

## **The Impact of Counter-Terrorism Objectives on Democratization and Statebuilding in Afghanistan**

*Brendan Whitty*  
and  
*Hamish Nixon*

### **Abstract**

This essay explores how the democratization and statebuilding objectives in Afghanistan were affected by the invasion of 2001 and the counter-terrorism objectives adopted by the United States. It outlines the current challenges facing the democratic institutions of Afghanistan and its supporting international actors, including a growing insurgency, a lack of accountability and widespread corruption, and declining legitimacy among the wider Afghan polity. It reviews the background to these challenges, focusing on the pursuit of the Taliban and al Qaeda under the War on Terror, and the consequences for the wider statebuilding effort: reempowered regional warlords, institutions of state shaped into a highly centralized system dependent on international support, the exclusion of key factions within society, and a resulting unstable political settlement.

**Key words:** Afghanistan, statebuilding, democratization, War on Terror, Taliban, al Qaeda, insurgency, warlords.

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Afghanistan since 2001 has experienced neither a transition from war to peace, nor from destruction to development, nor yet from authoritarianism to an Islamic democracy. The human costs of this failure, perhaps partly unavoidable given the challenges facing the country and its partners eight years ago, present a continued moral and political challenge to the international community. Democratic development is only one of several dimensions of this challenge. In assessing the influence of external factors on the political development of the country, as in many post-conflict or conflict environments,

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**Brendan Whitty** is a Projects Officer with One Word Trust. <brendanwhitty@yahoo.co.uk>

**Hamish Nixon** is Subnational Governance and Service Delivery Specialist at the World Bank in Kabul. <hamish.nixon@gmail.com>

it is crucial to remember that the promotion of democracy is one of a range of other objectives. In particular, post-conflict reconstruction and peacebuilding in Afghanistan took place against the backdrop of the “Global War on Terror,” launched in the aftermath of the attacks of September 11, 2001. It therefore represents either a pivotal moment in the history of post-conflict democracy promotion or an experiment shaped by unique international factors which can be distinguished from earlier examples and which should be avoided in the future.

As other essays in this volume note, international peacebuilding interventions, despite set-backs and changes of emphasis and intensity throughout the 1990s, more or less stuck to a sequence and logic represented in Boutros Boutros-Ghali’s *An Agenda for Peace*, which prescribed a toolbox of “modes of interaction.” These included negotiated settlement, peacekeeping, disarmament, demobilization, and reintegration (DDR), elections, reconstruction and—ultimately—development.<sup>1</sup> The attacks of September 11, 2001, altered this landscape dramatically. Under the resultant Bush Doctrine,<sup>2</sup> failed states became understood not as areas for potential humanitarian catastrophe, but instead as potential harbors for terrorism. The prioritization of counter-terrorism and security goals in Afghanistan by the United States-led Coalition entailed a departure from previous peacebuilding experiences. Democratization efforts were framed against a broader response to Islamic radicalism and terrorism, and expressly compared to the earlier ideological struggles. The invasion of Afghanistan through Operation Enduring Freedom (OEF) was the opening salvo in this wider struggle. Militarily, the United States was not interested in supplying troops for a long-term statebuilding mission,<sup>3</sup> but rather committed to supporting “a political transition and an UN-coordinated reconstruction program.”<sup>4</sup> It was, therefore, under UN auspices that discussions were convened in Bonn in December 2001 to create a legitimate and democratic state that could take the place of the Taliban-led government. Even as the Bonn Process was under way, the United States-dominated Operation Enduring Freedom was pursuing an agenda built on counter-terrorism goals of rooting out al Qaeda and its Taliban hosts.

The resulting “mission-schizophrenia” had a significant impact on the way in which both democratization and statebuilding were supported in Afghanistan. The first section below reviews the democratization outcomes

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<sup>1</sup> Nicholas Stockton, “Afghanistan, War, Aid, and International Order,” in *Nation-Building Unravelling? Aid, Peace and Justice in Afghanistan*, ed. Antonio Donini, Norah Niland, and Karin Wermester (Bloomfield, CT: Kumarian Press, 2004), 27.

<sup>2</sup> See the *National Security Strategy of the United States*, published on September 20, 2002.

<sup>3</sup> Ahmed Rashid, *Descent into Chaos: How the War against Islamic Extremism Is Being Lost in Pakistan, Afghanistan and Central Asia* (London: Penguin, 2008), 65.

<sup>4</sup> Barnett R. Rubin, “Crafting a Constitution for Afghanistan,” *Journal of Democracy* 15, no. 3 (July 2004): 5-19.

of the intervention in Afghanistan. The second section focuses on factors that contextualized the United States' invasion and shaped the forthcoming democratization process. The third section discusses three key interactions which affected the outcomes of the international intervention: the military aspects of the ongoing intervention; the international influences on the Bonn Process, which acted in place of a peace process in Afghanistan and dictated the "intrusiveness" of the intervention; and the interaction between international actors and Afghan elites, understood through the pressure on the Karzai Administration to support the counter-terror and democratization agenda. The fourth section discusses the implications of the modes of aid delivery and the effect of the extreme aid dependency on the interactions between international actors and the Afghan elites.

### **Outcomes: Limited Democracy, Growing Insecurity, Hollow State**

In evaluating the impact of the international intervention on the promotion of democracy, four core conclusions stand out. First, Afghanistan's political and institutional system is characterized by a fundamental disjuncture between *de jure* institutions heavily influenced by the demands of the international community, and a complex, variegated, and informal *de facto* political reality. Thus, the formal law co-exists with a wide range of customary structures that are equally or even more important in structuring the rights, obligations, and behavior of Afghans on a day-to-day basis. Second—and perhaps reflecting this disjuncture—the constitution and formal legal framework are complicated by their acknowledgement and formalization of the range of religious, traditional, international, and formal sources for law. Third, the capacity of the state to provide or administer the rule of law is drastically curtailed and distorted by low capacity and widespread corruption. Fourth, even aspects of the formal *de jure* systems have been designed to fulfill purposes driven by the counter-terrorism agenda, rather than by statebuilding aims.

#### ***Democracy and the Rule of Law***

By five years after the intervention began in October 2001, Afghanistan's formal state institutions had a range of features associated with a young democracy: an elected president, National Assembly, and provincial councils; an independent human rights institution; and a growing body of laws. At the same time, the relationships and roles of these institutions often have been unclear or their capacities limited, and appointments to them subject to obscure influences and motivations. In addition, corruption has undermined the legitimacy and efficacy of the public goods outputs of government. These features have been both a symptom and a cause of the difficulty the new state has faced in establishing its legitimacy and control.

Afghanistan's constitution, promulgated in January 2004, states the

intention to “establish an order based on the people’s will and democracy.”<sup>5</sup> It commits the country to universal human rights instruments, guarantees equal rights between men and women, and establishes the Afghanistan Independent Human Rights Commission (AIHRC). However, it also recognizes a range of sources of informal, legitimate authority in Afghan life. Articles 1-3 establish Islam as the foundation of the republic, noting that no law shall contravene the tenets of the “holy religion of Islam” (art. 3). By incorporating a range of the sources of Afghanistan’s law and political organization, the constitution therefore reflects reality but it does not provide clear direction when these sources—whether Islamic, traditional, statutory, or international—contradict each other. More recently, the lack of clarity in the constitution on the relative powers of the executive, legislature, and judiciary has contributed to confusion and delay over issues including ministerial appointments and vital preparations for elections. The result has been a large gap between aspects of the constitution and practice.

The constitution establishes the Supreme Court as an independent organ, with control over all aspects of the judicial profession and court administration. Supreme Court judges are appointed by the president with the approval of the National Assembly.<sup>6</sup> Additionally, the formal justice sector consists of the Attorney General’s office, an “independent” branch of the executive that is responsible for a nationwide network of prosecutors, and the Ministry of Justice, responsible for drafting laws, civil pretrial mediation, and prisons. While these formal institutions could form the basis for a modern system of the rule of law, the court system is notoriously weak, and only some 20 percent of civil or criminal disputes come into the formal justice system. When they manage to enter the system, court processes are tainted by inefficiency and corruption; these challenges are an important reason for the continuing reliance on customary practices and even for the popularity of Taliban-style courts in some areas of Afghanistan and Pakistan.<sup>7</sup> Equally severe challenges face the police in becoming a widely accepted and effective source of order governed by law. In 2003, Amnesty International “documented a widespread pattern of human rights violations committed by members of the police, including torture and arbitrary arrest. Extortion is commonly practiced by police officers.”<sup>8</sup>

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<sup>5</sup> Constitution of the Islamic Republic of Afghanistan, Preamble and chap. 1, art. 6.

<sup>6</sup> In 2006, the National Assembly, in fact, rejected the reappointment of Chief Justice Shinwari, whose religious conservatism converged with the views of many MPs, but whose notorious partiality in appointments and corrupt practices did not.

<sup>7</sup> United Nations Development Programme, *Afghanistan Human Development Report* (Kabul: UNDP, 2007), 91-100.

<sup>8</sup> Amnesty International, “Afghanistan: Police Reconstruction Essential for the Protection of Human Rights,” March 2003, 1-2. See also, Andrew Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police* (Kabul: Afghanistan Research and Evaluation Unit, July 2007).

The weakness of formal institutions in Afghanistan contributes to and is compounded by the prominent role played by informal institutions. There is a range of different customary, traditional, and informal governance institutions in the country. State-appointed *maliks* (community representatives) remain key actors in some places when resolving disputes, but are irrelevant in others. Traditional decision-making and conflict-resolution mechanisms such as *jirgas* and *shuras* remain an important means of solving problems in many areas, whereas in others, armed commanders capture or supplant these structures.<sup>9</sup> Even *shuras*, some argue, are a recent introduction, though consensus-based councils in general and especially *jirgas* have a longer history. Some principles upon which many of these institutions are based present challenges for the equal application of the law. For example, many practices defined by the customary codes of *pashtunwali* challenge the constitutional notion of gender equality or involve collective punishment.

The confusing layering of institutions means that accountability relationships are weak. For the first years of the transition, formal authority was essentially decree-based, with little horizontal oversight or accountability. Nevertheless, with the establishment of elected bodies at the national and provincial levels, a new dimension of horizontal accountability has been introduced. The National Assembly has the power to question and pass votes of confidence on ministers. Similarly, Provincial Councils have the ability to ask questions and oversee provincial administration; however, there are no corresponding obligations on the administration to respond, and the councils do not have any significant sanctioning authority.<sup>10</sup>

The unclear institutional environment is echoed in the realm of political participation and competition: there is a degree of formal acceptance heavily tempered by *de facto* limitations. The constitution provides for the right to “elect and be elected” as well as for the freedom of expression and to form political parties (arts. 22, 33, 34).<sup>11</sup> However, these formal provisions for political participation are conditioned by the lack of a broad political settlement, the electoral system, and the poor enabling environment for social groups and civil society to influence established political forces.

The successful presidential elections in October 2004, and subsequent elections for the National Assembly and Provincial Councils in 2005, were major achievements. After a delay of a few months, the presidential election took place with twenty-three candidates on the ballot. However, many of these

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<sup>9</sup> *Shura* and *Jirga* denote communal decision-making bodies consisting of elders or other almost exclusively male notables. *Shura* generally refers to a body that functions and handles issues on an ongoing basis, whereas a *jirga* is typically convened to deal with a specific issue.

<sup>10</sup> Sarah Lister and Hamish Nixon, “Provincial Governance Structures in Afghanistan: From Confusion to Vision?” Briefing Paper Series (Kabul: Afghanistan Research and Evaluation Unit, 2006), 6-7.

<sup>11</sup> International Crisis Group, *Political Parties in Afghanistan*, Asia Briefing No. 39 (2005): 4.

were the heads of influential *mujahedin* factions and relied on support from networks of commanders with regional and/or ethnic bases, or in a few cases, religious appeal based on status as Sufi *pirs* (religious leaders). Masuda Jalal was the single female candidate. Hamid Karzai gained 54.4 percent of the vote in the first round on an estimated turnout of 55 percent of 10.3 million registered voters. His nearest rival, Yanous Qanooni, a Tajik leader, received 16.3 percent. A Hazara *jihadi* leader, Mohaqeq, received 16.3 percent and the Uzbek warlord Dostum, 10 percent. The election demonstrated the dominance of the structures built up through years of conflict.

Since 2001, political party development thus has been limited by the dominance of the former *mujahedin* groups known as *tanzim* and their control of armed factions. Chief among the collective political organizations are the various Sunni *tanzim*, including *Jamiat-e Islami* and *Hezb-e Islami*, Shi'a parties centered on the *Hezb-e Wahdat*, and the northern Uzbek and Turkmen-based *Junbesh-e Milli*. Each of these groups remains highly personalized, factionalized, and only partially committed to democratic forms of participation.

In 2004, the decision to adopt the Single Non-Transferable Vote (SNTV) for the assembly elections was crucial in bringing an end to a phase of “optimism about a developing party pluralism.”<sup>12</sup> This electoral system allowed people to vote only on the basis of individual candidates. This disadvantaged new parties or those organizing across existing cleavages by leaving candidates to draw on their own localized support bases.<sup>13</sup> The large multimember provincial constituencies meant that candidates often were elected with very few votes and there were narrow differences between successful and unsuccessful candidates. The idea was to limit political groupings that drew support from networks of commanders, or relied on ethnic and tribal appeals.<sup>14</sup> It appears, however, that the system had the opposite effect—as the *tanzim* parties were the only established political organizations that could take advantage of the vacuum of new or multi-ethnic alternatives. About two-thirds of those elected had fairly clear affiliations with some form of party, mostly ethnic or *jihadi*.<sup>15</sup> Other political groupings, such as (broadly speaking) the Taliban and portions

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<sup>12</sup> Thomas Ruttig, *Islamists, Leftists—and a Void in the Center: Afghanistan's Political Parties and Where They Come From (1902-2006)* (Berlin: Konrad Adenauer Stiftung, 2006), 18.

<sup>13</sup> Andrew Reynolds, “The Curious Case of Afghanistan,” *Journal of Democracy* 17, no. 2 (2006): 104-117, and Andrew Wilder and Andrew Reynolds, “Free, Fair or Flawed? Challenges to Legitimate Elections in Afghanistan,” Issues Paper (Kabul: Afghanistan Research and Evaluation Unit, 2005).

<sup>14</sup> On the increased ethnicization of the Afghan conflict in recent years, see Bernt Glatzer, “Is Afghanistan on the Brink of Ethnic and Tribal Disintegration?” in *Fundamentalism Reborn? Afghanistan and the Taliban*, ed. William Maley (London: Hurst, 1998), 167-180.

<sup>15</sup> Andrew Wilder, “A House Divided? Analysing the 2005 Afghan Elections,” Issues Paper Series (Kabul: Afghanistan Research and Evaluation Unit, 2005), 4-7.

of *Hezb-e Islami*, were systematically excluded from political processes.

Competition from a novel direction came via the inclusion of women in the electoral process. The *Wolesi Jirga*, or lower house of the National Assembly, has a reservation of 68 of 249 seats for women, a number in fact exceeded, as about one-third of the women elected won without benefit of the quota.<sup>16</sup> One assessment of the impact of these provisions indicated that, while they had provided an important opportunity for women to be represented, the articulation of gender-specific interests and issues was hindered by a lack of support and enabling factors in the Assembly.<sup>17</sup>

In sum, while the 2004 and 2005 elections represented an achievement, the legal order and practical realities under which they were conducted limited the scope for democratic competition to become institutionalized. Not only were there limitations on the ability of party groupings to articulate platforms in the face of the stronger preexisting organizations and ethnic networks, but also the legal responsibilities of the bodies to be elected were still unclear and poorly understood. Furthermore, there are serious and enduring doubts about the preparations in terms of registration, administrative capacity, and the security environment for the next elections scheduled in 2009 and 2010, and concerning the sustainability of the system as a whole.

A further challenge to citizen participation is the relatively disadvantaged position of Afghan civil society, which reflects the pattern of externally driven formal institutions overlaid on a distinctly Afghan context. The dependence of Afghanistan on external actors has hindered the development of “regular institutions of dialogue and negotiation” between state and society.<sup>18</sup> The predominance of kinship ties as a social organizing principle (with their expression through informal governance institutions such as *jirga*) and political organization around *jihadist* movements have limited the scope for any widespread voluntary self-organizing around other issues. The recent addition of many new NGOs to the development and humanitarian landscape and the expansion of the activities of those already operating, combined with confusion between private firms and civil society, feeds an environment where the legitimacy of many international or returnee-based organizations is challenged. A widespread perception that these organizations compete with the state for resources, both financial and human, or are corrupted, deepens the adversarial relationship.

In addition, the lack of a freedom of information law (despite its being

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<sup>16</sup> Ibid., 3.

<sup>17</sup> Anna Wordsworth, “A Matter of Interests: Gender and the Politics of Presence in Afghanistan’s *Wolesi Jirga*,” Issues Paper Series (Kabul: Afghanistan Research and Evaluation Unit, June 2007).

<sup>18</sup> Jude Howell and Jeremy Lind, “Civil Society with Guns Is Not Civil Society: Aid, Security and Civil Society in Afghanistan,” Non-Governmental Public Action Programme (London: London School of Economics, July 31, 2008), 9.

called for in the constitution) and other similar rights protection undermine the enabling environment for collective participation. Media have been considered a bright spot of sorts in Afghanistan's political development, with a proliferation of independent, particularly broadcast, media outlets. However, despite many improvements in access and variety, reporting in Afghanistan still occurs against a backdrop of security and political risks not only due to insurgency and conflict, but also to intimidation by state actors.<sup>19</sup>

An important exception to this truncated environment for democratic participation has been the involvement of local communities in development activities through the National Solidarity Program (NSP). The NSP is administered by the Ministry of Rural Rehabilitation and Development (MRRD) and facilitated by a range of international and Afghan organizations. Communities elect a council that deliberates with community members on the disposition of development grants. By 2006, about half the communities in the country were covered by such councils; while their functioning and effectiveness in broadening participation to women and marginalized groups varied widely, they constituted a substantially new form of representation.<sup>20</sup> However, there is still no assured framework for long-term political/institutional or practical sustainability of these kinds of councils or to bridge the opportunity created for local participation with a more generalized public space.

### ***Security: The Declining Balance***

The main characteristics of the security situation are a growing insurgency; physical insecurity from an absence of the rule of law; livelihood insecurity; and predation affecting rural and urban populations. There has been a continued and intensifying armed conflict with an insurgency comprising several dimensions. While the rapid defeat, or retreat, of the Taliban in late 2001 suggested that the movement had collapsed, by the spring of 2002, there already were asymmetric-style insurgent attacks taking place in several provinces, including against the capital.<sup>21</sup> These attacks, with the normal seasonal variation, climbed steadily over the following years.

However, the quantity and quality of insurgent activity took new directions in 2006. On the one hand, the deployment of more than three thousand NATO forces to each of the southern provinces of Kandahar and Helmand dramatically increased the contact between NATO and antigovernment elements. In the

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<sup>19</sup> Reporter's Without Borders' *Index of Press Freedom* has indicated that press freedom in Afghanistan has been declining steadily both in rating and rank among countries since 2004. Afghanistan was rated at 59.3 in 2008, from 56.5 in 2007, a rank of 156 among 173 countries surveyed.

<sup>20</sup> Hamish Nixon, "The Changing Face of Community Governance? Community Development Councils in Afghanistan," Working Paper Series (Kabul: Afghanistan Research and Evaluation Unit, February 2008).

<sup>21</sup> Seth G. Jones, "Averting Failure in Afghanistan," *Survival* 48, no. 1 (2006): 116.

summer of 2006, several large-scale pitched battles between international forces and Taliban formations, numbering in the hundreds, took place. These battles resulted in severe casualties for the insurgents, and subsequent fighting seasons have seen an intensified return to asymmetric tactics in these areas.

At the same time, the intensity of asymmetric attacks in general, and suicide bombing in particular, increased dramatically. Suicide bombing was unknown in Afghanistan until the September 9, 2001 murder of Ahmad Shah Massoud, and took place only five times until 2005. However, seventeen suicide bombings occurred that year, and in 2006 the number jumped to 123 attacks.<sup>22</sup> Similarly, bomb blasts and rocket attacks approximately doubled in frequency between 2004 and 2006.<sup>23</sup> The increase in frequency corresponded with expansions of state authority into areas which were violently contested, and where military, police, human rights, and humanitarian actors found it more and more difficult to operate.

The insurgency has several elements. The Taliban are broadening and are supported by the Haqqani network, with links to Gulbuddin Hekmatyar's Hezb-e Islami and fringe elements of Jamiat-e Islami. There is an ideological and strategic leadership which has been largely based in or directed from Pakistan, with overt or tacit support there among local Taliban, Islamist elements, and state security services. These elements are supplemented by some foreign fighters. There are local commanders, subtribal elements, and local recruits in Afghanistan motivated by a range of grievances, including tribal marginalization in new governance structures, discontent over poor government performance and corruption, and abuse or deaths from operations by foreign militaries. Finally, there are a number of spoilers who benefit from continued insecurity and lawlessness via the lucrative and exploding drug trade—production for which is now centered in the most insecure provinces of the country.<sup>24</sup> Afghanistan is thus experiencing an ongoing war.

While assessments of security in Afghanistan focus on the insurgency, for the citizenry there are other very significant dimensions to insecurity. One of these stems from the widespread failure to establish the rule of law. Beyond the implications for democracy, this failure has very serious security implications. Statebuilding practices in fragile states emphasize the necessity of political processes which allow the negotiation of mutual demands between state and society. Security is invariably such a demand, and is therefore vital for state

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<sup>22</sup> UNAMA figures (2007).

<sup>23</sup> International Crisis Group, *Countering Afghanistan's Insurgency: No Quick Fixes*, Asia Report No. 123. (Kabul: International Crisis Group, November 2006).

<sup>24</sup> Ibid. See also, Antonio Giustozzi, *Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan 2002-2007* (London: C. Hurst, 2007).

<sup>25</sup> The OECD underlines the "re-establishment of a framework of security, including but not limited to reconstitution of the state security apparatus" as one of the three dimensions of postwar

legitimacy.<sup>25</sup> Unfortunately, for most Afghans, the inadequacy and corruption of the police and the court system, coupled with the relatively unchecked influence of local and regional commanders, has produced a second severe strand of insecurity through victimization by crime, sometimes at the hands of putative state authorities.<sup>26</sup> In 2003, rural Afghans in a range of provinces rarely reported any crime to the police for fear of further victimization or corruption.<sup>27</sup> At the same time, in many places, these authorities as well as district and provincial administration were seen as linked to commanders and armed groups. Interestingly, the intensity of this form of insecurity was often greater in areas of the country that were “more secure,” when viewed simply through the lens of insurgency.<sup>28</sup>

### ***State Capacity, Legitimacy, and Service Provision***

The capacity of the Afghan state has been heavily influenced by extreme dependency on international partners, which has resulted in a donor-led reconstruction effort. The Afghan government’s ability to design and implement policy has been sorely limited.<sup>29</sup> In areas such as constitutional design, counter-narcotics, elections, and security, the hand of international donors and the United States, in particular, has been evident. This problem of limited autonomy has been exacerbated by cabinet politics, where ministerial seats often have been sops to influential leaders; consequently, the emergence of clear policy on cross-cutting issues such as local governance, rural development, or urban services has been difficult to discern. The Islamic Republic also inherited a state structure severely degraded by conflict, limited in its bureaucratic capacity, and with tenuous infrastructure for the delivery of any services. Nevertheless, a small core of civil servants and processes remained and formed a backbone for the resurrection of administrative structures.<sup>30</sup>

Since 2001, important gains have been made in areas such as public financial management and budgeting at the central level, and some public services have

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engagement good practice. See Organisation for Economic Co-operation and Development, *Concepts and Dilemmas of State Building in Fragile Situations: From Fragility to Resilience*, OECD/DAC Discussion Paper (2007), 29. See also, Alan Whaites, *States in Development: Understanding State-building*, DfID Working Paper (London: Department for International Development, 2008).

<sup>26</sup> Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police*, vii, 1-4.

<sup>27</sup> Antonio Domini, “Local Perceptions of Assistance to Afghanistan,” *International Peacekeeping* 14, no. 1 (2007).

<sup>28</sup> Feinstein International Famine Center, *Human Security and Livelihoods of Rural Afghans, 2002-2003* (Philadelphia: Tufts University, 2004), 50-58.

<sup>29</sup> Astri Suhrke, “Democratization of a Dependent State: The Case of Afghanistan,” Working Paper Series No. 10 (Bergen, Norway: Chr. Michelsen Institute, 2007), 13-14.

<sup>30</sup> Evans et al., *A Guide to Government in Afghanistan* (Kabul: World Bank/Afghanistan Research and Evaluation Unit, 2004), 142.

begun to be delivered more widely, albeit mainly through national programs and not core government processes.<sup>31</sup> In health and rural development, the Basic Package of Health Services (BPHS) and the National Solidarity Program (NSP), respectively, have expanded the reach of public services significantly through a mixed delivery model. In these programs, a central ministry houses a program department that contracts service provision to—mainly international and some local NGO—providers. As a result, primary health-care access has improved dramatically to 87 percent of the population, and key primary health indicators such as maternal mortality have improved by about 25 percent.<sup>32</sup> Similarly, by 2008 some ten thousand small rural development projects had been completed, with thousands more in the pipeline.<sup>33</sup> However, the long-term structure for the delivery of public services remains varied and unclear by sector. Education has taken a largely state-led approach, and school enrollment has gone up dramatically, while major problems of facilities and quality remain. In terms of large infrastructure, the state has been dependent on international donors almost exclusively. There has been some success in this regard in reconstructing the main ring road linking the country's major urban centers, but deficits remain in power, linking roads, and irrigation. Since these projects often have been at least initiated outside the government budget, the long-term fiscal and administrative basis for their operation, expansion, and maintenance is still an issue.

Shortcomings in security and development activities undermine public perceptions and evaluations of the state's performance. Between 2004 and 2006, the proportion of survey respondents reporting that the country was moving in the right direction fell by 20 percent from 64 percent to 44 percent.<sup>34</sup> Among those who were dissatisfied, economic and reconstruction issues dominated as reasons for this drop, along with insecurity. The problem of state capacity in Afghanistan involves two interlinked dynamics. One is that the technical problems of increasing state capacity cannot be delinked from the political challenges. The prevalence and importance of informal structures

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<sup>31</sup> In 2008, core public financial management systems performed better than average for low-income countries, though issues around budget credibility, financial management within sectors, transparency, and audit hamper the state's effective use of the budget as a tool of policy: World Bank, "Afghanistan Public Financial Management Performance Assessment" (Kabul: World Bank/DFID 2008), i-vii.

<sup>32</sup> World Bank, "Building an Effective State: Priorities for Public Administration Reform" (Kabul: World Bank, 2007), 7.

<sup>33</sup> Nixon, "The Changing Face of Community Governance? Community Development Councils in Afghanistan," 18.

<sup>34</sup> Asia Foundation, *Afghanistan in 2006: A Survey of the Afghan People* (Kabul: Asia Foundation, 2006), 11. See also, Jan Koehler and Christoph Zuercher, *Assessing the Impact of Development Cooperation in North East Afghanistan*, Evaluation Reports 028, Interim Report (Berlin: German Federal Ministry for Economic Cooperation and Development, 2008), and Donini, "Local Perceptions of Assistance to Afghanistan," 158-172.

has had a great impact on the capacity of the state to provide public goods, beginning most importantly with the failure to provide security and the rule of law. In essence, the population has been caught between the powerful influence of commanders and “warlords,” on the one hand, and mounting pressure from insurgents, including Taliban, on the other; the result is continued and worsening human insecurity. No matter what degree of public administration reform is achieved in the formal state sector, this gain will be undermined as long as clientelism and corruption prevent its application through rules to ensure greater fairness and, thus, legitimacy of the reforms.

The second dynamic is a “statebuilding paradox,” whereby the enormous dependency of the Afghan state on international resources and expertise to improve its performance may also be undermining its own long-term development and sustainability. In 2004-2005, international assistance constituted more than 40 percent of Afghanistan’s Gross Domestic Product (GDP), while domestic government revenues were only 5 percent of GDP—a very low ratio internationally. In other words, the Afghan state received eight times more resources from international donors than from its own economy. The need to channel enormous resources through or around structures that have little capacity has generated a range of parallel mechanisms, an external budget that undermines policy setting, and conflicting short- and long-term imperatives, such as the mix of counter-insurgency, counter-narcotics, and sustainable public administration reform.<sup>35</sup>

The consequence of the disjuncture between formal institutions and the *de facto* exercise of power—whether through the abuse of state instruments or underlying informal institutions—has been a lack of accountability by those exercising power to those affected. Failures of accountability and a “culture of impunity” contribute to a widespread legitimacy crisis, as they undermine security, services, access, justice, and other public goods that are valued by the population. As Samuels has noted more generally in post-conflict situations: “A climate of unregulated power will ultimately undermine the stability and legitimacy of the new state, and in immature democracies, the institutions that have been built are frequently too weak to hold governments accountable, which jeopardizes long-term stability.”<sup>36</sup> This bleak picture must be complemented by an appreciation of the severe conditions under which the transition in Afghanistan began and the high expectations raised by the swift defeat of the prior regime. Nevertheless, the strategies adopted in Afghanistan have contributed to a weak state that is unable to fulfill basic functions, with a

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<sup>35</sup> Hamish Nixon, “Aiding the State? International Assistance and the Statebuilding Paradox in Afghanistan,” Briefing Paper Series (Kabul: Afghanistan Research and Evaluation Unit, 2007), 4.

<sup>36</sup> Kirsti Samuels, “Post-Conflict Peace-Building and Constitution-Making,” *Chicago Journal of International Law* 6, no. 2 (2006): 17.

diminishing stock of legitimacy, and facing a growing insurgency. The essay now examines how conflicting objectives within the international community contributed to these negative outcomes.

## **An Exogenous End to the War**

The war in Afghanistan was triggered in 1978 by the policies of the People's Democratic Party of Afghanistan. After more than two and a half decades of bitter fighting, the conflict was finally ended (or, more accurately, experienced a temporary hiatus) by Operation Enduring Freedom in October 2001. By that point, Afghanistan had fallen predominantly under the control of the Taliban, a Pashtun faction that was client to elements of the Pakistani government and not explicitly linked to any tribal group. Its core recruits came from Deobandi madrassahs in Pakistan, and they were funded and trained by the Pakistani Directorate of Inter Services Intelligence (ISI). Of the *mujahedin* factions that had engaged in the increasingly bitter civil war since 1989, by September 2001, only the Northern Alliance remained in armed opposition, penned up in the Panjshir Valley and the northeast corner of Afghanistan. Their leader, Ahmad Shah Massoud, was assassinated on September 9, 2001. Had the attacks of September 11 not occurred, it is likely that the remaining pockets of resistance would have been overcome by the Taliban, who would then have exerted control over the entirety of the country. Thus, the invasion was framed against more than two decades of bitter civil war and the policies adopted in the Bush Administration's "Global War on Terror," which shaped the nature of the intervention. The terrorist attacks committed by al Qaeda operatives on the United States focused attention on Afghanistan and the Taliban regime. Addressing the United States Congress on September 20, 2001, President Bush declared that "any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime."

Two points are important in understanding the form the invasion took. First, it was framed in terms of the "the first duty of the United States Government...to protect the American people," and it interpreted the major threat to the American people to be that of terrorist attacks.<sup>37</sup> This explicitly prioritized the defeat of the Taliban and the eradication of al Qaeda over other objectives. Second, the United States committed minimal ground troops, preferring to rely on its own overwhelming air power and Afghan proxies. This has been attributed to several factors: distraction by the prospect of an invasion of Iraq, poor preparation by the U.S. Department of Defense, or a

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<sup>37</sup> *National Security Strategy of the United States*, September 20, 2002.

<sup>38</sup> Rashid, *Descent into Chaos*, 61-64. Rashid called the war in Afghanistan "the cheapest war America was ever to fight."

desire to limit casualties and avoid being mired in a land war.<sup>38</sup> Regardless, the Northern Alliance was seen as the “one realistic option”<sup>39</sup> in seeking ready combat troops to use against the Taliban.<sup>40</sup> The United States supplied them with money, arms, and air power, and on November 13, 2001, Kabul fell to Northern Alliance troops. The Taliban already had abandoned the city. Kandahar, the Taliban’s southern stronghold, fell shortly afterward.

In the vacuum after the fall of the Taliban regime, no international forces were empowered to conduct peacekeeping or policing roles, and regional commanders reasserted their power.<sup>41</sup> The consequence of this delay in implementing a country-wide securitization policy, far from giving space to the possibility of Afghan-led development, was rather to cede large areas of Afghanistan to armed commanders. Indeed, the U.S. Central Intelligence Agency (CIA) actively supported these commanders, handing out an estimated \$70 million dollars, which permitted them swiftly to rebuild their militias.<sup>42</sup>

The military approach to security in Afghanistan was briefly successful against the backdrop of short-term counter-terrorist goals. Al Qa’eda was driven from Afghanistan, its training camps shut down, and the Taliban removed from office. However, the end of the war and the focus on “kinetic” counter-terrorists actions was not supported by commitments to wider statebuilding.<sup>43</sup> The consequences of this approach were threefold: first, no cease-fire existed

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<sup>39</sup> William Maley, *The Afghanistan Wars* (London: Palgrave Macmillan, 2002), 260.

<sup>40</sup> The leadership of his “Supervisory Council of the North”—consisting of a parallel structure within the jihadi party, Jami’at i Islami—was taken up by three of Massoud’s lieutenants: Abdullah Abdullah, Muhammad Qasim Fahim, and Qanooni. The prospect of the immense power of the United States being thrown against their enemies gave them an excellent incentive for cooperation. Maley, *The Afghanistan Wars*, 261; Gilles Dorronsoro, *Revolution Unending: Afghanistan, 1979 to the Present* (London: Hurst, 2005).

<sup>41</sup> Rashid, *Descent into Chaos*, 87.

<sup>42</sup> “Richard Clarke estimated that the CIA spent around \$70 million in bribes to win the war, although the figure may have been as high as \$100 million.” See *ibid.*, 97. See also, Alexander J. Thier, “The Politics of Peace-building, Year One: From Bonn to Kabul,” in *Nation-Building Unravelling? Aid, Peace and Justice in Afghanistan*, ed. Antonio Donini, Norah Niland, and Karin Wermester (Bloomfield, CT: Kumarian Press, 2004), 45, and Rubin, “Crafting a Constitution for Afghanistan,” 9. The heavy-handed approach of some military units, the civilian deaths caused by the Coalition, and the accusations of torture cost the Karzai regime legitimacy. See Astri Suhrke, *The Limits of Statebuilding: The Role of International Assistance in Afghanistan* (Bergen, Norway: Chr. Michelsen Institute, 2006), 23.

<sup>43</sup> Ari Fleischer, “The president continues to believe that the purpose of [the military] is to be used to fight and win wars, and not engage in peace-giving of that nature.” See White House Press Briefing, February 25, 2002. David W. Barno, “Fighting ‘the Other War’: Counter-insurgency Tactics in Afghanistan, 2002-2005,” *Military Review* (September 2007): 32-43; International Crisis Group, *Afghanistan: The Need for International Resolve*, Asia Report No. 145 (2008): 4; and Barnett R. Rubin, *Afghanistan’s Uncertain Transition from Turmoil to Normalcy* (New York: Council on Foreign Relations, March 2006). This was, as Rashid notes, a complete reversal of the Powell Doctrine, which stressed an overwhelming concentration of the maximum number of troops and firepower before attacking the enemy: Rashid, *Descent into Chaos*, 97.

or was signed among the warring parties;<sup>44</sup> second, it triggered a dramatic shift in the military equilibrium toward a minority ethnicity, the Tajiks and the Panjshiri commanders, in particular; third, the purpose of the international intervention was not “helping war-torn countries make the transition from a fragile ceasefire to a stable peace,” but rather to scour al Qaeda and their Taliban hosts from Afghan soil.<sup>45</sup> The decisions made at this stage were to have a significant impact on the future interaction of the international actors and the Afghan elites.

The position at the end of the war presented a “footprint dilemma.” One argument demanded that international actors commit to a light footprint to allow “local political, social, and economic life to achieve a post-conflict equilibrium on its own terms.” At the same time, there was significant pressure “to maintain security and to oversee...the implementation of a peace agreement,” which required more weighty international commitments.<sup>46</sup> Confronted by this dilemma, the United Nations opted for “an integrated mission...keeping the international United Nations presence to the minimum required, while our Afghan colleagues are given as much of a role as possible.”<sup>47</sup> Experiences in Bosnia and Timor-Leste suggested the need for greater engagement. The number of factions, the hostility of the war, and the distribution and volume of weapons all indicated that a large number of peacekeeping troops might be necessary.<sup>48</sup> There was, moreover, an initially high tolerance for international troops among the war-wearied Afghan population.<sup>49</sup>

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<sup>44</sup> The Bonn Process, far from being a peace process and a means to bring together factions to end the war, was in fact a process imposed by international actors to carve up responsibilities and opportunities among “acceptable” factions after open warfare had ended. Rather than being an instrument for ending the war, it was an instrument for creating a state or means of interaction between Afghan and international actors after the termination of the war. It, accordingly, will be considered in the essay’s third section that follows.

<sup>45</sup> Roland Paris and Timothy D. Sisk, *Managing Contradictions: The Inherent Dilemmas of Postwar Statebuilding* (New York: International Peace Academy, November 2007), 2. In a similar vein: “...peacebuilding is an attempt, after a peace has been negotiated or imposed, to address the sources of current hostility and build local capacities for conflict resolution.” Michael W. Doyle and Nicholas Sambanis, “International Peacebuilding: A Theoretical and Quantitative Analysis,” *American Political Science Review* 94, no. 4 (December 2000): 779.

<sup>46</sup> Paris and Sisk, *Managing Contradictions*, 5.

<sup>47</sup> Special Representative to the Secretary General Lakhdar Brahimi, Briefing to the Security Council, February 6, 2002, S/PV.4469. Suhrke et al., describe Afghanistan as a case of conflictual peacebuilding. See Astri Suhrke, Kristian Berg Harpviken, and Arne Strand, “After Bonn: Conflictual Peace Building,” *Third World Quarterly* 23, no. 5 (October 2002): 875-891.

<sup>48</sup> In keeping with the “peacebuilding triangle” posited by Doyle and Sambanis, the case of Afghanistan represented a high degree of hostility (several factions, the absence of a general peace treaty, a high level of casualties, and refugees), and low Afghan capacity. In such circumstances, orthodoxy recommends a high degree of international commitment.

<sup>49</sup> Astri Suhrke, *The Limits of Statebuilding: The Role of International Assistance in Afghanistan* (Bergen, Norway: Chr. Michelsen Institute, 2006), 22, and Koehler and Zuercher, *Assessing the Impact of Development Cooperation in North East Afghanistan*, 5.

## Key Interactions Affecting the Outcomes of International Intervention

### *Military Aspects of the Intervention*

The United States' strategy was led by the priorities defined by the Bush Administration's War on Terror. U.S. Central Command (CENTCOM) maintained a force of seven thousand under its sole control to root out the Taliban and al Qaeda. In the first three years, there was no appetite in the White House or Pentagon for any kind of peace enforcement or peacekeeping.<sup>50</sup> Troops that could have been dedicated to Afghanistan were being concentrated on Iraq.<sup>51</sup> Nor did the coalition command press the militias of commanders to abandon the areas occupied by the U.S. forces, providing to them the opportunity to continue their predation and trafficking. At the same time, and in part as a concession to the Northern Alliance, an entirely inadequate international troop commitment numbering 4,500 and split among twenty-three contributing countries was allocated to Kabul, under the International Security Assistance Force (ISAF). Its mandate was limited to protecting the institutions of government, and the United States refused to lead or initially even contribute troops.<sup>52</sup>

The levels of troop commitments made in Afghanistan can be contrasted starkly with "traditional peacekeeping," which involves the deployment of military units sufficient to "establish and police a buffer zone and assist the demobilisation and disarmament of military forces."<sup>53</sup> Given the number of armed factions and dispersion of weaponry throughout the Afghan population, this would have involved a considerable commitment. Several calls were made for the expansion of ISAF outside the capital. The participants at the Bonn Conference had requested that a United Nations mandated force be sent to Afghanistan. Lakhdar Brahimi, the Special Representative of the Secretary General (SRSG), at the same time as he insisted on a "light footprint" for the United Nations, noted calls from "ordinary Afghans, as well as by members of the Interim Administration and even warlords for the expansion of ISAF to the

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<sup>50</sup> Rubin, *Afghanistan's Uncertain Transition from Turmoil to Normalcy*, 7; Rashid, *Descent into Chaos*, 200; Fred Hiatt, "Underachieving Afghanistan," *Washington Post*, May 20, 2002. See also, Suhrke, *The Limits of Statebuilding*. Suhrke argues powerfully on the basis of failed modernization efforts by Amanullah and Daoud Khan (which ended in coups), that Afghanistan never had taken kindly to attempts at modernization which would challenge tribal structures and the robust social fabric they entailed.

<sup>51</sup> Rashid, *Descent into Chaos*, 185.

<sup>52</sup> Ibid., 133, and Larry P. Goodson, "Afghanistan's Long Road to Reconstruction," *Journal of Democracy* 14, no. 1 (January 2003): 86.

<sup>53</sup> Doyle and Sambanis, "International Peacebuilding: A Theoretical and Quantitative Analysis," 781.

<sup>54</sup> Brahimi, Briefing to the Security Council, February 6, 2002, S/PV.4469. See also, International Crisis Group *Afghanistan: The Need for International Resolve*, Asia Report No.145 (Kabul: International Crisis Group, February 2008): 4.

rest of the country,”<sup>54</sup> and urged the Security Council to give the call “favourable and urgent consideration.” General Sir John McColl, who commanded the ISAF for the first six months, argued for the need to expand beyond Kabul, but was ignored by U.S. Secretary of Defense Donald Rumsfeld<sup>55</sup> and defied by Afghan Minister of Defense and Northern Alliance commander, Marshall Fahim, who kept his armed forces in and around the capital.<sup>56</sup>

It was only in 2003 that the Bush Administration stepped up its commitment to Afghanistan.<sup>57</sup> After several months of negotiations involving NATO members and the United Nations, NATO agreed to take command of ISAF in Afghanistan.<sup>58</sup> A further eight thousand U.S. troops were deployed, making a total of eighteen thousand.<sup>59</sup> ISAF started to expand in 2004, driven by field commanders who believed that development would be necessary to secure their military gains over the Taliban. They argued for and won a roll-out of Provincial Reconstruction Teams, comprised of small units of military personnel, accompanied by civilian aid specialists. Gradually, ISAF expanded its mission into the rural areas: to the north in 2004, then in 2005 to the west. ISAF moved into the south only in July 2006.<sup>60</sup> In conclusion, the troop commitments were “too little, too late,” and the war left the commanders entrenched, armed, and replete with funds; therefore, there was a significant departure from orthodox peacebuilding prescriptions.

### ***Intrusiveness: Shaping the State through the Bonn Process***

As with the military aspects of the intervention, the institutional shaping of the Afghan state also reflected a departure from orthodoxy. Peacebuilding and democratization efforts normally have been based on a peace agreement among the warring factions, which formulated the “rules of the game.” Indeed, on October 1, 2001, President Bush announced that the United States would support “a political transition and a UN-coordinated reconstruction effort,”<sup>61</sup> which seemed to leave open the possibility of a more traditional peacebuilding endeavor. However, several factors influenced the approach taken for

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<sup>55</sup> Suhrke et al., “After Bonn: Conflictual Peace Building,” 883: “...the U.S. was concerned that additional deployments of a peace-keeping force would complicate its own ongoing war against remnants of Al-Qaida and the Taliban.... Peace keepers would be taken as hostages by enemy forces to harm the US campaign....” See also, Rashid, *Descent into Chaos*, 132-133.

<sup>56</sup> Rashid, *Descent into Chaos*, 132.

<sup>57</sup> *Ibid.*, 189.

<sup>58</sup> David Walker, “Global War on Terrorism: Observations on Funding Costs and Future Commitments,” Testimony before the Subcommittee on National Security, Emerging Threats, and International Relations, Committee on Government Reform, House of Representatives (Government Accountability Office, July 2006), <http://www.gao.gov/new.items/d06885t.pdf> (accessed March 20, 2009), 6.

<sup>59</sup> Rashid, *Descent into Chaos*, 189.

<sup>60</sup> International Crisis Group, *Countering Afghanistan's Insurgency*, 5.

<sup>61</sup> Rubin, “Crafting a Constitution for Afghanistan,” 6.

formulating the rules of the game: the military posture taken by the United States within Afghanistan described above; the framing of the intervention in terms of the “Global War on Terror”; and the shift in military equilibrium to a preponderance of power in the Northern Alliance.

The framework for this political transition was defined in the Bonn Agreement, signed on December 5, 2001. It provided for the immediate transfer of Afghan sovereignty to the Afghan Interim Authority. It laid out a process by which a legitimate state could be built, relying on democratic elections and the power of the Loya Jirga—a grand discussion and decision-making forum among tribal leaders, with roots in customary norms, particularly in tribal areas. The Bonn “Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions” was therefore the framework for peace. It also precluded any formal intrusion on government or legislative functions by international actors; instead, it provided the rules of the game for informal influence. Before addressing the interactions between international and Afghan actors, it is worth highlighting several features of the Bonn Process, which distinguished it from other peace agreements.

First, the conflict was not over. It is true that the Taliban had “melted away,” but as has become increasingly apparent, they retained significant capacity for violence.<sup>62</sup> Neither Mullah Omar, the head of the Taliban, nor Gulbuddin Hekmatyar of Hezb-e Islami had been killed or captured. To the extent that there were key factions excluded from the process, they retained the incentive to destabilize the nascent Afghan state. The case of Afghanistan was one of conflictual peacebuilding, where one faction remains and retains a desire and aim to fight.<sup>63</sup>

Second, and following from the first point, not all the warring parties were represented in the discussions formulating the Bonn Agreement. Four Afghan groups were invited: the Northern Alliance, comprised of mostly commanders from the minority ethnicities, the Tajiks, Uzbeks, and Hazaras.<sup>64</sup> The second major group, the “Rome Group,” was comprised of mostly Western-educated Pashtun elites, and was supported by Zahir Shah, the king deposed in 1973. To these were added two smaller coalitions.<sup>65</sup> The Bonn talks, therefore, excluded both the Taliban and a range of small political movements with either prodemocracy or anti-Taliban tribal bases that had emerged underground or in

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<sup>62</sup> Ibid., 7. Twenty percent of the Taliban force had been killed, and another 40 percent captured or wounded. See Rashid, *Descent into Chaos*, 96.

<sup>63</sup> Suhrke et al., note that “the circumstances of the military defeat...suggest that fundamental conflict remains and will surface to make the peace-building mission extraordinarily difficult.” In Suhrke et al., “After Bonn: Conflictual Peace Building,” 875.

<sup>64</sup> Rubin, “Crafting a Constitution for Afghanistan,” 6.

<sup>65</sup> Rashid, *Descent into Chaos*, 55.

<sup>66</sup> Ruttig, *Islamists, Leftists—and a Void in the Center*, 16-17. In some ways, the exclusion of the Taliban made the discussions at Bonn much easier: “There were no long and difficult

the Diaspora during the Taliban regime.<sup>66</sup>

Third, the Bonn delegates were empowered to decide who would participate in the interim government. In the absence of a single leader with broadly accepted legitimacy,<sup>67</sup> the United States threw its support behind Hamid Karzai, an ethnic Pashtun and aristocrat from a Kandahari tribe.<sup>68</sup> He was duly appointed the chairman of the Afghanistan Interim Authority, leaving no room for formal legislative or executive involvement by the international actors, unlike the quasi-trusteeship experience in previous interventions.<sup>69</sup> In return for accepting Karzai's leadership and a limited international force in Kabul, three key cabinet positions went to the Panjshiri faction of the Northern Alliance, along with a tacit agreement that demobilization of troops was not on the table and that the international troops would not be deployed outside Kabul.<sup>70</sup>

Overall, the Bonn Agreement was not a peace settlement, but rather a UN-brokered roadmap, with the aim of creating a legitimate state. It set out

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negotiations with the Taliban, no ex-Taliban armies to be demobilized or reintegrated, and no political structure of Taliban supporters to be integrated in a postwar order..." Suhrke et al., "After Bonn: Conflictual Peace Building," <http://www.america.gov/st/washfile-english/2007/April/20070425112939idybeekcm.09128382.html> (accessed March 4, 2009). Hizb-i Islami is on the list of "groups of concern," but not on the list of terrorist groups. Pakistan, in an exercise in "shadow-boxing," talked of producing moderate Taliban. See Rashid, *Descent into Chaos*, 73. Whether this would have been acceptable to the United States or not, it is extremely doubtful that the leaders of the Northern Alliance would have sat around the table with their long-term enemies. Putin also rejected any role for moderate Taliban. Rashid, *Descent into Chaos*, 81.

<sup>67</sup> Abdul Haq, a highly respected Pashtun leader who had no part in the civil war, was executed by the Taliban on his return, on October 26, 2001. Despite his Tajik ethnicity, Massoud was a possibility until his assassination. The Pashtun mujahideen commander, Haji Qadir, was assassinated in 2002, when he held a post in the Afghanistan Transitional Authority. The death remains unresolved and "until the killing is resolved, many Pashtuns will continue to blame Marshall Fahim." See Chris Johnson, William Maley, Alexander Thier, and Ali Wardak, *Afghanistan's Political and Constitutional Development* (London: Overseas Development Institute, 2003). The assassination prompted Karzai to replace his Afghan bodyguards, who were under Fahim, with United States Special Forces (and subsequently private security contractors). See Andreas Wimmer and Conrad Schetter, "Putting State-formation First: Some Recommendations for Reconstruction and Peace-making in Afghanistan," *Journal of International Development* 15 (2003): 531.

<sup>68</sup> Giustozzi speculates that the Bush Administration wanted a weak, pliable leader. See Antonio Giustozzi, "'Good' State vs. 'Bad' Warlords? A Critique of Statebuilding Strategies in Afghanistan," Working paper no. 51, Crisis States Program (London: London School of Economics, 2004), 2. Former President Burhanuddin Rabbani, who throughout the Bonn talks attempted to press his own claim through Russian, Iranian, and Pakistani links, was brought under extreme pressure to withdraw his suit by the United States. See Rashid, *Descent into Chaos*, 104-105.

<sup>69</sup> The first article states that power will be transferred to the Afghan Interim Authority, which was chaired by Hamid Karzai and which was the "repository of Afghan sovereignty" (art. I. 3).

<sup>70</sup> Barnett R. Rubin, "Identifying Options and Entry Points for Disarmament, Demobilization, and Reintegration in Afghanistan," Center on International Cooperation (New York: New York University, 2003) 2. Normally, this is a key aspect of a peace agreement.

a “process, rather than a detailed settlement of major political issues.” This characteristic is partly attributable to the time pressure under which the discussions were held.<sup>71</sup> The Agreement did not attempt to address the key challenges, but rather specified a process for dealing with these challenges.<sup>72</sup> The Bonn Agreement created an interim government which was, in accordance with the “light footprint” approach, to be led by Afghan actors. It provided for the convocation of an Emergency Loya Jirga (ELJ) within six months, which was to provide more representative support to the process initiated in Bonn. Unfortunately, several deficiencies in the ELJ—including rigged selection processes and intimidation—undermined the possibility of a free discussion.<sup>73</sup> Moreover, the opponents in the War on Terror were still excluded from the political process.<sup>74</sup> The democratic factions were confounded by a ban on political parties prompted by Karzai and his U.S. backers, who, according to one interpretation, wanted to prevent strong opposition to Karzai.<sup>75</sup>

While formally the process was to be driven by Afghans, in actual fact the international actors and the reempowered Afghan warlords exercised considerable influence behind the scenes, to the point that one frustrated participant declared: “This is not a democracy, it is a rubber stamp. Everything has already been decided by the powerful ones.”<sup>76</sup> The function of the ELJ was to choose a “head of the state for the Transitional Administration and... approve proposals for the structure and key personnel of the Transitional Administration.”<sup>77</sup> In the end, alternative candidates to Karzai (the former king, Mohammad Zahir, and the former president, Burhanuddin Rabbani) were pressured to withdraw from the race.<sup>78</sup> The only substantive discussion, which concerned the role of the *Shura-i Milli* (National Assembly), was shut down by order of Karzai under influence from his Western advisors, and the cabinet posts were dominated again by the Northern Alliance. Once more, decisions were made through a combination of foreign interference and Northern

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<sup>71</sup> Rubin, “Crafting a Constitution for Afghanistan,” 6. Although it did set forth general guiding principles for the process to guarantee a “political future in accordance with the principles of Islam, democracy, pluralism and social justice.” Preamble, Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions. See International Crisis Group, *Afghanistan’s Flawed Constitutional Process*, Asia Report No. 56 (June 12, 2003).

<sup>72</sup> Their, “The Politics of Peace-building, Year One: From Bonn to Kabul,” 47.

<sup>73</sup> Ibid., 54, and International Crisis Group, *The Loya Jirga: One Small Step Forward?* Afghanistan Briefing (May 16, 2002).

<sup>74</sup> Rashid, *Descent into Chaos*, 138.

<sup>75</sup> Ruttig, *Islamists, Leftists—and a Void in the Center*, 35-36.

<sup>76</sup> Sima Samar, Former Minister of Women’s Affairs, June 12, 2002.

<sup>77</sup> International Crisis Group, “The Afghanistan Transitional Administration: Prospects and Perils,” Afghanistan Briefing (Kabul: International Crisis Group, 2002), [http://www.crisisgroup.org/library/documents/report\\_archive/A400719\\_30072002.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400719_30072002.pdf) (accessed March 4, 2009).

<sup>78</sup> Rashid, *Descent into Chaos*, 139.

Alliance strong-arm tactics.<sup>79</sup>

The trend was partly reversed during the next step in the Bonn Process, the Constitutional Loya Jirga (CLJ). The CLJ suffered from few of the procedural irregularities of the ELJ.<sup>80</sup> This marked a downturn in the fortunes of the Northern Alliance, already starting to show signs of strain. The resulting constitution was different in certain key respects from the original draft in that it proposed a strong presidential system in place of a system which included a prime minister and a constitutional court.<sup>81</sup> It also deliberated on the level of centralization that the state should enjoy. Ethno-politically, the Uzbeks and Hazaras, in particular, sought a federal structure that guaranteed their security and, where possible, self-government. Warlords with entrenched provincial power bases supported this position. Others saw a federal system as more conducive to building accountable and legitimate state-society relations. Similar arguments were proposed by officials within the Bush Administration to argue in favor of its “regional leaders” or “warlords.”<sup>82</sup>

A federal system was also seen as risking potential fragmentation into ethnic blocs. The Pashtun, in contrast, tended to want a strongly centralized state, which, given their numerical plurality, they would control.<sup>83</sup> From a statebuilding perspective, it was argued that a centralized state would be more effective in delivering services. By emphasizing a common Afghan nationality, it would downplay the increasing ethnicization of Afghanistan, which had been a bitterly unfortunate consequence of the long civil war.<sup>84</sup>

The constitution that emerged was one of the most centralized in the world. It failed to enshrine a prime ministerial position through which an opportunity for power sharing might have been opened. Governors were to be appointed by a central government, rather than from provincial council lists (an idea put forward by Uzbek and Hazara delegates). Uzbek was not taken on as national language. In the end, as Rubin notes, the constitution was crafted with “an eye on the immediate demands of statebuilding,” rather than on the “needs of long-

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<sup>79</sup> International Crisis Group, *The Afghanistan Transitional Administration: Prospects and Perils*.

<sup>80</sup> Rubin, “Crafting a Constitution for Afghanistan,” 10. Although, see also, International Crisis Group, *Afghanistan: The Constitutional Loya Jirga*, Asia Briefing No. 29 (Kabul: International Crisis Group, December 2003), which outlines problems in the preparatory phase.

<sup>81</sup> Rubin, “Crafting a Constitution for Afghanistan,” 11.

<sup>82</sup> Rashid, *Descent into Chaos*, 137. Nothing in the Bush Administration’s arguments, however, pushed for ceding power to warlords, strongmen, and tribal leaders shorn of personal legitimacy and with negligible institutional legitimatization.

<sup>83</sup> Ibid.

<sup>84</sup> Sven Gunnar Simonsen, “Afghanistan?: Inclusion and Exclusion in Post-Bonn Institution Building,” *Third World Quarterly* 25, no. 4 (2004): 707-729.

<sup>85</sup> Rubin, “Crafting a Constitution for Afghanistan,” 10.

term governance.”<sup>85</sup>

Similar considerations governed the final stages of the Bonn Process—parliamentary and presidential elections. The United States wanted a strong central government, ruled by a president who could support Americans in combating the Taliban. The reformists in the government, such as Hanif Atmar (at the time of publication, Minister of the Interior) and Ashraf Ghani (former Finance Minister) wanted a strong government that could marginalize the warlords. The adoption of the Single Non-Transferable Vote for the National Assembly elections further limited the influence or development of legitimate rival power centers, attributed by some to “the unwillingness of President Karzai and his main foreign backers to have his power checked by an elected legislature.”<sup>86</sup>

While ostensibly Afghan-led, the Bonn Process was therefore influenced at key points by the needs of international actors and by path dependency that was introduced by the empowerment of the warlords during the invasion and the decision to adopt a light footprint. The resulting state structures had a significant impact on subsequent statebuilding efforts by the international community, which was forced to throw its weight behind whatever government emerged from the Bonn Process. This committed the already implicated international forces in whatever agreement was reached among the political forces within the country; by treating the war as finished, “the Coalition, the United Nations, and donor governments became party to some of the very struggles they were trying to defuse.”<sup>87</sup>

### ***Interactions between Internal and External Actors, and among Afghan Elites***

The invasion and the Bonn Process framed the ongoing stabilization strategy between the international actors and the Afghan elites. Formally, the international actors ceded to a sovereign Afghan government led by President Karzai. Informally, however, it is clear that the United States, in particular, had a powerful influence over decisions. The Karzai Administration’s complete dependence on foreign troops and foreign money continues to provide immense leverage to the international actors.<sup>88</sup> During his tenure, United States Ambassador Zalmi Khalilzad was called “the most powerful man in Afghanistan,”<sup>89</sup> and it was generally believed that Karzai would make no serious decision without his approval. This subsection explores Karzai’s use

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<sup>86</sup> Ruttig, *Islamists, Leftists—and a Void in the Center*, 41.

<sup>87</sup> Paula R. Newberg, “Neither Stable nor Stationary: The Politics of Transition and Recovery,” in *Building a New Afghanistan*, ed. Robert Rotberg (Washington, DC: Brookings Institution Press, 2007), 90.

<sup>88</sup> Suhrke, *The Limits of Statebuilding*, 4. On May 15, 2005, Karzai said that without foreign forces, Afghanistan would “go back immediately to chaos.”

<sup>89</sup> Rashid, *Descent into Chaos*, 188.

of state power and government appointments to manage Afghan elites, and it reviews how the various Afghan elites adopted strategies in reaction to the state.

By any standards, Karzai was faced with a monumental task of institution building, and this was made even more difficult by the reinstallation of warlords into their provincial fiefdoms during the course of the invasion. His options were framed and limited by the approach of his American backers. As noted above, money was provided to the warlords from CIA slush funds, which they used to rebuild their militias, which, in turn, they used to control the sources of revenue such as opium crops, the customs revenues, smuggling routes, and minerals.<sup>90</sup> Karzai, in contrast, had very little money in the state coffers; he lacked international troops to deploy outside Kabul; and worse, he lacked true control of the state security apparatus. The Ministry of Defense was under the command of the Northern Alliance warlord, Fahim. While he pledged loyalty to Karzai in principle, he ensured that the primary allegiance of the army was to him by filling it with Panjsheris and turning away the traditional levies that were sent by Durrani Pashtun villages.<sup>91</sup>

Faced with these challenges, Karzai compromised. He did not tackle the warlords' power bases by dismantling their militias. Instead, he appeased them by formalizing their positions through state appointments, thereby ensuring their acceptance of the government and, thus, its stability.<sup>92</sup> The Bonn Agreement confirmed Northern Alliance leaders in three of the vital ministries—Defense, Interior, and Foreign Affairs. At least four ministers had been militia leaders and a further three at least were irrevocably tied into institutions that had survived the Taliban. Appointments in the “periphery” were a key plank in the stabilization raft that Karzai was constructing;<sup>93</sup> of the thirty-two provinces (subsequently to become thirty-four with the addition of Dai Kundi and the Panjsher), twenty-two provincial governors were militia

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<sup>90</sup> Ibid., 125 ff.

<sup>91</sup> Ibid., 206.

<sup>92</sup> Thier, “The Politics of Peace-building, Year One: From Bonn to Kabul,” 47.

<sup>93</sup> While formally governors play a coordinating role, they are also representative of the executive and they come with substantial informal powers. Appointments as district governors and heads of police are ways of creating incentives for local actors. Thus, district governors are “gateways” to the government, and provide dispute resolution and problem-solving services. They are profoundly political, and the gubernatorial posts change hands frequently. Barnett R. Rubin and Helena Malikiyar, *The Politics of Center-Periphery Relations in Afghanistan*, Center for International Cooperation Report (New York: New York University, 2003), 13. Warlord-governors in the post-Taliban period were in the custom of appointing district governors and, in some cases, even other provincial governors; *ibid.*, 14.

<sup>94</sup> Giustozzi, “‘Good’ State vs. ‘Bad’ Warlords? A Critique of Statebuilding Strategies in Afghanistan,” 5. In one notorious example, Gul Agha Sherzai moved to occupy the positions of power in Kandahar in the chaos left by the disappearance of the Taliban and appointed himself to the position of Governor in Kandahar, despite Karzai’s already having appointed an alternative. Karzai backed down. Rashid, *Descent into Chaos*, 96.

commanders.<sup>94</sup> The appointees used their positions to consolidate power and enrich themselves and their networks. Thus, for example, thirty-two of thirty-four directorates within the army were led by Panjsheris, and the numbers were similar for Intelligence.<sup>95</sup> The approach favored short-term stability by co-opting key individuals, rather than long-term stability through legitimate institutions. The stability came at the expense of legitimacy in the eyes of a population, thoroughly fed up with the war and its perpetrators.

Afghan elites used a pragmatic mix of both formal and informal methods to pursue their goals. Formally, they worked within the Bonn Process and used state instruments, often simultaneously employing influence through informal institutions, regional networks, and muscle, and often through control over the production and trafficking of narcotics, to further their goals. In practice, therefore, the strategy entailed hedging their bets. Where appointed to state institutions, they looked to run their ministries as part of their own fiefdoms, while ensuring that their provincial militias were not threatened by the DDR program.<sup>96</sup>

The shift in power marked by the Constitutional Loya Jirga was triggered in part by key United States decision-makers, who became aware that their approach (or, more accurately, lack of an approach) to statebuilding was failing and that stabilization through paying off local warlords was not a strategy that would ensure long-term results. From his position of increased strength, Karzai began to undermine the power bases of key jihadi warlords, using state appointments to shift them. Ismael Khan was the first. Khan had built strong institutions in Herat during the jihad, and strongly influenced neighboring provinces.<sup>97</sup> To break down this power base, Karzai recruited second-tier commanders to challenge Khan,<sup>98</sup> before forcibly uprooting him to Kabul in 2004 by appointing him to be Minister of Mines and Industry and, subsequently, Minister of Energy and Water. Khan was thereby removed from a lucrative and effective power base.<sup>99</sup> Gul Agha Sherzai was implicated in the opium trade, and Karzai was forced to remove him from the governorship of Kandahar Province, after which Karzai appointed him as Minister of Urban Development.<sup>100</sup> The

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<sup>95</sup> Rashid, *Descent into Chaos*.

<sup>96</sup> In “The Politics of Center-Periphery Relations in Afghanistan,” Rubin and Malikyar argue that this corresponds with the traditional view in Afghanistan of the state being “war booty.”

<sup>97</sup> *Ibid.* He also earned U.S. \$ 3-5 million per year in Iranian customs revenue. See Rashid, *Descent into Chaos*, 127.

<sup>98</sup> In “ ‘Good’ State vs. ‘Bad’ Warlords? A Critique of Statebuilding Strategies in Afghanistan,” Giustozzi is critical of the formation of spurious alliances, on the grounds that they have a history of backfiring and discrediting the administration.

<sup>99</sup> Gulshan Dietl, “War Peace and Warlords: The Case of Ismail Khan of Herat in Afghanistan,” *Alternatives: Turkish Journal of International Relations* 3, nos. 2-3 (2004): 41-66.

<sup>100</sup> Rashid, *Descent into Chaos*, 96, and Giustozzi, “ ‘Good’ State vs. ‘Bad’ Warlords? A Critique of Statebuilding Strategies in Afghanistan.” At the time of publication, Sherzai is the governor of Nangarhar.

most significant such action involved the removal of Fahim from the Ministry of Defense. Fahim's popularity had dwindled. He faced growing distrust in the United States, and his position was undermined by his lack of cooperation with the government, his identity as a Tajik, and his ongoing pretensions to the presidency.<sup>101</sup> Karzai again used formal appointments as his chosen weapon, by putting Fahim on his election ticket as vice president. This, constitutionally, required Fahim to resign from the Ministry of Defense. When Fahim refused to do this, Karzai dropped Fahim from his election ticket. That there was no response from Fahim perhaps indicated the healthy respect the Afghan military leaders still had for American B52s.

While Karzai challenged some key warlords, the purpose was to blunt the power of those who exhibited too much, rather than to stop the strategy of co-optation altogether. Karzai, therefore, continued to use his extensive presidential powers of appointment to maintain a stable political alliance by co-opting powerful players into the government. While Karzai executed this strategy with some efficacy in terms of short-term stability, the co-optation of elites had consequences for the regime's broader legitimacy. The problems of Afghanistan during the 1990s are frequently attributed to the warlords, and their involvement in the government was identified as a source of corruption and an ongoing weakness. By appeasing the warlords and co-opting them into the government, the legitimacy of the government was undermined in the eyes of the population.<sup>102</sup>

The position was worsened by the lack of belief in the modernization process by the Afghan elites, who continued to play a double game. Regional leaders have proven themselves adept at harnessing both the *de jure* institutions of government and security as instruments to further their interests, while at the same time wielding *de facto* power.<sup>103</sup> They used their formal roles within

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<sup>101</sup> Suhrke, *The Limits of Statebuilding: The Role of International Assistance in Afghanistan*, 25.

<sup>102</sup> Donini, "Local Perceptions of Assistance to Afghanistan."

<sup>103</sup> Lister and Wilder emphasize the link between civil administration, military control, and political economy. See Sarah Lister and Andrew Wilder, "Strengthening Subnational Administration in Afghanistan: Technical Reform or State-building," *Public Administration and Development* 25 (2005): 39-48. Similarly, Koehler attributes the burgeoning opium economy in Nangarhar to poor governance institutions and the political economy of conflict. Jan Koehler, *Conflict Processing and the Opium Poppy Economy in Afghanistan* (Jalalalabad: Project for Alternative Livelihoods in Eastern Afghanistan, 2005).

<sup>104</sup> Afghan leaders who were marginalized by Karzai from government turned to the parliament to maintain a presence in Kabul. Younous Qanuni, for example, tried various political moves: reforming Jami'at into a wider organization, which failed in the face of Panjshiri infighting; running for president, but he lost to Karzai; attempting to set up an anti-Karzai opposition called Jabha-ye tafahom-e Milli-ye Afghanistan (National Understanding Front of Afghanistan) and involving the failed presidential candidates, which had, by 2006, "practically ceased to exist"; and eventually running successfully as speaker for the Wolesi Jirga. See Rutting, *Islamists, Leftists—and a Void in the Center*.

<sup>105</sup> Suhrke, *The Limits of Statebuilding: The Role of International Assistance in Afghanistan*, 17-18.

the ministries, parliament,<sup>104</sup> and in subnational government<sup>105</sup> to generate resources and influence for themselves and their tribal networks. At the same time, they engaged in wealth-generation activities at the local level, often illegal and often related to the illegal opium trade.<sup>106</sup> This further undermined the state's legitimacy.

The strategy of co-option might have worked (in the limited sense that there would have been no armed revolt) had Karzai been able to co-opt all the Afghan elites into his coalition.<sup>107</sup> However, the strictures of the War on Terror prevented Karzai from extending this strategy to those rendered beyond the pale by the Bush War on Terror. Consequently, the Taliban could compete successfully for legitimacy with a Karzai government that had extended state appointments to elites lacking their own legitimacy.

### **Development Aid and Democracy Promotion: Dependency and Ownership**

This section focuses on how the statebuilding paradox that is the product of aid dependency impacted both the effectiveness of development aid and the promotion of democracy. International aid and reconstruction efforts were intended to build Afghan capacity. This objective was undermined by the weakness of the government and by conflicting agendas within the international community. A look at the quantity of aid and the mode of its delivery illustrates the dilemma. In general, the pattern of aid has been one of very high expectations matched by impressive requests and pledges of assistance, but marked by low delivery, at least for the early years of the intervention. Furthermore, the effectiveness of the aid that arrived was severely hampered by low absorptive capacities, high cost structures, and tied aid, meaning much of the money was spent on technical assistance or sent out of the country through foreign procurement.

Analysts have concluded at times that the aid was insufficient for the task at hand, while others view the amounts as distortional and counterproductive to statebuilding, and by extension, democratization. The first donor conference on Afghanistan in January 2002 produced pledges over five years of U.S. \$5.2 billion against a multilateral preliminary needs assessment of over \$14 million. In Berlin in 2004, \$8.2 billion of nonmilitary assistance was pledged toward a seven-year plan laid out in a rebudgeted national development plan requesting \$27.5 billion. Recent pledges of \$20 billion stand against government estimates

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<sup>106</sup> Lister and Wilder, "Strengthening Subnational Administration in Afghanistan: Technical Reform or State-building," 39-48.

<sup>107</sup> For the importance of a wide political settlement, see Gabi Hesselbein, Frederic Golooba-Mutebi, and James Putzel, *Economic and Political Foundations of State Making in Africa: Understanding State Reconstruction* (London: Crisis States Programme, 2006).

for the five-year Afghanistan National Development Strategy of \$50 billion. In this sense, pledges have fallen far short of the needs expressed by multilateral institutions or the government. More importantly, these pledges do not reflect what was actually received or spent. In the period from 2002 to the end of the 2004-2005 fiscal year (SY 1381-1383), only \$3.3 billion of the \$13.4 billion pledged was spent on projects, and less than \$1 billion was spent on projects completed during that time.<sup>108</sup>

Aid levels over the first two years of post-Taliban assistance have been compared on a per capita basis with other post-conflict countries. While Afghanistan received \$57 per head, Bosnia and Herzegovina received \$679, East Timor \$233, and Haiti \$73; Congo, Cambodia, and Sierra Leone received less.<sup>109</sup> In this interpretation, assistance was inadequate to meet the enormous challenges present in 2002. The lack of a “critical mass” to buy the support of the population and overcome challenges from alternatives, such as the opium economy, has contributed to the fragile political and security situations.

A second interpretation of the quantity of aid, emphasizing its weight in relation to the income of the country and its public sector, is that it is very large. In 2004-2005 (SY 1383), international assistance still accounted for more than 90 percent of total public spending, signaling enormous dependence on external actors. Another way of looking at aid dependency is in terms of the ratio between domestic revenues and recurrent expenditures—the “fiscal sustainability ratio.” During the first five years of transition, domestic revenues increased quite rapidly and also increased as a proportion of the recurrent expenditures (the running costs of government), but they still remain only a small proportion of the total spending. The table below summarizes the percentage contribution of domestic revenues to Afghanistan’s budget over the period under review.

Table 1. Revenues as a Percentage of Expenditures

	2003-04	2004-05	2005-06	2006-07	2007-08
Revenues as % of Operating Expenditure	46.28	47.84	64.58	66.33	66.10
Revenues as % of Total Budget	4.73	5.38	12.29	16.86	20.13

<sup>108</sup> All figures in this paragraph are from Barnett Rubin, Humayun Hamidzada, and Abby Stoddard, “Afghanistan 2005 and Beyond: Prospects for Improved Stability” (The Hague: Netherlands Institute of International Relations, 2005), 60-65.

<sup>109</sup> Dobbins et al., *The UN's Role in Nation-Building: From the Congo to Iraq* (Santa Monica: RAND Corporation), xxii.

The revenue picture has improved such that about two-thirds of the costs of running the Afghan state are covered by its own revenues. However, this figure excludes a large amount of money paid through the external budget for Afghan National Army salaries. These ratios compared with other periods of Afghan history, such as the Daud presidency or the communist regimes from 1978 to 1992, indicate that the government is more aid-dependent than ever before.

International assistance to Afghanistan comes from many sources and is delivered in many different ways. Several features of the system stand out. First, the aid architecture for Afghanistan has been supply-driven, partly due to the emphasis on counter-terrorism objectives described earlier. This has contributed to a lack of conditions on assistance—a “Samaritan’s Dilemma.”<sup>110</sup> This has meant that, while the benchmarks of the Bonn Agreement were mostly met, other key changes, such as the effective removal of corrupt officials or candidates or genuine reform of key ministries, did not take place. In some sectors, line ministries enjoy relative power over donors driven to “move the money,” and even can play donors against each other.

A second feature is how aid is delivered in relation to the national budget systems. In 2004, the government reorganized the system of budget reporting, introducing a “Core Budget,” with “Ordinary” and “Development” components. Alongside this, it created an “External Budget,” aimed to account for donor reported funds channelled outside the treasury. Roughly speaking, by 2004-2005, 75 percent of all assistance, or \$2.5 billion, was still spent outside the government budget and institutions. The 2006-2007 budget showed increased spending through government channels, up to 61 percent of the total expenditures compared to 55 percent the previous year. While this is not unusual in early post-conflict circumstances, it poses dilemmas for institutional development and to government legitimacy. The system for delivering large amounts of assistance via regional Provincial Reconstruction Teams (PRTs) is only the most striking example of the paradox of supporting a state through nonstate means.<sup>111</sup>

Building capacity through the national systems, however, has been slow and uneven. In 2005-2006 (SY 1384), only 62 percent of the core budget figure was actually spent. Some of the reasons for this poor performance are understandable problems in planning and implementing projects in the Afghanistan environment, particularly due to worsened security. There is a general issue of overestimation in the budget, which in turn arises from ambitious targets for ministries to absorb, some double-reporting by donors

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<sup>110</sup> Elinor Ostrom, *Aid, Incentives, and Sustainability: An Institutional Analysis of Development Cooperation* (Stockholm: SIDA, 2001), 4.

<sup>111</sup> Barbara Stapleton, “A Means to What End?” *Journal of Military and Strategic Studies* 10, no. 1 (Fall 2007): 1-49.

who give through multilaterals, different fiscal years, and carry-over from previously unexecuted funds.<sup>112</sup> Different ministries vary widely in their ability to prioritize and plan projects, prepare the documents required by the Ministry of Finance and donors, manage procurement requirements, and implement and monitor projects themselves.<sup>113</sup> All these factors complicate the development of a national budget as a policy tool. This has resulted in a very fragmented and supply-driven budget that is difficult to align with national priorities or strategies; it does little to support the strengthening of institutional systems of the state; it is not necessarily responsive to people's expressed preferences; and it has impacted different sectors asymmetrically.

Beyond the complex effect of aid dependence on statebuilding in general, the assistance efforts aimed at directly improving governance structures in the country also have not had the desired effects. One reason is the early reliance on a donor "pillar" structure in rule of law reform. Under this structure, different donors were given lead responsibility for various sectors: Germany for police, the United States for the Afghan National Army (ANA), the United Kingdom for counter-narcotics, and Italy for the judiciary. The result was uneven and uncoordinated development of these sectors and a lack of coherence among them. As the problems of security sector reform (SSR), narcotics, and the reform of the justice system have cut across these institutions, this approach has slowed progress in confronting them.<sup>114</sup> Second, efforts to reform public administration have been heavily reliant on "bought capacity" rather than on "built capacity." International technical assistance (TA) comprised about one-quarter of all international aid to Afghanistan in 2005-2006 (SY1384), and only 11 percent of this TA was coordinated according to OECD definitions, resulting in uneven and inefficient application.<sup>115</sup>

A final issue in aid to governance is that there was relatively little support given to civil society. In fact, there often has been a tendency to view civil society as a competitor with the statebuilding endeavor, and a gradual erosion of the accountability relationships that a vibrant civil society and media provide has occurred in the course of the intervention. A general picture, based on the Core and External Budget categorization of assistance is presented below.

The same dynamic of multiple and competing imperatives that has bedeviled the institutional aspects of the democratization process has prevented donors—often themselves divided among statebuilding, development, humanitarian, political, and military factions within their decision processes—from arriving at

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<sup>112</sup> Interviews by Hamish Nixon and Ministry of Finance documents.

<sup>113</sup> Ministry of Finance documents; interview by Hamish Nixon with a donor official, October 2006.

<sup>114</sup> Mark Sedra and Peter Middlebrook, "Beyond Bonn: Revisioning the International Compact for Afghanistan" *Foreign Policy in Focus* (2005): 13-15.

<sup>115</sup> OECD, *Paris Declaration Monitoring Exercise* (Kabul: OECD, October 6, 2006).

Table 2. Statebuilding and Democratization Assistance by Category and Year (U.S. \$ thousands)<sup>116</sup>

	2002-3	2003-4	2004-5	2005-6	2006-7	2007-8
Elections and political processes	0	0	8,750	157,600	159,400	8,000
Rule of law, accountability, anti-corruption, human rights, and minority rights	8,310	12,789	32,427	38,460	49,270	46,095
Institutional infrastructure	1,676	15,575	25,882	58,317	78,968	143,268
Civil society, media, civic education, empowerment	16,314	4,194	5,291	8,001	10,020	10,248
Civil-military relations, DDR, security-sector reform	n/a	254,547	1,305,708	1,651,850	425,310	616,506

the coherence required to make aid better at promoting political development. The process of statebuilding and democratization was thus badly served by aid modalities during the intervention.

## Conclusion

There are strong links between the establishment of security, statebuilding, and democratization in Afghanistan. In the early period of the intervention,

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<sup>116</sup> The methodology consisted of summing estimated figures for each category from each component of the recorded Afghan budget, with some additions where large programs' off-the-recorded budgets were known to have existed. For the ordinary and development budgets, the budget figures by retroactive ANDS governance program (i.e., subpillar) categories were utilized. These programs are (1) Empowering the National Assembly (assigned to Institutional Infrastructure); (2) Justice and the Rule of Law (assigned to Rule of Law); (3) Religious Affairs (assigned to Civil Society); (4) Public Administration Reform (assigned to Institutional Infrastructure); and (5) human rights, including women's rights (assigned to Rule of Law). The external budget was scrutinized by the individual donor program, using the funding reported in the following year's external budget. Finally, a large nonrecorded expenditure of U.S. \$155,000,000 for the 2005 National Assembly elections was added to the figures recorded.

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

The conceptual framework of an “informal equilibrium” has been used to analyze the forces which have contributed to keeping Afghanistan “poor, dominated by the informal sector, weakly governed, lacking rule of law, and subject to chronic insecurity.”<sup>117</sup> Since the Afghan state in its ruined condition and with only limited international support could not ensure security, warlords took over this role, but they undermined rule of law and had limited incentives to provide public goods. Karzai’s attempt to construct a political settlement by co-opting the major power holders might have achieved the limited goal of stabilizing the country—if not built a broadly legitimate state—had all the power holders been included in the peace settlement. However, Karzai was prevented from engaging with the Taliban by the approach of the United States to the War on Terror. As time passed, these warlords and commanders became further entrenched, and, in many cases, now hold positions of responsibility. They, in essence, have created a powerful constituency opposing the consolidation of the rule of law from within and around the state, even while the state is challenged by a deepening and widening external insurgency. At the same time, patterns of international assistance often have been poorly suited to statebuilding goals by using parallel channels rather than the state. The lack of security, governance, and rule of law further fuels the opium industry, which, in turn, undermines statebuilding through corruption of state structures. The highly centralized democracy has offered small room for engagement with the Afghan people.

The set of circumstances in which the invasion occurred resulted in a significant departure from earlier statebuilding experiences. Afghanistan, therefore, cannot be considered alongside other post-conflict statebuilding endeavors in the post-Cold War period. While the tools used build on the progressive experience of post-1989 interventions, the conditions under which they have been used are quite different. The driving dynamics provided by

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<sup>117</sup> William Byrd, *Responding to Afghanistan’s Development Challenge*, PREM Working Paper Series (Washington, DC: World Bank, 2007), 27-29.

the interest of the United States in the War on Terror after 2001 have shaped all actors' use of the peacebuilding toolkit and its subsidiary elements of statebuilding and post-conflict democratization. Even under circumstances where no such imperative overshadows the statebuilding operation, "outside actors typically face strong pressures to address short-term needs, but doing so may run counter to the longer-term requirements for establishing effective, legitimate state institutions."<sup>118</sup>

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

This condition has resulted in a type of co-opted peacebuilding described by Barnett and Zuercher: "Co-opted peacebuilding becomes something of a peacebuilder's contract—they have negotiated an arrangement in which each party has specific responsibilities and receives specific rewards. Peacebuilders agree to provide international resources and legitimacy for state elites in return for stability and acknowledgement by state elites of the legitimacy of peacebuilding reforms." The net result is that reforms become symbolic.<sup>119</sup> The same authors note that this may be the best outcome possible. In Afghanistan, however, the outcome has not proven stable. Symbolic reforms have lost their symbolism through their lack of depth, and statebuilding has lost its luster through a failure to incorporate, if not democratization, then at least anticorruption and accountability. But the question remains whether the crisis that is ensuing will lead to further war, or whether it can reorient the international community and the Afghan community in the direction of statebuilding and governance reforms that will be more stable than those introduced thus far.

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<sup>118</sup> Paris and Sisk, *Managing Contradictions*, 4-5.

<sup>119</sup> Michael Barnett and Christoph Zuercher, "The Peacebuilder's Contract: How External Statebuilding Reinforces Weak Statehood," 2006, <http://www.polisci.umn.edu/~mirc/paper2006-07/spring2007/barnett&zuercher.pdf> (accessed March 20, 2009), 15.