

# THE RESPONSIBILITY TO PROTECT A FRAGILE STATE: A CASE STUDY OF POST-INTERVENTION AFGHANISTAN

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## Introduction

The 9/11 terrorist events were recognised as acts of international terrorism and the international community declared that such acts constitutes one of the most serious threats to international peace and security in the 21st century. When the international community, particularly the US, intensified their efforts to combat the scourge of international terrorism, it posed many questions and dilemmas. Especially, when the most controversial and so-called the US-led “war on terrorism” was initiated and Afghanistan became its first victim, in 2001. The war on terrorism initiated a debate regarding its legitimacy, authority, and conduct, because a moral justification *de lege ferenda* (what the law ought to be) for a focused collective military action against international terrorist and those who harbour them could be easily established, but the legal rules *de lege lata* (what the law is) for such a unilateral action is difficult to establish. Especially, when these rules violate fundamental principle of international law, ie “sovereignty” of a state.

When the war on terrorism was initiated, a parallel international debate on the controversial concept of “intervention” ensued with the introduction of a new term “The Responsibility to Protect (R2P),” by the International Commission on Intervention and State Sovereignty (ICISS) in December 2001.<sup>1</sup> According to the basic principle of R2P, “State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.” But “where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.”<sup>2</sup> In this context, the R2P have three specific responsibilities: the responsibility to prevent; the responsibility to react, and the responsibility to rebuild. Each of these has its own specific arrangement and procedures.<sup>3</sup> While addressing military intervention, under the pretext of international terrorism, the ICISS report noted:

“In particular, the precautionary principles outlined in our report do seem to be relevant to military operations, both multilateral and unilateral, against the scourge of terrorism. We have no difficulty in principle with focused military action being taken against international terrorists and those who harbour them. But military power should always be exercised in a principled way, and the principles of right intention, last resort, proportional means and reasonable prospects outlined in our report are, on the face of it, all applicable to such action.”<sup>4</sup>

However, the ICISS report was not convincing enough and was a failure on the part of the international community to address challenges posed by international terrorism, because it was not framed to guide the policy of states when faced with attack on their own nationals, or the nationals of other states residing within their borders. Consequently, the “war on terrorism” pushed the spirit of R2P into the background, and enhanced the “case” and the “role” of unilateral “military inter-ventions” in failed/fragile states on the pretext of “self-defence,” derived out of the concept of self-interest. Although, such change in the pattern of military intervention was not a new pheno-menon, as history of the state system has witnessed different patterns of military intervention, ranging from debt collection to humanitarian intervention.<sup>5</sup> This development made the 21st century a breeding ground for a new set of customary international laws for military intervention. Similarly, the “war on terrorism” has now become a new pattern of military intervention and has assumed humanitarian dimensions in the case of Afghanistan.

The US bombing of Afghanistan, and its military support from various allies, was not humanitarian in impulse, but its effects have been so destructive that some role, including a military role, in the rebuilding of the Afghan state has gained momentum.<sup>6</sup> So when an intervention on non-humanitarian grounds acquires a humanitarian dimension, it automatically invokes the core principles of the R2P, especially the responsibility to rebuild and the responsibility to prevent to avoid any future interventions. This role or responsibility to rebuild post-intervention Afghanistan is also full of problems and challenges and pose many questions. In this regard, the focus of this study is not to debate the legality of US-led military intervention, but to debate post-intervention responsibility to rebuild Afghanistan to prevent future inter-

ventions. Following are some questions which would be addressed in this study: Does Afghanistan fulfil the criteria of a fragile state? Who is responsible to protect and rebuild post-intervention Afghanistan? What are the responsibilities to rebuild Afghanistan? What is the current status of these responsibilities, and would these responsibilities be fulfilled?

### **Afghanistan: A Fragile State**

The term “fragile state” is a relatively new term, used synonymously in the context of “difficult partnership,” “difficult environment,” “Low Income Countries Under Stress (LICUS),” “failing” or “weak” state. Different international organisations have defined this term differently, and it is most widely used by the international donor community. According to *World News* glossary of terms “Fragile, failing, or weak states are states where, often as a result a prolonged civil war or political crisis, the national government ceases to retain control over much of the country. Warring factions often create an environment of chaos and anarchy. Failed states cannot provide basic security or public services to their citizens.”<sup>7</sup> According to a recent report, Global Monitoring Report (GMR) 2007, issued by the World Bank on gender equality and fragile states, “The term fragile state is generally used to refer to countries that are facing particularly severe development challenges such as weak governance, limited administrative capacity, violence, or the legacy of conflict.”<sup>8</sup> The report further notes that despite methodological variations, development partners have been converging around an approach developed at the OECD, which recognises common characteristics of weak governance and vulnerability to conflict, together with differentiated constraints and opportunities in fragile situations of (1) prolonged crisis or impasse, (2) post-conflict or political transition, (3) gradual improvement, and (4) deteriorating governance.<sup>9</sup> Later on, based on its definition, the World Bank’s GMR 2007 also considers Afghanistan as one of the fragile states, because Afghanistan’s Country Policy and Institutional Assessment (CPIA) scores from 1998 to 2005 were below 3.0.<sup>10</sup>

In order to further explain and understand a “fragile state,” there is a need to analyse core functions of a state. In general terms, a sovereign state is expected to perform certain functions and roles ranging from the security and wellbeing of its citizens, to the smooth working of the international system. These core functions include:<sup>11</sup>

1. Legitimate monopoly on the means of violence
2. Administrative control
3. Management of public finances
4. Investment in human capital
5. Delineation of citizenship rights and duties
6. Provision of infrastructure services
7. Formation of the market
8. Management of the state’s assets (including the environment, natural resources and cultural assets)
9. International relations (including entering into international contracts and public borrowing)
10. Rule of law

According to political scientist, Joel S. Migdal, “State is a field of power marked by the use and threat of violence and shaped by: (1) the image of a coherent, controlling organisation in a territory, which is representative of the people bounded by that territory, and (2) the actual practice of its multiple parts.”<sup>12</sup> So when a state’s controlling organisations are weakened or fail to meet its core functions then it is characterised as a “weak”, “fragile” state. According to UK Department for International Development (DFID) in a fragile or weak state, the features of weakness combine in different ways and can change over time, but include the following:<sup>13</sup>

- *State collapse*: The most extreme case is one of state collapse, where the central state has effectively ceased to function (e.g. Somalia).
- *Loss of territorial control*: In less extreme cases, the state may have only partial territorial control or deeply contested authority due to civil conflict (e.g. Nepal, Sudan).
- *Low administrative capacity*: States, even where there is no conflict or loss of territorial control, may be unable to implement policies simply due to the lack of resources, staff, and administrative systems (e.g. Guinea-Bissau).
- *Political instability*: The government's ability to rule is compromised by political instability shown in frequent change in leaders through either constitutional or unconstitutional means, including coups d'état.
- *Conflict*: In states with fragile political institutions, governments may have difficulty managing the increasing, and often conflicting, demands placed upon them. Where political processes break down, either sporadic or persistent civil conflict can arise, which can further undermine public institutions and political processes.
- *Repressive polities*: Finally, there are states that are highly effective in some senses, but repressive or unresponsive to their people, thus undermining sustainable development and sowing the seeds for future failure.

So when we look at the impacts of a weak or fragile state on a local and global level, a wide range of problems can be identified. In such scenarios, a state not only fails to provide basic protections and services but it also fails to play its full role in international systems (see table below).<sup>14</sup>

**Table: 1**

**Global and Local Impact of Fragile State**

<b>Poverty</b>	<ul style="list-style-type: none"> <li>• Little or no progress in achieving the Millennium Development Goals</li> <li>• Unable to deliver basic social services including water, education, and healthcare</li> </ul>
<b>Conflict and Humanitarian Crisis</b>	<ul style="list-style-type: none"> <li>• Weak and unresponsive government can lead to civil conflict and inter-state wars</li> <li>• Particularly vulnerable to humanitarian crises caused by civil war, food insecurity, or natural disasters</li> <li>• Sources of chronic refugee flows placing strain on neighbouring states and international humanitarian response</li> <li>• Fuelling proliferation of conventional weapons and stoking regional conflict</li> </ul>
<b>Human Rights Violations</b>	<ul style="list-style-type: none"> <li>• Unable to protect the basic human rights of their citizens, giving rise to unchecked opportunities for murder, rape, slavery, mutilation, extortion, theft, intimidation, and discrimination</li> <li>• Weak but repressive regimes may violate rights to stay in power</li> </ul>
<b>Global Security Threats</b>	<ul style="list-style-type: none"> <li>• Providing safe havens for international terrorists and illicit arms trade</li> <li>• Lacking capacity to detect, investigate, and counter terrorist activity</li> <li>• Ineffective controls on biological, nuclear and radioactive materials</li> </ul>
<b>Organised Crimes</b>	<ul style="list-style-type: none"> <li>• Serving as bases for international criminal activity, including the trafficking of drugs, people, and illegal goods</li> <li>• Production sites for narcotics</li> </ul>
<b>Reduced Global Prosperity</b>	<ul style="list-style-type: none"> <li>• Depressing international trade and investment</li> <li>• Unable to provide the regulatory framework and basic security required to promote economic growth</li> <li>• Threats to global energy security where energy production or transmission is disrupted</li> </ul>
<b>Weakened International Systems</b>	<ul style="list-style-type: none"> <li>• Unable to fulfil international obligations -- to protect the global environment, counter infectious disease, contain money laundering, and so on</li> <li>• Unable to fulfil obligations to other states in protecting foreign nationals, maintaining effective diplomatic relations, and cooperating to address global challenges</li> </ul>

**Source:** Magui Moreno, Torres, and Michael Anderson, "Fragile States: Defining Difficult Environments for Poverty Reduction" Poverty Reduction in Difficult Environments (PRDE) Team, Policy Division, UK Department for International Development (DFID), Working Paper 1, August 2004

Currently, as highlighted by the GMR 2007, countries with particularly weak governance, institutions, and capacity comprise 9 percent of the developing world's population, and there are over one-fourth of extremely poor people in developing countries living in fragile states.<sup>15</sup> On the one hand, these nations face enormous challenges, regarding both how to take action to meet human development needs, and how to stave off a potential downward spiral of conflict, human abuse, and refugee flight. While on the other hand, fragile states are posing a challenge to international community – that how the international community can provide resources to support efficient service delivery, post-conflict recovery, and reforms? However, a timely response to fragile states is necessary, because any failure in their already limited capacity to secure a better life for their citizens can again result in conflicts, civil wars, and humanitarian crises. As a result, any further increase in the fragility of these states has not only regional, but as well as international consequences. As Stanley Hoffmann, for example, also finds that in a threat to international peace primary candidates are "dangerous states," though "failed states" may pose danger in this way also.<sup>16</sup>

In the light of above arguments, now look at the situation of Afghanistan which is a landlocked country, and often described by historians as the "crossroads" of Asia. History of Afghanistan is full of invasions. According to Dr. Nabi Misdaq:

"From Alexander the Great (fourth Century BC) to Genghis Khan (thirteenth century), Timure-e-lang (fourteenth century), the Moghuls (sixteenth/seventeenth century), the Persians (seventeenth/eighteenth century), the British (nineteenth/twentieth century), the Soviets in 1980s and lastly the Americans in the twenty-first century have traversed the length and breadth of the land, leaving their marks on the country and its population."<sup>17</sup>

From formation of an Afghan state to an Afghan nation state, all these invading empires and superpowers sowed the seeds of turmoil, internal strife and civil wars. As a result of these foreign interferences, Afghanistan became a place of heterogeneous population with their cross border ethnic links. This heterogeneity of Afghans more or less resulted in a weak Afghan state. Afghanistan, time and again, went to the brink of disintegration and then was saved. Before Soviet invasion in 1979, Afghanistan was a relatively a weak states and its control outside its cities was well termed as "weak links on a rusty chains."<sup>18</sup> Over the next two decades, the Afghans lost their trust in state bodies, which resulted in compromise of state legitimacy and capacity. Terror started to play a prominent role, and Afghan elite's fragmentation caused a political instability. This set the emergence of Taliban regime in mid 1990s, and Afghanistan received international attention for all the wrong reasons, especially Osama Bin Laden's Al-Qaeda. Afghanistan, once again, was invaded by a (sole) superpower of the world. As a result, at the start of 21st century, a conflict and civil war ravaged state of Afghanistan emerged, with almost a total destruction and collapse of its infrastructure.

Although more than six years have been passed since the US-led invasion, but Afghanistan is still showing just tentative signs of progress, with an uncertain and fragile future. Afghanistan is still in a conflict situation and slowly emerging out of it. In this regard, Dr. Amos Sawyer has rightly said, "All states coming out of conflict are fragile."<sup>19</sup> The current situation in Afghanistan almost fulfils all the criteria of a disrupted, weak or a fragile state. Afghanistan might well be seen as an example of what Robert H. Jackson has called a "quasi-state," enjoying a high level of "juridical sovereignty" (international acceptance of its existence within its present boundaries<sup>20</sup>), but a low level of "empirical sovereignty" (as measured by the capacities of government instrumentalities). Currently, violence is prevalent all across the country, and year 2007 saw a record level of violence that killed more than 6,500 people.<sup>21</sup> The Taliban-led insurgency, including militant activities, is on the rise. Despite international backed efforts to cut the drug trade, Afghanistan's opium production grew by 34 percent in 2007.<sup>22</sup> The security situation is fragile, and aid workers are not safe in performing their duties. Corruption has become an enormous problem in the newly established Afghan police, which are often controlled by local warlords. Afghans are facing food and electricity shortage. In general, Afghanistan is a fragile state and is facing critical challenges. Afghanistan must be protected as a nation state where security, justice, equality, and prosperity prevail.

## **Responsibility to Protect and Rebuild Afghanistan**

Who is responsible to protect and rebuild post-intervention Afghanistan? Are the Afghans are capable of protecting and rebuilding themselves? Is this a responsibility of international community? What are the responsibilities to protect and rebuild Afghanistan? What has been done so far? And would these responsibilities be fulfilled? These are some questions that would be addressed below. At the introductory level, it has been highlighted that responsibility to protect implies the responsibility not just to prevent and react, but to follow through and rebuild. From the above debate it is quiet clear that post-intervention Afghanistan is facing numerous challenges and an uncertain fragile future. These problems/challenges/responsibilities range from reconstitution of the political system to rebuilding of security, and from good governance to development. So, first of all, there is need to establish who is responsible to reconstruct and rebuild post-intervention Afghanistan, international community or afghan themselves?

The UN charter clearly establishes that "the people of the United Nations" are responsible "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small," and "to promote social progress and better standards of life in larger freedom."<sup>23</sup> Further, for these end, people of the United Nations are also responsible "to employ international machinery for the promotion of the economic and social advancement of all peoples." The UN Charter also stipulates, in Article 1(3), that again it is the responsibility of the people of

the United Nations “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”<sup>24</sup> So in case of Afghans, it is the responsibility of the international community to help and rebuild fragile Afghanistan for them, as long as the international community have a confidence in the UN system.

This argument is further supported by the 1948 Universal Declaration of Human Rights. According to the Article 2 of the Declaration:

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”<sup>25</sup>

Again this establishes that Afghans have an equal right to flourish and prosper no matter what the legal status of the Afghanistan state may be. Generally, when we consider that the primary responsibility of the protection of its people lies with the state itself, it reflects that the particular state enjoys an equal sovereign status under the UN Charter Article 2 (1). Furthermore, that particular state is also empowered in international law to exercise exclusive and total jurisdiction within its territorial borders and fulfils the corresponding obligation of non-intervention as enshrined in the UN charter Article 2(7).<sup>26</sup> That particular state is also meant to perform a wide range of core functions for the welfare of its people, and its role in international affairs. In case of post-intervention Afghanistan, especially after the overthrow of Taliban regime, who almost controlled around 90 percent of Afghanistan, it was difficult to ascertain that Afghanistan itself can fulfil such responsibility. Even the United Nations Security Council (UNSC) did not recognise this responsibility until it passed its resolution 1378 on November 14, 2001 (almost weeks after US-led invasion on Afghanistan). The UNSC, in its resolution 1378, “reaffirmed its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan.”<sup>27</sup> Furthermore, in this resolution, the UNSC expressed its strong support for the efforts of the Afghan people to establish a new and transitional administration leading to the formation of a government, both of which:

- Should be broad-based, multi-ethnic and fully representative of all the Afghan people and committed to peace with Afghanistan’s neighbours,
- Should respect the human rights of all Afghan people, regardless of gender, ethnicity or religion,
- Should respect Afghanistan’s international obligations, including by cooperating fully in international efforts to combat terrorism and illicit drug trafficking within and from Afghanistan, and
- Should facilitate the urgent delivery of humanitarian assistance and the orderly return of refugees and internally displaced persons, when the situation permits.

On 6 December, 2001, the UNSC passed another resolution, 1383, and stressed that it is the “inalienable right of the Afghan people themselves freely to determine their own political future.” Furthermore, since the US-led invasion, in this resolution, for the first time the UNSC “determined to help the people of Afghanistan to bring to an end to the tragic conflicts in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights, as well as to cooperate with the international community to put an end to the use of Afghanistan as a base for terrorism.”<sup>28</sup> Through this resolution, the UNSC endorsed the Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions, signed in Bonn on 5 December, 2001 (the Bonn Agreement). After the Bonn Agreement, the UNSC in its resolution 1386 of 20 December, 2001, for the first time recognised that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves.<sup>29</sup>

On 21-22 January, 2002, “The International Conference on Reconstruction Assistance to Afghanistan” also known as Tokyo Conference, was held in Tokyo and the international community made a strong commitment to reconstruction assistance to Afghanistan by making specific commitments and pledges.<sup>30</sup>

There was also a recognition that the UN should continue to play a pivotal role. Again on March 31, to 1 April, 2004 representatives from 65 nations and international organisations met in Berlin, the Berlin Donors Conference, and pledged their financial support for the reconstruction of Afghanistan. Later on, from January 31 to February 1, 2006, the Afghan government, the UN, and the international governments met once again in London and gave a framework for co-operation for the next five years, known as, "The Afghanistan Compact".<sup>31</sup> In the Afghanistan Compact, the international community and international organisations, once again affirmed their shared commitment and:

"Resolved to overcome the legacy of conflict in Afghanistan by setting conditions for sustainable economic growth and development; strengthening state institutions and civil society; removing remaining terrorist threats; meeting the challenge of counter-narcotics; rebuilding capacity and infrastructure; reducing poverty; and meeting basic human needs;"<sup>32</sup>

The debate has made it clear that the state has the primary responsibility to protect its people when it fulfils all the criteria of a sovereign state. The international community initially helps to establish a transitional or interim administrative set up in a post-intervention situation, and then its helps that setup in reconstruction, rehabilitation and reintegration by calling in relevant procedures, concerned international and regional organisations, and bilateral and multilateral donors. So in a way, both the newly established Afghan government and the international community are responsible to rebuild a totally devastated Afghanistan, because Afghans themselves, at the moment, are not capable enough to perform this task on their own.

### **Responsibilities/Challenges to Protect and Rebuild Afghanistan**

Now there is a need to understand the tasks or responsibilities to protect and rebuild post-intervention Afghanistan. And what has been done so far in this regard? The following section will briefly analyse some major and critical challenges/responsibilities in Afghanistan vis-à-vis the role of international community and the Afghan state itself, leading up to their current situation. Alongside this debate, an analytical attempt would also be made to assess the success or failure of these challenges/responsibilities.

#### ***Political Transition***

After the overthrow of Taliban regime, what lies ahead for the international community was the responsibility to end the tragic conflict in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights in the country. Afghanistan was faced with the problem of local capacity for self-governance which created a need for new political arrangements. The first and foremost responsibility was the establishment of interim arrangements as a first step toward the establishment of a broad-based, gender-sensitive, multi-ethnic, and fully representative government. On 5 December, 2001, a UN-sponsored agreement, "Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions", also known as Bonn Agreement, was signed by a non-Taliban political actors.<sup>33</sup> The Bonn Agreement was endorsed by the UNSC resolution 1383. The Bonn Agreement laid down a phased process of political transformation of Afghanistan. This agreement includes:

- Establishment of emergency interim arrangements with a broad representation of all the segments of the Afghan Population.
- Establishment of Special Independent Commission for the Convening of the Emergency Loya Jirga.
- Establishment of a Supreme Court of Afghanistan.
- The Emergency Loya Jirga shall decide on a Transitional Authority, including a broad-based transitional administration.
- Election of a fully representative government through free and fair elections.

- Convening a Constitutional Loya Jirga to adopt a new constitution for Afghanistan, and with the assistance of the UN establishment of a Constitutional Commission.
- Provisions were also made for security, financial matters and for an independent Civil Service Commission and independent Human Rights Commission.

The Bonn Agreement initially established an Afghanistan Interim Authority (AIA), and on 22 December, 2001, Hamid Karzai became the chairman of the interim power sharing government. On June 2002, the Emergency Loya Jirga held its first meeting and elected Hamid Karzai as a President of Afghanistan Transitional Authority (ATA). President-elect Karzai named three vice-presidents and 14 ministers. Karzai announced that education, reconstruction, and security were among the government's key priorities and thanked individual and local and international participants for their support.<sup>34</sup> Later in that year, respectively on 6 July, and on 5 September, Karzai's Vice-President Haji Abdul Qadir was assassinated in Kabul, and Karzai himself survived an assassination attempt in his home town Kandahar. In the meantime, in November 2002, the Constitutional Drafting Commission inaugurated, which started drafting a constitution to make Afghanistan a functional, stable and secure state.

Between 14 December, 2003 and 4 January, 2004, the Constitutional Loya Jirga, after a fierce debate, adopted the new constitution of Afghanistan, which was later ratified by President Karzai on 26 January, 2004.<sup>35</sup> The constitution provides that the Islamic Republic of Afghanistan is an independent, unitary, and indivisible state. Article 3 stipulates that "no law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan." It further stipulates that fundamental rights and duties of a state ranging from the implementing the provisions of this constitution and other laws, to defending independence, national sovereignty, territorial integrity and attaining the security and defence capability of the country.<sup>36</sup> The Constitution undertakes that it is the responsibility of the state to make Afghanistan a progressive society based on social justice, preservation of human dignity, protection of human rights, realisation of democracy, attainment of national unity as well as equality between all peoples and tribes and balance development of all areas of the country.<sup>37</sup>

The Constitution of Afghanistan 2004 also provides provision for the respect and observance of the UN charter, interstate agreements, and to treaties to which Afghanistan has joined and Universal Declaration of Human Rights.<sup>38</sup> Furthermore, the constitution provides provision for a strong presidential system (Article 60) with its term (Article 61), powers (Article 64), role, limitations etc. It also provides provision for Afghan National Assembly, Supreme Court, and on the procedures and functioning of other different organs of the state.

After the constitution making exercise, the next task in Afghanistan's political transition was the election process for a fully representative government. On October 9, 2004 President Karzai won the presidential elections with a 55.4 percent votes, from a turnout of 69.2 percent. Later on, in September 2005, after 30 years, the first parliamentary (Walesi Jirga) elections were held. Finally, on December 2005 the new parliament held its inaugural session. It was a messy outcome. According to a detailed study, carried out by Andrew Wilder in 2005, the Walesi Jirga was highly fragmented on other lines. "He calculated that the 249 members comprise 81 who are 'pro-government,' 84 who are 'pro-opposition,' and 84 who are non-aligned."<sup>39</sup>

In this political transformation process, international community and organisations played a key role (subsequent role of international community and different organisations will be discussed in the next sections). The United Nations Assistance Mission in Afghanistan (UNAMA) provided necessary support for Bonn Agreement, Emergency Loya Jirga, presidential and parliamentary elections of 2004 and 2005, and civil and consultation efforts in Afghanistan's constitution making process. However, UNAMA was also criticised for its role for supporting a rushed constitution and secrecy in this process.<sup>40</sup>

As far as the overall political transformation in the post-Taliban regime was concerned, the Bonn Agreement raised the questions of legitimacy for new interim administration and transitional administration. The Agreement was unable to produce an instant legitimacy for the new administration due to its narrow political base. At that time, the Bonn participants, and the UN more generally, realised that this Bonn model will only work if the interim and then the transitional administrations could be seen to making concrete difference in the lives of ordinary people. But this lay beyond the capacity of the Bonn



Agreement to ordain by decree.<sup>41</sup> This process was complicated because wide range of actors was involved in power sharing process. The attainment of a strong political base was highly uncertain because a large section of the population, particularly ethnic Pashtuns, and powerful regional leaders (warlords), feel sidelined by the post-Taliban order.<sup>42</sup>

Although the international community declared Loya Jirga a success, but it was accompanied by violence, intimidation, and harassments of delegates, which resulted in prominent warlords holding key seats during interim and transitional administrations. President Karzai is now faced with a difficult task to run an efficient office due to his ineffective associates because too much power was in the hands of the individuals. To pacify trouble making warlords, Karzai rewarded them with key posts in Kabul, where they followed the policy of rivalries and competition.<sup>43</sup> Key administrative officials are less experienced which is not helpful in building state institutions. Thus, despite identifying what the state should do, these political elites are busy in grabbing good positions. As a result, the political transformation of Afghanistan is filled with proliferation of ministers. Furthermore, on the administrative front, there is a considerable uncertainty on the exact boundaries of provinces and districts. Since the appointment of the provincial governors was based on political grounds, they captured both the strategic decision making and fiscal resources.

William Maley argues that Afghanistan never had a federal system. However, some have equated “federalism” with “warlord power.” He further argues:

“A strong presidential system has aggravated the ethnic tension, because it permits only one winner and many losers. President Karzai’s non-confrontational policy may have hidden this problem for a moment, but it is lying just below the surface in Afghanistan’s new political framework, like a bomb waiting to explode. Ultimately what the Loya Jirga produced was not a constitution for all times, but a constitution for Karzai.”<sup>44</sup>

There are divisions on the ideological lines in the constitution making process some favoured an Islamic state while others were in favour of a public law. Kabul is very slowly expanding its influence in different parts of country. No civil society framework exists in Afghanistan. Although an Afghan Civil Society Forum was created with the support of Swiss Peace Foundation and later on the National Solidarity programme was launched, but the civil society still lacks the trust in state institutions. Despite some improvements, the Afghan state is again going into the hands of traditional warlords. It is difficult to disrupt the warlord oriented relationship because central government is responsive to international community not to its society. As a result, Afghanistan is becoming a country which is protecting the strong ones and neglecting the weak ones. While on the other side, the warlords are connected to foreign interests and backing.

### **Security Building**

Listing of critical challenges being faced by Afghanistan does not mean that these issues carry less or more importance. They are interlinked with each other, and meeting all these challenges altogether can create a lasting peace. So in this context building and maintenance of security is equally important. Maintaining a cessation of all violent conflicts is the foundation for a peaceful transition to the creation of a new government, economic development and social reconstruction.<sup>45</sup> Particularly in Afghanistan due to decades of military interventions, civil wars, violence, and lawlessness, Afghan people have lost their trust in state and in its institutions. However, their confidence and trust in state can be restored again if adequate security measures are provided to them. The term security generally refers to “freedom from harm” and there are many types of it such as economic security, social security, human security. In reference to Afghanistan, security building ranges from physical security to security sector reforms. So without the prospects of security, there is no hope; without hope there is no commitment to a common future.<sup>46</sup>

On 14 November, 2001, the UNSC, in its resolution 1378, asked the member states to support and ensure the safety and security of areas of Afghanistan no longer under Taliban control, and in particular to ensure respect for Kabul as the capital for all the Afghan people, and especially to protect civilians, transitional authorities, United Nations and associated personnel, as well as personnel of humanitarian organisations.<sup>47</sup> Later on, according to the 5 December, 2001 Bonn Agreement:

“The participants in the UN Talks on Afghanistan recognise that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves. To this end, they pledge their commitment to do all within their means and influence to ensure such security, including for all United Nations and other personnel of international governmental and non-governmental organisations deployed in Afghanistan.”<sup>48</sup>

On 20 December, 2001 the UNSC, in its resolution 1386, not only reiterated its endorsement for the Bonn Agreement, but also authorised the establishment of International Security Assistance Force (ISAF) under Chapter VII of the UN Charter for a period of six months. The initial mandate of the ISAF was to assist AIA for the maintenance of security in Kabul and its surrounding areas. On 23 May, 2002, the UNSC, in its Resolution 1413, extended the mandate of the ISAF for another six months beyond 20 June, 2002.<sup>49</sup> On 27 November, 2002, the UNSC, in its resolution 1444, once again extended the mandate of the ISAF to assist ATA for another year, beyond 20 December, 2002.<sup>50</sup>

In the meantime, according to a letter dated 2 October, 2003, from the Secretary-General of the North Atlantic Treaty Organisation (NATO), Lord Robertson of Port Ellen, to the UN Secretary General, conveyed to the Council in document S/2003/970 that NATO had assumed strategic command, control and coordination of the ISAF on 11 August, 2003. Annexed to the letter was NATO’s longer-term strategy for its ISAF role in Afghanistan, and a letter of October 6, in which the NATO Secretary-General informed the Secretary-General of the UN that the North Atlantic Council had approved a set of preliminary decisions related to a possible expansion of NATO’s ISAF mission.<sup>51</sup> Furthermore, on 10 October, 2003, the Minister of Foreign Affairs of Afghanistan wrote a letter to the UNSG (document S/2003/986), in which the Afghan government requested the Council to consider expanding the mandate of ISAF in Afghanistan, in full coordination with the Afghan authorities in Kabul.<sup>52</sup>

NATO command over ISAF again brought the question of its legitimacy, because NATO is a defence organisation which operates in the specific region of membership.<sup>53</sup> Even on 13 October, 2003, the UNSC, in its resolution 1510, expanded the role of ISAF in Afghanistan outside of Kabul and its environs, for a period of 12 months, but did not authorise NATO to assume command of ISAF. However, the resolution 1510 called on the ISAF to work in “close consultation” with the ATA and its successors, the Special Representative of the Secretary-General as well as with the Operation Enduring Freedom Coalition.<sup>54</sup> Later on, the UNSC, in its resolutions 1563, 1623, 1707, and more recently in resolution 1776, extended the mandate of the ISAF for a period of 12 months beyond 13 October, 2007.<sup>55</sup> On 5 October, 2006, in another landmark step for NATO, NATO-ISAF took command of the international military forces in eastern Afghanistan from the US-led Coalition.

There are 39 nations which are contributing their troops for the ISAF which includes 26 NATO member and 13 non-NATO countries.<sup>56</sup> Currently, some 41,700 troops (including National Support Elements) are providing support to the Afghan authorities throughout the country, with the aim of boosting efforts to provide reconstruction and development. The main mission of ISAF is to “conduct military operations in the assigned area of operations to assist the Government of Afghanistan in the establishment and maintenance of a safe and secure environment with full engagement of Afghan National Security Forces, in order to extend government authority and influence, thereby facilitating Afghanistan’s reconstruction and contributing to regional stability.”<sup>57</sup> ISAF is conducting stability and security operations, assisting in the development of Afghan National Security Forces (ANSF), including Afghan National Army (ANA) and Afghan National Police (ANP), reconstruction of infrastructure, supporting the Afghan government to Disarm Illegally Armed Groups (DIAG), supporting Afghan government and internationally-sanctioned counter-narcotics efforts, and supporting humanitarian assistance operations.<sup>58</sup>

Currently, there are 25 Provincial Reconstruction Teams (PRTs) operating throughout the country. The main objective of these PRTs is to support Afghan Government to improve security environment, to facilitate reconstruction efforts, to assist security sector reforms, to develop a secure environment for a secure development, to demonstrate international community’s commitment, and many more.<sup>59</sup> However, there is no standard model of PRTs. Since these PRTs are operating under different commands so they are following their own agenda and their national interests for example the US teams are implementing “quick impact” development projects, and the New Zealand team is much more focused on stabilising the area, which have worked very effectively with the local community. The British-led PRT in the northern

city of Mazar-e-Shrif is cited as a model of effectiveness. Most of these PRTs operating without the consent of locals, and are accused of spending unequal amount which is not harmonising development in Afghanistan, e.g. the US has more money to spend than PRTs from countries like Lithuania.<sup>60</sup>

Furthermore, building an ethnically diverse Afghan National Army (ANA) was a complex and challenging task. In the Bonn Agreement the participants requested the assistance of the international community in helping the new Afghan authorities in the establishment and training of new Afghan security and armed forces. When Hamid Karzai became the President of the Afghanistan, he banned the private militia and set a goal of an army of 70,000 by year 2009.<sup>61</sup> The US has been the lead country in the construction of ANA and has provided most of the funding for ANA. A French Army advisory team oversees the training of officers. The United Kingdom also conducts initial infantry officer training. The Canadian Forces Land Force Command supervises the Combined Training Exercise portion of initial military training.<sup>62</sup>

As of December 2007 the ANA stands around 57,000.<sup>63</sup> The pay structure of ANA is very less; a brigadier general makes \$580 a month, a major \$330, a second lieutenant \$210. However, according to Afghan Defence Ministry spokesman, Zahir Azimi, "We think we need a 200,000 (strong) Afghan National Army which is in the interest of both Afghanistan and the international community."<sup>64</sup> He was right that maintaining an army of 200,000 personnel would cost less than the cost on maintaining foreign troops in Afghanistan. However, desertion and recruitment difficulties are recurring problems for the Afghan Army, and a future role of ANA is still posing a question especially in terms of their ethnic loyalty. Furthermore, a country cannot sustain an army on foreign resources.

While on the other hand, establishing and reforming Afghan National Police (ANP) was another major challenge in building a safe and secure Afghanistan. The US took the lead with the partnership of Germany (from 2002 -2007 contributing \$80 million) to train the Afghan National Police. Germany and the US have provided basic training courses at a central training facility in Kabul and seven Regional Training Centres in other provinces. Up till 2006, more than 57,000 members of the National Police, Highway Police, and Border Police have completed basic training programmes at US facilities. Over 12,000 have also completed more advanced training courses in specialised areas such as firearms, crowd control, investigative techniques, and domestic violence.<sup>65</sup>

Currently there are 25 countries and several international organisations which are supporting the police sector reforms in Afghanistan. The main police coordination bodies are the Interagency Police Coordinated Action Group (IPCAG) and the recently established International Police Coordination Board (IPCB). The UNDP-managed Law and Order Trust Fund for Afghanistan (LOTFA) hold the primary responsibility for coordinating support for police salaries. The European Commission (EC) has been the single largest donor of police salaries, contributing nearly half of the \$330 million channelled by donors through LOTFA between 2002 and 2006.<sup>66</sup> As of December 2007, ANP has a total strength of 75,000 policemen out of a total goal of 82,000.<sup>67</sup> The ANP mainly includes, Afghan Uniformed Police (AUP); Afghan Border Police (ABP); Afghan National Civil Order Police (ANCOP); Counter Narcotics Police of Afghanistan (CNPA); and Afghan National Auxiliary Police (ANAP).<sup>68</sup> However, a highly politicised ANP, without sufficient pay, lack of serviceable equipments, and their ethnic loyalties are creating a hurdle in security reforms. According to Andrew Wilder:

"Despite some notable achievements, the overall result of police reform efforts during the past five years has been disappointing, and many Afghans still perceive the ANP to be part of the security problem rather than part of the solution. If the key issues that undermined past reform efforts are not addressed, the major increases in human and financial resources directed towards reforming the ANP are likely to be wasted."<sup>69</sup>

Disarmament Demobilisation and Reintegration (DDR) of combatants is a central element of a peace process in Afghanistan. According to Maley, "Security is difficult to achieve in a country bristling with arms."<sup>70</sup> In Afghanistan, the United Nations Development Programme (UNDP) mainly with the financial support of Government of Japan and other courtiers, initiated a project "The Afghanistan's New Beginnings Programme" (ANBP) in April 2003. The DDR was successfully completed in June 30, 2006 within a total cost of \$141 million. As of July 2006, the DDR supported the disarmament of 63,380 former officers and soldiers of the Afghan Military Forces (AMF) as well as the decommissioning of 259 AMF units. 55,804 ex-combatants chose one of the reintegration options, which further benefited 53,415 of

them, leaving aside 2,759 drop-outs.<sup>71</sup> Currently, the ANBP is involved in two security related projects: the Anti Personnel Mines & Ammunition Stockpile Destruction Project and the Disbandment of Illegal Armed Groups (DIAG).<sup>72</sup> According to the UNDP press release, as of April 14, 2007, 481,226 pieces of anti-personnel land mines, 12920 pieces of anti-tank mines, and 13602 pieces of ammunition has been destroyed under the ANBP.<sup>73</sup> As far as DIAG is concerned, it was estimated that there could be up to 120,000 persons, operating in over 1,800 illegal groups, which could fall into this category. So far under the DIAG process in the national assembly and provincial assembly or the NAPEC process, 124 candidates handed over 4,857 weapons. 34 candidates were disqualified, while others withdrew their candidature. As of July 29, 2007, 31,484 weapons as well as 27,892 pieces of boxed and 293,949 pieces of unboxed ammunition have been handed over to and verified by ANBP collection teams in Afghanistan.<sup>74</sup>

However, despite all these efforts in Afghan security sector, if we look at the year 2007 alone, it presents a horrifying picture of the Afghan security situation. According to western and afghan sources, the year 2007 was termed as the worst year of violence in Afghanistan. In this year, more than 6500 people were killed, which includes 110 US troops, 41 British troops, Canada lost 30, while other nations lost 40 troops.<sup>75</sup> More than 920 Afghan policemen died in Taliban ambushes in 2007. On September 29, a powerful suicide bomb attack on a bus in the Afghan capital, Kabul, killed 30 Afghan soldiers. On November 6, 2007, a suicide bomber struck a sugar factory in Baghlan province during a visit by parliamentarians, killing at least 70 people, including six MPs and many schoolchildren.<sup>76</sup> More recently, on January 15, 2008, a bomb explosion in Serena Hotel Kabul killed at least six people. Almost on a day to day basis, the international media is full of news of violence, bomb explosions and other security related incidents in Afghanistan. It seems that Afghanistan is once again becoming a part of problem for another intervention. According to a recent statement of the UN Secretary General Bin-Ki-moon, "Yet this progress is in jeopardy. Once again, the opportunists are on the rise, seeking anew to make Afghanistan a lawless place – a locus of instability, terrorism and drug trafficking."<sup>77</sup>

Despite the above mentioned efforts, Afghan state still lacks basic infrastructure to control violence. It has very limited monopoly on the legitimate tools to use force. Warlords have a sufficient control over the means of violence. Bomb explosions, killing of civilians, ethnic minorities, and returning refugees is common. Widespread violence is also agonising general Afghan population. Revival or regrouping of Taliban forces is resulting in violence, attacks on aid workers, and bomb explosions. Warlords are also showing a strong reaction in terms of violence against the strength of Kabul. Warlords are fighting for dominance over each other. Small and less known ethnic armed groups are increasing their violent activities and more often they do it for money. Threats posed by criminals are on the rise on a day to day basis. Armed groups associated with anti-Taliban forces are strengthening. Western private security agencies operating in Afghanistan are not well regulated under the international law. Foreign security structures have their own influence on Afghan security sector reforms which tend to neglect the situation on ground. Overall, the security sector reform is a complex process and in the present context without a long-term vision it cannot sustain. The benchmarks and timeline set out in the 2006 Afghanistan Compact seem unachievable by 2010 with reference to affective, professional and balanced ANA, ANP, other security related agencies. International community will have to play a futuristic role to achieve the goal of a stable and secure Afghanistan.

### ***Social and Economic Reconstruction***

After decades of conflicts, civil wars and violence, reigniting economic development of a disrupted economy and transforming an ethnically fragment society into a nation is a difficult and long-term challenge. Afghanistan is still a poor and fragile country, facing numerous challenges even after six years of the fall of Taliban regime. In social and economic reconstruction, some of the major challenges include, disrupted economy, poverty, destruction of physical infrastructure, lack of human capital, millions of displaced people, worst health and education system, illicit drug economy, non-functioning state institutions, fragmented society, gender equality, and many more.

Initially, in the Bonn Agreement, the participants urged the UN, the international community, particularly donor countries and multilateral institutions, to reaffirm, strengthen and implement their commitment to assist with the rehabilitation, recovery and reconstruction of Afghanistan. The international community

took their shared responsibility for the reconstruction of Afghanistan and their efforts are still going on. Following is a brief analysis, made by Afghanistan along with the help of international community, of the current situation on the ground.

Shortly after the fall of Taliban regime in 2001, to meet the reconstruction challenges, an Afghanistan Reconstruction Steering Group (ARSG) was formed in November 2001 in Washington and on 19 December, 2001, under the leadership of Special Representative of UN Secretary General, Lakhdar Brahimi, and within the framework of UNAMA the UNDP established an Afghan Interim Authority Fund (AIAF) to cover operational cost of AIA.<sup>78</sup> The ARSG held its first conference on 20-21 December, 2001, in Brussels, where international community, non-governmental organisations (NGOs) and donor organisations agreed on a quick impact project of nominal worth of \$ 582 million for the coming 30 months.<sup>79</sup> The conference identified following sectors: getting people back to school, energy production, healthcare, rural development, repairing the water distribution systems, irrigation, setting up the civil administrations, and the fight against drugs. The following areas were identified as priority areas: mine clearance, integrated community development, urban housing programmes, training programmes for men and women on human rights and equal opportunities issues, and rebuilding roads.<sup>80</sup> Following the conference, on the request of donors' governments, the UNDP, the World Bank, and the Asian Development Bank prepared a preliminary need assessment for recovery and reconstruction in Afghanistan and estimated that \$1.7 billion for the first year, \$10.2 over the first five years and overall \$14.6 billion over the first 10 years are required.<sup>81</sup>

On 21-22 January, 2002, the International Conference on Reconstruction Assistance to Afghanistan was held in Tokyo. The Tokyo Conference was co-chaired by Japan, US, EU, and the Kingdom of Saudi Arabia. Over all 61 countries and 21 various international organisations along with the Chairman of the AIA, Hamid Karzai, attended this conference.<sup>82</sup> The Tokyo Conference demonstrated a strong commitment of the international community to reconstruction of Afghanistan by making specific commitments and pledges. The Conference announced a pledge and contribution of over \$1.8 billion for the year 2002 and in terms of multiyear pledges and commitment a cumulative of more than \$4.5 billion was announced. The AIA identified following key priority areas for Afghanistan reconstruction:<sup>83</sup>

- Enhancement of administrative capacity, with emphasis on the payment of salaries and the establishment of the government administration;
- Education, especially for girls;
- Health and sanitation;
- Infrastructure, in particular, roads, electricity and telecommunications;
- Reconstruction of the economic system, in particular, the currency system;
- Agriculture and rural development, including food security, water management and revitalising the irrigation system.

On April 10-11, 2002, the first Implementation Group (IG) meeting was held in Kabul under the AIA which was tasked to translate the commitments made in the Tokyo Conference. The IG meeting endorsed an operating budget for the AIA, drafted a National Development Framework, and emphasised the establishment of a practical aid mechanism between donors and the Government of Afghanistan.<sup>84</sup> It was agreed that the Afghan Assistance Coordination Authority (AACA) will call regular coordination meetings, which will include representatives from the government as well as donor agencies, the international financial institutions, the UN and NGOs. Later in May 2002, a multilateral Afghanistan Reconstruction Trust Fund (ARTF) was established which was jointly prepared and managed by the World Bank, the Asian Development Bank, the Islamic Development Bank and UNDP, and administered by the World Bank. Budgetary support for the Transitional Administration under AIAF was then transferred to ARTF.

In March 2004, the Afghan President, Hamid Karzai endorsed the UN Millennium Development Goals (MDGs), but due to lack of data of its lost decades and the lack of available information, Afghanistan has defined its MDGs contribution as targets for 2020 from a baseline of 2003. In April 2004, another significant development was the Berlin Donors Conference, and 65 nations and international

organisations once again pledged their support for the reconstruction of Afghanistan. Afghanistan received more than \$8 billion in pledges for the next three years, exceeding the Government's target of \$4.4 billion for their current fiscal year.<sup>85</sup> This pledge was made to support:

- Elections in September 2004; a pledge of \$66 million was made to register an estimated 10 million eligible voters and conduct presidential and parliamentary elections.
- Economic growth; for the growth of legitimate Afghan economy the legitimate Afghan economy a commitment of additional US and Japanese assistance was made to accelerate road construction, linking villagers and businesses to regional cities and markets for goods. The Asian Development Bank offered Afghanistan \$1 billion in grants and concessional loans for 2005-2008.
- Health care; the US Agency for International Development's programme to refurbish 150 existing clinics and construct 228 new clinics will expand essential health services to at least 12 million Afghans, including expectant mothers and newborns.
- Security Sector Reforms.

Later on, the outcome of 2006 London Conference in terms of the Afghanistan Compact was another significant development with a renewed commitment of the international community to rebuild a safe and secure Afghanistan.<sup>86</sup> The Afghanistan Compact in line with "Afghanistan's Millennium Development Goals Report 2005: Vision 2020", gave a five-year framework and identified three priority areas of activity:

- Security;
- Governance, Rule of Law and Human Rights; and
- Economic and Social Development.

This Compact also established different wide ranging benchmarks and set time lines to achieve them.<sup>87</sup> The Afghanistan Compact also identified core principles of co-operation between the international community and the Afghanistan government which if implemented with a true spirit can really help in building a stable, safe and secure Afghanistan.<sup>88</sup>

- Respect the pluralistic culture, values and history of Afghanistan, based on Islam;
- Work on the basis of partnership between the Afghan Government, with its sovereign responsibilities, and the international community, with a central and impartial coordinating role for the United Nations;
- Engage further the deep-seated traditions of participation and aspiration to ownership of the Afghan people;
- Pursue fiscal, institutional and environmental sustainability;
- Build lasting Afghan capacity and effective state and civil society institutions, with particular emphasis on building up human capacities of men and women alike;
- Ensure balanced and fair allocation of domestic and international resources in order to offer all parts of the country tangible prospects of well-being;
- Recognise in all policies and programmes that men and women have equal rights and responsibilities;
- Promote regional cooperation; and
- Combat corruption and ensure public transparency and accountability.

The London Conference also approved Interim Afghanistan National Development Strategy (I-ANDS). The preparation phase of the ANDS started in June 2006 and ended in January 2007. The Afghan

Government has been setting up the systems and processes to meet its commitments and to develop the interim strategy into a full strategy that meets the requirements of a Poverty Reduction Strategy Paper (PRSP). After development and consultation a full ANDS is expected to be published by mid-2008.<sup>89</sup> The I-ANDS lay out a vision for development of Afghanistan by 2020 in contrast with MDGs and through implementation of the Afghanistan Compact. This vision includes political, social economic and security. The full ANDS is unlikely to be a radical departure in overall strategy as many of the priorities in the I-ANDS not only represent an overwhelming national consensus on our development priorities, but also reflect Afghanistan's multi-year commitments to the Millennium Development Goals and the Afghanistan Compact.<sup>90</sup>

Although the above debate portrays a promising future of Afghanistan, despite these shared efforts the situation on ground is not satisfactory. In this context, if we analyse Afghanistan and MDGs, Afghanistan still lacks basic data, state of policy environment is either weak or just fair, but not good enough.<sup>91</sup> To understand the current situation in Afghanistan there is a need to analyse the MDGs with reference to Afghanistan.<sup>92</sup> Following are some findings from the World Bank GMR 2007, and MDGs Country Report of Afghanistan 2005.

#### *Goal 1: Eradicate extreme poverty and hunger*

In Afghanistan Nearly 40 percent of the rural population cannot count on having sufficient food to satisfy their most basic hunger. Nearly 40 percent of the children under the age of 3 are underweight, and more than half the children in that age group are stunted. Afghanistan needs a secure environment and sustained growth over at least the next 10 years to reduce poverty significantly by 2020.

#### *Goal 2: Achieve universal primary education*

About one in five Afghans is a school age child but half of them are out of schools. Among Afghans aged 15 to 24 years 34 percent are literate – about half of the men and 18 percent of the women. In Afghanistan, only 36 young women were literate for every 100 literate young men. Afghanistan needs to increase school enrolment with a focus on increasing the attendance rate of girls. It is critical that access to education and the quality of education are addressed simultaneously.

#### *Goal 3: Promote gender equality and empower women*

Afghanistan has already allocated 25 percent of the seats in the lower house of the National Assembly to women. However, education, the rule of law, awareness, and gradually changing cultural practices and mindsets, political commitment to take actions will concretely improve the rights of women.

#### *Goal 4: Reduce child mortality*

Life expectancy is 45 years. According to the World Bank GMR 2007, the country had some of the worst health indicators in the world, with estimated under-five mortality of 256 per 1,000 births, compared to 92 for South Asia. About 70 percent of the rural population and 40 percent of the urban population have no access to improved water. About 41 percent of the rural population and 13 percent of the urban population have no access to proper sanitation. Implementing the Afghan government's basic package of health services is critical for that goal. The health system needs to provide better care for mothers and babies before and after birth to reduce neonatal deaths.

#### *Goal 5: Improve maternal health*

Afghanistan has the highest rate of maternal mortality of any country except Sierra Leone and Angola. Overall, maternal mortality is estimated at 1600 to 2200 deaths per 100,000 live births. Nearly 16 percent of Afghan girls are married before the age of 15 and 52 percent are married before their eighteenth birthday.

#### *Goal 6: Combat HIV/AIDS, Malaria, Tuberculosis, and other Diseases*

Currently Afghanistan has a low prevalence of HIV/AIDS, but it is at high risk. Malaria is prevalent in 60 percent of the country and is spreading to higher altitudes as the climate warms. There are an estimated 2-3 million cases of malaria annually in a population of about 25 million. Afghanistan is one of the 22

countries with the highest rates of tuberculosis, with young women comprising about 70 percent of all adult cases of TB that are reported by public health facilities. Access to health services, increased health awareness and specific strategies for each disease will be a key to combating HIV/AIDS, malaria, tuberculosis and other diseases.

#### *Goal 7: Ensure environment sustainability*

Only 6 percent of the population has access to a regular supply of electricity. Due to drought and the destruction of water management systems, the water table has sunk in many areas. The growing population is mining the country's deep aquifer water reserves, and water quality is declining. 80 percent of the rural population drinks contaminated water. With the return of millions of refugees, cities, overwhelmed by air pollution, sewage, and waste, have become swollen with transient populations living in slums, where an estimated 75 percent of the urban population lives. Increased access to improved water sources and improved sanitation will not only contribute to sustaining the environment but also improve the overall health of the population, especially by reducing child morbidity and mortality.

#### *Goal 8: Global partnership for development*

The government of Afghanistan raises a mere 5 percent of the GDP as internal revenue. In 2004, the Afghan government estimated that the amount of aid required for minimal stabilisation would be US\$27.5 billion over a period of seven years, equivalent to about US\$168 per capita per year for that period. Since 2002, most assistance has gone to immediate humanitarian needs and security, with only 10 percent of the disbursements going to health and education, far less if one includes the cost of international military operations in Afghanistan. There is a growing gap between amounts pledged and amounts disbursed and a large gap in both money and time between disbursement and implementation. Nearly three quarters of the aid is disbursed and delivered outside of channels controlled by the government budget, involving multiple levels of contractors that inflate cost, create delays, and fail to build Afghan national capacity. Return of refugees from neighbouring countries is again putting pressure on an already fragile economic and social structure.

Although with the help of the international community, education and health sector are improving, but still they are not good enough to sustain a poor population. Reconstruction of physical infrastructure, economic recovery, better health and educational standards, eradication of poverty and issues related to sustainable development are long term challenges.

### **A Way Forward**

In a post-intervention Afghanistan peace and stability are highly contingent commodities. The central government remains very weak, with many opponents; terrorism continues; warlords compete for power in the hinterland, often through military means.<sup>93</sup> The current Afghan security structure is surviving on foreign support and aids, and any near term withdrawal of such aid or international security assistance would result in collapse of fragile state institution. As a result, any collapse in Afghan security structure would impact the security of its neighbouring states and the international community as well. The international community, and specifically the US, should lead a diplomatic initiative in the region to create a cooperative security and intelligence network aimed at securing Afghanistan's borders and taking down terrorist networks. The US should state that it will not establish permanent military bases in Afghanistan in order to relieve local anxiety and further empower Afghans to take responsibility for their own security. Afghanistan's neighbours should play a more active role in supporting stability and efforts to fight terrorists and extremists.<sup>94</sup>

In Afghanistan, social and economic reconstruction activities are mostly managed by the international organisations under their agenda which is weakening the role of the Afghan government. So for aid effectiveness, the reconstruction process should be managed by the Afghan government according to their national priorities. However, the international community should make efforts to make the aid coordination mechanism free of corruption, transparent and accountable. The international community should strengthen the Afghan government to achieve its benchmarks under a timetable – "Vision 2020" set by ANDS and MDGs. In this regard, more financial support is required by international donors for a strong Afghan government which could win hearts and minds of its own people and win their confidence



to achieve its vision for 2020. The Afghan government should focus more on poverty eradication, building of infrastructure, health, rural development and agriculture. To make its economy legitimate an effective counter drug strategy is required which should be based on curtailing traffickers and their networks, providing alternative economic incentives to the farmers. Employment generation programmes should be a key priority and even donors should also use more local services and buy more goods locally.

The resurgence of Taliban and ongoing violence in Afghanistan is a reminder that the current international protection regime is still too weak, and too limited to provide security for all.<sup>95</sup> In a post-conflict situation, the R2P should not only be focused on the responsibility to rebuild, but it should also look after the “Responsibility to Prevent”. So that in future, a state like Afghanistan does not become a victim of another foreign military intervention. Since the role of regional defence organisations is raising many questions and doubts, as their policies are driven by their membership, it is difficult to achieve a fair and balance humanitarian approach. The international community should strengthen and divert more resources in the multilateral international organisations like the UN, so that it can perform its responsibility of “prevention”, “reaction” and “rebuilding” under a universal mandate to such scenarios.

## **Conclusion**

The above debate clearly reflects that Afghanistan still has a long way to go to achieve its “Vision 2020,” to rise and live forever under a “Circle of Justice” (*daira-yi’ idalat*).<sup>96</sup> Although rebuilding Afghanistan is a shared responsibility, both of the Afghan government and the international community, Afghanistan is not capable enough to do it alone. In this regard, a long-term international commitment and assistance is required to help rebuild Afghanistan. The current challenges which are being faced by Afghanistan range from overall international as well as national security issues to personal security, social and economic development, to nation building, development of illicit economy to a legitimate economy and formation of a strong and secure Afghanistan. More shared efforts are required to confront these challenges. Although these challenges and problems cannot be solved overnight, neither can they be solved just by mere commitment and pledges. Only a sustained effort, right vision, a right track and a true and practical commitment can make Afghanistan a safe and secure place for future generations.

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1. On 14 September, 2000, an independent International Commission on Intervention and State Sovereignty (ICISS) was established by Canadian support. The ICISS in its first core document, “The Responsibility to Protect” replaced the traditional term of “intervention” into a new term, “The Responsibility to Protect (R2P)”. In December 2004, a high level UN on threats, challenges and change, fully embraced the responsibility to protect principles. In 2005 World Summit Outcome document, the UN Secretary General, recommended that the all states should embrace emerging norms of the responsibility to protect. Later on, the UN Security Council reaffirmed the responsibility to protect in the April 28th 2006 resolution on Protection of Civilians in Armed Conflict. Most recently, the UN Secretary General, Ban ki-Moon, expressed the importance of the concept of responsibility to protect in his message on the UN day in October 2007.
2. The foundations of the basic principle of R2P are; sovereignty; Security Council, under Article 24 of the UN Charter, for the maintenance of international peace and security; human rights and human protection declarations, covenants and treaties, international humanitarian law and national law; the developing practice of states, regional organisations. See, “The Responsibility to Protect,” Report of the International Commission on Intervention and State Sovereignty (ICISS), International Development Research Centre, Ottawa, Canada, 2001, p. XI.
3. For further details of these three specific responsibilities see, *ibid*.
4. *Ibid.*, p. IX.
5. Over the history there are three systematic changes in intervention behaviour. Until the early part of the twentieth century states used military intervention to collect debt owed to their nationals by the other states. Such interventions were common in Latin America during the nineteenth century. Second one is unilateral and multilateral humanitarian intervention behaviour e. g. Somalia, Bosnia, Rwanda, and Kosovo. Third one is the claim that states make that they are intervening because the target state presents a threat to international peace and security. For further historical review of

these changes see Martha Finnemore, "The Purpose of Intervention: Changing Beliefs about the Use of Force"(Manas Publication: New Delhi, 2004) pp. 173

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9. Ibid.
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