

***Afghanistan:
Challenges of stability
and opportunities from
chaos***

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Afghanistan

Challenges of stability and opportunities from chaos

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1. Introduction

Afghanistan is now embroiled in the most delicate situation it has seen since the transition process began as the result of the Bonn Conference in December 2001¹. Karzai's government still retains the support of Afghan public opinion and of the international community, but the internal tensions in the country and the increase in Taliban insurgency seem to have fomented disenchantment. The poor use made of international aid—which is due to the usury of the intermediaries and the ineffectiveness of the international system, as well as to the local inability to absorb the volume of aid available—have dashed the high expectations that the population had placed in the modernisation process proposed by the donor States, and particularly by the United States². From the beginning of 2006, and, above all, from the summer months onward, this crisis of confidence seems to have had an impact on the deterioration of the day-to-day relations between the Afghan government and the international community, as if no one wanted to assume responsibility for a return to chaos that seems inevitable.

The explicit objective of international action in Afghanistan is to achieve the 'stability' of the country, although the States contributing to the military operations being carried out in the country have laden that concept with a very broad content. As agreed in the London Conference of February 2006, stability must be the result of combining security, good governance and economic and social development³. Thus, the military personnel deployed in Afghanistan must, in addition to preventing action by potential terrorists and putting the brakes on the 1,800 small armed groups that still exist in the country, promote and facilitate civilian processes for the consolidation of a democratic State. However, the international action in Afghanistan has maintained, over time, a marked military prominence. Moreover, the military operations carried out by NATO and the United States-led coalition under the name of Enduring Freedom have not succeeded in forging a basic agreement on the way armed force should be used. The difficulty involved in some of the missions carried out by these multinational forces

¹ *Vid.* text of the Agreement at <http://www.afghangovernment.com/AfghanAgreementBonn.htm>. The Agreement established the holding of free elections within two years, and proposed the creation of commissions on civil service and the judiciary, as well as the establishment of a new banking and monetary system. Further, the Agreement proclaimed the importance of the role of civilian society in the new democratic framework, and proposed the inclusion of gender perspective in government action. In that and other aspects related with the protection of human rights, and with governability and public action in general, the provisional government set up in Bonn undertook to act in compliance with international standards.

² Although the widespread explanation of the failure in Afghanistan has focused on the scarcity of international aid, including the inadequacy of the military contingent, *vid.* arguments that attribute the weakness of the Afghan government to its absolute dependence on foreign aid, in Astri Suhrke: *When More is Less: Aiding State building in Afghanistan*, FRIDE Working Paper 26, September 2006 (<http://www.fride.org/eng/Publications/Publication.aspx?Item=1153>), and, by the same author, *The Limits of State building: The Role of International Assistance in Afghanistan*, The Char. Michelson Institute, March 2006 (<http://www.cmi.no/pdf/?file=/publications/2006/isapapermarch2006.pdf>).

³ The documents resulting from the Conference, which updated the priorities for international action and for the Afghan government itself, and in particular the Afghanistan Compact, can be consulted at <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1133773247211>.

may require especially forceful rules of engagement, but in no case can this justify the violation of the minimum requirements of International Law.

During the past few years, armed intervention has succeeded in containing the spiral of violence, which has nonetheless been rekindled for reasons related to armed intervention itself. The excessive use of force, which some have tried to justify by appealing to the fight against terrorism, has not contributed in achieving stability in Afghanistan. What is more, the violation of the proportionality principle that protects the civilian population's right to life could be giving wings to insurgency and terrorism. But, together with this, military action in itself is neither sufficient nor suited to putting into practice the civilian aspects of the concept of stability that was agreed to in London.

While there is, of course, no simple solution, it is urgently necessary to begin reflecting on how to turn back the unwanted consequences of armed intervention in Afghanistan, starting with an attempt to recover the local people's trust. Civilian capabilities for crisis management are perhaps the only way of facilitating democratic consolidation processes in situations of instability. In line with this principle, efforts must be directed to reinforcing international civilian action while respecting local tradition and culture, as a way of entrenching Islamic democracy to which—as the elections proved—most of the Afghan population aspires. This international civilian action must be, moreover, flexible and prolonged over time, so that neither the rigidity nor the impatience of contributing States will stifle the process of consolidation of the new constitutional framework.

Stability in Afghanistan depends in large measure on the successful execution of the synchronised nationwide reform of the police and the judiciary, as well as local administration. Throughout the 20th century, it was impossible to build a central power in Afghanistan that was capable of imposing its authority on local powers, let alone of making them submit to a foreign power. Therefore—if anything can be learned from history—Afghan democracy must be built from below. It is therefore necessary to act, above all, on the provincial level through the concerted action of the national authorities and all of the international organisations deployed in Afghanistan.

Only the strengthening of public institutions, whose responsibility is to guarantee human security, will make it possible to embark on the path of development in Afghanistan. Although the information available would give us grounds for the opposite conclusion, the UN has avoided describing the situation in Afghanistan as a 'humanitarian emergency'; nor does it consider that it is a post-war situation in the strict sense. As stated in the report on human development prepared on Afghanistan by mostly Afghan experts, the country is faced with a triple challenge, since the implementation of an ambitious

national reconstruction programme, whose greatest exponent is the Afghan National Development Strategy (ANDS), is being accomplished in parallel with a fragile and complex transition process and in the framework of a massive military intervention⁴.

The worsening of the situation over the past few months, five years after the American intervention began, has demonstrated that the result of certain armed actions undertaken in Afghanistan is growing instability. Without venturing any 'infallible' predictions, everything seems to indicate that the time has come to promote the increased use of civilian crisis management resources in Afghanistan. Since the military solution has not had—nor can it have—the desired effects, and because the non-governmental action is equally inadequate, only the increase, even the moderate increase, of civilian action resources deployed by the contributing States themselves in the military sphere, could strengthen Afghan institutions and act as a catalyst for democratic stability in the country. The announced direct involvement of the European Union in Afghanistan, through the deployment of civilian capabilities for crisis management, may favour that indispensable change of paradigm.

2. Armed intervention and the relationships among the main actors

The comparison with the response to other situations of comparable gravity confirms that the international structure acting in Afghanistan is the most complex of all such structures existing today. The triangle of support for the Karzai government is composed of the UN, through the United Nations Assistance Mission in Afghanistan (UNAMA), and two broad military coalitions involving more than 40 countries and led respectively by the United States, through its Operation Enduring Freedom (OEF)⁵, and by NATO, through the International Stability Assistance Force (ISAF). But the various actors of the international community deployed in Afghanistan, which will soon be joined by the European Union, do not restrict themselves to offering support to the government, but on certain occasions have actually effected a true substitution of government action in the military realm, or maintain—together with the NGOs—parallel structures that channel a major percentage of the funds allocated to reconstruction and to provision of basic services.

⁴ *Afghanistan National Human Development Report 2004: Security with a Human Face; Challenges and Responsibilities*, United Nations Development Programme, Army Press, Islamabad, 2004, p. 223 and 224.

⁵ Although that name is generally used to refer to the anti-terrorist action pursued in Afghanistan by the United States, Operation Enduring Freedom really embraces the military response given by the latter country beyond its borders to the attacks of September 11, 2001. Besides the action in Afghanistan, *Enduring Freedom*—whose initial name, *Infinite Justice*, was immediately discarded—includes actions in the Philippines and the Horn of Africa. As regards Afghanistan, perhaps it would be more suitable to use the name of the coalition command, *Combined Forces Command – Afghanistan* (CFC-A), but we preferred to maintain the most commonly used name, whose abbreviation is OEF.

UNAMA was created by the Security Council in March 2002, under Resolution 1401, with the initial mandate to contribute to reconstruction and national reconciliation, as provided in the Bonn Agreements. Currently more than a thousand people, mostly Afghans, work within the framework of this UN integrated operation, which is really the sum of the efforts of 17 specialised agencies, under the authority of the Secretary-General's Special Representative⁶. These agencies' combined mandate embraces both humanitarian aid and development, but UNAMA also performs broad political and institutional support functions⁷, and has special programmes in the area of disarmament and demobilisation⁸. However, by contrast with such UN operations as the one established in the Democratic Republic of the Congo (MONUC), in this case it is a political operation that lacks a military component.

The US-led coalition started its offensive action at the end of 2001 by appealing to the highly dubious authorisation to resort to armed force contained in Resolution 1373 (2001), adopted as the immediate consequence of the attacks of September 11th in New York and Washington, and that confined itself to making a generic mention of Chapter VII of the UN Charter. Nor did the Resolution offer solid arguments for acting in the framework of self-defence, but the fact is that the Security Council made no statement—the rules of procedure would have stood in the way of a US veto of the text—against the intervention. Until December 2001, the OEF's task was the military overthrow of the Taliban regime, in particular through the massive support given to the Afghan opposition forces belonging to the Northern Alliance.

In the second phase, during which such countries as the United Kingdom and Australia joined the intervention, it was also a question of eradicating the vestiges of the defeated regime and dismantling and eliminating Al Qaeda and other terrorist groups that had supposedly received the Taliban's support. Finally, the coalition, which ended up obtaining material and manpower support from nearly 30 countries, also began to act

⁶ According to an independent study commissioned by the UN Executive Committee on Humanitarian Affairs (ECHA) and published in May, 2005, the integrated mission is the 'instrument with which the UN seeks to help countries in the transition from war to lasting peace, or to address a similarly complex situation that requires a system-wide UN response, through subsuming actors and approaches within an overall political-strategic crisis management framework' (*Report on Integrated Missions: Practical Perspectives and Recommendations. Independent Study for the Expanded UN ECHA Core Group*. Geneva, May 2005, p. 3 (<http://ochaonline.un.org/GetBin.asp?DocID=3352>, consulted in January 2006).

⁷ The last annual renewal of the UNAMA mandate took place in March 2006, and includes six key aspects: political-strategic support for the peace process; providing good offices; promotion of human rights; aid in the execution of the Afghan Compact, agreed in London in January 2006; provision of technical aid; and management of all the humanitarian, reconstruction and development action that the UN pursues in coordination with the Afghan government (vid. <http://www.unama-afg.org/>, consulted in July 2006).

⁸ Vid. <http://www.undpanbp.org/>, consulted in July 2006.

through civilian structures called Provincial Reconstruction Teams (PRT), which today are spread over the entire country. The PRTs were conceived to obtain the civilian population's support of the military action through local development programmes; the first of these was set up in Gardez, in the province of Paktia, in 2002, and subsequently various States that were contributing to the military operations progressively created similar structures in other provinces. On October 5, 2006, all the existing PRTs in Afghanistan were formally placed under the ISAF umbrella, an operation which has been coordinated by NATO since August 2003.

ISAF is an operation that was initially deployed in Kabul according to the Security Council's authorisation, which was granted within the framework of Chapter VII of the Charter, and whose legitimacy rests, moreover, on the provisional Afghan government's consent, as expressed in the Bonn Agreement of December 21. Shortly after NATO took over the command and coordination of the operation, the Council extended the relevant authorisation to the country's entire territory. In contrast with the objectives of the OEF, the ISAF mandate is not, strictly speaking, offensive in nature; rather, its action is to be confined to offering support to the Afghan government so that it can successfully discharge its duties country-wide⁹.

In practice, ISAF has progressively expanded its area of responsibility toward the south and east by creating PRTs in each province which are led by different contributing countries. The model adopted by OEF was thus spread, and this entailed the creation of two areas of responsibility in Afghanistan, and therefore the coexistence of two chains of command, each of which exercised a very different degree of armed coercion. Proposals aimed at merging the two operations have not prospered. During recent months, as the ISAF completed its deployment in the most troubled areas of the country, OEF has become restricted—as occurred during its second stage—to the fight against terrorism.

The United States had shown its willingness to phase out OEF only if ISAF were to include among its objectives the destruction of Al Qaeda and other terrorist groups, as well as the support of the Afghan government for the eradication of opium. For their part, many European countries opposed granting ISAF a mandate that would include direct action in combat, while they tried to avoid letting the United States take advantage of the occasion to reduce their troop levels in Afghanistan¹⁰. Thus, independently of

⁹ Vid. Security Council Resolutions 1383, 1413, 1444, 1510, 1563, 1623 and 1659.

¹⁰ Vid. Michael L. Everett: *Merging the International Security and Assistance Force (ISAF) and Operation Enduring Freedom (OEF): A Strategic Imperative*; Army War College, Carlisle Barracks, PA, February 2006.

the express intention of increasing the cooperation and synergy between the two operations, which has involved an adaptation of the ISAF Operations Plan (OPLAN), the NATO pacification action will continue to maintain its independence with regard to the antiterrorist fight led by OEF. This transition process cannot, however, be considered complete, but it does seem clear, especially after the Riga Summit of November 2006, that Afghanistan is by far NATO's highest priority for action today¹¹. When the ISAF command, currently in British hands, changes to American leadership in February 2007, we will be able to ascertain whether the division of labour is maintained in practice, or if the so far autonomous nature of the NATO operation becomes less so¹².

According to their respective mandates, the different operations deployed in Afghanistan thus aim to impact both the civilian and institutional spheres. But in NATO's case, it is not enough to go on proclaiming that aim. Despite the fact that its deployment has been described as a light-footprint approach, the number of ISAF troops is more than 30,000; and the observer is mightily impressed by the contrast that can be seen in the Afghan provinces between the sophisticated military staff and equipment sent by some countries to the respective PRTs and the scant international cooperation, or its feeble impact on the wellbeing of the population. If there is not a significant increase in the percentage of civilian personnel in the PRTs, the security dimension—to include the troops' self-protection—will continue to be a pre-eminent issue in practice.

In any case, the mandates and actions of the three operations overlap to a great extent, especially regarding their call to play a part in the civilian and institutional spheres. UNAMA's overall priority is the strengthening of the capability of Afghan institutions, and the mission is expected to contribute, above all, to good governance, development, and the maintenance of law and order, as well as launching employment programs. Enduring Freedom expanded its sphere of action, as we have said, to include its own peacekeeping and consolidation activities, through humanitarian and reconstruction programmes. It also began to carry out anti-drug operations and other intelligence operations. ISAF's mandate involves helping the government of Afghanistan to establish

¹¹ *Riga Summit Declaration Issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council*, of November 29, 2006, paragraph 5 (<http://www.nato.int/docu/pr/2006/p06-150e.htm>, consulted in December 2006).

¹² Under the command of General Richards, ISAF IX—the ninth operation command—an effort has been made to create rural development nuclei in the hope that improving people's living conditions would eliminate the support they have given to insurgency in southern Afghanistan. The expansion *ratione loci* and *ratione materiae* of the ISAF mandate and the change of the operation's command should not alter the general lines of the institutional strengthening strategy advocated by the UN. It is certainly indispensable to end the *legal limbo*, and even impunity, in which Enduring Freedom acts. If Enduring Freedom, which no longer has a territorial basis, is not declared at an end, the United States must at least negotiate a SOFA (Status of Force Agreement) with the Afghan government that would be comparable to the existing agreements regarding the UN troops.

a 'safe environment' that will allow democratic institutions to work, as well as favouring reconstruction and contributing to the consolidation of central government authority across the entire country.

Thus, while the UN endeavours to lead the efforts to create and strengthen, above all, central institutions, each one of the military operations established in Afghanistan has developed an intense activity on that same civilian sphere, acting not only on the central core of the State, but also through the PRTs in their respective areas of influence. UNAMA co-chairs, with the Afghan government, the Joint Coordination and Monitoring Board, and within that framework it tries to do the work of overall coordination of international action in Afghanistan, although its presence at the provincial and local levels can be considered exiguous. Even though the UN's work in Afghanistan will continue to be significant in the traditional areas of rehabilitation and development, it can be foreseen that any strategy adopted by ISAF will have greater practical repercussion on the transition process. This is due primarily to the influence that the PRTs can have on the building of local institutions through which the central government acts—or should act.

From the military action standpoint, the key question is thus how ISAF, a force comprised today by more than 30,000 soldiers from 37 countries, can contribute to creating solid civilian institutions—both central and decentralised—in a country that has been devastated by war, and where foci of violence remain and re-emerge. Perhaps NATO should begin by admitting the limitations of the military response, both in facing up to terrorism and in strengthening democracy in Afghanistan. Consequently, ISAF should promote the deployment of civilian resources for action within the PRTs and work together with the UN, and very shortly, if the forecasts are confirmed, with the European Union. Although the PRTs have a clearly civilian mission, they remain military structures that include a very small number of development experts and, in some cases, such as the Norwegian PRT at Maymanah, scarcely two or three police officers that serve as a liaison with the local police. However, in this civilian dimension of international action, NATO should not invade the area of action of other international actors such as the UN or the EU, as long as the latter assume the responsibility that is incumbent on them.

Among the signs that favour specialisation and complementarity, the cooperation programme agreed to by NATO and the Afghan government in September 2006 focuses on defence reform—including institutional strengthening—and on the military

aspects of security sector reform¹³. But, for its part, the EU cannot go on postponing the announced deployment of its own crisis management resources in the areas of police and justice, to reinforce the work that has already been initiated by German and Italy, respectively. As stipulated in the EU-Afghanistan Joint Declaration of November 16, 2005, European support should focus on reforming the public sector in order to achieve effective public administration and a transparent, merit-based system for accessing civil service employment, on training a police corps—with express mention of the border police—that will be impartial and effective, and on the development of the judiciary, to include coordination among the various Afghan jurisdictional bodies¹⁴.

The European Union's financial contribution to these reforms has reached one third of the total contributions made by the international community between 2002 and 2006, and will continue to be highly important in the future. Still, this is not enough when the task at hand is the creation of a democratic state that will guarantee respect for minimal human rights standards. The Union must complete its action in Afghanistan by deploying its own action resources, as the Chiefs of State and Government of the member States cautiously announced during their meeting at the European Council in December 2006. According to the conclusion document, the Union will study ways of deepening its commitment in Afghanistan, including the possibility of setting up a civilian mission within the framework of the European Security and Defence Policy in the police area, in association with the broader action in the sphere of the rule of law¹⁵.

The EU-Afghanistan Joint Declaration also provided that the member States would continue to contribute both military and civilian resources to ISAF and to the PRTs, as well as to OEF. Some of the European programmes are, in fact, getting started through the PRTs—which were really created and are financed by a good number of member States—and the great majority of the European funds are allocated to sustaining Afghan public administration, security sector reform, and particularly to the training and salaries of the Afghan police¹⁶. However, as regards cooperation with OEF, perhaps

¹³ *Vid. Framework for Enduring Co-operation in Partnership* (<http://www.nato.int/docu/basic/txt/b060906e.htm>, consulted in December 2006); and *vid. NATO-OTAN Afghanistan Briefing*, October 2006, p. 2 (<http://www.nato.int/docu/briefing/afghanistan-2006/afghanistan-2006-e.pdf>, consulted in December 2006).

¹⁴ *Vid. passim EU-Afghanistan Joint Declaration. Committing to a New EU-Afghan Partnership*. Strasbourg, November 16, 2005 (14519/05/Presse 299).

¹⁵ *Vid. Council of the European Union, Document 1689/06*, of December 15, 2006, p. 27 (http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/92202.pdf, consulted in December 2006).

¹⁶ *Vid. ad. ex. Afghanistan: EU Commission completes 1 bn euro pledge*, November 30, 2006 (http://www.europa-eu-un.org/articles/en/article_6540_en.htm, consulted in December 2006).

the time has come to make it clear that the excessive use of force by international troops in Afghanistan, albeit in the name of the fight against terrorism, is one of the greatest obstacles to achieving stability in Afghanistan. The OEF leadership should take advantage of the change of command over the PRTs to begin working under full subordination to the Afghan police and judiciary, and, until these institutions can acquire sufficient capacity, to the institutions representing the international community as a whole and which act within the restricted framework of the relevant Security Council Resolutions.

3. Questions regarding the use of force and international civilian action

The current situation in Afghanistan not only cannot be considered stable, but shows a marked trend toward instability. The escalation of violence that is devastating the country is fostered by a tense, strained social climate. During the past months, the civilian population's criticisms of the government and the international community have become more severe due to the lack of tangible results in the country's development. Although it could be said the population's expectations are exorbitant, there is no doubt that the government, the UN, NATO and the States that participate in the international intervention and support the government are largely responsible for the people's harbouring such expectations. It will not be easy to get out of the impasse. It will surely not be possible to meet some of those expectations in the medium term, in a country whose Human Development Index is among the four lowest in the world, through the market economy model that the international community advocates in Afghanistan. Moreover, the way in which the market economy is starting to operate in Afghanistan, insofar as it offers advantages to the elites linked to local power groups, may have adverse effects on governability and on the institutional strengthening of the State¹⁷.

Together with this, the enthusiastic popular support initially given to the international armed intervention has dropped drastically. In sharp contrast with the warm welcome accorded to the American troops who dismantled the Taliban regime, the thousands of people who participated in the demonstration and the disturbances that took place last May in Kabul chanted slogans such as 'death to the foreigner!'¹⁸. President Karzai himself, as well as—in private, in this case—some sectors of the international community, have harshly criticised the way the international contingents are resorting to the use of force, and in particular the fact that their objective is the extermination of people who are allegedly responsible for belonging to the insurgency.

¹⁷ Astri Suhrke, *The Limits of State building... cit.*; and Afghanistan National Human Development Report 2004, cit., p. 237.

¹⁸ *Vid. ad. ex.* <http://www.nytimes.com/2006/05/29/world/asia/29cnd-afghan.html?ei=5090&en=1fd6e25562080f9b&ex=1306555200&partner=rssuserland&emc=rss&pagewanted=all>.

In most cases, neither the UN nor NATO are under any obligation to explain why the principle of proportionality that protects the civilian population's right to life is being violated in southern Afghanistan. The command structures of the two military operations that still coexist in Afghanistan hold very different conceptions of how to use armed force. It cannot be denied that OEF has taken on the most difficult task, which is made difficult partly by the vagueness of its objective, of eliminating the remnants of Al Qaeda and ending terrorism and Taliban insurgency, although it must accomplish these ends by supporting Afghan army exercises. In practice, as shown in Cherif Bassiouni's independent report for the UN, or in the Human Rights Watch reports, OEF seems to be eluding compliance with the minimal, imprescriptable standards of human rights and of international humanitarian law¹⁹.

The growing tension in which Afghanistan lives today demonstrates to what extent the key to intervention lies in the legitimacy emanating from the effective exercise of the functions developed on behalf of the international community. In the case of OEF, one cannot even advocate its original legitimacy, but the most serious violations of imperative International Law are occurring in its specific actions on the ground. Further, and even beyond those violations, some signs bear out the concept that indiscriminate actions against civilians actually incite insurgency and terrorism. These actions offer convincing arguments to the leaders of the insurgency, and to local leaders who are against modernising or westernising the country. As a result of an intense propaganda campaign, the civilian population tends to confuse actions by OEF with actions carried out under the NATO umbrella; and that confusion greatly hampers the action of the PRTs. The isolation in which the great majority of these armed contingents live in practice is the consequence of the hostility of the population, and illustrates the failure of the strategy that mandated the creation of the PRTs.

But it is essential to avoid allowing the armed interventions undertaken in southern Afghanistan from the ISAF headquarters in Kabul, or from the PRTs attached to

¹⁹ Professor Bassiouni was appointed Independent UN Expert on the human rights situation in Afghanistan in April 2004. His report attributes most human rights violations to the insecurity originating in the power wielded by warlords and by those who control the opium market, but accuses the American troops of making illegal arrests, committing sexual abuses and torture, and causing civilian deaths when making disproportionate use of armed force (*vid.* UN Doc. A/59/370, of September 2004, consulted at <http://daccessdds.un.org/doc/UNDOC/GEN/N04/518/00/PDF/N0451800.pdf?OpenElement>). Pressure applied by the United States seems to have been the cause of his ouster from the UN (<http://www.democracynow.org/article.pl?sid=05/04/28/1346246>, consulted in July 2006). The HRW report is conclusive regarding the numerous cases of abuses committed by US military personnel with respect to the hundreds of persons arrested in Afghanistan, who, furthermore, ignore all the arrested people's basic human rights. The United States acts, according to the report, with almost total impunity, and outside the Rule of Law (*vid.* 'Enduring Freedom': Abuses by U.S. Forces in Afghanistan, of 2004, at <http://www.hrw.org/reports/2004/afghanistan0304/afghanistan0304.pdf>).

ISAF, to give rise to violations of International Law that hinder or even impede the attainment of the objectives of governability and development. ISAF does not have a direct mandate to eradicate terrorism, nor is it an intrinsically offensive operation, even if the achievement of security in Afghanistan may require the execution of military operations. However, in what seems to be perfect continuity with respect to Operation Mountain Trust launched by the United States during the summer, Operation Medusa, the first major offensive launched by ISAF in southern Afghanistan, and led by Canada acting jointly with the Afghan army, took the lives of 200 people in the area around Kandahar during its first two days. NATO collectively confirmed the Taliban leanings of all of these victims, but the Afghan government did not rule out the possibility that an undetermined number of civilian deaths may have occurred²⁰.

Although with appreciable differences that are generally due to different military cultures, the States contributing to ISAF have assumed the responsibility of achieving stability—which includes governability and development—in Afghanistan. Since the strength of the enemies of the process depends largely on how the local civilian population perceives international action, NATO's general strategy begins precisely with winning the trust of the Afghan population. This hearts-and-minds strategy originates in the conviction that military means alone are not sufficient to achieve stability in Afghanistan. The PRTs, therefore, have to work together with the local Afghan authorities, subordinating themselves to them to the extent to which they are legitimate authorities. But this is not a task that can be carried out in a brief period of time, and in no case with fundamentally military means.

The task of achieving stability based on development and governability requires time, but also a great deal of flexibility and adaptability. Each PRT must evolve to offer ever greater support to local police, to public prosecutors and judges, to hospitals and schools, and to municipal government without replacing the local capabilities, but rather by promoting their creation and strengthening the existing ones. And this must be done in a climate of respect for the local culture and traditions and without upsetting the balances of power in the province, but rather by isolating and excluding anti-democratic leaders and armed groups. Further, the PRT must contribute to preventing the perpetuation of the existing discrimination against marginalised sectors of the Afghan population, and not just women.

²⁰ *Vid. ad. ex.* <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/03/AR2006090300203.html>, consulted in September 2006. Operation Medusa was given continuity in a new operation launched by ISAF, under the name of *Mountain Fury*, starting in mid-September.

In the context of what can be called an asymmetrical war, and considering that the ability to recruit people who are willing to be religious martyrs is inexhaustible, the possibility of eliminating the enemy is a pipe dream. In Afghanistan, only international civilian action can resolve the dilemmas on which the construction of an Islamic democracy in the medium term depends, a hybrid political model that aspires to achieve a balance between the country's cultural traditions and the bases of the democratic, social state ruled by law. The States contributing to ISAF have to initiate, as soon as possible, the recruitment and training of civilian personnel—to include civil servants—that will need to become part of the PRTs as the situation of instability is surmounted in each province. The EU can contribute greatly to meeting this challenge, always within the framework of the integrated UN operation, but not through the NGOs: the hope that non-governmental organizations will build governmental institutions is almost a contradiction in terms.

If this change of paradigm does not take place, the loss of trust of the Afghan population in international action may lead to the failure of the transition process. The opinions expressed by some social leaders and by people on the street suggest that the criticisms of the scarcity of results in reconstruction and development are closely linked to the excessive use of military force, to the point where the two are indissociable and appear interwoven in discourse. Today's Afghan population seems to reject the presence of international troops who kill Afghan civilians with impunity in their attempts to eliminate terrorists who are also ready and willing to sow death, without making distinctions between the two international coalitions that act coercively in the country²¹.

This popular rejection is easily extended to the work of reconstruction and development, which is the essential purpose of the intervention, and is applied in equal measure to the government and to the entire international community. But the fundamental problem is deeper. To the extent to which Afghan judges have no occasion to judge people who are allegedly responsible for subversive actions, and to which the government lacks the capacity to decide where and how coercion is to be exercised, or to avoid collateral and direct damage being inflicted on the population, the disproportionate use of force by the international troops ends up becoming a proof of the weakness of the State and undermines the legitimacy of Afghanistan's democratically elected government.

²¹ The general statements made here are based on interviews held by the author with political representatives and members of civilian society, but also with anonymous people, during the second fortnight of June 2006 in Afghanistan.

4. Areas for priority action and proposals for concerted action

4.1. Joint responsibility of the Afghan government and the international community, and strengthening of regional cooperation in Central Asia

One of the possible consequences of the growing disaffection among the Afghan people is the straining of relations between the Afghan government and the international community. The feeling of nervousness among the leaders who are responsible for the transition process has been translated into mutual condemnations of the respective internal organisation and capacity for effective action, and even into a continuous exchange of reproaches, both in private and in public, regarding negligence in the exercise of their respective functions. The international community, for example, strongly criticised the Karzai government's decision to 'rearm the militias' in the south and, above all, along the border with Pakistan, taken shortly after the United States announced its decision to reduce its support to the Afghan army. In this case, while international experts, but also NATO and some international agencies, considered that this decision ruined the efforts that had already been made in demobilisation, the government maintained that it was fully in control with respect to the people recruited²².

In the absence of international standards that might throw some light on the matter, it is not easy to comment on whose responsibility it is to decide how to guarantee the security of the population in the face of the wave of attacks and the rise of insurgency in the context of an international armed intervention. But it is paradoxical to accuse the government of weakness and demand that it exercise territorial control while it is being denied the possibility of resorting to complementary coercive measures where the army and the police are either incapable of imposing order, or are not willing to obey central power. Nor is it acceptable to accuse the government of fomenting armed action outside the law while some applaud, or at least tolerate, violation of the international legal framework governing the use of force by international troops. In this regard, the disagreement and tension between the government and some States that apply force in Afghanistan regarding how to deal with the growing instability again appears to be an insurmountable obstacle to re-establishing stability and building a democratic state.

But in order to solve the fundamental problems, a climate of understanding must indispensably be achieved among the key national and international actors who are taking part in the Afghan transition process. The international community must

²² *Vid. ad. ex.* <http://www.eurasianet.org/departments/insight/articles/eav062606.shtml>, as well as <http://www.rferl.org/featuresarticle/2006/06/5100e619-193f-44c8-b35f-4e35ef1d228a.html?napage=2>, both consulted in July 2006.

understand that the government is going through a very delicate phase, and must soften its criticisms of the government's decisions, even the most debatable ones. For its part, the government must realise that the deployment made by the international community with its consent or acquiescence imposes limitations on its decision-making capacity, and on the way in which its decisions can be adopted. The basic consensus must start by recognising that the coercive actions taken by any State on Afghan territory that do not merit the Afghan government's approval are not likely to contribute to stabilising the country.

The re-establishment of harmonious relations among the players who are primarily responsible for Afghanistan's fate requires the activation of direct channels of communication before decisions are taken, above all, those decisions that have to do with security. The many existing coordination fora take up precious time insofar as they do not achieve a true meeting of the minds. Perhaps the best way to surmount this lack of understanding is to establish formulas for joint responsibility linking the government with the international community. In particular, there is a need to avoid the actors' tendency to delimit their area of responsibility in isolation from the rest, since this leads to their not understanding the others' problems. The attempts to bring each of their views of the reasons for the failure of international action closer together, especially if such attempts give rise to joint statements, are the best way to begin designing a consensus strategy in Afghanistan. Beyond the general frameworks for coordination, that strategy must permit the development of a truly concerted action by the Afghan national and local authorities and the international community as a whole.

However, the effectiveness of a renewed strategy in Afghanistan depends mainly on the strengthening of regional cooperation. The country's stability is only possible in a regional context of détente that will make it possible to tackle problems Afghanistan has in common with neighbouring States. In this case, a minimum understanding between Afghanistan and Pakistan would seem to be a prerequisite for achieving stability in the region. Musharraf's agreement, signed in September 2006 with the Taliban-sympathising militias in the northern Waziristan border area, which entails the withdrawal of the Pakistani army from that zone in exchange for ending attacks against Pakistan and along the border, does not exactly facilitate bilateral relations²³. Although some

²³ *Vid. ad. ex.* <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/05/AR2006090501249.html>. Musharraf visited Kabul during the days following the signing of the agreement to attempt to calm the unease suffered by Karzai, who frequently accuses Pakistan of offering the terrorists a 'sanctuary'. The pro-independence tensions are growing more severe in Pakistan, particularly in the border area of Baluchistan, in the south, to some extent as a consequence of the instability in Afghanistan. Even though Pakistan alleges that some 70,000 troops are fighting the Islamic radicals along the 2,500 kilometres of shared border, it seems clear that only very close cooperation between the two countries can stop the growing deterioration of the situation. *Vid.* also the opinions of a panel of experts convened by the United States Institute of Peace in connection with the launching of missiles with civilian victims over one of these border zones in *Troubles on the Pakistan-Afghanistan Border*. USIPeace Briefing, December 2006 (http://www.usip.org/pubs/usipeace_briefings/2006/1207_pakistan_afghanistan_border.html, consulted in December 2006).

diplomatic efforts have been made to alleviate the tension—the Tripartite Commission that the United States sponsored and in which it participates is the most significant of these efforts—the disagreement regarding the borderline, in a mountainous area that is nearly impregnable, and which really is not under any State's control, continues to block bilateral dialogue on the real problems²⁴. For its part, the EU should consider the possibility of extending the Border Management Programme for Central Asia in a version adapted to the complexity of this area that would have to be linked to the planned PESD operation intended to reform the security sector²⁵.

The announcement made by Pakistan toward the end of December 2006 of its intention to erect a wall along its border—whose delimitation is not recognised by Afghanistan—and to sow the border area with mines only foreshadows greater tension. The need to submit the specific border delimitation matter to a dispute settling body, and specifically to the International Court of Justice, seems obvious. And the international community should apply pressure to the parties so that they will adopt a compromise in that regard. If the delimitation problem ceased to be a projectile weapon from the time the Court's ruling solved it, the possibilities of bilateral and regional dialogue—and even the possibilities of cross-border cooperation—could increase considerably. However, democracy cannot be strengthened in Afghanistan without doing the same in the areas known as Federally Administered Tribal Areas (FATA), where Pakistan barely exercises control, and through which money, weapons and reinforcements for the Taliban insurgency flow into Afghan territory²⁶.

On the strictly economic plane - as it became evident in the Conference organised by the United Nations Development Programme on Afghanistan's economic cooperation with Central Asia, Iran and Pakistan, held in Kirghizstan in 2004 - a more active participation of the neighbouring States' private sector is indispensable for the

²⁴ *Vid.* a complete analysis of the respective positions in Barnett R. Rubin, *Afghanistan's Uncertain Transition From Turmoil to Normalcy*, Council on Foreign Relations, CRS n. 12, March 2006.

²⁵ The EU has started a pilot project on the Afghan side of the border between Afghanistan and Tajikistan, but it does not seem willing to expand the program in the absence of international support (*vid.* *Action-Oriented Paper Increasing EU Support for Combating Drug Production in and Trafficking from Afghanistan, including Transit Routes*, Doc. 9370/1/06, of May 2006; <http://register.consilium.europa.eu/pdf/en/06/st09/st09370-re01.en06.pdf>, consulted in December 2006).

²⁶ *Vid.* the exhaustive report entitled *Pakistan's Tribal Areas: Appeasing the Militants*. International Crisis Group, Asia Report n. 125, December 2006 (<http://www.crisisgroup.org/home/index.cfm?id=4568&l=1>, consulted in December 2006).

reconstruction of Afghanistan²⁷. From the standpoint of security and intergovernmental cooperation, we must highlight President Karzai's participation last June in the conference that commemorated the fifth anniversary of the creation of the Shanghai Cooperation Organisation, of which China, Russia, Kazakhstan, Kirghizstan, Tajikistan and Uzbekistan are members, and which was joined by Afghanistan as an observer. This rapprochement opens new prospects in the search for a regional solution to the region's problems, although for Afghanistan the process has barely begun²⁸; and the unknown factors remain unknown²⁹.

4.2. Consolidating the rule of law and guaranteeing human security at the provincial and local levels

- Provincial and local-level public administration

Taking into account the failed attempts that were made during the last century, building the Afghan State requires overcoming the centrifugal tensions that impede the articulation of the territorial entities that comprise Afghanistan. In this regard, the effective guarantee of human security depends on the will and capability of the provincial institutions, and the stability of the State depends on the transformation of powers on the provincial and local level. The Afghan government and the international community have understood the reasoning and are trying to act accordingly, although the results so far are scanty.

In the framework of the ANDS, the comprehensive development strategy for Afghanistan³⁰, and even in anticipation of its final version, other government programmes, whose purpose is precisely to strengthen local public administration and, ultimately, to improve the living conditions of the rural population, have been set in motion. The

²⁷ Vid. Proceedings of the *Bishkek Conference for Afghanistan's Regional Economic Cooperation: Central Asia, Iran and Pakistan* en <http://arec.undp.kg/en/>, consulted in July 2006.

²⁸ Vid. <http://www.sectsko.org/home.asp?LanguageID=2>.

²⁹ Vid. a recent analysis of the possibilities of regional economic integration, including the role played by the United States in the relations between Pakistan and Iran and Afghanistan in Marvin G. Wenham: *Afghanistan and Its Neighbours. An Ever Dangerous Neighbourhood*. United States Institute for Peace Special Report 162, June 2006 (http://www.usip.org/pubs/specialreports/sr162_afghanistan.html, consulted in December 2006).

³⁰ Vid. <http://www.ands.gov.af/>, consulted in July 2006.

National Solidarity Programme (NSP) is clearly focused on endogenous development whose starting point is the needs identified by the rural communities themselves ('community-driven development'). With regard to the small projects aimed at meeting basic service needs, and once the Community Development Councils have established the spending priorities, the central government directly awards the available funds to the local entity. While the underlying objective is to build the local authorities' and citizens' trust in the central government, in practice the attainment of this goal depends on the quick and adequate financing of the plans approved by the Councils³¹. The risk presented by illiquidity is that unsatisfied expectations may well become a culture medium for insurgency.

However, the success of these programmes ultimately depends on the local authorities' ability to execute them, and that entails providing the provinces and town councils with suitable personnel and resources. As if to make this more difficult, international intervention has unfortunately contributed to the dismantling of provincial and local-level public administration. The great majority of well educated people—including people with foreign language skills—who held positions in provincial and local administration work today as secondary personnel for the UN, embassies or NGOs devoted to aid and development activities, and even as chauffeurs, interpreters or maintenance personnel attached to the military facilities. Whereas their salaries are much lower than those earned by expatriates who direct international action, they are, in some cases, ten times higher than what they were paid as Afghan civil servants.

This brain drain has thus come to pass on Afghan territory, and has arisen, moreover, in the framework of an intervention that may last longer than a decade, and whose solution strategy is based precisely on achieving a stability that includes governability on the local level. There is no need to detail the reasons that make it urgently necessary to reinforce and reform provincial and local-level public administration, as the only way to achieve progress beyond the role in the realms of governability and socio-economic development. That process must also stop corruption, which continues to be endemic in some Afghan institutions, and avoid permitting the will of some war lords to interfere with the central government's priorities and actions. The international community must not remain on the sidelines. Insofar as the PRTs evolve until they become structures of a

³¹ In addition to the NSP, the central government has set other programmes in motion, generally with support from UN agencies, devoted to reinforcing provincial and local-level administration and to improving certain public services, such as health and education; among these programmes are the National Emergency Employment Programme, the Afghanistan's Stabilization Programme, and National Area Based Development Programme, which attempts to create and maintain mechanisms for consultation and local participation in the development process.

distinctly civilian nature, they must be able to offer effective support for the programmes already started by the government with these purposes in mind³².

If the local power structures that existed before 2001 are not dismantled in Afghanistan, and not only in the formal sense, the central government will not be able to promote social change. Also a part of this context is the complex debate on the territorial distribution of power in the light of the new constitution, but beyond the major principles. In situations subsequent to armed conflicts or situations of serious instability, decentralization stimulates the creation or reestablishment of basic services, in addition to favouring the people's participation in the processes and the new local authorities' sense of responsibility. But, on the other hand, the territorial redistribution of power constitutes a new source of tensions and may worsen the chaos. Further, the risk of corruption and the capture of power by new local elites requires, in any case, the creation of suitable control and accounting mechanisms³³. In Afghanistan, the dilemma, in simplified form, can be stated as follows: without true local power the country cannot be transformed, but without true central power the State cannot be built. And this dilemma can only be solved through a synchronised process of 'devolution' of democratic power to the provinces and strengthening of the central State.

- The judiciary and the police

Together with the need to invest financial and technical resources in the reform of provincial and local-level administration, the two domains whose reinforcement is essential on the provincial level to guarantee human security in Afghanistan are the judiciary and the police. As regards the judiciary, and in addition to the support offered by UNAMA, the international efforts promoted by the G-8 nations are being led by Italy. On the national plane, the extreme slowness with which the tasks undertaken by the Judicial Reform Commission provided for in the Bonn Agreement has been the target of widespread criticism³⁴; and yet slowly is the only way to proceed if a genuine reform of the judicial system is to be accomplished.

³² Besides an initial plan to attract Afghan nationals residing in foreign countries who, because of their high levels of qualification, could fill high level posts in the central administration, programmes have been launched to revitalise civil service—including the provincial and local levels—by improving salaries. Further, the Anti-Corruption and Independent Administrative Reform and Civil Service Commission (IARCSC) has been created; this body deals with the matters reflected in its name (vid. information on its operation in Afghanistan National Human Development Report 2004, cit., p. 134).

³³ *Vid. Governance in Post-conflict Situations*, UNDP & Ch. Michelson Institute, Bergen Seminar Series, Norway, 2004 (vid. text in <http://www.cmi.no/news/undpsem2004/Research%20Paper.pdf#search=%22Governance%20in%20Post-conflict%20Situations%22>, consulted in July 2006).

³⁴ *Vid. Laurel Miller and Robert Perito: Establishing the Rule of Law in Afghanistan*. USIP Special Report, March 2004 (<http://www.hdcentre.org/dastore/USIP%20Afghanistan%20ROL%20Report.pdf>, consulted in December 2006). The Judicial Reform Commission has acted more as a forum for 'ideological' debate among the donor nations than as a means of reconciling interests among the judicial institutions.

In this case, once again, the impatience of the donor States, in their conviction that reality should adjust to the plans formulated by prestigious international experts, may strangle the process. Few institutions are as reluctant to change as the judiciary, especially when it is intended that judges draw practical conclusions from new constitutional principles. Afghanistan has not been oblivious to secular laws, especially those of Soviet origin, but that has not reversed the domination of the religious view of social life and the law.

Only the voluntary involvement of those who represent the judiciary in Afghanistan will enable the needed reform to be undertaken. Moreover, the reform will only be viable if the reformers succeed in fully integrating the traditional systems of justice that exist on the local level—shuras, jirgas—with the more formal institutions at the provincial and central levels, which, in particular, must guarantee the protection of fundamental human rights through quick appeals available to private individuals. In this regard, the jurisdictions of the traditional mechanisms must be modulated or restricted so as to ensure compliance with the demands of the Afghan Constitution and international law. The complex interweaving of the Sharia with formal Afghan legislation must be resolved in such a way as to favour the principles founded on the inviolable dignity of the person. But it must be borne in mind that the main source of law in the local Afghan communities is not Islamic law nor the written law that stems from the State, but rather local custom³⁵.

The challenge of the harmonious insertion of the different conceptions of justice, as regards both mechanisms and sources, requires adjustments and adaptations that are incumbent upon the national actors, and largely upon the Supreme Court, of whose members' the appointment was endorsed in August of 2006 by the Parliament³⁶. However, the technical support for the effective implementation of the judicial reform on the provincial level could be provided to a great extent through the PRTs, which in any case are to contribute to guaranteeing the secure space that will permit the jurisdictional duties to be discharged, or through the reinforcement of UNAMA's action in the provinces. In fact, together with the endemic scarcity of lawyers, one of the main structural problems of the Afghan judicial system—at least, of the formal system—is the difficulty of extending its presence beyond some provincial capitals³⁷.

³⁵ *Vid.* the analysis and the interesting model proposed in Ali Warden, "Building a post-war Justice System in Afghanistan", in *Crime, Law & Social Change*, vol. 41-4, 2004, pp. 319 – 341, 2004.

³⁶ On the encouraging recent appointment of judges to the Court, *vid. ad. ex.* <http://www.nytimes.com/2006/08/28/opinion/28thier.html?ex=1157428800&en=72d39feadd7ad889&ei=5070&emc=eta1>, consulted in August 2006.

³⁷ *Vid.* Afghanistan National Human Development Report 2004, cit., p. 146.

This framework for strengthening justice must also embrace the debate on the way in which that reformed justice can begin sanctioning past human rights violations and mitigating the grudges and social divisions caused by violence. The reflection must be calm and deep, since the situation in Afghanistan has characteristics that impede the automatic application of the transition models that have been implemented in other countries³⁸. But it is only possible to avoid the resurgence of armed confrontations if the reparation accorded to the victims of past violations and reconciliation constitute the basis of stability, in the broad sense that the international community attributes to this concept with regard to Afghanistan.

As for security sector reform, all indications are that, thanks mostly to the United States' support, the launching of a new army in Afghanistan has been accomplished with reasonable success. In this case, the risk is that the disproportionate use of armed force that seems to be the norm in operations led by the United States will become the working method of the Afghan military when it undertakes operations to dismantle terrorist or other armed groups. NATO's commitment, cited previously, to contributing to the reform of the defence sector in Afghanistan, to include the creation and strengthening of its institutions and the training of army troops, thus takes on special importance.

But the great challenge for stability and human security is the creation of police corps that will be able to guarantee public order and human rights in each locality, staffed by officers who will submit to the judges' guidelines and facilitate their work, and who are capable of controlling the country's borders. The climate of fear of attempts on people's lives, in the domestic sphere and in the other areas of life, is one of the most serious obstacles to reconstruction and development at the local level. And in Afghanistan, as in other countries lacking strong democratic institutions, there are still examples of how the police itself is responsible not only for the persistence of corruption, but for the climate of fear prevailing among the population. Among the main problems in this regard is the fact that the police still are not paid their salaries regularly, at least in some provinces, despite the fact that the international community, and the EU in particular, transfers a significant part of the necessary funds³⁹.

³⁸ *Ibid.*, p. 151 and 152.

³⁹ In this regard, perhaps the previous experience gained in one of the European Union's PESD operations relative to the salary payment system for the Democratic Republic of the Congo could be useful in Afghanistan. *Vid.* references in Luis Peral: *Misión de la ONU en la República Democrática del Congo: Imponer y consolidar la paz más allá de las elecciones*, FRIDE Working Paper 24, June 2006 (<http://www.fride.org/File/ViewLinkFile.aspx?FileId=1090>, consulted in December 2006).

The process of training policemen able to assume the functions that are constitutionally incumbent on them is slow of necessity, taking into account the fact that—unlike military training—it includes aspects such as giving literacy training to the cadets, the great majority of whom are unable to document the actions they take. Currently Germany leads the international efforts sponsored by the G-8 countries in this area of police reform, including the creation of the Law and Order Trust Fund (LOFTA). Because the attempts to train police officers in short periods of time have not produced the expected results, the most recent proposals include a three-year training period. With respect to this crucial aspect of the security sector reform, and over a transitional period that will be long, it is indispensable for the PRTs to contribute to the strengthening of the policemen's skills in the various Afghan provinces, with special attention to the criminal investigation department and the border police.

Among the examples that can be considered interesting, the PRT in Maymanah led by Norway—but which also benefits from Finnish and Latvian troops stationed there—has decided to give top priority to supporting the security sector in the province, a move that avoids having to establish competitive relations with the international agencies and the NGOs that deal with reconstruction and development in the traditional sense. Thus, this PRT is financing the construction of a police station; among its civilian personnel—in addition to the advisors responsible for political and development affairs—are two highly experienced police officers who are prepared to give advice and support to the local police and to the military component of the PRT on how patrolling and other police activities should be carried out⁴⁰.

The inclusion in the PRT of civilian personnel from the State that sends the bulk of the military personnel facilitates the direct relationship with the Afghan civilian institutions and the search for new ways of cooperation without supplanting the sovereignty functions that only they can perform. There is a need to create frameworks for close cooperation between the Afghan army and the police, as well as between the international troops and the police, so that the army can cooperate in the maintenance of law and order, or in border control, by developing support and substitution functions for which the police still lacks resources. The PRTs can play a direct role in this regard or, even better, a 'hinge' role between the Afghan army and police, always with the participation and advice of their own police experts. Thus, in situation of high tension, the Afghan army and the international troops would be able to escort the local Afghan police, creating the 'space' where the latter can carry out their characteristic missions.

⁴⁰ The information given here was obtained during the visit made to the Maymanah PRT on June 24 and 25, 2006.

5. Conclusions and recommendations

Although the efforts to achieve the aim of human security in Afghanistan must be concentrated today on municipalities and provinces, it is obvious that the success or failure of these efforts has decisive implications for world order. In today's Afghanistan, light can be shed on the main problems of international scope, from the stability of a region where the terrorist threat and the nuclear threat seem to have become ingrown to NATO's new role in the world; from access to the natural resources of Central Asia to the operation of the Islamic democracy model and the possibility of exporting it to other countries; and from the evolution of the opium market—in 2006 Afghanistan will produce 92% of the world's opium—to the environmental consequences of the accelerated growth of India and China and its impact on growth in the West.

Broadly speaking, the attainment of democratic stability in Afghanistan depends on the establishment of a basic consensus on the use of armed force in an unstable, complex situation, which should begin by guaranteeing respect for the proportionality principle; overcoming the tensions between the government and the international organisations deployed in the territory, to achieve effective coordination and to advance toward joint responsibility; and reinforcing international civilian action as a contribution to national efforts, particularly in the domains of provincial and local administration, the police and the judiciary.

As NATO has recognised, no exclusively military solution is adequate to deal with the challenges of stability in Afghanistan. However, as a precondition, it is necessary to end the violations of the minimal demands of international humanitarian law and international law on human rights, most of which seem to be attributable to the OEF. These violations are, in turn, a cause of the civilian population's declining trust in the stabilisation and reconstruction process, and it is by no means irrational to say that the excessive use of force by international troops contributes to the rise of insurgency in Afghanistan while it perpetuates the fragility of the State.

Despite the prevailing climate of general instability, the civilian and military actors must make every effort to ensure that the Afghan authorities and army retain the decision-making power and the leading role in action, within the limits necessarily imposed by the international presence. Beyond the existing frameworks for cooperation, there is a need to activate direct communication channels before taking decisions, especially security-related decisions, between international actors and the Afghan government, and new approaches should even be developed to establish areas of joint responsibility between the government and the international community.

As regards the reinforcement of local capabilities, there is a need to act in parallel fashion on the central and provincial levels to avoid the derailment of the process. Also, taking into account the lessons of history, it can be said that without real central power, a state in which the rule of law prevails cannot be built in Afghanistan; and that without real local power, the necessary endogenous transformation of the country cannot be achieved. Moreover, the strengthening of the rule of law depends on the will and ability of the provincial institutions as well as on the full transformation of the power structures on the provincial and local levels.

The time has come, therefore, to considerably increase international action on those levels, since there may be no other way to ensure that the international civilian efforts aimed at reforming the central administration bear fruit. Thus, the Afghan central government and the international actors, particularly the European Union and the States contributing to ISAF, must undertake the following actions:

a) in the framework of provincial and local-level public administration:

- continue and consolidate the reforms launched through existing programmes (ANDS, NSP and the Local Development Councils), favouring the autonomy of the legitimate local authorities;
- guarantee the human and material resources so that the provinces and municipalities can execute the reform programmes, and, in particular, create incentives to counteract the brain drain drawing local talent away to international organisations established in the country itself;
- actively fight corruption, which continues to be endemic in some Afghan institutions, and dismantle the power structures in place before 2001 at the local level in order to favour social change within the new constitutional order; and
- sustain the debate on the territorial distribution of power in the light of the new Constitution, bearing in mind that the consolidation of the central government depends on its ability to lead a true democratic decentralisation with international support.

b) in the framework of judiciary reform:

- proceed with the efforts along the lines established in the Bonn Agreement, even though it may be necessary to extend deadlines so as to enable the actors of the justice system to assimilate the process;
- integrate the traditional justice systems that exist at the local level—shuras, jirgas—with the more formal institutions on the provincial and central levels, and promote the adaptation of the Sharia to international requirements for respect for fundamental human rights;

- strengthen the role of the Afghan Supreme Court in the justice system and facilitate access by individual private citizens to judicial institutions on the provincial and local levels, as final guarantors of human rights; and
- initiate a debate on transitional justice in Afghanistan, trying to establish a suitable balance between punishing past crimes and preventing a fresh epidemic of violence.

c) in the framework of security sector reform:

- consolidate the results obtained by the United States in the creation and training of the new Afghan army;
- create an effective police corps, including a criminal investigation department, able to guarantee public order, the control of the country's borders and the protection of its natural resources, always according to the judiciary's guidelines and under its control;
- foster cooperation between the Afghan army and the police, as well as between the international troops and the police, so that the army can contribute to maintaining law and order, developing certain support and substitution functions for which the police still lacks the ability and the means; and
- promote greater involvement of the PRTs in the training of police officers in the provinces in the line of work begun, in particular, by Norway in the Maymanah PRT.

In general terms, and with regard to the three areas indicated, the PRTs offer the opportunity to achieve stability based on development and governability in the Afghan provinces, as an indissociable element in the building of a democratic State ruled by law in Afghanistan. Insofar as these military structures have a clearly civilian vocation, they are suitable for channelling the international efforts, even in situations of relative instability. But they must be flexible enough to adapt themselves to circumstances and bring about progress in the democratisation process when the security situation permits such progress.

For these purposes, the international community, and particularly the European Union and the States that are contributing to ISAF, must:

- facilitate the action of civilian crisis management resources through the PRTs, fully guaranteeing the coordination and integration of those resources into the framework of the international response and avoiding, as far as possible, 'competition' with the actors that traditionally take care of humanitarian action and development;
- incorporate into the PRTs an ever increasing number of civilian workers linked to the contributing States' public administration, in order to strengthen the direct relationship with Afghan local institutions and promote new ways of cooperating without supplanting the local entities' role; and

- conceive the PRTs as structures in continuous evolution, able to offer growing support, especially to provincial and local-level public administration and to the local police, as well as to the public prosecutors and judges who practice their professions in the provinces, but also, as far as possible, to hospitals and schools, while avoiding becoming the substitutes for local capabilities.

Finally, stabilising Afghanistan also depends on its full cooperation with Central Asian regional organisations, and on strengthening bilateral cooperation with neighbouring countries. Afghanistan's strategic location makes its stability essential to the achievement of stability and prosperity in the region, while the country is unable to consolidate its transition process, including the dismantling of insurgency, without the active cooperation of the surrounding countries. As a first step in that direction, Pakistan must be convinced to contribute to solving Afghanistan's problems. And, as a precondition, international diplomacy should concentrate its efforts on convincing Afghanistan and Pakistan to place their border dispute, which hampers their relations, before the International Court of Justice or other body for the peaceful settling of controversies.

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In order to achieve its objectives, the CITpax employs various tools specially designed for each particular situation, including the following:

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- **Multi-Track Diplomacy and Dialogue Facilitation**, through the creation of dialogue platforms among scholars, experts, activists, local authorities and governing bodies, as well as assisting the development of peace-building capacities in conflict areas.
- **Field Projects**, aimed at improving the capacities for conflict prevention and resolution through confidence-building, research and advocacy of feasible peace policies.
- **Research and Policy Development** of peace-related issues.
- **Professional Development and Training**, seeking to enhance the capacities of practitioners from different institutions working on peace-related issues.
- **Public Awareness and Advocacy**, through information dissemination, policy-oriented publishing and participation in the public debate.

PROGRAMMES

Notwithstanding a progressive extension of its working field to other areas, such as Southeast Europe, the CITpax current activities and projects are divided into three main programmes: two geographical programmes, one centred on Africa and the Middle East, and the other on Latin America, and the Conflict Prevention and Resolution Programme, which thematically complements and supports the regional programmes.

Africa and the Middle East Programme

In the Palestinian-Israeli conflict, CITpax is exploring Track II diplomatic tools to enhance ongoing negotiations and the status of the peace process. The Programme also intends to progressively address some of the core challenges of the region, such as the conditions for the establishment of a cooperation and security system in the Middle East. Addressing regional conflicts, discreet efforts are being made to bring regional parties to explore venues for strengthening local peaceful resolutions. Focusing on the reconstruction of post-war Iraq and the enhancement of civil society in several

countries in the Middle East, such as Syria and Lebanon. CITpax is also engaged in the North Africa context, with an emphasis on the Western Sahara conflict and the future of economic integration in the Maghreb. Lastly, the programme is engaged in exploring conflict management tools related to natural resources such as water and oil.

Areas of Activity:

- Regional Stability in the Middle East
- Emphasis on the Palestinian Israeli conflict
- Economic Integration of the Maghreb
- Transition to democracy

Latin America Programme

The programme has the following fields of activity: (1) in Colombia, CITpax facilitates dialogue between various groups on key issues emanating from the armed conflict and promotes the consolidation of institutions and mechanisms relevant to the pursuit of peace; (2) in the Andean region, it undertakes initiatives of a subregional scope to deepen the understanding of, and promote respect for, political, cultural and ethnic diversity and to foster confidence; (3) it promotes "benign borders" and good neighbourly relations between countries in Latin America in areas that are subject to tension or particularly vulnerable, primarily through initiatives that foster confidence among neighbouring communities; and (4) encourages political dialogue among Latin American countries as a means to ease bilateral and intra-regional tensions and to support understanding and consensus-building at the regional and subregional levels. In order to identify specific areas of intervention and strengthen cooperation with its Latin American partners and interlocutors, CITpax undertakes missions to countries in the region.

Areas of Activity:

- Alternatives to the Colombian conflict
- Institutional stability in the Andean Region
- Promotion of "benign borders" and good neighbourly relations
- Encouragement of political dialogue at the regional and subregional levels

Conflict Prevention and Resolution Programme

The focus of this programme is threefold: 1) to analyse and support peace processes through the means of Track II diplomacy; 2) to monitor and assist countries undergoing situations of transitional justice while promoting peace-building and democracy; and 3) from the perspective of conflict prevention, to promote the adoption of concrete measures to mitigate the underlying causes of conflicts.

The projects and activities of the programme are embedded within the broader concept of human security and aspire to its realization. Within this framework and via the practical study of international responses to crisis

situations, including international armed interventions, the programme aims at strengthening the civil dimension of international crisis management and the establishment of frameworks to permit adequate coordination with the military dimension.

Areas of Activity:

- Peace processes and peace-building
- Crisis management and regional and international responses to conflict
- Transitional justice and strengthening of the Rule of Law
- Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR)
- Strengthening of civil society and support for the most vulnerable sectors
- Role of the media in peace processes

CITpax

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