
Military intervention, aid and governance in Afghanistan

A Disarmament for Development paper

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***A Disarmament for Development*¹ paper**

This paper recognises the opinion of many organisations that see the best solution in Afghanistan to be to pull out all of the present coalition forces, and let Afghanistan as a country evolve on its own principles. The objective of this paper is however to instead focus on legal mechanisms, interim government, aid agencies and present military forces that are already in place in the country, and to show how Afghan voices believe the situation can be improved.

A further remark is on the chaotic Afghan situation, which is by no means new. Afghanistan has a long history of occupation by foreign countries, internal tribal wars and issues of national identity. It is beyond the scope of this paper to handle the long history of Afghanistan, but it is nevertheless important to have this background in mind while exploring possible alternatives for the development and security situation in the country.

During a conference on Afghanistan that was organised by the Geneva Centre for Security Policy (GCSP) entitled “*Afghanistan: Mission Impossible?*” Brigadier General Richard Nugee² gave some approximate numbers for the audience to better relate to the current Afghan situation. He claimed that only 20 percent of the issues faced in Afghanistan could be defined as military. This meant, he explained, that even if the military forces in Afghanistan had been offered the money that they claim is needed to cover the totality of the military issues, there would still remain 80 percent to be done by someone else.

Although it is not exactly clear what the remaining 80 percent entails, it involves much broader questions of development and governance. This paper attempts to sketch out possible alternatives in Afghanistan, adding weight to the issues that cannot be resolved by the military, as well as issues that are arguably worsened by the foreign military presence.

First part: Military intervention

The skewed balance between civil society and the military in Afghanistan

Introduction

This section will handle the interface problem between the military presence and the increasing development issues in Afghanistan. The military, with the US as the leading force, is in Afghanistan for the promotion of “freedom”. At the same time, as will be demonstrated, the local Afghan population is losing faith in the international actors, resulting in a declining security situation, even in areas that earlier had no insurgents. The military effort to provide safety seems therefore to be related to the increasing issues of insecurity.

Coalition forces background and issues: 2001 onwards

After the 9\11 terrorist attack on the Twin Towers, the Bush administration announced war against the people in charge of the mass-killing. Afghanistan was declared part of the “axis of

¹ The International Peace Bureau advocates reductions in defence budgets and the adoption of a 'human security' approach, which is the framework of this paper. Visit IPB.org for more information.

² Brigadier General Richard Nugee “was promoted Brigadier in 2007 as Chief Targeting and Information Operations for the ARRC [Allied Rapid Reaction Corps, United Kingdom], and deployed with them to Afghanistan from October 2006. From 2007 the post was renamed Chief Joint Fires and Influence”. (Source: Geneva Centre for Security Policy speaker biographies for the conference)

evil”³ and NATO was deployed in Afghan territories to assist in the fight against terror and the promotion of “freedom”. Not only is it unclear how NATO, with a mandate that was strictly in western countries, ended up in the Middle East, but it is also unclear what is meant by “freedom”. Paul Gallis, Specialist in European Affairs, Foreign Affairs, Defense, and Trade Division, sees the war in Afghanistan as the last chance for NATO to prove worthy of its existence⁴. It is not a war that the military representatives from NATO can afford to lose, since it may force the coalition to redefine its mandate⁵. However, the military objective is an almost impossible task to achieve, since the task itself is highly unclear: What is the point of the war in Afghanistan?

President Bush saw, and still sees, the war in Afghanistan as a means to achieve two “specific” goals. First, to arrest the terrorists responsible for 9/11, and second, to promote freedom in Afghanistan. In his speech on the global war on terror in 2006, Bush explained these goals by stating that:

*“I vowed then [after the 11th September attack, 2001, author remark] that I would use all assets of our power to win the war on terror. That's what I vowed. It -- the September 11th attacks affected me. It affected my thinking deeply. The most important job of the government is to protect the people from an attack. And so I said we were going to stay on the offense two ways: one, hunt down the enemy and bring them to justice, and take threats seriously; and two, spread freedom. And that's what we've been doing, and that's what I'm going to continue to do as the President.”*⁶

There is no doubt that the Bush administration has followed a very straight political line from 2001 till 2008, not budging nor changing their strategy (to reach the goal set by Bush). In the quest for freedom, Bush channels a large part of US government funding for the war against terror into the foreign military budget, without clarifying where and what the different sums are intended for⁷. This means that money that could have been spent on development in Afghanistan may be funnelled into other projects. The US approach has long been seen as opposing the European one, which was well put in the research paper from the European Council on Foreign Relations. Here the researcher explains that:

*“While Americans tend to treat a political problem as a military one, Europeans have lagged behind the US in terms of financial and military commitments, and have even failed to co-ordinate their own activities.”*⁸

Very generally speaking, European representatives see the war in Afghanistan to be far too reliant on guns, and representatives of the Bush administration sees “Europeans” to be lacking faith in the war on terror. The deeper problem is therefore not the lack of political will, which there is on all sides, but a lack of a common ground. Does Afghanistan have a military problem, or is it a political one?

³ “President Delivers State of the Union Address”, The President's State of the Union Address, The United States Capitol, Washington, D.C. 01.29.2002.

⁴ “NATO in Afghanistan: A Test of the Transatlantic Alliance”, Paul Gallis, Specialist in European Affairs Foreign Affairs, Defense, and Trade Division, Congressional Research Service, 06.05.2008.

⁵ “NATO—A Sense of Crisis”, Paul Rogers, Oxford Research Group, January 2008

⁶ “President Bush Discusses Global War on Terror”, The Paul H. Nitze School of Advanced International Studies, The Johns Hopkins University, Washington, D.C. 10.05.2006.

⁷ “The Three Trillion Dollar War-The True Cost of the Iraq Conflict”, Joseph E. Stiglitz, Linda J. Bilmes, W. W. Norton & Company, New York, London, 2008.

⁸ “Afghanistan: Europe's Forgotten War”, Daniel Korski, European Council on Foreign Relations, January 2008.

The answer is that the two are deeply intertwined and distinctly different at the same time. For NATO the problem is a political one, in that if their military presence loses support from Afghans, the organisation may see some very large changes. For ISAF⁹ (International Security Assistance Force) which is a coalition of NATO forces in Afghanistan, the problem is a military one, since the lack of coordination between the participating countries weakens the impression of ISAF as an effective tool for safety in Afghanistan. The lack of political unanimity is further worsened by the OEF (Operation Enduring Freedom), which is a US led multinational coalition military operation for the war on terror, where many of the NATO countries are involved as well¹⁰.

With a mix of several intertwined international military forces working in Afghanistan, as well as the national army and national and local police force, it is not possible to talk about one mission, one goal or one solution. There are approximately 62 000 troops in Afghanistan, of which about half, 34 000 are American¹¹. This latter group is however divided into different operations, and cannot be counted as one, even though they are all US soldiers. The same can be said about the remaining 28 000 troops, who belong to different countries with varying national views on what should be the security approach(es) in Afghanistan.

Possible platform for coalition forces

The present military forces in Afghanistan have more discrepancies than common points, and it is therefore important to find a platform with a joint policy to work from.

The USA is member of the United Nations, who created the UN Declaration of Human Rights (UNDHR), a document that was agreed upon by states from widely different areas and cultures. The preamble of the document echoes its contents, and its emphasis on rights and freedoms:

“The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”¹²

The UNDHR mirrors the basis of the UN, which is to include all states notwithstanding culture or ideology, and promote Human Rights. If Human Rights (HR) is to be understood as, among others, freedom of speech and a right to eat and the right to have water, it can be argued that the HR have seen less prioritisation than the militaristic approach in Afghanistan¹³. If Brigadier General Richard Nugee is to be believed, there is a dire need to prioritize a political shift towards

⁹ ISAF is a NATO initiative, originally approved by the United Nations for the immediate protection of Kabul, and lately, large parts of Afghanistan. All NATO members participate with military forces, in addition to several NATO friendly partners. ISAF works closely with ANA (the Afghan National Army), who later is meant to take control of the country. Sources: www.NATO.int, www.mod.gov.af/, www.nato.int/ISAF/index.html.

¹⁰ “Operation Enduring Freedom”, US Department of State, Fact Sheet, Office of the Spokesman, Washington, DC, 31.01.2006

¹¹ “U.S. may send more troops to Afghanistan”, Steven Lee Myers and Thom Shanker, International Herald Tribune, 03.05.2008.

¹² Preamble, Universal Declaration of Human Rights, United Nations, Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948.

¹³ “Since 2006, donors have so far contributed or pledged USD 10 billion, only half of what the Government believes is needed to implement its development strategy. The report, therefore, urges donors to meet their commitments to support the country’s efforts to achieve the MDGs” Source: UNDP-Afghanistan, Newsletter, 30.09.2007, page 2

a development approach in Afghanistan, and find a different use for the money that is currently used for military purposes.

As a platform for this new, more holistic approach, responsibility should be given to a UN Special Representative of the Secretary General¹⁴ (SRSG). This person should have the mandate to control both the military forces and the development approach in Afghanistan. That way it would be possible to address more than the military issues, and give financial assistance and resources to the areas that are in the most need of it.

The negative effects of a military presence on aid-projects

Introduction

There is a security problem in Afghanistan, and from 2001 until 2008 there has been a very strong focus on possible military solutions. This section will discuss why this focus needs to be broadened, and try to be more inclusive of local inhabitants when approaching possible solutions to the security issue.

Problems with the current militaristic approach

From 2001 till 2008 the US led coalition force(s) have maintained a strong military policy, which derives from much experience in international warfare. Vietnam has often been used as a reference and historical comparison¹⁵ for what is perceived as the current failure of the US military presence in Afghanistan. It is however inaccurate to use Vietnam as a precursor for what may happen in Afghanistan, due to a few important differences.

Paul Rogers¹⁶ wrote in his article "*Afghanistan's Vietnam portent*"¹⁷ three comparisons and two important differences between the Vietminh in Vietnam and the Taliban in Afghanistan. The 3 comparisons are 1) "*The seasonal nature of both conflicts*", 2) that The Vietminh, like the Taliban, also had a long experience of fighting foreign troops long before Americans arrived, and 3), The Vietminh also had help from across the border. It is tempting to draw conclusions based on these similarities, but there are also two important differences, that can be summed up as a lack of unity among the Taliban groups. 1) The Taliban does not have a strong political leader like Ho Chi Minh, and 2) nor do the Taliban have a military commander with the same skills as General Vo Nguyen Giap.

With this in mind, there is a disconcerting fact that emerges; Even though the coalition force(s) have much more resources, the Taliban, like the Vietminh, have time. Time is something that especially the NATO cannot afford to lose, since this may cost them essential public support¹⁸.

In many ways the Taliban and NATO are fighting for the same goal. *Win the people, win the war.* The Bush administration has unfortunately done a bad job at gaining the Afghani people's trust

¹⁴ Daniel Korski; senior policy fellow for the European Council on Foreign Relations, proposed a "Super Envoy" with the SRSG as the political leader, and folding the US led forces into a UN controlled ISAF force. Source: "*Afghanistan: Europe's Forgotten War*", Daniel Korski, European Council on Foreign Relations, January 2008.

¹⁵ For an example, see: "*A nation challenged: News analysis; a military quagmire remembered: Afghanistan as Vietnam*", New York Times, R. W. Apple Jr, 31.10.2001.

¹⁶ Professor in the Peace Studies faculty at Bradford University. Visit http://www.brad.ac.uk/acad/peace/staff/academic/rogers_p/ for further details.

¹⁷ "*Afghanistan's Vietnam portent*", Paul Rogers, OpenDemocracy, 20.04.2008

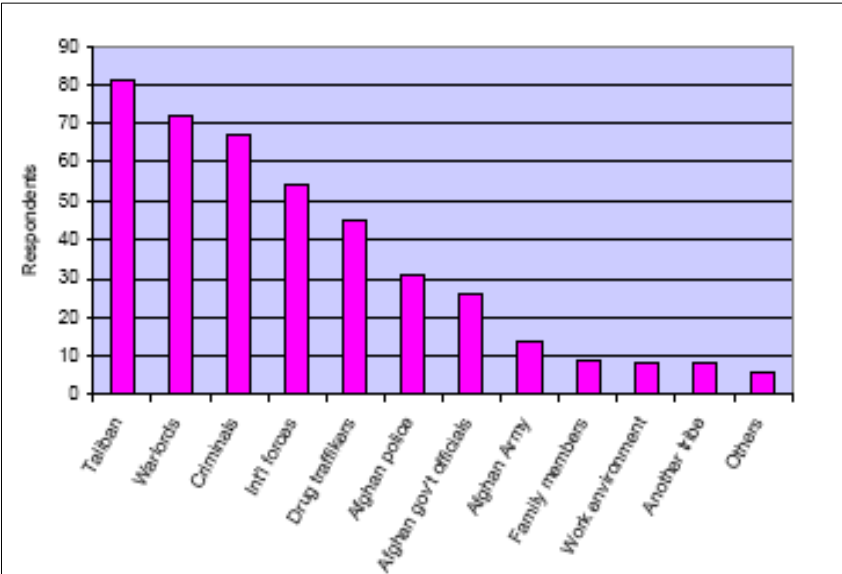
¹⁸ "*NATO—A Sense of Crisis*", Paul Rogers, Oxford Research Group, January 2008

from the very beginning in 2001¹⁹. Although the Taliban is, for the time being, far outnumbered to win any big battles, it does not stop them from using suicide bombers to undermine military morale²⁰, demonstrating that not all power can be measured in guns and bullets.

Possible ways of winning the hearts of the Afghan people

Before introducing a military presence in a country, it is important to have in mind what the people see as most important. This has been done with the Afghanistan National Development Strategy (ANDS, addressed in more detail in the Governance section), and needs to be done when defining military strategies as well.

According to an Oxfam publication (see image below and footnote²¹) on community peace building in Afghanistan, the locals do not see the Taliban as the sole threat to their security, as the media often makes out.



Perceived threats to security

A close second and third reason for the lack of personal security are, according to Oxfam, warlords and criminals, followed by a series of other possible threats. Some issues can be regulated by an army force alone, (such as prevention of attacks, and fighting Taliban forces in heavily affected regions like Helmand), but the larger issues are caused by a lacking governmental intra-structure.

The situation is complex and entangled. For instance, warlord Padsha Khan Zadran helped coalition forces against the Taliban during the early stages of the war²², but is now in opposition to the Karzai interim government²³. Padsha Khan Zadran can however continue to undermine

¹⁹ The way the USA entered in Afghanistan was heavily criticised from the very beginning, and the voices have not calmed. See “How not to win a war: America is trapped in a B-52 mindset”, The Guardian, 02.11.2001 for an early example.
²⁰ “Taliban threatens bloody summer”, Al Jazeera, 27.01.2007.
²¹ “Community Peacebuilding in Afghanistan - The Case for a National Strategy”, Matt Waldman, Oxfam International Research Report, February 2008, page 12: “Greatest threats to security”.
²² “Threats and responses: Afghanistan; Warlord Is Said to Be Ready to End Standoff With Kabul”, Carlotta Gall, New York Times, 19.01.2003.
²³ “Allies in fight against terror at war with each other”, Kathy Gannon, Associated Press Writer, st.augustine, 19.02.2008.

the government's authority, since the US military employs men in his service. The problems of warlords to the Afghan interim government are addressed below.

A second intra-governmental problem is that the current Afghan police force is extremely corrupt²⁴, creating a sensation of fear (see Oxfam image chart) among the locals. Some of the corruption can be explained by a culture of corruption within the police-force, but there is also a serious lack of funding to improve, renew, enlarge and sustain the operation of the police force²⁵, creating very harsh working conditions for the already strained police-officers. This can only be resolved with a much larger funding of police-training and maintenance. A better police force could secure aid-workers in areas where a military presence otherwise would not have been needed, for a much lower cost.

The international actors in Afghanistan are largely represented by NATO and coalition forces that have primarily a military policy in their approach to peace. On the national level there are the inhabitants that are also very concerned with developmental issues²⁶. This difference creates friction between what the local people want, and what they end up getting. The national level is the receiving actor and has had, up till this point, very little influence on what happens in Afghanistan. This may however change, since the Afghan populations' wishes are becoming more important to the international policy makers. The reason why the policy makers are starting to listen to what people in Afghanistan want is the shifting media-attention as well as political disagreement between the nations making up the coalition forces²⁷ in Afghanistan, which NATO may be forced to re-structure.

It has come down to a popularity contest, where the coalition force(s) have stagnated. From 2001 till 2008 it has been one of the key policies of the coalition force(s) to protect the lives of their soldiers, using inaccurate airborne bombs²⁸ that also kill innocent civilians, instead of battles on the ground. The unnecessary death of innocent bystanders in airstrikes creates counter-productive effects, such as hostile tensions between Afghans and coalition forces.

A British officer coming back from the Helmand province in Afghanistan stated that: *"Every civilian dead means five new Taliban"*²⁹. This is a disturbing thought if the numbers given by the United Nation's humanitarian affairs Chief John Holmes are right:

*"U.N. figures show 698 civilians have died as a result of the fighting this year, compared with 430 in the first six months of 2007, a rise of 62 percent. Militants caused 422 of those deaths, while government or foreign troops killed 255 people, according to the U.N. numbers. The causes of 21 other deaths were unclear."*³⁰

It must be acknowledged that in Afghan popular opinion positive progress is believed to be achieved³¹, but mainly in the education sector³². Secure access to water, land and jobs are key-areas in which to win the local popularity contest.

²⁴ "US military: Afghan leaders steal half of all aid", Gethin Chamberlain, Telegraph, 28.01.2007.

²⁵ "Afghan Police Struggle to Work a Beat in a War", C. H. Chivers, New York Times, 13.01.2008.

²⁶ "Community Peacebuilding in Afghanistan - The Case for a National Strategy", Matt Waldman, Oxfam International Research Report, February 2008

²⁷ The old and new NATO members cannot decide on the amount of troops to be added, or costs to spend. In addition there are several countries, like France, who will deploy troops, but only in safe areas. Source: "Posturing over Afghanistan puts Nato at risk", Con Coughlin, Telegraph, 04.04.2008

²⁸ For an example, look at; "Bombing 'killed Afghan civilians'", BBC News, 20.07.2008

²⁹ "Up to 80 civilians dead' after US air strikes in Afghanistan", Jason Burke, The Guardian, 01.07.2007.

³⁰ "Killings of civilians up in Afghanistan", Associated Press, 30.06.2008

³¹ "Almost half of the people of Afghanistan (49%) think that their families are more prosperous today than they were during the Taliban regime. However, more than one-fourth of the people (28%) think that they are less prosperous today. In 2006, fifty-four percent of the respondents felt that they were more prosperous than they

Another part of the Oxfam research paper³³ shows what the causes of disputes are. Land, water and family are mentioned as main concerns for disputes by the Afghans, with Taliban only on the lower end of the scale. This can be interpreted as the coalition force(s) are making progress, but it is also an indication of what needs to get more priority, such as water, food and jobs, especially if the hearts and minds of the Afghan people is the goal.

The importance of distinguishing between aid workers and military

As mentioned, there are many issues in Afghanistan that cannot be addressed by a military capacity, and that needs attention from developmental organisations. As is shown in several surveys³⁴, the Afghan people are also, outside of Taliban, very concerned with developmental issues. There is a heavy presence of development organisations in Afghanistan, and this creates a problem when aid workers and soldiers work in the proximity of each other.

It is hard to see the broader picture of the situation in Afghanistan, especially from the locals' point of view:

“There is a big rumour these days [June 2007] that the US is actually helping the Taliban to keep the war going. The Taliban were created by the US and the US has all the powers in the world, so people here find it very difficult to believe that the US can't take them out. It just doesn't make sense.”³⁵

It is essential that the military forces and civil society do not entangle their responsibilities towards the receiving population, as stated in the international guidelines *“On The Use of Military and Civil Defence Assets”* (See footnote 35), where it is explained that:

“...maintaining a clear distinction between the role and function of humanitarian actors from that of the military is the determining factor in creating an operating environment in which humanitarian organisations can discharge their responsibilities both effectively and safely.”³⁶

The importance of civil society-neutrality is important to have in mind while considering the changes that need to be made within the coalition forces. It is not enough to re-direct army resources, simply using soldiers for other, more peaceful purposes. By doing this, there is a danger that civil society aid-workers will have to pay the price with their lives.

The problem that arises by blending neutral roles with military roles has been noted by ANSO³⁷, who shows that the first quarter of 2008 has shown a disturbing increase in NGOs attacked by

were under the Taliban regime, while 26 percent felt less prosperous, and 12 percent felt that there has been no change in their prosperity.” Citation: The Asia Foundation, 2007 Survey of the Afghan People. Polls conducted in 2004 and 2007, using data from 3 separate surveys to get the long-term effects.

³² According to USAID the educational system has improved drastically in 5 years, taking the growth from only 3% attendance of girls to 35% as an example. Link:

<http://www.usaid.gov/locations/asia/countries/afghanistan/>

³³ *“Community Peacebuilding in Afghanistan - The Case for a National Strategy”*, Matt Waldman, Oxfam International Research Report, February 2008, page 9.

³⁴ In addition to the Community Peacebuilding report from Oxfam, see also: *“Afghanistan 2007: A Survey of the Afghan People-Key Finding”*, The Asia Foundation, Funded by USAID, 2007.

³⁵ *“Afghan villagers answer your questions”*, BBC News, 19.06.2007.

³⁶ *“Guidelines On The Use of Military and Civil Defence Assets To Support United Nations Humanitarian Activities in Complex Emergencies, March 2003”* is a large international work to clarify guidelines during complex emergencies.

³⁷ Afghanistan NGO Safety Office publishes quarterly reports on the safety status in Afghanistan. These numbers are taken from the 01.01.2008-31.03.2008 results. The research is sponsored by the European Commission and the Swiss Agency for Development and Cooperation SDC. See bibliography for further details.

Armed Opposition Groups (AOG) in Afghanistan. The ANSO numbers illustrate that the AOG attacks on NGO's are getting more frequent, with an increase of 8 from 2007 to 16 in the first quarter of 2008.

The second disturbing point shows how NGO neutrality has already started to lose credibility, with zero attacks in 2007, and 6 in the first quarter of 2008 alone. From a military perspective it can be argued that these attacks are made against NGO's simply to destabilise the region, helping the Taliban to regain control.

This argument is based on two unfounded presumptions: 1) That the Taliban can regain control in the given region, and 2) that the NGO's actually represent a danger to AOG's.

If these assumptions are taken as facts, and the NGO's are accepted as a threat to the Taliban, it should still be in the military interest to promote the growth of civil society aid workers, and not replace them with armed forces and military funding. If these assumptions are not accepted as facts, the increasing attacks on NGO's can also be explained by a shifting perception of neutrality, making aid workers look like part of the political and military agenda of the coalition force(s). The latter assumption is believed, according to Care International³⁸, to be one reason for the unrest in Afghan society. Interviewees explain³⁹ that the military intervention can be seen as biased by potential spies and outsiders, putting the local recipients of military aid in danger, due to simple proximity of the military projects.

According to the United Nations Office Mission in Afghanistan (an OHCHR programme):

*“Conflict-related violence due to insurgency and common criminality intensified in 2007 and expanded into areas that were previously considered peaceful, costing hundreds of civilian lives, limiting humanitarian access and creating new groups of displaced persons. Persistent poverty and a lack of access to food, medical care and education, particularly for women, children and the disabled, adversely affected respect for human rights.”*⁴⁰

It beyond the OHCHR report's scope to cover possible reasons for the resurgence, but Afghan President Hamid Karzai have however stated on an other occasion that: *“Some of the Taliban who have laid down their arms, who are living in the Afghan villages peacefully, who have accepted Afghanistan's new order, they were chased, they were hunted for no reason, and they were forced to flee the country”*⁴¹.

According to the above citation, President Karzai blames some of the insurgency on the brutal nature of military forces that do not distinguish between active Taliban combatants and those who have stopped, which has a perverse effect by re-introducing Taliban members into the battle-field.

Another issue with a military presence is the delicate relation between aid workers and soldiers. John Holmes, UN Emergency Relief Coordinator, on the topic of rising attacks against civil society organisations, said that: *“a significant portion of the aid and development community”* believes that it is the blurred lines between the Provincial Reconstruction Teams [PRT's are official local Afghani military assistance] that causes the growing violence. Holmes continued by saying that *“I think it is very important that PRTs do not involve themselves in humanitarian assistance unless there is*

³⁸

“Afghan Hearths, Afghan Minds: Exploring Afghan perceptions of civil-military relation”, Care International, June 2008. The in-depth report was conducted for the European Network of NGOs in Afghanistan (ENNA) and the British and Irish Agencies Afghanistan Group (BAAG).

³⁹ *“Afghan Hearths, Afghan Minds: Exploring Afghan perceptions of civil-military relation”*, Page 39, 3.5.1: Assistance from the military.

⁴⁰

“2007 Report: Activities and Results”, United Nations Human Rights, Office of the High Commissioner for Human Rights (OHCHR), 2007, page 93.

⁴¹

“Western forces to blame for rising violence in Afghanistan: Karzai”, CBC News, 02.06.2008

*absolutely no other alternative for security reasons. I also think it is very important that the PRTs do not describe what they are generally doing as humanitarian*⁴². Holmes also emphasises the importance of aiding without any hidden political agenda⁴³.

In direct contradiction to the “*Guidelines On The Use of Military and Civil Defence Assets To Support United Nations Humanitarian Activities in Complex Emergencies*”, military forces in Afghanistan are trying to perform as neutral aiders in post-conflict areas. This blend creates even more hazardous working conditions for the actual neutral aid-workers, who are now becoming targets of Armed Opposition Groups. At the same time, it is clear that the Afghan population sees it as essential to get more assistance on development-related issues. The solution to this problem is a clear physical, geographical and ideological distance between the military and neutral civil society roles.

Second part: Aid

More effective funding

Introduction

Before commenting, later in this section, on who it is that should donate more money towards development in the future, it is important to evaluate the money that is already being spent. As mentioned in the first section, the military force(s) are still requesting more money, to cover the arbitrary “20 percent” mentioned by Brigadier General Richard Nugee. This funding, traditionally, comes from government(s), and is funnelled into different military projects. Even though the military, equally traditionally, is believed to be a highly regulated and systematized institution with clear rules and a hierarchical command, reports and research show otherwise. Military organisations are also at times very badly managed, among other reasons due to the use of private contractors⁴⁴. The first part will consider some elements of military expenditure and funding distribution that can be done better. This will be followed by a critique of the expenditure of civil society organisations in Afghanistan.

Superfluous military expenditure

There is a need for restructuring the US Military Humanitarian Assistance in Afghanistan, since the status quo does not serve any real humanitarian purpose: “*These guys [Private military contractors] run loose in this country [Iraq] and do stupid stuff. There's no authority over them, so you can't come down on them hard when they escalate force*”, explained Brigadier General Karl R. Horst, the deputy commander of the 3rd Infantry Division, and responsible for security in and around Baghdad.

⁴² “*Afghan situation worsening, UN relief chief says, urging new approach*”, UN News Centre, 29.06.2008

⁴³ An example of an organisation with a political agenda is USAID; the largest Afghan donor, see note 65, who; on the ground, works like a standard CSO, but writes on their webpage that “*USAID is also a partner in the State Department's Regional Strategic Initiative (RSI). The goal of this interagency and inter-country program is to develop flexible regional networks of interconnected country teams that undermine, marginalize, and isolate terrorists; discredit their violent ideology; and empower groups opposed to extremism through threat identification and joint collaboration strategies, policy recommendations and actionable initiatives.*” Source: http://www.usaid.gov/policy/coordination/us_gov_coordination.html

⁴⁴ An example: KBR; a big US defence firm, had two procurement managers who, among other illegalities, landed a subcontract for a mess-hall in Iraq using inside information to secure it. The original price of \$2 million was inflated to \$7.4 million after changing the orders. The same procurement managers were responsible for making illegal deals within the military, including examples where soldier's lives were put at risk.

Source: “*Inside the world of war profiteers*”, David Jackson and Jason Grotto, Chicago Tribune, 02.02.2008.

*"They shoot people, and someone else has to deal with the aftermath. It happens all over the place."*⁴⁵ Private military contractors are hired by the US for foreign military missions, including Iraq and Afghanistan. The earlier quote from Brigadier General Horst refers to an occurrence that created two major battles between AOG's and US military in Iraq, where private military contractors such as Blackwater⁴⁶, who is engaged in Afghanistan as well, had been randomly shooting at civilians in the streets, thus stimulating further insurgency.

The state of the US army in 2007 had not been as bad for more than 25 years:

*"Only 61 percent of Army recruits scored above average on the Service's aptitude test for recruits last year, the lowest scores since 1985."*⁴⁷

The US army has also lowered their weight standard per soldier, as well as increasing the general recruiting age, resulting in soldiers with less probability of doing well in the field, both cognitively and physically. There is a need for a change of the US military policy, since uneducated soldiers may risk causing insurgencies instead of preventing them. Salary, as well as the maintenance of equipment and training of a substantial amount of people cost large amounts of money. The problem is that trying to make up for the lack of US soldiers by using expensive private military contractors may have a perverse effect of the development in Afghanistan.

Geographically the country is vast and mountainous, demographically the "enemy" is scattered, making small scale guerrilla attacks. From a military perspective it should be in the interest of the military policy makers to cut down on the numbers of soldiers, changing towards a smaller number of tactical troops that can be deployed with better accuracy. This would benefit the local civil society by offering less civilian casualties, due to less use of indiscriminate aviation bombing and un-disciplined private contractors. By changing army policy towards smaller and more accurate deployment, the excess soldiers can be sent back home. This would make it possible to discriminate between soldiers who need more training, and soldiers that are suitable to stay. Nor would it be necessary to depend on unaccountable and expensive private military contractors such the previously mentioned Blackwater.

Re-structuring into a "leaner and fitter" army would also open the way for downsizing heavy weaponry that is built for more traditional warfare. In particular there should be a change away from the warfare policy of bombing from above, which is inefficient⁴⁸ and kills innocent civilians in the process⁴⁹. The proposition to stop using aviation bombing to protect own forces is not

⁴⁵ "When Private Armies Take To The Front Lines", Michael Duffy, Time, 12.04.2004

⁴⁶ See their US homepage for more information regarding military capabilities and operations: <http://www.blackwaterusa.com/>.

⁴⁷ "The future of U.S. ground forces: Challenges and requirements", Testimony of Andrew F. Krepinevich, President of the Center for Strategic and Budgetary Assessments, 04.17.2007, page 2.

⁴⁸ The inefficiency of traditional aviation bombing has been, indirectly, admitted by the British forces, which has in stead taken into use thermo-baric weapons against the Taliban(s) in Afghanistan. The surgical weapon sucks the air out of the victims, shredding the organs to pieces in the process, but leaving the area of attack intact. The explanation for why the British have taken this weapon into use is that the standard Hellfire anti-tank missiles went straight through buildings, without exploding on impact, having very little effect on the actual target. Source: "Army 'vacuum' missile hits Taliban", Michael Smith, The Sunday Times, 22.06.2008

⁴⁹ Governor of Deh Bala, Hamisha Gul, confirmed that 22 people had been killed in a US airstrike where 3 were men, and 19 were women and children. The killed had been part of a wedding party. Even though eye-witnesses, doctors and Afghan officials all confirmed that the victims were killed by a US airstrike, the coalition media officer Captain Christian Patterson denied any civilian casualties, refusing to admit any US failure. Source: http://news.yahoo.com/s/afp/20080706/wl_sthasia_afp/afghanistanunrest

new. Mary Kaldor⁵⁰ makes two important distinctions in a joint article written with other knowledgeable personalities:

1)“*A genuine humanitarian intervention is much more like policing than war fighting or traditional peacekeeping*” and 2)“*In contrast[to a military force], police are supposed to enforce the rule of law domestically; their job is to protect the public from crime. They are expected to protect victims of crime and to capture criminals*”.

The conclusion from this is that military protection of humanitarian assistance, which is a phenomenon very unlike that of traditional warfare, demands a change of methodology on the ground. It is a change from a military role to a peace-keeping role, much like that of a protecting police force.

Two examples of counter-productive military intervention are UNPROFOR in Bosnia and Herzegovina that operated a far too lenient policy, prioritising soldiers instead of civilians, and in Serbia where the NATO coalition, similar to today’s situation in Afghanistan, preferred using airstrikes to take out military objectives, to priorities soldiers’ lives instead. This is counter to the principle of humanitarian intervention, that:

“...means emphasis on ground troops rather than on sophisticated equipment for long-distance killing. But above all, it requires a cognitive and moral transformation in the way we understand the legitimate use of violence. Soldiers have to behave more like police officers.”⁵¹

The money that is no longer used on private contractors and heavy military weaponry should henceforth be donated to civil society organisations for development purposes in Afghanistan. A requirement for receiving project funding has to be transparency at all levels, in contrast to what has been demanded from Blackwater and other private military contractors.

Superfluous civil society expenditure

The current lack of accountability and transparency in development aid projects in Afghanistan gives rise to corruption and embezzlement, as can be seen in this example:

“*According to various informants, the cost of upgrading the Bibi Mabro road was higher than USD 2,400,000 per kilometre. The total project cost was apparently higher than USD 7 million. Apparently the cost of upgrading Bibi Mabro road was ten times the cost of other road construction projects in Afghanistan. The average cost of road construction in Afghanistan is between USD 123,000 and USD 589,000 per kilometre. These variations are due to technical difficulties (isolation, mountains) and security constraints. In the case of Bibi Mabro, however, none of the factors contributing to high costs existed, as the location of the road is in the centre of Kabul city, close to the diplomatic area.*”⁵²

Lack of transparency fosters inaccuracy in accounting and planning, making it harder to predict future costs of development projects. There are several major contractors that pay their Afghanistan-based expatriates 35% extra, on top of the basic salary as danger allowance, in addition to another 35% for hardship pay. The result is that full-time expatriate consultants get a salary ranging from 250 000 USD to 500 000 USD per year. An Afghan civil servant is paid on average 1 000 USD per year, or 200 times less than the expatriate⁵³. With this kind of vast

⁵⁰ “Mary Kaldor is Professor and Director of the Centre for the Study of Global Governance, London School of Economics and Political Science.” Source: <http://lse.ac.uk/Depts/global/staffprofessorkaldor.htm>

⁵¹ “Humanitarian Intervention: A Forum”, By various contributors, The Nation, 20.04.2000

⁵² “Integrity in reconstruction: Afghan road construction: deconstruction of a lucrative assistance”, Integrity Watch Afghanistan, June 2007, page 5.

⁵³ “Falling short: Aid Effectiveness in Afghanistan”, Matt Waldman, March 2008, page 19.

difference in payment, jealousy might be a valid contributing factor to corruption. This could be solved by endowing the government with money for more local workers who should be paid better than the average 1 000USD per year. There is however a belief among some civil society organisations that the government officials are incompetent; as stated by a national NGO director operating in the Herat region:

*“If NGOs don’t take over service provision and project implementation, who will do it? The government simply does not have the capacity. I feel sorry for the government. Sometimes, for example, computers are donated to them. But I know that there is no one in the government who can use these computers.”*⁵⁴

If directors of NGOs believe that the Afghan interim government is incompetent, it does not just create a vacuum of inaction between the international civil society and the interim government⁵⁵; it also undermines sustainable capacity building on the governmental level, since the government is deprived of human resources⁵⁶ that otherwise would have worked as government officials, and not for civil society organisations that will leave when their projects have ended. The superfluous pay of full-time expatriate consultants could be avoided if the government had received more money from civil society to cover professional help on a long-term basis.

Ensuring efficient development programmes

Introduction

As a donor to a project in Afghanistan, there are three key terms that need to be implemented in the different project(s): 1) Transparency as a means of Afghan empowerment, 2) Accountability as a means of promoting efficiency and 3) Autonomy for long-term sustainability. The three terms are interdependent, and all are needed to achieve an effective sustainable development.

In 2008 we know, among other things that⁵⁷:

- There are 32 000 villages that have development programmes.
- 3 million Afghans are involved with water and sanitation projects.
- Almost 8 million mines have been cleared from public areas.
- 13 000 km of road have been built or restored.
- 85% of the population has access to basic health services.

This section will try to see if the Afghan population should have demanded even more from the development assistance.

⁵⁴ “A Study of NGO Relations with Government and Communities in Afghanistan”, Emilie Jelinek, November 2006, Agency Coordinating Body For Afghan Relief (ACBAR), Study funded by the European Commission, page 10.

⁵⁵ NGO senior advisor in Herat; “Many NGOs don’t involve the government in their work. Both the government and NGOs have responsibilities. The government should focus more on a coordinating role to bring NGOs together. NGOs should build government capacity.” Source: “A Study of NGO Relations with Government and Communities in Afghanistan”, Emilie Jelinek, November 2006, page 11.

⁵⁶ A standard governmental employee response to the capacity question; “The work NGOs do is not useful. Qualified workers must work for the government, but all the best people are being recruited by NGOs due to higher salaries. All the work is being done by NGOs so the government is losing credibility”. Source : A Study of NGO Relations with Government and Communities in Afghanistan”, Emilie Jelinek, November 2006, page 15.

⁵⁷ “Afghanistans fremtid” (Afghanistans future), Norwegian Foreign Minister Jonas Gahr Støre, Aftenposten, 11.06.2008

Transparency

To ensure the neutrality of humanitarian aid in Afghanistan any funding, civil, private and governmental, should go through non-military institutions such as the UN⁵⁸ who are a neutral inter-governmental organisation, NGOs such as Oxfam⁵⁹ where the policy is to use local knowledge and rely as little as possible on external competence, and local organisations such as ACBAR⁶⁰ (Agency Coordinating Body for Afghan Relief) that is run by professional Afghans. Agencies that donors should avoid, in the interest of building an independent Afghanistan, are organisations such as for example USAID, who depend heavily on other US agencies in their aid-projects⁶¹, distorting possible economic growth in the region that should have been achieved via agricultural stimulation. Depending on organisations from the same country as the aid-organisations hinders a possible economic empowerment in the region. Another issue with using fellow-country aid agencies and aid-material is the transport related costs that could otherwise have been saved by using local and regional manpower and resources.

If the policy of organisations such as USAID, who are handling large amounts of the government foreign aid budget⁶², is not changed, then the aid will not reflect the local interests, but hidden donor-interests. The most crucial purpose of foreign aid should be to continuously support the interim government in fighting internal corruption, to help persuade the Afghan population that the sitting government is better than the earlier rulers in Afghanistan⁶³. Donators to organisations that have projects supporting the interim government should try to get all actors involved, and demand participation from government officials as well as the donors themselves⁶⁴.

There is a lack of financial transparency in organisations⁶⁵ that operate in Afghanistan, and if the government is to improve with the assistance of foreign aid, there is an essential need for a general policy change inside the organisations as well, enforcing budgetary and project transparency for a more effective local rule⁶⁶.

⁵⁸ This can be done, in the Afghan case, by donating money to the UN Afghan Emergency Trust Fund: <http://www.un.org.pk/latest-dev/how-to-donate.htm>, preferably not earmarked, leaving it to up to the UN to prioritize the importance of projects.

⁵⁹ <https://www.oxfam.org.uk/donate/index.html>

⁶⁰ ACBAR has created a Civil Society-Afghanistan National Development Strategy (based on the Afghanistan Compact and the wishes of the Afghan population) Secretariat in the ACBAR head office Kabul to represent Afghan CSOs in the ANDS process.

⁶¹ “USAID is working together with U.S. technical agencies such as the National Oceanic and Atmospheric Association, the U.S. Geological Survey, the U.S. Forest Service, and the U.S. Trade and Development Agency to bring targeted expertise to both national and regional efforts.” Source: “Performance and Accountability Highlights Fiscal Year 2005”, USAID, Strategic goal 7, page 27, 15.11.2005.

⁶² US\USAID has in the period 2002-2008 disbursed \$5022.9 million, committed but not disbursed \$5377 million in the period 2002-2008, and pledged but not committed nor disbursed \$12389.1 million in the period 2002-2011. This makes US\USAID by far the largest contributor, followed by Japan\JICA who disbursed \$1393.52 million in the 2002-2008 period. Source: “Falling short: Aid effectiveness in Afghanistan”, Matt Waldman, ACBAR and OXFAM INT., March 2008, Appendix 1.

⁶³ As the already mentioned importance of “winning the hearts and minds” of the Afghans.

⁶⁴ Currently there are no demands on the donors. For a more extensive explanation, read “Falling Short: Aid Effectiveness in Afghanistan”, by Matt Waldman, an ACBAR and OXFAM report, March 2008, page 20 in particular.

⁶⁵ “...the Afghan government has little or no information about one-third of all external assistance to the country since 2001; and some donors still refuse to disclose project information. In producing this paper [Oxfam March 2008], researchers approached senior staff of several contractors engaged in projects for major donors, and in nearly all cases they refused to provide costs information.” Source: “Falling Short: Aid Effectiveness in Afghanistan”, by Matt Waldman, an ACBAR and OXFAM report, March 2008, page 20

⁶⁶ “As the JCMB has recommended, donors and the Afghan government should collectively agree on indicators of aid effectiveness, with correlative targets.(66) These should reflect objectives with respect to the

Accountability

Seen in a wider historical context of democracy, the sitting government has still to become entirely “democratic”. An example of a necessary political intervention is the FIDH’s public letter written to the sitting government to release from house arrest Mr. Latif Pedram, who is the Secretary General of the National Congress of Afghanistan, an opposing political party to the current government and a threat for the 2009 election⁶⁷. The lack of internal structure in the government is one that needs to come with experience and advice, but what can be done to help is to compensate for the lack of public officials in the rural areas of Afghanistan. CSOs can aid by making the government more accountable for its actions. This can be done by following up on government funding, demanding transparent budgets that can show how progress has been done.

At the moment it is only the government that is, in the Afghan Compact (addressed in the governing section), given strict guidelines on how to operate. This skewed balance creates an atmosphere where corruption is an easy solution, with international aid workers earning up to 200 times more than the local, without being publicly accountable for any possible squandering. An example of corruption was given by a newly established Afghan government agency that found that only 400 police officers were guarding a certain province, while the government had been paying for 1 100. The remaining money had been taken by local officials⁶⁸. Thanks to the new government agency this internal squandering got stopped, which shows how important it can be to be accountable to someone.

An example of an area that should be more accountable is the road-construction in Afghanistan: It has the second largest priority after security, and is very important to show that there is continuous progress⁶⁹. The road-construction also has many agencies involved, with donors that are willing to pay. That makes the work even more vulnerable to corruption, unless a governmental agency is chosen to be accountable for any graft.

It is important to have an accountable agency as a source of general data. This makes it for example possible to refer to old logs when performing a survey for an estimation of the success of a future development project. This has not been done from the beginning in 2001 in Afghanistan, and most CSOs do not share their collective experiences with others. With an open-

impact, efficiency, relevance, sustainability, accountability, and ownership of aid; and those contained in

the Paris Declaration on Aid Effectiveness. Indicators should be established for each objective under Annex II of the Afghanistan Compact regarding the greater use of Afghan human and material resources; in particular, for each project donors should stipulate: (a) the amount of funds which flow to the Afghan private sector in the management and delivery of the project; (b) the proportion of work undertaken by Afghan partners and Afghan staff; (c) the proportion of supplies and materials which are locally procured; and (d) expenditure on expatriate contractors, consultants, advisers and other staff. The Afghan government should increase its pressure on

donors to collect and provide such information.” Source: “Falling short: Aid effectiveness in Afghanistan”, Matt Waldman, ACBAR and OXFAM International., March 2008, page 22.

⁶⁷ “Urgent intervention Required concerning the situation of Mr. Latif Pedram, Secretary General of the National Congress of Afghanistan”, International Federation of Human Rights (FIDH), by FIDH President Souhayr Belhassen, 02.06.2008

⁶⁸ “Fighting the Taliban with better governance, not just arms”, Carlotta Gall, International Herald Tribune, 24.04.2008

⁶⁹ “The real dilemma in the road reconstruction is their symbolic use as evidence to show the progress of assistance. In the case of Afghanistan, the two roads described in this study, Kabul-Kandahar and Kabul-airport road were highly symbolic in that sense.” Source: “Integrity in Reconstruction: Afghan roads reconstruction: deconstruction of a lucrative assistance”, Integrity Watch Afghanistan, 2007, Sponsored by Norwegian Foreign Ministry, page 10.

source governmental agency it would be possible to more effectively plan development projects, using previous experience of successes and failures as a guide.

As emphasized in the first section, winning the hearts and minds of the Afghan people is the only way of achieving sustainable development in the country, which is difficult when surveys show that locals perceive the sitting regime to be the more corrupt one⁷⁰, ranging far above the Taliban regime. This is a perception that may or may not mirror reality, but it does show the need to demonstrate interior governmental control to the community, and that can best be done by demanding more accountability of the official government representatives.

Autonomy

Jelani Popal, leader of a new directorate that is charged with improving governance in Afghanistan; on the question of why 78 of the 376 districts in Afghanistan are off limits to normal workers, and 36 districts (see note 74) are unavailable to government officials, stated that:

*“People don’t want the Taliban, that is a fact. But the Government should provide more...The main problem is the way we are fighting Taliban...We should fight with better governance and better intelligence. We have to empower communities to better defend themselves, not with weapons but with organization.”*⁷¹

Autonomy of municipalities from aid agencies is a goal that can be achieved by helping municipalities reach a proper structural organisation. This can only be done by including the local community.

*“The fact that local government representatives cannot access districts and communities under their jurisdiction is not only severely undermining reconstruction efforts but also exacerbating tensions with NGOs. NGOs can afford to make frequent visits to local communities; provincial government actors do not have the means to travel or the capacity to undertake such an assessment with few resources or qualified staff, and feel disempowered and resentful as a result.”*⁷²

CSOs in general should try to empower the municipalities where government officials are able to go. It is important to keep the roles of aid workers and government workers apart. Not involving local government representatives while building a school in the community will however not have the same effect as when local leaders have been in charge. When counting on local leaders, the NGOs will also establish a chain of partners for when the organisation leaves the area after finishing their project: In the words of *“a leading member of a national NGO based in Kabul”*:

“Often, NGOs come into an area where they are not well established and they don’t even bother to get to know the tribal elders and the people who have the most influence. NGOs should spend time and money getting to know the communities in which they work, invite them to lunches and always discuss their plans with them.” He added the importance of NGOs establishing their presence and legitimacy: *“NGOs should engage in activities and offer projects such as building mosques or something like this. Get people onside and gain their trust, build respect.*

⁷⁰ 60.6% of the survey-participants felt that the sitting regime is the most corrupt in Afghan history, compared to 9.8% under the Taliban rule. Source: *“Afghan Perception of Corruption: A Survey Across Thirteen Provinces”*, Torabi and Delesgues, Integrity Watch Afghanistan, January 2007, survey funded by the Norwegian Ministry of Foreign Affairs, page 52.

⁷¹ *“Fighting the Taliban with better governance, not just arms”*, Carlotta Gall, International Herald Tribune, 24.04.2008

⁷² *“A Study of NGO Relations with Government and Communities in Afghanistan”*, Emilie Jelinek, Agency Coordinating Body for Afghan Relief (ACBAR), Funded by European Commission, November 2006, page 14-15.

*Donors must understand the context in Afghanistan and give more leverage to NGOs to engage in such activities. NGOs need to adopt a more local approach.*⁷³

Another important point for autonomy is how the money should be donated. USA with USAID is the main contributor, and has at the same time the highest discrepancy between what is pledged and what is disbursed. Of this money it is explained that:

*“more than 75 percent of all aid to Afghanistan funds projects directly implemented or contracted by donors.”*⁷⁴

This results in a highly unpredictable cash-flow inside the Afghan government, making it almost impossible to make long-term plans⁷⁵. UK and Canada have a policy of long-term pledges without being project-specific. This allows the interim government to make long-term plans, and disperse money as they see necessary for the country.

Third part: Governance

An Afghan approach to democracy

Introduction

Afghanistan needs to build on existing legal mechanisms that already exist in the culture:

*“...the justice system must be rebuilt in a way that bridges modern and traditional justice institutions, protects citizens' rights and strengthens rule of law, a pivotal step in Afghanistan's march to successful political transition and development.”*⁷⁶

This part deals with legal aspects on the national and international level. The national level needs to be looked at separately due to the limited understanding of how European law works at the local societal level in Afghanistan. There is very little meaning in discussing the development of a traditional legal framework along western lines. In the section on the local level we consider the possibility of instead introducing Shuras as a regulatory mechanism within the governmental legal framework.

International legal mechanisms related to aid and security in Afghanistan

One of the main obstacles to more efficient aid distribution in Afghanistan is that there is no strongly regulated legal framework with a national reinforcement mechanism encompassing both development issues and security. There is however, as will be demonstrated below, a comparatively new declaration that could be reinforced with a joint UNIDIR and UNDP programme.

⁷³ A Study of NGO Relations with Government and Communities in Afghanistan”, Emilie Jelinek, November 2006, page 12.

⁷⁴ “Making Aid to Afghanistan Effective”, Director Rubin, Center on International Cooperation, Testimony before the House Committee on International Relations, 09.03.2006, page 8-9.

⁷⁵ United Nations Office for the Coordination of Humanitarian Affairs (OCHA) uses a system called Financial Tracking System (FTS), where all donations are registered by the donors themselves. Of the 230 hits for 2007 and 2008 in Afghanistan, almost all donations had been target specific, not leaving the receivers to assess the most pressing needs. For details, visit; http://ocha.unog.ch/fts2/pageloader.aspx?page=search-reporting_display&CQ=cq070708145812TOAZNCTgLK&orderby=Decision_Date&showDetails=1.

⁷⁶ “Weak rule of law hinders human development in Afghanistan: New National Human Development Report is launched”, UNDP Newsroom, 26.08.2007

In 2001 the Organisation for Economic Co-operation and Development (OECD) stated in their Development Assistance Committee (DAC) Guidelines that:

“Security, including “human security”, is a critical foundation for sustainable development. This implies protection from systematic human rights abuses, physical threats, violence and extreme economic, social and environmental risks, and territorial and sovereignty threats. It is a primary pre-condition and goal for poor people to make lasting improvements in their lives. The DAC Guidelines on Poverty Reduction, and consultations with the poor in all regions, have underlined how critical basic security is for them.”⁷⁷

Derek B. Miller⁷⁸ linked the DAC Guidelines with the Paris Declaration⁷⁹, since the latter does not contain any mention of a need for security in a development context. This creates an even wider gap between aid effectiveness and aid security, ignoring the link between the two factors. Dr Miller suggests that the *Geneva Declaration on Armed Violence and Development*⁸⁰ can work as a bridge between the two concepts, if the international community will agree on the correlation between aid security and aid effectiveness⁸¹. Another crucial point is the possible use of the *Security Needs Assessment Protocol* (SNAP), a joint UNIDIR and UNDP programme established to;

“improve the sustainability and efficacy of UN field-level activities by producing a systematic, rigorous and replicable means of assessing local security problems as they are understood by communal members themselves”⁸²,

Dr Miller explains that the SNAP programme has already been tested in Ghana, and will now be implemented in other areas⁸³. He further suggests that the SNAP programme can bridge the gap between the Paris Declaration and the Geneva Declaration on Armed Violence and Development using practical examples instead of the more traditional academic and diplomatic discourse.

A programme like the SNAP uses the opinion of local inhabitants in the beginning of a new development programme, creating a far more rigorous and flexible foundation for assessing local security issues, and as a result of that, a more sustainable development.

⁷⁷

“The DAC Guidelines: Helping Prevent Violent Conflict”, OECD

Development Assistance Committee, Paragraph 7

⁷⁸ Dr. Derek B. Miller is Senior Researcher at UNIDIR and the Project Manager for the Security Needs Assessment Protocol. He is the co-architect of the project with Lisa Rudnick. Source: UNIDIR.

⁷⁹ *“The Paris Declaration, endorsed on 2 March 2005, is an international agreement to which over one hundred Ministers, Heads of Agencies and other Senior Officials adhered and committed their countries and organisations to continue to increase efforts in harmonisation, alignment and managing aid for results with a set of monitorable actions and indicators.”* Source:

http://www.oecd.org/document/18/0,2340,en_2649_3236398_35401554_1_1_1_1,00.html

⁸⁰ *“The impacts of armed violence on social and economic development and the lack of development as a cause for armed violence are well known. But international recognition of armed violence as a comprehensive ‘policy’ and ‘programming’ area only surfaced comparatively recently.”* Source:

<http://www.genevadeclaration.org/>

⁸¹ *“The Geneva Declaration on Armed Violence and Development as an “Aid Effectiveness Solution”: Linking the Geneva Declaration to the Paris Declaration on Aid Effectiveness”, A Background Paper for the Security Needs Assessment Protocol, United Nations Development Programme, Derek B. Miller, November 2007, paragraph 3.*

⁸² http://www.unidir.org/bdd/fiche-activite.php?ref_activite=337

⁸³ *“The Geneva Declaration on Armed Violence and Development as an “Aid Effectiveness Solution”: Linking the Geneva Declaration to the Paris Declaration on Aid Effectiveness”, paragraph 6.*

National level: The Afghan Compact⁸⁴

*“Genuine security remains a fundamental prerequisite for achieving stability and development in Afghanistan. Security cannot be provided by military means alone. It requires good governance, justice and the rule of law, reinforced by reconstruction and development.”*⁸⁵

The Compact is an Afghan commitment to reach the goals set in the Afghanistan Millennium Development Goals Country Report 2005-Vision 2020. The Compact contains three pillars; 1) Security, 2) Governance, Rule of Law and Human Rights and 3) Economic and Social Development. The compact sets out a plan for the 5 year period 2006-2011, where the goal is to work on the 3 pillars to achieve the goals set in the Vision 2020 report.

The Compact has two major flaws. The first has already been mentioned, namely the 77 benchmarks⁸⁶ found in the annex of the Compact statement. All 77 apply to the government, but none to the donors, making all follow-up of projects the responsibility of the government. When donors do not follow up on projects, it may make the work-process less efficient than it could have been.

The second major problem with the Compact is the benchmark specificity, or the lack of thereof, under the “*Security*” and “*Governance, Rule of Law and Human Rights*” sections. “*Improve*”, “*strengthen*”, “*increase*” and “*develop*” are examples of terminology frequently used in these two sections of the compact, making it difficult to measure real progress, whether positive or negative. This does not apply to all 77 benchmarks, and the importance of real specificity can be seen under the “*Mine Action and Ammunition*” part, where the Compact goal is set for a 70% reduction of land-mines and unexploded ordnance by end-2010, as well as time-frames for the destruction of all surplus ammunition. Another example is the “*Energy*” part, which aims to supply 65% of all households in urban, and at least 25% of households in rural, areas with electricity by end 2010. The lack of specificity in the “*Security*” and “*Governance, Rule of Law and Human Rights*” sections can be regulated in the upcoming revision in 2011, where an emphasis on time-frames and goal-specificity should be a top priority. The Afghan Compact needs to be more specific under certain topics, as well as reinforced more.

Both of these problems can be resolved through an already existing mechanism called the Joint Coordination and Monitoring Board (JCMB), which is an international tri-monthly session under the Afghan National Development Strategy (ANDS) programme. The JCMB was created to monitor the implementation of the 5 year plan set out in the Afghanistan Compact. It is during these international tri-monthly sessions that adjustments can be agreed upon, as well as finding ways of further reinforcing and implementing the steps that are needed to meet the 77 Benchmarks in the Compact.

⁸⁴ The “*Afghan National Development Strategy... marks the end of a 2 year long process where Afghans from all over the country participated in defining what the future development of their local societies should look like. That means that this is the Afghans’ own plan for how one of the poorest and most destroyed countries in the world can rise after decades of war.*” Source: “*Afghanistans fremtid*” (“*Afghanistans future*”), Norwegian Foreign Minister Jonas Gahr Støre, Aftenposten, 11.06.2008.

⁸⁵ “*Building on success: The London Conference on Afghanistan: The Afghanistan Compact*”, London 31 January-1 February 2006, Security: page 3.

⁸⁶ See “*Falling short: Aid effectiveness in Afghanistan*”, Matt Waldman, ACBAR and OXFAM International., March 2008, subject 5: Transparency and Accountability, page 20.

The international community can help the interim government reach the goals set in the Compact by: 1) Aiding the government in creating a reinforced⁸⁷ provincial administration, since the current administration is extremely centralised, 2) assist in the improvement of law enforcement.

CSOs can help the government by cooperating with governmental representatives, agreeing on what is needed, and then implementing the necessary efforts to reach the agreed-upon goal. All stages of the project(s): planning, implementation and follow-up, should be done with the participation of locally-elected governmental representatives as part of a training-process to promote the autonomy of the Afghan nation. This represents an extra cost to the individual CSO, and can be posted in the budget under “sustainable development activities”.

The Afghanistan Compact is the singular most important work that has been created in defining development goals in Afghanistan. The reason for its importance is that the goals were set by Afghans and not the international community. The compact represents the most important factor in the development of a country that has never seen democracy, namely self-empowerment. Civil society, private and governmental organisation should do all in their power to support this document with human and financial resources.

Local governance: An Afghan approach

In the regions where there is no anti-government violence one can see a positive economic growth, and, especially in Nangarhar and Kunar, a strengthened relationship between local government and communities. The increasing interest in what the public would like to improve in Afghanistan is mirrored in the governments attempt to ensure basic needs and security. This shows that the government now recognises the importance of the public’s opinion⁸⁸ to achieve development in the country. A 2007 survey⁸⁹ showed that 80% of the Afghan population felt the government was doing a good job, but they mostly credited the improvement of education and health sectors for this impression. The government was, on the other hand, perceived to perform below average in the employment, economic and corruption sectors. Unemployment issues and economic growth need to be handled by local government representatives in the affected region(s), since it is a question of creating work-possibilities in the concerned regions.

The way for the local government officials to gain further respect, and with that reinforce national law at local level, could be through the already existing community shura (meaning ‘consultation’ in Arabic), which is perceived to be more accessible for Afghans than the state court⁹⁰. Even more convincing are the statistics produced by Oxfam International⁹¹, where the overall numbers of the survey show that most Afghans see the police and the tribal and community shuras to be their principal mechanisms for dispute-resolution. District officials also

⁸⁷ See ”*Afghanistan: Europe’s Forgotten War*” by Daniel Korski for a further discussion on the explanation of the importance of a strengthened government.

⁸⁸ “*The situation in Afghanistan and its implication for international peace and security*”, Report of the Secretary-General, United Nations General Assembly Security Council, 06.03.2008: Provincial development, paragraph 11.

⁸⁹ “*Afghanistan 2007: A Survey of the Afghan People-Key Finding*”, The Asia Foundation, Funded by USAID, 2007.

⁹⁰ 78% of the participants of the 2007 survey felt that the state court was accessible, while as 83% saw the community shura to be even closer. More importantly, the participants saw the shura to be more trustworthy (78% against 58%) more effective (76% against 58%) and better at resolving cases timely and promptly (51% against 72%). Source: “*Afghanistan 2007: A Survey of the Afghan People-Key Finding*”, The Asia Foundation, Funded by USAID, 2007, page 66.

⁹¹ “Community Peacebuilding in Afghanistan - The Case for a National Strategy”, Matt Waldman, Oxfam International Research Report, February 2008.

seem to be accepted as possible dispute mechanisms, but a closer look shows that this is only in the Herat and Gazni provinces, and not in general. This is a promising result that demonstrates the already existing structures that can be used to achieve solutions to legal disputes.

One serious problem does however arise from the use of shuras as the mechanism of dispute-resolutions: Women are not allowed. This gender separation is embedded in the culture and is not easy to change over a short time span. What can be done to repair this grave shortcoming could be to create women's groups⁹² with similar consultative status as that of the shura, and enjoying equal consultative status with local government representatives.

Identifying the importance of local governance is essential for a national recognition of the interim-government that is over-concentrated in Kabul, and not visible in rural areas.

A national threat to governance: Warlords

The actions of warlord and current parliamentarian in the interim government Abdul Rab-Rasoul Sayyaf have not been forgotten:

*“We can't survive as a nation unless we give justice to war victims. Can you imagine that those who have killed her or others' children sit in the parliament, live in palaces and drive Landcruisers?... When Sayyaf speeds past a victim in his Landcruiser, kicking up dust, think how it feels. It feels really bad.”*⁹³

Warlords have been a problem for development in Afghanistan for a long time, and continue to be so due to their presence in the Afghan interim government. The Afghanistan Independent Human Rights Council (AIHRC) has a constitutional mandate⁹⁴ to ensure the human rights of Afghan citizens, and is regulated according to the Bonn agreement as well as multiple international conventions and protocols⁹⁵. AIHRC works to prevent, among other social ills, detention of children, judicial corruption and lack of legal aid. Warlords are part of this corruption problem, since working in the government are several with parliamentarian status⁹⁶.

This unspoken intra-governmental acceptance of warlords is a very large problem for long-term sustainability in Afghanistan, and should be handled by President Karzai. AIHRC could function as a tool in this process, by handling the extra workload that would come with such a task, and an additional mandate that would allow them to apprehend possible war-criminals. In AIHRC missions to Kahmard, Kirjan and Kahmard⁹⁷ the Commission has been able to go against local

⁹² The same proposition has been proposed by Matt Waldman in the Oxfam report “*Community Peacebuilding in Afghanistan*”, page 23, as well as Barnett R. Rubin in his “*Afghanistan's Uncertain Transition From Turmoil to Normalcy*”, March 2006, on page 30.

⁹³ “*Her son killed for a gold ring, an Afghan mother wants justice*”, AFP, 28.03.2008

⁹⁴ Article 58 of the Afghan Constitution states that: “*The State, for the purpose of monitoring the observation of human rights in Afghanistan, to promote their advancement and protection, shall establish the Independent Human Rights Commission of Afghanistan.*” Source: http://www.aihrc.org.af/legal_status.htm.

⁹⁵ <http://www.aihrc.org.af/partiafg.htm>

⁹⁶ “*The warlords and criminals entrenched in the Afghan parliament attempted to pass several pieces of legislation designed to curtail human rights. In a highly controversial move, a group led by Abdul Rabb al Rasul Sayyaf, Burhanuddin Rabbani, and Taj Mohammad, all of whom have been implicated in war crimes and other serious human rights abuses, attempted to pass a blanket amnesty law. Facing unprecedented public opposition, the bill was amended to allow individuals to file criminal and civil cases against perpetrators, though these provisions are unlikely to be effective because of a lack of political will and severe threats and intimidation against witnesses and complainants. President Karzai did not sign the legislation and its legal status remains unclear.*” Source: “*World Report 2008*”, Human Rights Watch, <http://hrw.org/englishwr2k8/docs/2008/01/31/afghan17600.htm>

⁹⁷ http://www.aihrc.org.af/mon_inv.htm

warlords, albeit not prosecute, since AIHRC does not yet have the capacity to do so. With a strengthening of the AIHRC structure, the Commission could be enabled to investigate the situation in Kabul more clearly.

Regional governance: Pakistan

One of the bordering countries that is giving coalition forces, as well as interim President Hamid Karzai, headaches is Pakistan. There are arguably four main actors involved in this issue: The Afghanistan government, the US military, the Pakistan government and the regional Pashtun tribes. The latter will be referred to as one entity, but it should be kept in mind that the tribes are highly diversified and semi-autonomous, with different leaders that are mainly joined in an “honour-system” which unites the tribes against common enemies. It is the Pashtun tribes that are at the core of the problem, since the Pashtuns have many Taliban members, and the Pashtun tribes have never recognised the existence of the Afghan-Pakistani border.

President Hamid Karzai, who is preparing for the upcoming election year, sees these attacks from Taliban soldiers coming from the Pakistani side as a valid reason to cross the border with military forces. Taliban leader Baitullah Mehsud, together with other Taliban officials has earlier said they would launch an attack on Afghanistan, to which President Karzai responded that:

*“When they cross the territory from Pakistan to come and kill Afghans and kill coalition troops, it exactly gives us the right to go back and do the same. Therefore, Baitullah Mehsud should know that we will go after him now and hit him in his house.”*⁹⁸

The US military attacks Taliban with air strikes on the Pakistani side of the border, even though there is an agreement⁹⁹ not to do so:

*“...11 Pakistani soldiers were killed in Mohmand tribal region in an air strike by U.S. forces during an operation against militants on the border. The casualties were the worst suffered by Pakistani security forces for U.S. military action since their alliance was sealed.”*¹⁰⁰

As the pressure to handle the Taliban in Pakistan rises, so do the accusations that the Pakistani government is not doing all in its power to deal with the problem. Pakistan officials state however that they are doing all they can for Afghanistan, which includes, among other things, harbouring 2.15 million Afghans on their land. As many as 82% say they have no intention of returning to Afghanistan in the near future. In addition there have been over 3 million Afghan refugees that have returned from Pakistan to their homeland since 2002¹⁰¹. An explanation for the reluctance of Pakistan to attack the Taliban is fear of retaliation, since many Taliban members live in the country. Another reason for hesitating to employ all assets in countering the Taliban is a possible fear of an Indian influence in Afghanistan. The Indian government has donated \$1 billion for reconstruction, as well as constructing a new parliament in Kabul¹⁰². It might be possible that continuous instability in Afghanistan could benefit Pakistan, since this would weaken any further Indian influence in the region.

⁹⁸ “Karzai threatens cross-border pursuit into Pakistan”, Sayed Salahuddin, Reuters, 15.06.2008

⁹⁹ Pakistan attempted to start a peace-agreement with Taliban members in 2007, but these have failed, at the same time as US pressure for a peace-talk success is mounting, creating further international hostility. Source: “Pakistan’s Peace Process and the U.S. War on Terror”, Shaheen Buneri, The Media Line, 05.06.2008

¹⁰⁰ “Karzai threat seen as pressure tactic in Pakistan”, Zeeshan Haider, Reuters, 06.06.2008

¹⁰¹ “Afghan refugees concerned over imminent closure of two camps in Balochistan”, UN Office for the Coordination of Humanitarian Affairs, 06.05.2007

¹⁰² “Afghanistan: Europe’s forgotten war”, Daniel Korski, The European Council on Foreign Relations, Policy paper, January 2008, Sponsored by Soros Foundations Network, Sigrid Rausing, FRIDE, the UniCredit Group and the Communitas Foundation, page 25.

The US military should back President Hamid Karzai by not increasing the tension between the two countries because of un-notified airstrikes on Pakistani soil. Further on, international society should put pressure on President Hamid Karzai to work for peaceful solutions to the border tensions.

Fourth part: Recommendations

Summary

The skewed balance between civil society and the military in Afghanistan

- The military effort to provide safety tends to increase insecurity, which can be better dealt with by focusing more on development.
- The present military forces in Afghanistan have more discrepancies between them than common points, and it is therefore important to find a platform with a joint policy to work from.
- Water, food, and jobs need to be prioritised to win the hearts and minds of the Afghan people.
- There should be a clear physical, geographical and theoretical distance between the military and neutral civil society roles.

More effective funding

- The military humanitarian assistance in Afghanistan should be restructured, since the status quo does not serve any real humanitarian purpose. The money that is saved by the military re-structuring should be re-directed to development purposes.
- The excessive payments to full-time expatriate consultants should be avoided by giving the government more money for civil society to cover professional help on a long-term basis.

Ensuring efficient development programmes

- To ensure the neutrality of humanitarian aid in Afghanistan any funding, civil, private and governmental, should go through non-military institutions such as the UN who are a neutral inter-governmental organisation or NGOs (such as Oxfam).
- There should be established a transparent governmental agency that can more effectively plan development projects, using previous experience of successes and failures as a guide.
- The interim government should receive donations that allow it to make long-term plans.

Governance:

- A more regulated legal framework should be established, with a national reinforcement mechanism encompassing both development issues and security.
- An Afghan approach to law should include jirgas and women's groups.
- Civil society, private and governmental organisations should do all in their power to support the Afghan Compact with human and financial resources.
- Identifying the importance of local governance is essential for national recognition of the interim-government that is over-concentrated in Kabul, and largely unrecognised in rural areas.
- With a strengthening of the Afghanistan Independent Human Rights Councils (AIHRC) structure, it could be empowered to investigate the situation in Afghanistan more clearly.

- The US military should back President Hamid Karzai by not increasing the tension between the two countries due to un-notified airstrikes on Pakistani soil. Further on, the international community should put pressure on President Karzai to work for peaceful solutions to the border tensions.

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