. Modes of interaction between the internal and external actors

International peacebuilding interventions, despite set-backs and changes of emphasis and intensity throughout the 1990s, had more or less stuck to the sequence and logic of Boutros Boutros-Ghali’s *An Agenda for Peace* – negotiated settlement, peacekeeping, DDR, elections and eventual development – until 11 September 2001 (see Stockton, 2004, 27). What occurred in Afghanistan was a mixture of old models, applied to very new circumstances prompting intervention, and entirely new emphases related to the “War on Terror”.
Tension between political and military intervention in service of counter-terrorism and statebuilding is at the root of much of the course of political and institutional development in Afghanistan since 2001. From the beginning, the international intervention in Afghanistan was marked by dual agendas which, while not necessarily conflicting, ultimately in their implementation led to contradictory policies: “The international community’s desire to use the development of democratic institutions to forestall conflict – a highly instrumental and deliberate view of political change – has been thwarted by the same community’s overriding military objectives against al Qaeda and the Taliban.” (Newberg, 2007, 83).

The United States in its war on terror required that al Qaeda and the Taliban be defeated. However, the statebuilding agenda required that institutions be set in place which could rule Afghanistan according to laws, rather than personal power structures and the politics of the qawm. During the invasion, therefore, the US armed and supplied groups who would attack the Taliban and al-Qaeda structures in Afghanistan. The initial “light footprint” approach by the international community, combined with the cooption of vital factions in the immediate post-war environment, meant that from the beginning the statebuilding intervention faced entrenched militia commanders, who had fought during the jihad, bitterly contested Afghanistan afterwards, and who believed themselves entitled to a role in the state, whatever its form would be.

State strategy of co-option

By any standards, Karzai was faced with a monumental task. Rural Afghanistan had never taken kindly to attempts at modernization which would challenge tribal structures and the robust social fabric they entailed (Suhrke 2006). Attempts by Amanullah and Daoud both resulted in their rejection and removal from power. While war can bring stability to a state, it normally requires that the dominant pact has crushed its opponents (Hesselbein et al. 2006). This was far from the case: non-Pashtun ethnicities had mobilized during the war and presented coordinated fronts, with leaders entrenched, in command of militias and in possession of an array of distinct agendas. The post-Taliban period in the north and central highlands was marred by ethnically motivated attacks on Pashtun populations, who were deemed to have “collaborated” with the Taliban.
This is not to say that the Kabul administration was without advantages. The mujahideen commanders had long lost their legitimacy in the eyes of most Afghans – at least those outside their immediate power blocs (Malikyar and Rubin 2003). They relied on guns and the control of assets such as transit routes, customs posts and productive land to maintain their pre-eminence. Furthermore, the militias were justifiably wary of the might of the United States airpower, whose destructive capacity they had experienced at first hand against the Taliban. The presence of this threat effectively removed conventional warfare from the table as a viable strategy for Afghan elites to further their goals. However, while a direct attack might destroy the power base, but guerrilla warfare would remain a viable strategy. Furthermore, a strike against one risked turning other commanders against the regime.

Karzai compromised. Lacking money in the state coffers and the ability to exert power outside Kabul, the warlords on the CIA’s payroll were invited to join the government, placing state stability over the demands of state-building (Rashid 2007, 125 et seq.). Thus at least four Ministers were militia leaders, and a further 3 at least were irrevocably tied into institutions which survived the Taliban. Moreover, of the initial thirty-two provinces, 22 provincial governors were militia commanders (Giustozzi 2004).

The Afghan Transitional Authority, created from the ELJ, was marked by deep divisions. The leaders of the militias who could be distinguished on ethnic grounds could be in turn distinguished by the progressive technocrats and by the tribal aristocrats who had been involved since the initiation of the Bonn process (Suhrke 2006, Rubin 2004). Each had a very different agenda. The tribal aristocrats from the Kandahari families favoured a return to the old system, dominated by a strong central state. The Panjshiris would accept this, as long as they controlled the means of violence. This, however, was abhorrent to the technocrats, who saw the commanders as standing in the way of a centralized, progressive Afghanistan. The mujahideen commanders in turn distrusted the technocrats, remembering the role that the educated elite played in the communist regime. Dostum, Ismael Khan and the Hazaras were against a strong central state, and looked for a federal system (although Mohaqeq later threw his support behind Sayyaf). Sayyaf retained his Islamic fundamentalist agenda. Finding common ground would therefore be a challenge (Rubin 2004).
Karzai continued to try to co-opt warlords into the government. Karzai continued to use governorships as “carrots” to co-opt local strongmen. While formally governors play a coordinating role, they are also representative of the executive and they come with substantial informal powers. The district governor positions and heads of police are ways of creating incentives for local actors. Thus district governors are “gateways” to the government, as well as providing dispute resolution and problem-solving services. They are profoundly political, and change hands frequently. In this model, the appointment and removal of individuals is based on their ability to use their personal relationships – be they based on kinship, party affiliation, ideology or shared qawm – to further the aim of the state: the preservation of stability, and their acceptance of the central government as a legitimate force. From a state-building perspective, this created a tension with the technical reforms designed to reshape subnational government into a modern bureaucracy, where the legitimacy of decisions stems from the institutions, not the holder of the position.

While co-opting strongmen into the government, Karzai at the same time undermined those warlords the regional bases of those whom he perceived as more serious threats. Ismael Khan was one such threat. Khan had built up strong institutions in Herat during the 1990s, until it resembled a proto-state, with the officials appointed by him and loyal to him. As was the case in the Jumbesh heartland, Khan exerted considerable power over neighbouring provinces, for all that they were administratively distinct on the books in Kabul (Malikyar and Rubin 2004). To break into this set-up Karzai recruited second tier commanders, Amanullah Khan, from Ghor (with a history of Taliban sympathies) and Zahir Nayebzada (commander of the 17 Division), opposed to Ismael Khan, in order to undermine Ismael Khan’s power base (Giustozzi 2004).18 In 2004, Karzai appointed Khan as Minister of Mines and Industry, and subsequently the Ministry of Energy and Water. While this appeared to be a promotion, this was almost certainly not the interpretation placed on it by Khan, who was removed from a lucrative and effective power base (Dietl 2004). Marshal Mohammed Qasim Fahim was another such threat. Having originally been appointed to lead the Ministry of Defence, in 2004, Karzai dropped Fahim from his election ticket, perhaps prompted by Fahim’s refusal to step down as was required by electoral

18 Giustozzi (2004) is critical of the formation of spurious alliances, on the grounds that they have a history of backfiring and discrediting the administration.
Afghanistan Case Study

law. Dostum, likewise, was appointed the largely symbolic role of Chief of Staff of the Armed Forces in the Presidential Office in March 2005.

Strategies of state and rural elites

It is difficult to distinguish state and rural elites in Afghanistan, because the state-level elites who emerged from the war were rooted in rural power bases, and it was these power bases that provided them with an ability to play a role in Kabul. Karzai himself shared that characteristic: while he held the formal instruments of power in Kabul, his family hailed from Kandahar and his power-base was in Kandahari tribal ties. Ismael Khan and Hajji Din Mohammad were actors of national importance, but preferred to maintain their regional power bases rather than avail themselves of the institutional instruments that central government provided. It is possible, however, to distinguish between the larger commanders, who were a sufficient threat to the central state to be considered “state elites”, and those whose networks were too small to enable them to operate beyond their home provinces (these have been described as “tier 1” and “tier 2” commanders).

An additional dimension to a typology expresses the aims of the different factions. These can be arranged into three broad categories: those who were content to operate within the Bonn process with the aim of creating a central state where their own faction were in control or were heavily involved; those who were content to operate within the Bonn process and wanted a decentralized state, with their regional hegemony unchallenged; and those “total spoilers” whose aim was directly to undermine the Bonn process (chiefly the Taliban and Hezb-e Islami).

Those who attempted to stay within the Bonn process had two options, both of which have been used pragmatically. The first was to use the state instruments as a means of furthering their goal. The second was to employ their own institutions, regional networks and muscle, often through control over the production and trafficking of narcotics, to further their goals. The implication of the previous section was that these two strategies were not mutually exclusive, and most commanders attempted to avail themselves of both strategies. For the total spoilers, the dominant strategy has been violence directed against the state and their international sponsors.

The Constitutional Loya Jirga and his success in the Presidential election was seen by Karzai as offering a secure mandate, which he used to marginalize the
Northern Alliance and former mujahideen commanders. The cabinet announced in 2004 was therefore dominated by Western-educated technocrats (Suhrke 2006).

As the former mujahideen leaders were marginalized, they resorted to Parliamentary processes as an alternative. Various routes have been taken. For example, Yousuf Qanooni, one of the “Panjshiri trio” tried various political moves: reforming Jami’at into a wider organization, which failed in the face of Panjshiri infighting; running for President but lost to Karzai; attempting to set up an anti-Karzai opposition called Jabha-ye tafahom-e Milli-ye Afghanistan (national understanding front of Afghanistan) and involving the failed presidential candidates, which had, by 2006 “practically ceased to exist” (Ruttig 2006); and eventually running successfully as speaker for the Wolesi Jirga. Mohaqeq and Kazemi both left Hizb-i Wahdat, which had already split during the Taliban era, while Khalili remained allied to the Northern Alliance. Of these, Mohaqeq ended up third in the Presidential elections (behind Karzai and Qanooni) and was the strongest candidate in Kabul in the Parliamentary elections (beating Qanooni by 5.6%). Internal democratization of Jumbesh has marginalized Dostum and alienated a number of second-rank commanders, while in its heartlands it has been challenged by Jami’at commander Ustad Atta Mohammad and by General Abdulmalik (Ruttig 2006).

To finance their aims, the elites have resorted to a variety of income sources. The consistent decline in security has limited the ability of expatriate staff to manage projects effectively in provincial areas, and thus the disbursement of aid has been largely captured by local power holders (Barnett and Zuercher 2006). Transit trade is taxed, and customs revenue appropriated. Opium cultivation has spiraled out of control, and local strongmen (including the Taliban) and tribal leaders take a cut of the proceeds. The elimination of opium has proved to be outside the government’s reach, and is a product of the political economy of conflict. Eradication attempts, conducted by local police are frequently themselves captured, either by farmers bribing the eradication teams or by villagers agreeing with the eradication teams which fields – always those with the poorest yield, through late planting or lack of water – were to be eradicated (Mansfield 2008, 13; Mansfield and Pain 2007, 7). More aggressive eradication techniques themselves present a governance dilemma: aerial eradication would result in the further alienation of rural populations. Against
this must be weighed the financial sustainability offered by the opium crop on the armed groups and tribal leaders operating in the area.

Where possible, local actors use government structures to increase their control. Thus Gul Agha Shirzai, a partisan of Karzai and initially backed by the ISI and CIA (Rashid 2007, 96), was been implicated in the opium trade and was governor of Kandahar province (indeed, this was the reason he was removed, although he was appointed as Minister of Urban Development). Karzai’s brother is also widely believed to be involved in the narcotics trade. Lister and Wilder (2004) have emphasised the link between civil administration, military control, and political economy. Similarly, Koehler (2005) attributes the burgeoning opium economy in Nangarhar as being linked to poor governance institutions and the political economy of conflict. The central government has tried to cut these links by appointing government officials, but progress is slow – Ashraf Ghani’s celebrated wresting of USD 20 million from Ismael Khan notwithstanding (Dietl 2004) – and challenging the entrenched systems is proving extremely difficult.

**Concluding remarks:** According to most indicators, Karzai’s strategy of co-option cannot be considered to have worked. The co-option of the warlords undermined the legitimacy of the government in the eyes of opposing factions but also the normal people. The problems of Afghanistan during the nineties are frequently attributed to the warlords, and their involvement in the government was identified as a source of corruption and an ongoing cause of the weakness of some Ministries. By appeasing the warlords and co-opting them into the government, the legitimacy of the government was undermined in the eyes of the wider population (Donini 2006). Attacks have increased, particularly in the south of the country where almost all of the tribal zones are completely lost to government control. Coalition troops are involved in regular fire fights. In the north and west, the picture is more positive. While much of these areas are still run like regional fiefdoms, the grip of the jihadist warlords and militia leaders has weakened.

The Karzai administration is frequently criticised for not having challenged the warlords directly, rather than co-opting them into the government. Two perspectives are offered. The state-building specialists argue that Karzai ought to have challenged regional warlords directly, and severed their links to central state and provincial administrative power, as well as to the military. This might have succeeded
Afghanistan Case Study

if the United States had allowed ISAF to adopt a far more robust security posture and ceased their support to the warlords on the CIA payroll. Rashid (2007) argues that by failing to put US troops on the ground in the first place, and the subsequent lack of commitment by a United States distracted by Iraq, Karzai’s hands were tied.

The intervention in Afghanistan is thus an expression of the “co-optive” or even the “captured” peacebuilding model of Barnett and Zuercher, in which the international peacebuilders, state and local elites strategically interact in an equilibrium that limits genuine statebuilding. “Ceremonial” or “symbolic” reforms are the consequence, over a continuation to a greater or lesser degree of prior practices. “The double failure of ISAF to venture outside of Kabul and the US’s bargain with the warlords meant that other peace-builders would become captured.” (Barnett and Zuercher, 2006, 4, 28).

D. Linkage, integration, regional convergence

Afghanistan lies in the heart of Asia, and borders Pakistan, Iran, Turkmenistan, Uzbekistan, Tajikistan and – by a thumb of land stretching through the high Pamirs – China. It lies between the ex Soviet republics of Central Asia, the subcontinent and Iran. It famously straddles the trade-route between China and the markets of Persia, Asia Minor, the Middle East and Europe. By turns transit route, buffer zone and lawless badlands, culturally and economically Afghanistan is irrevocably integrated into the regional context. This article is not the place to deal with complexities of what would comprise several works in their own right. The key issues will be reviewed briefly, in turn.

Political, security and diplomatic links: Each of Afghanistan’s neighbours, as well as international powers including the British, Russians and United States, have specific political agendas for Afghanistan. Of the regional actors, the most significant in recent years has certainly been Pakistan. This section will focus primarily on the Afghanistan’s political and security linkages of Pakistan, which can scarcely be overestimated.

Pakistan’s involvement in Afghanistan should be seen through the prism of their concern about Kashmir, and the imperative that India should not gain a foothold in Afghanistan. Recent political engagement has been multi-faceted, and has revolved around clientelist links to factions acting within Afghanistan. During the jihad against
the Soviet regime in Kabul, the ISI was built up by the CIA and brought in thousands of Arab and Central Asian fighters. During this time, General Zia, who ruled Pakistan, had ensured that in exchange for providing a support base for the Afghan *jihad* the Reagan administration would not interfere with his internal governance of the country (Rashid 2007, 89). Moreover, as we noted above, the ISI governed the distribution of funds and arms to the Afghani *tanzim* parties, favouring in particular the Pashtun Islamist leader Gulbuddin Hekmatyar’s Hezb-e Islami rather than the less pliable Tajik *Jami’at-e Islami*. The aim of the ISI was to prepare Afghanistan for a regime that would be favourable to Pakistani interests.

After the withdrawal of the Soviets in 1990, the CIA lost interest in Afghanistan. Support was withdrawn, leaving the funding to come from the Saudi Arabians. As civil war broke out, Hekmatyar’s Hezb-e Islami – the ISI’s favourite – failed to overcome the other *tanzim*. In 1994 the Taliban, funded and trained by the Pakistani ISI, grew to become a force in South Afghanistan. They drew many of their recruits from Afghan Pashtun Deobandi madrassahs located in the Pakistan (Rubin 2000). With continued support and tactical advice from the ISI, they gradually took all but a sliver of the country. At the same time as their support shifted from Hekmatyar to the Taliban, the ISI also took the opportunity to train and raise Wahabbist and Deobandi militias in Kashmir, with a view to threaten India (Rashid 2007, 111). Tensions between Pakistan and India over Kashmir had increased, as both sides tested nuclear armaments.

These raised tensions made it impossible for the Clinton Administration to support the Northern Alliance, who by the end of the decade were severely on the back foot against the Taliban. The risk of destabilizing the region and causing a larger war which might escalate into a nuclear exchange was perceived as being too great, and while threats were made they were ignored. The Bush Administration, on taking office, saw no reason to change this policy, despite warnings that Afghanistan was being used as a terrorist training camp.

Following the attacks of September 11, Musharraf was put under great pressure by the United States to declare itself as a friend, or as a foe (Rashid 2007, 27-30). In the face of internal pressure from powerful generals, he noted that Pakistan would lose Kashmir if they were branded a terrorist state, and agreed to a seven point US list of demands, with which they were confronted directly after September 11.
However, at the same time as Musharraf pledged allegiance to the United States, ISI officers continued to support the Taliban against the Northern Alliance troops. The ISI however remained on the ground in Afghanistan, supporting the Taliban, even during the United States attacks themselves. At the same time, they promised the CIA that they would be able to find a “Taliban-lite” who would be able to engage in the Bonn Process while at the same time playing the Rome Group, secret advances to the Northern Alliance Pashtun and Pir Sayed Gailani’s Peshawar Group. In fact, however, the ISI had no intention of splitting the Taliban and were actually playing the United States media and trying to “ferret out” moderates in the Taliban regime (Rashid 2007, 72) to betray them to Mullah Omar.

After 9/11 Musharraf’s support was bought by the US – in exchange for support in their war on terror, for which they received $500 million in logistical support (Rashid 2007, 148) as well as $600 for emergency aid and a moratorium on debts. Similar to the deal cut between General Zia and Reagan, Musharraf cut a deal with the Bush Administration, where the CIA provided support to the mujahideen as long no criticisms of internal governance were forthcoming. The War on Terror focused on al Qa’eda, rather than on the Afghanistan Taliban, and consequently while the ISI stamped down on internal terrorist networks, which they were increasingly struggling to control (Maley 2002, 260) the Taliban were largely allowed by extremist elements in the Pakistani security forces to set up bases in Quetta and to filter back over the border into Afghanistan from where they started, in 2003, to relaunch attacks (Rashid 2007, 232).

Iran’s involvement with Afghanistan has been far lesser than that of Afghanistan. Iran’s interests have been those of security and religion, and to this end they have supported proxies within Afghanistan. Two chief proxies can be identified: on the one hand, there was Ismael Khan, the Amir of Herat, was used as a reliable interlocutor. During the civil war until his ouster by the Taliban in 1995, Khan consolidated his position in Herat and built lucrative trade relations with Iran, eschewing the fight for the Kabul. Khan escaped into Iran on more than one occasion. On losing Khan, and finding the Taliban on their border, they supported the ongoing resistance by Northern Alliance against the Taliban. Later they acted as a valuable interlocutor with the Northern Alliance in Bonn, persuading the Panjshiris to insist on fewer seats in the initial cabinet (seventeen rather than twenty). Second, the Iranians
hosted and consolidated the Hazara Shi’a parties fighting the Soviets as noted above. Their interests were those of religious solidarity rather, like those of the Pakistani regime, the desire to control Kabul.

The relationship between the three former Soviet Republics, Turkmenistan, Uzbekistan and Tajikistan, can be traced from the fall of the Soviet Union. Each of them are governed by regimes that remain violently opposed to Islamist movements within their countries, and consequently each of them had good reasons to resist the success of the Taliban. Thus the Taliban provided support and a base of operations to the Islamic Movement of Uzbekistan. The IMU consisted of Muslims from the Ferghana valley, and was originally formed to oppose President Islam Karimov, until he “drove them underground” (Rashid 2007, 67). They later fought on the side of the Islamists in Tajikistan’s civil war. Both Tajikistan and Uzbekistan accordingly funded Northern Alliance proxies who were pitted against the Taliban. Thus Tajikistan had a long history of support for Massoud’s troops, and continued a vital umbilical cord of assistance to him as he was penned back into Takhar Province. Uzbekistan supported Dostum with arms and later with refuge against the Taliban. Later, both countries provided invaluable bases for the attack on the Taliban, for which they received American money (despite Uzbekistan’s appalling human rights record).

Cultural links: Together, Pashtuns comprise the “world’s largest tribal society” (Glatzer, 1998b). Proposals to create a greater Pashtunistan, merging the Pashtun of Afghanistan with those of Pakistan, have not been seriously entertained since the time of Nadir Shah. Nevertheless, the common ethnic culture and porosity of the border has meant a good deal of interaction between the two. Iran’s links lie mainly with Herat. The city of Herat once lay in Persia’s Khorasan provinces, and was one of the foremost cultural centres of the Safavid Persian empire. Both Iran and Pakistan has been Pakistan hosted refugee camps in which three million Afghans lived. Cultural links to the Soviet Union Central Asian republics are weaker.

Economics: Afghanistan remains a significant trade route, acting as both market and transit route. One of the benefits that the Pakistanis were seeking when they sponsored the Taliban was to ensure that the transit routes to markets beyond Afghanistan were open and free from the predation and roadblocks. After the fall of the Soviet Union, the Central Asian states opened up to the world as largely ungoverned and unregulated markets (Rubin 2000). They formed an incentive, and
Afghanistan was the obvious trade route through which trade between the Subcontinent, Persia and Central Asia must pass.

Trade has increased with all partners. Thus economic trade with Pakistan rose from $20 million in 2001 to $700 million 2004 (Rashid 2007,193). According to Afghanistan government data, Pakistan remains Afghanistan’s largest trading partner (Paterson 2006, 12). Moreover, since Indian trade was not permitted through Pakistan to Afghanistan, India prevailed upon Iran to open up its ports to trade and to improve its transport links to the Afghan border (ibid. 192). However, much of these trades are imports, which far outstrip exports. In 2004-2005, Afghanistan posted a huge trade deficit of $2.69 billion, or 45 percent of its GDP (Paterson 2006, 11). These numbers do not, however, take into account its illicit opium exports (considered below). While there have been efforts by the World Bank to relax tariffs, and open trade relations, the markets are still regulated by informal controls and many of the same traders who dominated the trade during the civil war continue to dominate it after the ouster of the Taliban (Lister and Pain 2004).

Opium flows across the Afghanistan’s porous borders, fuelling smugglers, tribal warlords, the mafia and criminal networks – as well as drug addiction – in neighbouring countries. Opium production has increased dramatically since the nineties from 77,000 hectares cultivated to a present 157,000 ha in 2008 according to United National Office for Drugs and Crime figures (down from 193,000 in 2007). That still leaves a staggering 7,700 metric tons of raw opium produced in one year. Not all of this is traded across the border, since the lack of significant price fluctuations despite the spike in supply leads to the assumption that large stashes are being left inside the country, for 7,700 metric tones. The World Bank estimated that that $2.7-$2.8 billion in opium and its derivatives across the border for the previous year. As of 2005-2006, this was estimated as compromised a half of the national economy.

Refugees who fled Afghanistan during the ongoing war form an important part of the transnational network linking Afghanistan to Pakistan and Iran. According to United Nations High Commissioner for Refugees (UNHCR) repatriation figures, at the end of January 2005, 2,256,712 individuals had returned from Pakistan and

Afghanistan Case Study

767,887 from Iran leaving up to four million Afghans. Saito (2007) notes that around 3 million registered Afghan refugees lived in Pakistan and Iran as of 2007 of which the majority were in their second or even third generation of displacement. Not all those Afghans abroad should be characterized as refugees however. Many Afghan rural families will send one or more son to Pakistan or Iran to the labour markets there to obtain a yearly remittance of between $500 to $1200 per person (Stigter and Monsutti 2005, 10). These form a vital part of household livelihood strategies, and entail a continued back and forth movement of Afghans across the border – which obscures information on refugees. Migrants hoping to access the labour markets of Iran and Pakistan may travel illicitly or with a passport and visa. Increasingly however, both Iran and Pakistan are trying to limit the number of Afghan labourers and refugees within their borders.

Civil Society: the civil society linkages between countries are limited, and largely consist of support to parties, dominated by paramilitary rather civil purposes. These matters have already been touched on in the course of this paper.

International Events

Afghanistan has been central to the history of the region and, more broadly, internationally. These have been referred to in the course of the paper, and this section will serve only to highlight the broad brush-strokes of the

The Soviet occupation of Afghanistan, following the probable failure of the PDPA regime, was famously described as an “open wound” and is generally considered to have precipitated their eventual fall. The opportunity afforded by the jihad triggered American interest and CIA involvement in the region, resulting in the alliance between Pakistan under General Zia and the Reagan Administration, and the creation of the ISI as the power it remains to this day inside Afghanistan.

Subsequently, as the Cold War ended and the Soviets withdrew from Afghanistan, American interest in the region waned. Civil war between Afghan factions filled the vacuum left, until the ISI-supported Taliban overran the country. Al Qaeda found a safe haven from which they could train Muslim extremist fighters from around the globe, and despite escalating concern from the Clinton Administration, nothing was done for fear of alienating the Pakistan security forces
and precipitating instability in the region which could lead to war between India and Pakistan, two nuclear powers.

The al Qa’eda attacks on America happened in part because of the American’s neglect of the region. The international support for the inevitable American attack on the Taliban offered an opportunity to reconstruct Afghanistan. Unfortunately, the agenda was dominated by the Bush Administration’s Global War on Terror which focused on capturing al Qa’eda instead of engaging with the Taliban (Rashid 2007, 240 et seq) and which was done on a shoestring in order to preserve troops and materiel for a forthcoming war on Iraq. The priorisations of the Bush Administration have left the region destabilized, as the Taliban and insurgency occupied increasingly large swathes of the countryside.

Afghanistan is a member of the South Asian Association for Regional Cooperation (SAARC), a group which includes India, Pakistan, Bangladesh, Sri Lanka, Nepal, Maldives and Bhutan. Afghanistan joined as its eighth member in 2007. This includes Afghanistan in a preferential regional trading agreement with the other members of SAARC. Moreover, after the fourteenth summit in 2004, a new agreement which brought into existence a South Asia Free Trade Agreement (SAFTA) was signed. This has not yet been ratified. Afghanistan is also a member of the Economic Cooperation Organisation and the Organisation of the Islamic Conference. None of these organisations, however, have had a great impact on policy within Afghanistan, and are eclipsed by the influence exerted by the international donors on whom Afghanistan is dependent.
Section Four: International Assistance and Democratization in Afghanistan

Summary

The intervention outlined in Section Three above has been accompanied by large amounts of international development assistance across a wide range of sectors, including specific assistance to statebuilding and democratization activities. Most obviously, international funds have supported the phases of the Bonn Process, supporting the two loya jirgas, and funding the Presidential and Parliamentary elections in 2004 and 2005. Estimates place the total official ODA to Afghanistan at approximately US$ 10.9 billion since the start of the intervention. However, this figure does not reflect a wide range of spending in the security sector, and can only be considered as very approximate.

Interpretations surrounding this international assistance vary. Some commentators note that it is far less than the amounts pledged (some US $25 billion) or the amount provided per capita to other countries facing the challenges of peacebuilding and post-conflict recovery. At the same time, international assistance to Afghanistan funds 90% of all public spending through its contributions to the national budget and to direct assistance (Waldman, 2008; Nixon, 2007b). With international aid representing some 40 percent of the non-opium GDP, Afghanistan has emerged as one of the most aid-dependent countries on the planet.

In addition to the quantity issues of aid to Afghanistan, there are significant issues with the purpose and delivery of assistance. While it is not possible to obtain exact figures, the emphasis described in the earlier sections on security and counter-terrorism has meant that a lot of assistance has been for security expenditures in the early part of the intervention. In general, much of the assistance has been delivered in a very supply-driven manner according to the sectoral or geographic priorities of particular donors. This pattern is reflected in the budget structure of Afghanistan, in which some two-thirds of the assistance that has been given since the intervention began has fallen outside the state budget, and therefore is difficult to align or harmonize with national priorities. At the same time, the Government of Afghanistan has been unable to spend, or execute, much of the budget that is made available to it for development purposes due to constraints on the capacity of the ministries, and has
had difficulties effectively prioritizing its spending according to coherent development plans. An important exception to both of these latter problems has been the use of multidonor trust funds – most importantly the Afghanistan Reconstruction Trust Fund (ARTF) – allowing programmed funds to be matched with budget support under internationally acceptable fiduciary procedures. The elaboration of an Afghanistan National Development Strategy (ANDS) in 2006-8 has provided some more direction, but even at the time of writing has not been adequately costed or prioritized. However, the first two years of efforts to monitor the partner document of the ANDS, the Afghanistan Compact, through the Joint Coordination and Monitoring Board structure have not been promising.

The large number of donors and their various priorities and preferred means of support make for an extraordinarily complex aid environment. Understanding the quantity, sectoral, or regional distribution of assistance is exceedingly difficult. Even more difficult is the evaluation of the impact of this assistance. As Section One describes, the five year period under review in Afghanistan has generated dramatic changes, but these have been large scale institutional developments – the future of an underlying and persistent transformation to more stability, democracy, and state capacity has, if anything, became increasingly uncertain as the intervention wore on.

It would appear that the efficacy of this assistance in contributing to a stable and democratizing outcome has been undermined by a range of factors. The incoherence of the goals of the intervention as described in Sections One and Three have meant that the use of assistance has aimed at multiple goals: chief among these contradictions has been the pursuit of counter-terrorism objectives at the cost of long-term transformation and institution building. The many donors and their varied interests and sectors has prevented a concerted use of assistance. Both of these latter factors have also meant that the assistance given to Afghanistan has been heavily supply-driven and too incoherent to provide a platform of strong incentives for democratization. In addition to the diffuse goals of assistance beyond democratization, no real democratic conditionality has been present in the aid given, and the result has been a co-opted and symbolic democratization, where at all.

A. Patterns of Aid in Afghanistan: Aid and Democracy

1 i Donors
The United States has been far and away the most significant donor in Afghanistan, accounting for roughly half of all assistance pledged or delivered to the country since 2001. In addition, it has been the largest contributor to the intervention in terms of troops and military spending, as detailed in Section Three. It is indicative of the mixed motives of the intervention as a whole that the largest contributor has divided its troop contributions between the counter-terrorism Operation “Enduring Freedom” and the peace enforcement and peacekeeping International Security Assistance Force throughout the five years under review.

Table 4.1: Aid Disbursed and Committed 2002-7 by donor (Millions US $)

<table>
<thead>
<tr>
<th>Donor</th>
<th>Aid Disbursed 2002-07</th>
<th>Aid Committed but not Disbursed 2002-07</th>
</tr>
</thead>
<tbody>
<tr>
<td>US/USAID</td>
<td>5023</td>
<td>5377</td>
</tr>
<tr>
<td>Japan</td>
<td>1394</td>
<td>17</td>
</tr>
<tr>
<td>UK</td>
<td>1266</td>
<td>189</td>
</tr>
<tr>
<td>EC</td>
<td>1074</td>
<td>647</td>
</tr>
<tr>
<td>World Bank</td>
<td>853</td>
<td>751</td>
</tr>
<tr>
<td>Germany</td>
<td>768</td>
<td>458</td>
</tr>
<tr>
<td>Canada</td>
<td>731</td>
<td>48</td>
</tr>
</tbody>
</table>

Source: Afghan Ministry of Finance; Waldman 2008, 25.

Other important donors include the United Kingdom, Germany, the European Union (via the EC), the Scandinavian nations, in roughly that order. The United Nations specialized agencies have played some role, but in many cases assistance is structured around “National Priority Programmes” which aggregate donor funding under a single umbrella or draw on funds from the ARTF. An important feature of bilateral assistance is that it appears to have been heavily guided by the national priorities of the donors in question. This has occurred both regionally – for example the UK and Canada have both substantially increased their assistance and its southern focus as their troops moved in numbers into Helmand and Kandahar provinces respectively – and by sector, as donors in the early part of the intervention pursued an ill-fated “pillar” approach to security and justice sector reform.

1.ii Patterns of aid distribution

It is important to emphasise that any characterization of the patterns of aid distribution is influenced by the interpretation of that aid date. In Afghanistan, various interpretations of the quantity of aid delivered, for example, have at times concluded the aid was massively insufficient for the task at hand, while others view the amounts
as massively distortionary and counterproductive to statebuilding, and by extension, democratization. The first donor conference on Afghanistan in January 2002 produced pledges over five years of $5.2 billion, against a multilateral preliminary needs assessment of over $14 million. In Berlin in 2004, $8.2 billion of non-military assistance was pledged against the seven year plan laid out in *Securing Afghanistan's Future* (SAF), a re-costed national development plan requesting $27.5 billion (Rubin, Hamidzada, and Stoddard, 2005, 60-5). In this sense pledges have fallen far short of the needs expressed by multilateral institutions or the government. Pledges of $20 billion against estimates for the five year Afghanistan National Development Strategy of $50 billion, while received after the period under review, reveal an escalating but consistent pattern of ambitious aid requests answered with pledges well under the requested amounts.

More importantly, these pledges do not reflect what was actually received or spent. In the period from 2002 to the end of the 2004/5 fiscal year (1381-1383) only $3.3 billion of the $13.4 billion pledged was spent on projects, and less than $1 billion was spent on projects completed during that time. However, according to the OECD, in 2005, at the end of the review period, Afghanistan received more than US $2.2 billion in overseas development assistance, an amount equivalent to 38% of the country’s non-opium gross national income (GNI) and reflecting an improved donor commitment to the first year of SAF (OECD, 2006). In London in February 2006, donors pledged $10.4 billion tightly tied to the five year plan laid out in the I-ANDS and Afghanistan Compact. It is evident that initial ‘light footprint’ assistance levels increased and by the end of the review period were stabilizing near to $3 billion per year.

These aid levels, over the first two years of post-Taliban assistance, have also been compared on a per capita basis with other post-conflict countries. While Afghanistan received $57 per head, Bosnia received $679, East Timor $233 and Haiti $73; Congo, Cambodia, and Sierra Leone received less (Dobbins, et al, xxii). In this interpretation, assistance has been inadequate to meet the enormous challenges present in 2002, and has contributed to the failure to secure a peace and generate political transformation. In the words of one critic, this approach suggests that a

---

20 This number underestimates total aid for several technical reasons. Some sources estimate 2004/5 (1383) assistance at closer to $3 billion.
‘critical mass’ of aid is needed to buy the support of the population and overcome challenges from alternatives such as the opium economy (Suhrke, 2006, 2).

In general, the pattern of aid to Afghanistan has been one of very high expectations matched by impressive requests and pledges of assistance, but at least for the early years of the intervention, low delivery. Furthermore, the effectiveness of that aid that did arrive was severely hampered by low absorptive capacities, high cost structures and tied aid patterns meaning much of the money was spent on technical assistance or sent out of the country through foreign procurement. In fact, under the period under review, one-quarter of all assistance went to pay for technical assistance – that is, consultants (OECD, 2006). Such severe capacity constraints made Afghanistan a very problematic aid recipient, and much effort was expended in establishing systems and programmes to just get aid delivered – much of the first five years were characterized by this pattern.

1.iii Modalities of delivery

International assistance to Afghanistan since 2001 comes from many sources and is delivered in many different ways. The relationship between aid and the statebuilding process in Afghanistan centres on these mechanisms and their influence on governance outcomes. These relationships are magnified in light of the degree of aid dependence in Afghanistan. The architecture of aid across sectors has a number of features that affect the development of effective and legitimate institutions.

First, the aid architecture for Afghanistan has been supply driven, in part due to the emphasis on counter-terrorism objectives described earlier in this case study. One effect of this agenda was a particularly strong military and relief bias throughout the period of this case study, and beyond. In the first year after the fall of the Taliban, 84% of international spending (including coalition military activities) was on military action, 9% on humanitarian relief, 4% on ISAF, while only 3% was directed to reconstruction (Rubin, Hamidzada, and Stoddard, 2003, 5). This supply-driven quality contributes to a lack of conditions on assistance – a ‘Samaritan’s Dilemma’ (Ostrum, 2001, 4).

This is particularly true in the area of reform of public institutions, where the elements of the Bonn Agreement were not attached to strict conditions for the
government, and were in fact delayed and incompletely met. In Afghanistan this has meant that while the benchmarks of the Bonn Agreement were mostly met, other key changes such as the effective removal of corrupt officials or candidates, or genuine reform of key ministries did not take place. In some sectors, line ministries enjoy relative power over donors driven to ‘move the money’, and in some cases can even play donors against each other when confronted with demands from some quarters, but not others. Ministry of Interior reform has been a key example over the period under review.

A second consideration is how aid is delivered in relation to the national budget systems of the recipient country. Up to the end of 2003/2004 (1382) it is estimated $3.8 billion of assistance was channelled outside the government budget, while only $1.2 billion went through the government, in addition to about $350 million raised by the government domestically (Ministry of Finance figures). In 2004 the government reorganised the system of budget reporting, introducing a ‘Core Budget’ with ‘Ordinary’ and ‘Development’ components. Alongside it an ‘External Budget’ aimed to account for donor reported funds channelled outside the treasury. Roughly speaking, by 2004/5 (1383) 75% of all assistance for that year, or $2.5 billion, was still spent outside the government budget and institutions. While this is not unusual in early post-conflict circumstances, it poses dilemmas for government institutional development and legitimacy. As Figure 1 shows, the 1385 national budget, the last year under review, shows increased spending through government channels, up to 61% of the total expenditures from 55% the previous year.

Figure 4.1: The 1385 external and core budgets

Source: 1385 Budget Decree, Ministry of Finance
However, the breakdown of resources going through government channels or outside them obscures some important factors regarding the delivery of aid. Money that is channelled through the treasury is spent slowly and unevenly. In 2005/6 (1384) only 62% of the core budget figure was actually executed, or spent. The development budget execution rate varied widely between ministries, for example from 71% in MRRD to only 22% in Agriculture across the same sector. There are many reasons for this apparently poor performance. Some of these reasons affect budget execution across sectors, beginning with understandable problems in planning and implementing projects in the Afghanistan environment, particularly due to worsened security. There is also a general issue of overestimation in the budget, which in turn arises from ambitious targets for ministries to absorb, some double-reporting by donors who give through multilaterals, different fiscal years, and carry-over from previously unexecuted funds.21 Different ministries vary widely in their ability to prioritise and plan projects, prepare the documents required by the Ministry of Finance and donors, manage procurement requirements, as well as implement and monitor projects themselves.22

These variations have been exacerbated by a further, third, feature of aid modalities during the period under review, the selective application of reform to some ministries ahead of others. In essence, during the first years after 2001 there were so many needs in the area of public administration reform (PAR) that it was adopted ‘asymmetrically’, focusing on key ministries that were able to meet application criteria, often due to their having foreign advisors or being perceived as having reforming leadership (Hakimi, 2004, 5).

The key issues in terms of aid modalities have thus been the proportion of aid spent through external budget means and the uneven spending and reform of ministries. The aggregate result is a very fragmented and supply-driven budget that is difficult to align with national priorities or strategies, has not tended to support the strengthening of institutional systems of the state, is not necessarily responsive to people’s expressed preferences, and has impacted different sectors asymmetrically. It can be said then that the process of statebuilding has been badly served by the aid modalities of the first five years of the intervention.

---

21 Author interviews and Ministry of Finance documents.
22 Ministry of Finance documents; interview with donor official (October 2006).
1.iv Aid dependency

A second interpretation of the quantity of aid, emphasising its weight in relation to the income of the country and its public sector, is that it is very large. In the middle of the review period, in 2004/5 (1383), international assistance was more than 40% of Gross Domestic Product (GDP), while domestic revenues for the government were only 5% of GDP, a very low ratio for any country (World Bank, 2005, viii). More strikingly, in that year international assistance still accounted for more than 90% of total public spending, signalling enormous dependence on external actors. Despite domestic revenues approaching 6% of GDP for 2006/7 (1385), the ratio of assistance to total spending remains largely unchanged (MoF figures, 2006).

Another way of looking at aid dependency is in terms of the ration between the domestic revenues of the government and the recurrent expenditures – this is called the “fiscal sustainability ratio”. In Afghanistan during the period under review domestic revenues have increased quite rapidly, albeit from a very low base. They have also increased as a proportion of the recurrent expenditures (the running costs of government). As a proportion of the total budget of the country, domestic revenues have also increased, but remain only a small proportion of the total spending. The table below summarize the percentage contribution of domestic revenues to Afghanistan’s budget over the period under review. It is important to also note that there are still large amounts of spending provided by foreign assistance not recorded in the budget.

Table 4.2: Revenues as a percentage of expenditures

<table>
<thead>
<tr>
<th></th>
<th>SY1382</th>
<th>SY1383</th>
<th>SY1384</th>
<th>SY1385</th>
<th>SY1386</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues as % of</td>
<td>46.28</td>
<td>47.84</td>
<td>64.58</td>
<td>66.33</td>
<td>66.10</td>
</tr>
<tr>
<td>Operating Expenditure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues as % of</td>
<td>4.73</td>
<td>5.38</td>
<td>12.29</td>
<td>16.86</td>
<td>20.13</td>
</tr>
<tr>
<td>Total Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The revenue picture improved over the period such that about two-thirds of the costs of running the Afghan state are covered by its own revenues. However, this figure excludes a large amount of money paid through the external budget for Afghan National Army salaries and operations and maintenance. For the last year in the series, only $US 200 million of US $3 billion of military spending will come from the
Afghanistan Case Study

treasury. At least $700 million more military recurrent costs will be financed by external aid (World Bank, 2007b, 3). The figure below gives an impression of the contribution of revenues compared to different budget components.

Figure 4.2: Revenues as a contribution to budget components

These ratios between aid or domestic revenues and total spending compared with other periods of Afghan history such as the Daud Presidency or the communist regimes from 1978 to 1992 also indicate that the government is more aid dependent than ever before – even at the height of Cold War rivalry in aid spending to Afghanistan of the mid-1960s and discussed in earlier sections. The current level of aid also dwarfs the approximately $300 million per year allocated during Taliban rule, notwithstanding the difficulties of its delivery during that period.

I.v. Importance of Aid: “The Statebuilding Paradox”

The extreme dependence of Afghanistan on foreign assistance has been a crucial factor in the political developments and outcomes reviewed in this paper, but in complex ways. On the one hand, the presence of international forces and the influx of foreign assistance have been driven by a range of objectives, including the stabilization of Afghanistan. However, these objectives have often guided that
assistance in directions that involve short-term goals through the fragmented modalities just discussed, with the result that the high dependency on assistance results in negative effects – there is a kind of “statebuilding paradox” in which the effects of more assistance can undermine the very state it is meant to assist.

Internationally, the relationship between taxation and accountability is increasingly seen a central one in democratic statebuilding: “[t]here are strong, direct connections between the ways in which governments raise revenue and the quality of governance that they practice” (Centre for the Future State, 2005, 7-15). In this interpretation, the weight of international assistance compared with domestic revenues overwhelms the ability of the state to fund itself and therefore direct its own policies. Essentially, since the money comes from outside, that’s where the accountability flows as well.

Dependence on outside money also weakens the state’s ability to bargain and make binding commitments with other power-holders, especially in the context of a growing opium economy that provides challengers with alternative sources of income (Suhrke, 2007, 6-8). This dependence and uncertainty over future resources does mean that the state has more trouble confronting power-holders that challenge it, and is thus more likely to pursue policies of accommodation with them to maintain stability. This argument suggests that the weakness of the state in relation to its donors may also have contributed to the emergence of co-opted peacebuilding as the dominant tendency during the early stages of the intervention.

There is now a viable argument that the functioning of the aid system, rather than being a marginal or structural impediment to aid promoting governance improvements, is in fact part of the problem that the system itself is trying to address. This argument is particularly pertinent when it is the relationship between assistance and sustainable statebuilding that is being considered. However, there is an innate and powerful resistance among donors, implementers and the Government of Afghanistan itself to consider this argument.

2. Aiding Democracy?

Beyond the complex effect of aid dependence on statebuilding in general, the assistance efforts aimed at directly improve governance structures in the country have
not had the desired effects. One reason was the early reliance on a donor ‘pillar’ structure in reforms related to the rule of law. Under this structure, different donors were given lead responsibility for various sectors: Germany for police, the US for ANA, the UK for counter-narcotics, and Italy for the judiciary. The evident result has been uneven and uncoordinated development of these sectors, and a lack of coherence between them. As the problems of security sector reform (SSR), narcotics, and the reform of the justice system, cut across these institutions, this approach has slowed progress in confronting them (Sedra and Middlebrook, 2005, 13-5).

Second, the record of public administration reform has not perhaps matched the increased flow of funds through the government, in a state that is viewed by many as corrupt, inefficient and a vehicle for patronage and inter-group competition. Efforts to reform public administration have been heavily reliant on ‘bought capacity’ rather than ‘built capacity’. International technical assistance (TA) comprised about one-quarter of all international aid to Afghanistan in 2005/6 (1384), and only 11% of this TA was coordinated according to OECD definitions, resulting in uneven and inefficient application across sectors (OECD, 2006).

A final issue in governance programming is that throughout the period under review there was relatively little progress in the development of civil society. In fact, there has often been a tendency to view civil society as a competitor with the statebuilding endeavour, and a gradual erosion of the accountability relationships that a vibrant civil society and media provide has occurred over the five years of the intervention. A general picture, based on the Core and External Budget categorization of assistance is presented below.

The picture presents some characteristics alluded to earlier. There were large imbalances across the pillars of spending, including massive flows to Security Sector reform that dwarf other programming. Furthermore, there were large one time influxes for elections, without a corresponding long-term investment in related election infrastructure such as a viable commission, long-term registration procedures, or indeed a census as yet. Civil society has been a relatively small sector among those identified.
Table 4.3: Statebuilding and Democratization Assistance by Category and Year (US$ thousands) 23

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Elections and Political Processes</td>
<td>0</td>
<td>0</td>
<td>8750</td>
<td>157600</td>
<td>159400</td>
<td>8000</td>
</tr>
<tr>
<td>Rule of law, accountability, anti-corruption, human rights, and minority rights</td>
<td>8310</td>
<td>12789</td>
<td>32427</td>
<td>38460</td>
<td>49270</td>
<td>46095</td>
</tr>
<tr>
<td>Institutional infrastructure</td>
<td>1676</td>
<td>15575</td>
<td>25882</td>
<td>58317</td>
<td>78968</td>
<td>143268</td>
</tr>
<tr>
<td>Civil society, media, civic education, empowerment</td>
<td>16314</td>
<td>4194</td>
<td>5291</td>
<td>8001</td>
<td>10020</td>
<td>10248</td>
</tr>
<tr>
<td>Civil-military relations, DDR, security sector reform</td>
<td>n/a</td>
<td>254547</td>
<td>1305708</td>
<td>1651850</td>
<td>425310</td>
<td>616306</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Democratic Conditionality

The political process described in earlier sections has been subject to multiple external pressures and influences. However, it is difficult to describe any of these as true “democratic conditionality” as defined for the purposes of this study. While it is clear the preferences of some large donors have clearly shaped institutional outcomes – the adoption of the SNTV system or the constitutional choice of a strong presidential system are the two clearest examples – it would be perhaps stretching the concept to consider them as conditionality. Certainly they do not have the characteristics of transparency that, for example, conditions for EU accession demonstrate.

23 The methodology for arriving at this figures consisted of summing estimated figures for each category from each component of the recorded Afghan budget, with some additions where large programmes off the recorded budgets were known to have taken place. For the ordinary and development budget the budget document figures by retroactive ANDS governance programme (ie subpillar) categories were utilized. These programmes are 1) Empowering the National Assembly (assigned to Institutional Infrastructure); 2) Justice and the Rule of Law (assigned to Rule of Law); 3) Religious Affairs (assigned to Civil Society); 4) Public Administration Reform (assigned to institutional infrastructure); 5) human rights, including women’s rights (assigned to rule of law). The external budget was scrutinized by individual donor programme, using the funding reported in the following year’s external budget. These programmes, too numerous to detail here, were assigned to the categories on the basis of their governance content. Finally, a large non-recorded expenditure of US$1,95,00,000 for the 2005 National Assembly elections were added to the figures recorded. This method underestimates the assistance from 1381-1383 until programme budgeting was introduced with the I-ANDS, but provides better comparability afterwards. The final row is compiled according to budget summaries of ANDS sector spending on security sector reform, which includes DDR, DIAG, as well as expenditures on police and army. However, security spending is notoriously difficult to capture and there have been large unrecorded flows, not restricted to the early period after the intervention.
Furthermore, most of the assistance and its donors in Afghanistan have displayed considerable lack of concern for democratization in their assistance, while in some cases attaching many other conditions. For example, half of aid to Afghanistan has been conditional in that it is tied to certain procurement requirements favouring donor country goods and services (Waldman, 2008, 2). As ISAF has expanded, and the establishment of PRTs has occurred in increasing number of provinces, an increasing tendency to the regional allocation of aid along the lines of donors regional military priorities can also be observed.

The failure of donors to threaten or to actually withdraw assistance in the case of a number of key episodes indicates the general pattern. For example, vetting of candidates for the National Assembly elections left a large number of candidates included who were subject to complaints and investigation for historical abuses of humanitarian law and human rights, or current ties to armed groups. Decisions were taken to include them without a rigorous vetting process, and no donor raised the issue in the context of their assistance. Similarly, a number of high profile cases involving human rights issues – the sentencing to death of a man for alleged apostasy, the imprisonment of another for publishing a translation of the Koran, and similar cases of infringement of principles of free expression – have been addressed, if at all, through informal back channels and not through any conditionality.

Even, more recently, where conditionality has been established, it is not observed. A key (the first in fact) benchmark of the January 2006 Afghanistan Compact, which mutually binds donors and Afghanistan, is the establishment and functioning of a clear appointments process for all senior appointments, such as Provincial Governors and Police Chiefs by early 2007. At the time of writing, the Senior Appointments Board had been long established, but was not empowered to advise of vet these posts, and policy proposals to further take Governor’s appointments were being floated.

The same dynamic of multiple and competing imperatives that has bedeviled the institutional aspects of the democratization process has prevented donors, often themselves divided between statebuilding, development, humanitarian, political and military factions within their decision processes, from arriving at the coherence required to make conditionality possible and effective. The resulting lack of conditionality contributed to the largely “co-opted peacebuilding” outcome described
throughout this case study (Barnett and Zuercher, 14) which has resulted in a surface implementation of some democratic features coupled with very weak and contradictory institutional development behind it, and inclusion of a range of non-democratic actors in the centre of the political process.
Conclusion

Afghanistan cannot be considered alongside other postconflict statebuilding endeavours from the post-Cold War period. While the tools used build on the progressive experience of post-1989 interventions, the conditions under which they have been used are quite different. The driving dynamic provided by the US interest in the War on Terror after 2001 have shaped the use by all actors of the toolkit of peacebuilding, and its subsidiary elements statebuilding and post-conflict democratization. Even under circumstances where no such imperative overshadows the statebuilding operation, “outside actors typically face strong pressures to address short-term needs, but doing so may run counter to the longer-term requirements for establishing effective, legitimate state institutions.” (Paris and Sisk, 2007, 4-5)

In Afghanistan these competing imperatives have prevented the coherent application of assistance to the task of democratization. These difficulties have been compounded by an initially inadequate response in terms of the amounts of assistance, and a continuing lack of coherence, coordination and strategy in the application of that assistance towards democratization. Initially due to counter-terrorism goals, and later with the involvement of a range of national militaries, the ability to apply democratic conditionality has also melted away.

The result has been close to that described as co-opted peacebuilding described by Barnett and Zuercher: “Co-opted peacebuilding becomes something of a peacebuilder’s contract – they have negotiated an arrangement in which each party has specific responsibilities and receives specific rewards. Peacebuilders agree to provide international resources and legitimacy for state elites in return for stability and acknowledgement by state elites of the legitimacy of peacebuilding reforms.” The net result is that reforms become symbolic (Barnett and Zuercher, 15). The same authors note that this may be the best outcome possible.

In Afghanistan, however, the outcome has not proven stable. Symbolic reforms have lost their symbolism through their lack of depth, and statebuilding has lost its luster through a failure to incorporate, if not democratization, then at least anti-corruption and accountability. Certainly other factors, described in Part III of this case, and in many cases emanating from the region, have contributed. But the
question remains whether the crisis that is ensuing as a result will cause a rupture in the direction of further war, or can reorient the international community and the Afghan community in the direction of statebuilding and governance reforms that will be stabler than those introduced thus far.
Annex I: Timeline of Major Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2001</strong></td>
<td></td>
</tr>
<tr>
<td>9 September</td>
<td>Assassination of <em>Shura-e Nazar</em> leader Ahmad Shah Massoud</td>
</tr>
<tr>
<td>11 September</td>
<td>Al Qaeda attacks on Washington and New York</td>
</tr>
<tr>
<td>7 October</td>
<td>US campaign against Taliban begins</td>
</tr>
<tr>
<td>13 November</td>
<td>Northern Alliance forces enter Kabul</td>
</tr>
<tr>
<td>27 November</td>
<td>Bonn Conference opens</td>
</tr>
<tr>
<td>21 December</td>
<td>Afghanistan Interim Administration established with Hamid Karzai as Chairman</td>
</tr>
<tr>
<td><strong>2002</strong></td>
<td></td>
</tr>
<tr>
<td>1 January</td>
<td>First ISAF deployment to Kabul</td>
</tr>
<tr>
<td>21-22 January</td>
<td>Tokyo meeting on Afghanistan reconstruction</td>
</tr>
<tr>
<td>28 March</td>
<td>United Nations Assistance Mission in Afghanistan established with “light footprint”</td>
</tr>
<tr>
<td>10-21 June</td>
<td>Emergency <em>Loya Jirga</em>, Kabul</td>
</tr>
<tr>
<td>3 October</td>
<td>9 member constitutional commission appointed</td>
</tr>
<tr>
<td><strong>2003</strong></td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>First PRT established in Kunduz</td>
</tr>
<tr>
<td>26 April</td>
<td>35 member constitutional review commission appointed (7 months behind schedule)</td>
</tr>
<tr>
<td>June</td>
<td>First Afghanistan Development Forum meeting</td>
</tr>
<tr>
<td>11 August</td>
<td>NATO takes command of ISAF</td>
</tr>
<tr>
<td>14 December</td>
<td>Constitutional <em>Loya Jirga</em> convened in Kabul</td>
</tr>
<tr>
<td><strong>2004</strong></td>
<td></td>
</tr>
<tr>
<td>26 January</td>
<td>Constitution promulgated</td>
</tr>
<tr>
<td>31 March</td>
<td>Berlin donors meeting</td>
</tr>
<tr>
<td>9 October</td>
<td>Presidential Election held</td>
</tr>
<tr>
<td>7 December</td>
<td>Hamid Karzai inaugurated as President</td>
</tr>
<tr>
<td><strong>2005</strong></td>
<td></td>
</tr>
<tr>
<td>11 May</td>
<td>Riots in Jalalabad and some major towns over alleged Koran desecration by US</td>
</tr>
<tr>
<td>July-August</td>
<td>ISAF expansion to south, insurgent incidents intensify</td>
</tr>
<tr>
<td>18 September</td>
<td>Parliamentary and Provincial Council Elections held</td>
</tr>
<tr>
<td>19 December</td>
<td>National Assembly inaugurated</td>
</tr>
<tr>
<td><strong>2006</strong></td>
<td></td>
</tr>
<tr>
<td>30 January</td>
<td>Afghanistan Compact signed in London, Interim-ANDS presented</td>
</tr>
<tr>
<td>5 February</td>
<td>Violent demonstrations in several cities over publication of cartoons of Mohamad</td>
</tr>
<tr>
<td>29 May</td>
<td>Major riot in Kabul focusing on IOs and NGOs after US forces traffic accident</td>
</tr>
<tr>
<td>July-August</td>
<td>Major intensification of Taliban campaign in Kandahar and Helmand</td>
</tr>
</tbody>
</table>
Annex II: Bonn Agreement

AGREEMENT ON PROVISIONAL ARRANGEMENTS IN AFGHANISTAN PENDING THE RE-ESTABLISHMENT OF PERMANENT GOVERNMENT INSTITUTIONS

The participants in the UN Talks on Afghanistan,

In the presence of the Special Representative of the Secretary-General for Afghanistan,

Determined to end the tragic conflict in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights in the country,

Reaffirming the independence, national sovereignty and territorial integrity of Afghanistan,

Acknowledging the right of the people of Afghanistan to freely determine their own political future in accordance with the principles of Islam, democracy, pluralism and social justice,

Expressing their appreciation to the Afghan mujahidin who, over the years, have defended the independence, territorial integrity and national unity of the country and have played a major role in the struggle against terrorism and oppression, and whose sacrifice has now made them both heroes of jihad and champions of peace, stability and reconstruction of their beloved homeland, Afghanistan,

Aware that the unstable situation in Afghanistan requires the implementation of emergency interim arrangements and expressing their deep appreciation to His Excellency Professor Burhanuddin Rabbani for his readiness to transfer power to an interim authority which is to be established pursuant to this agreement,

Recognizing the need to ensure broad representation in these interim arrangements of all segments of the Afghan population, including groups that have not been adequately represented at the UN Talks on Afghanistan,

Noting that these interim arrangements are intended as a first step toward the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government, and are not intended to remain in place beyond the specified period of time,

Recognizing that some time may be required for a new Afghan security force to be fully constituted and functional and that therefore other security provisions detailed in Annex I to this agreement must meanwhile be put in place,

Considering that the United Nations, as the internationally recognized impartial institution, has a particularly important role to play, detailed in Annex II to this agreement, in the period prior to the establishment of permanent institutions in Afghanistan,

Have agreed as follows:

THE INTERIM AUTHORITY

I. General provisions

1) An Interim Authority shall be established upon the official transfer of power on 22 December 2001.

2) The Interim Authority shall consist of an Interim Administration presided over by a Chairman, a Special Independent Commission for the Convening of the Emergency Loya Jirga, and a Supreme Court of Afghanistan, as well as such other courts as may be established by the Interim Administration. The composition, functions and governing procedures for the Interim Administration and the Special Independent Commission are set forth in this agreement.
3) Upon the official transfer of power, the Interim Authority shall be the repository of Afghan sovereignty, with immediate effect. As such, it shall, throughout the interim period, represent Afghanistan in its external relations and shall occupy the seat of Afghanistan at the United Nations and in its specialized agencies, as well as in other international institutions and conferences.

4) An Emergency Loya Jirga shall be convened within six months of the establishment of the Interim Authority. The Emergency Loya Jirga will be opened by His Majesty Mohammed Zaher, the former King of Afghanistan. The Emergency Loya Jirga shall decide on a Transitional Authority, including a broad-based transitional administration, to lead Afghanistan until such time as a fully representative government can be elected through free and fair elections to be held no later than two years from the date of the convening of the Emergency Loya Jirga.

5) The Interim Authority shall cease to exist once the Transitional Authority has been established by the Emergency Loya Jirga.

6) A Constitutional Loya Jirga shall be convened within eighteen months of the establishment of the Transitional Authority, in order to adopt a new constitution for Afghanistan. In order to assist the Constitutional Loya Jirga prepare the proposed Constitution, the Transitional Administration shall, within two months of its commencement and with the assistance of the United Nations, establish a Constitutional Commission.

II. Legal framework and judicial system

1) The following legal framework shall be applicable on an interim basis until the adoption of the new Constitution referred to above:

i) The Constitution of 1964, a/ to the extent that its provisions are not inconsistent with those contained in this agreement, and b/ with the exception of those provisions relating to the monarchy and to the executive and legislative bodies provided in the Constitution; and

ii) existing laws and regulations, to the extent that they are not inconsistent with this agreement or with international legal obligations to which Afghanistan is a party, or with those applicable provisions contained in the Constitution of 1964, provided that the Interim Authority shall have the power to repeal or amend those laws and regulations.

2) The judicial power of Afghanistan shall be independent and shall be vested in a Supreme Court of Afghanistan, and such other courts as may be established by the Interim Administration. The Interim Administration shall establish, with the assistance of the United Nations, a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions.

III. Interim Administration

A. Composition

1) The Interim Administration shall be composed of a Chairman, five Vice Chairmen and 24 other members. Each member, except the Chairman, may head a department of the Interim Administration.

2) The participants in the UN Talks on Afghanistan have invited His Majesty Mohammed Zaher, the former King of Afghanistan, to chair the Interim Administration. His Majesty has indicated that he would prefer that a suitable candidate acceptable to the participants be selected as the Chair of the Interim Administration.

3) The Chairman, the Vice Chairmen and other members of the Interim Administration have been selected by the participants in the UN Talks on Afghanistan, as listed in Annex IV to this agreement. The selection has been made on the basis of professional competence and personal integrity from lists.
submitted by the participants in the UN Talks, with due regard to the ethnic, geographic and religious composition of Afghanistan and to the importance of the participation of women.

4) No person serving as a member of the Interim Administration may simultaneously hold membership of the Special Independent Commission for the Convening of the Emergency Loya Jirga.

B. Procedures

1) The Chairman of the Interim Administration, or in his/her absence one of the Vice Chairmen, shall call and chair meetings and propose the agenda for these meetings.

2) The Interim Administration shall endeavour to reach its decisions by consensus. In order for any decision to be taken, at least 22 members must be in attendance. If a vote becomes necessary, decisions shall be taken by a majority of the members present and voting, unless otherwise stipulated in this agreement. The Chairman shall cast the deciding vote in the event that the members are divided equally.

C. Functions

1) The Interim Administration shall be entrusted with the day-to-day conduct of the affairs of state, and shall have the right to issue decrees for the peace, order and good government of Afghanistan.

2) The Chairman of the Interim Administration or, in his/her absence, one of the Vice Chairmen, shall represent the Interim Administration as appropriate.

3) Those members responsible for the administration of individual departments shall also be responsible for implementing the policies of the Interim Administration within their areas of responsibility.

4) Upon the official transfer of power, the Interim Administration shall have full jurisdiction over the printing and delivery of the national currency and special drawing rights from international financial institutions. The Interim Administration shall establish, with the assistance of the United Nations, a Central Bank of Afghanistan that will regulate the money supply of the country through transparent and accountable procedures.

5) The Interim Administration shall establish, with the assistance of the United Nations, an independent Civil Service Commission to provide the Interim Authority and the future Transitional Authority with shortlists of candidates for key posts in the administrative departments, as well as those of governors and uluswals, in order to ensure their competence and integrity.

6) The Interim Administration shall, with the assistance of the United Nations, establish an independent Human Rights Commission, whose responsibilities will include human rights monitoring, investigation of violations of human rights, and development of domestic human rights institutions. The Interim Administration may, with the assistance of the United Nations, also establish any other commissions to review matters not covered in this agreement.

7) The members of the Interim Administration shall abide by a Code of Conduct elaborated in accordance with international standards.

8) Failure by a member of the Interim Administration to abide by the provisions of the Code of Conduct shall lead to his/her suspension from that body. The decision to suspend a member shall be taken by a two-thirds majority of the membership of the Interim Administration on the proposal of its Chairman or any of its Vice Chairmen.

9) The functions and powers of members of the Interim Administration will be further elaborated, as appropriate, with the assistance of the United Nations.
IV. The Special Independent Commission for the Convening of the Emergency Loya Jirga

1) The Special Independent Commission for the Convening of the Emergency Loya Jirga shall be established within one month of the establishment of the Interim Authority. The Special Independent Commission will consist of twenty-one members, a number of whom should have expertise in constitutional or customary law. The members will be selected from lists of candidates submitted by participants in the UN Talks on Afghanistan as well as Afghan professional and civil society groups. The United Nations will assist with the establishment and functioning of the commission and of a substantial secretariat.

2) The Special Independent Commission will have the final authority for determining the procedures for and the number of people who will participate in the Emergency Loya Jirga. The Special Independent Commission will draft rules and procedures specifying (i) criteria for allocation of seats to the settled and nomadic population residing in the country; (ii) criteria for allocation of seats to the Afghan refugees living in Iran, Pakistan, and elsewhere, and Afghans from the diaspora; (iii) criteria for inclusion of civil society organizations and prominent individuals, including Islamic scholars, intellectuals, and traders, both within the country and in the diaspora. The Special Independent Commission will ensure that due attention is paid to the representation in the Emergency Loya Jirga of a significant number of women as well as all other segments of the Afghan population.

3) The Special Independent Commission will publish and disseminate the rules and procedures for the convening of the Emergency Loya Jirga at least ten weeks before the Emergency Loya Jirga convenes, together with the date for its commencement and its suggested location and duration.

4) The Special Independent Commission will adopt and implement procedures for monitoring the process of nomination of individuals to the Emergency Loya Jirga to ensure that the process of indirect election or selection is transparent and fair. To pre-empt conflict over nominations, the Special Independent Commission will specify mechanisms for filing of grievances and rules for arbitration of disputes.

5) The Emergency Loya Jirga will elect a Head of the State for the Transitional Administration and will approve proposals for the structure and key personnel of the Transitional Administration.

V. Final provisions

1) Upon the official transfer of power, all mujahidin, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority, and be reorganized according to the requirements of the new Afghan security and armed forces.

2) The Interim Authority and the Emergency Loya Jirga shall act in accordance with basic principles and provisions contained in international instruments on human rights and international humanitarian law to which Afghanistan is a party.

3) The Interim Authority shall cooperate with the international community in the fight against terrorism, drugs and organized crime. It shall commit itself to respect international law and maintain peaceful and friendly relations with neighbouring countries and the rest of the international community.

4) The Interim Authority and the Special Independent Commission for the Convening of the Emergency Loya Jirga will ensure the participation of women as well as the equitable representation of all ethnic and religious communities in the Interim Administration and the Emergency Loya Jirga.

5) All actions taken by the Interim Authority shall be consistent with Security Council resolution 1378 (14 November 2001) and other relevant Security Council resolutions relating to Afghanistan.

6) Rules of procedure for the organs established under the Interim Authority will be elaborated as appropriate with the assistance of the United Nations.
This agreement, of which the annexes constitute an integral part, done in Bonn on this 5th day of December 2001 in the English language, shall be the authentic text, in a single copy which shall remain deposited in the archives of the United Nations. Official texts shall be provided in Dari and Pashto, and such other languages as the Special Representative of the Secretary-General may designate. The Special Representative of the Secretary-General shall send certified copies in English, Dari and Pashto to each of the participants.
## Annex III

<table>
<thead>
<tr>
<th>Country</th>
<th>ISAF deployment March 2004&lt;sup&gt;24&lt;/sup&gt;</th>
<th>ISAF deployment June 10 2008&lt;sup&gt;25&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>1,833</td>
<td>3370</td>
</tr>
<tr>
<td>Canada</td>
<td>1,756</td>
<td>2500</td>
</tr>
<tr>
<td>France</td>
<td>536</td>
<td>1670</td>
</tr>
<tr>
<td>Italy</td>
<td>481</td>
<td>2350</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>354</td>
<td>8530</td>
</tr>
<tr>
<td>Belgium</td>
<td>280</td>
<td>375</td>
</tr>
<tr>
<td>Norway</td>
<td>241</td>
<td>580</td>
</tr>
<tr>
<td>Greece</td>
<td>167</td>
<td>150</td>
</tr>
<tr>
<td>Turkey</td>
<td>151</td>
<td>760</td>
</tr>
<tr>
<td>Spain</td>
<td>118</td>
<td>800</td>
</tr>
<tr>
<td>Denmark</td>
<td>96</td>
<td>690</td>
</tr>
<tr>
<td>The United States</td>
<td>60</td>
<td>23550</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>38</td>
<td>420</td>
</tr>
<tr>
<td>Romania</td>
<td>27</td>
<td>570</td>
</tr>
<tr>
<td>Netherlands</td>
<td>24</td>
<td>1770</td>
</tr>
<tr>
<td>Slovenia</td>
<td>21</td>
<td>70</td>
</tr>
<tr>
<td>Poland</td>
<td>18</td>
<td>1140</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>17</td>
<td>370</td>
</tr>
<tr>
<td>Hungary</td>
<td>13</td>
<td>205</td>
</tr>
<tr>
<td>Latvia</td>
<td>11</td>
<td>75</td>
</tr>
<tr>
<td>Estonia</td>
<td>6</td>
<td>120</td>
</tr>
<tr>
<td>Lithuania</td>
<td>2</td>
<td>200</td>
</tr>
<tr>
<td>Iceland</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>Portugal</td>
<td>1</td>
<td>165</td>
</tr>
<tr>
<td>Australia</td>
<td></td>
<td>1100</td>
</tr>
<tr>
<td>Austria</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td></td>
<td>45</td>
</tr>
<tr>
<td>Croatia</td>
<td></td>
<td>210</td>
</tr>
<tr>
<td>Finland</td>
<td></td>
<td>56</td>
</tr>
<tr>
<td>Georgia</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Ireland</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Jordan</td>
<td></td>
<td>90</td>
</tr>
<tr>
<td>Netherlands</td>
<td></td>
<td>1770</td>
</tr>
<tr>
<td>New Zealand</td>
<td></td>
<td>160</td>
</tr>
<tr>
<td>Singapore</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Slovakia</td>
<td></td>
<td>70</td>
</tr>
<tr>
<td>Sweden</td>
<td></td>
<td>250</td>
</tr>
<tr>
<td>The former Yugoslav Republic</td>
<td></td>
<td>140</td>
</tr>
<tr>
<td>of Macedonia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ukraine</td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>


<sup>25</sup> *Brooking Institute 2008, 9.*
References


Atmar, Haneef and Jonathan Goodhand, “Coherence or Cooption?: Politics, aid and peacebuilding in Afghanistan” (2001)


Afghanistan Case Study


Afghanistan Case Study


