A REVIEW OF PEACE OPERATIONS
A CASE FOR CHANGE*

AFGHANISTAN
(A SNAPSHOT STUDY)

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EXECUTIVE SUMMARY

i   **INTRODUCTION**

The UN Assistance Mission in Afghanistan (UNAMA) was established in March 2002 for the purpose of helping to implement the Bonn Agreement of 5 December 2001 on the political transition in Afghanistan and to assist in the relief, recovery and reconstruction of the country. It was an assistance mission, with no operational responsibility for administering any part of Afghanistan. UNAMA was also the first attempt by the UN to establish a fully integrated mission. The Special Representative of the Secretary-General (SRSG), who was concurrently head of mission, was consequently given over-all authority by the UN Secretary-General to provide 'directive coordination' to all UN programmes and agencies operating in Afghanistan.

ii   This study examines particular aspects of the overall Afghanistan mission. It represents a 'snapshot analysis' of the planning, establishment and first months of activities of UNAMA through November 2002. It aims to highlight a number of useful pointers from UNAMA that could be replicated in other peace support operations. The primary goal has been to identify problems in the design, management and conduct of UN operations and offer constructive recommendations to UN officials and member states on how to address these problems. These may be useful not only for the ongoing activities of the mission but also for comparative analysis, as well as for future missions. Given the short time frame analysed, the report can only make preliminary observations, and thus conclusions reflect the in-progress nature of the operation.

iii The process leading up to the Bonn Agreement, and the Agreement itself, are not within the remit of this study, which focuses on the early phase of the implementation of the Agreement. Nevertheless, the report starts by assessing supportive and constraining factors in the political context, as these are essential for an understanding of the operations of UNAMA. Subsequent sections discuss the planning process and the mission's work in the principal areas defined by the Bonn Agreement: assisting the Afghan authority to effect a political transition towards a more broad-based government, promoting human rights, supporting capacity-building, and co-ordinating economic assistance in support of the peace process.

iv   **POLITICAL CONTEXT**

UNAMA is the first UN peace operation established in the shadow of 'the war on terror' and unfolding in the midst of its initial military campaign. The unique situation had some positive consequences for the UN mission:

an unprecedented unity of purpose among the main concerned states on a post-war strategy for Afghanistan; and

a widespread willingness to observe the lesson of the past that stability in Afghanistan requires sustained and unified international commitment.

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v. Severe constraints affected the planning and subsequent activities of the mission as well:

continued war and the fact that there was no peacekeeping force outside Kabul;

the dominant US role, with an initial focus on short-term stability and a tendency to unilateral action;

a crowded political 'space' with numerous political and economic aid actors;

the narrow political base and limited legitimacy of the Afghan transitional administration; and

the extraordinarily complex factional politics of Afghanistan.

vi. **PLANNING PROCESS AND MISSION STRUCTURE**

Planning was undertaken by an Integrated Mission Task Force, as recommended in the Report on UN Peace Operations. The process was transparent, participatory and comprehensive, and lasted four months. By that time, the UN agencies had long since re-established themselves in Afghanistan, making an integrated mission more difficult. One lesson emerging from this review is that whilst the IMTF was a remarkable initiative, the planning process was overly comprehensive and very headquarters centred with the reality on the ground overtaking the planning process itself.

vii. While UNAMA's mandate called for an integrated mission, the SRSG was given only the authority and not commensurate power (in terms of appointments or budget control) to provide the intended 'directive co-ordination'. As a result, a more conventional country team approach was adopted, with UNAMA providing facilitative co-ordination. While the result was a relatively large UN presence with considerable and costly duplication (e.g., in services), it was the logical outcome of conditions on the ground and the structure of the UN system.

viii. Early on, the SRSG articulated a 'light footprint' mission concept in terms of both physical presence and policy intervention. To this end, UNAMA was designed with a simple two-pillar structure (Pillar I for political affairs and Pillar II for recovery, relief and reconstruction), with general and crosscutting issues assigned to the Office of the SRSG. The simple structure was appropriate for a light mission, yet lack of integration between its component parts had by late 2002 led to plans for reform.

ix. In terms of physical presence, UNAMA is of a significant size, with a ceiling of 232 'internationals', of which half are support staff. By October 2002, most remained deployed in Kabul where they contributed to the 'white vehicle presence' and associated problems. When fully staffed, UNAMA would account for about one-third of the total UN international presence as it was in the autumn of 2002.

x. It is difficult to assess the adequacy of the number of substantive staff. While UNAMA has virtually no operational responsibilities, the terms in which its tasks are described are elastic ('advice', 'assist' and 'monitor'). The administrative and support staff, however, constitute fully half of the entire mission and can clearly be

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'Afghanised' at a rapid pace. A planning process that was more sensitive to conditions on the ground could have built on local support staff/structures of previous missions and designed a less bottom-heavy, less costly and less visibly foreign organisation.

xi.   **THE POLITICAL TRANSITION**
By November 2002, there was evidence of progress on many items in the Bonn Agreement. The scheduled *loya jirga* was held on time, refugees were returning, the Afghan Transitional Administration (ATA) was developing an administrative capacity, the military campaign was winding down, and recovery projects were under way. These were major achievements, and UNAMA had played a significant role on both the political and the assistance side.

xii.   The achievements also concealed certain problems. The UN was widely credited with helping to convene the *loya jirga* on time -- the traditional assembly called to designate a successor administration to the interim Afghan authority installed by the UN and member states in Bonn. However, the incumbent military factions were able to violate the procedures , while the US blatantly intervened in the selection of the president. Despite its best efforts in helping to organise the assembly, UNAMA was unable to make a significant difference and uphold the initial rules.

xiii.   The central dilemma for UNAMA in the transition period thus remains how to work with a central administration that has a narrow political base, yet ensure that it is eventually replaced by a broad-based, multi-ethnic government as agreed to in Bonn. It is here important to recall that Bonn was not a conventional peace agreement that set out terms for reintegration of previous belligerents, but a statement of intended power sharing among the victorious Afghan factions after the Taliban were defeated. The need to integrate populations that had been associated with the defeated party was recognised in principle, in that the objective of the transition was to establish a broad-based government. However, the experience of the first *loya jirga* has created considerable doubt among Afghans and observers alike that the transitional mechanism will in fact produce a broad-based government. The inclusion/exclusion division runs partly along ethnic lines, and resentment of exclusion is particularly strong in Pashtun areas. The lack of progress on the key issue of the composition of the national army—one of the major issues left outstanding in Bonn—reinforces such concern.

xiv.   UNAMA has the authority (in its mandate) and considerable potential (by virtue of an exceptionally senior SRSG, a generally experienced and dedicated staff, and the formal standing of the mission) to promote the political transition spelled out in Bonn. Yet this may entail a more intrusive presence—a heavier footprint in terms of policy intervention—than the approach adopted so far. For instance, there is little overt activity in the institution-building area (political parties, civil society, rule of law), or in developing strategies for allocating economic assistance in ways that might strengthen the peace process by compensating for the narrow political base of the government, e.g., by targeting geographic areas or communities that have been marginalised.

xv.   As a non-intrusive policy, the light footprint approach has a strong rationale, including the principle of Afghan self-determination, a sustainable political development, and a healthy respect for the intricacies of Afghan politics. Nevertheless, the preference for

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this approach has resulted in overall conservative outcomes by favouring the incumbent faction, and has accentuated the conflict with the other goal that the UN is mandated to pursue, that is, replacing the incumbent with a broad-based government.

xvi.   The conservative orientation further reflects a widespread sense within the international diplomatic and aid community that Afghanistan is balancing on the edge of a precipice, below which lies renewed war, chaos and the resurgence of Islamic militancy. Fears of the alternatives have ensured strong political and economic support for the present transitional administration regardless of its limited legitimacy.

xvii.   **HUMAN RIGHTS**
Within UNAMA's structure (at the time of writing), human rights functions are not well served. . A small staff of human rights officers are divided among the various components of the mission, depriving human rights of a strong institutional advocate. At the same time, the promotion of human rights is constrained by the requirements of short-term political stability. Despite the centrality of human rights in the Bonn Agreement and various Security Council resolutions, the mission leadership does not appear to have taken a strong public stand to affirm that human rights are a mission priority. Whilst human rights functions are recognised as being part of the mission, they do not appear to have a sufficiently strong institutional identity within the mission structure, nor clear reporting lines both to the SRSG and to OHCHR in Geneva.

xviii   Obligated under the Bonn Agreement to support the Afghan Independent Human Rights Commission, UNAMA is part of a UN support structure that, as of late 2002, had turned out to be cumbersome and was seen as potentially controlling.

ix   **TRANSITIONAL JUSTICE**
UNAMA has a responsibility under the Bonn Agreement to support international (UN) investigations of human rights violations, whether past or present. As the designated overall authority of UN activities in Afghanistan, the SRSG has ultimate authority in this area. Reflecting the conflicting demands of maintaining the current peace versus upholding standards of justice, the mission has so far responded cautiously to requests for international investigations of alleged massacres that implicate current Afghan power holders. Faced with increasing international demands for investigations, however, the SRSG has recently accepted limited international investigations of alleged massacres.

xx   **GENDER**
Gender issues were mainstreamed in the mission structure by the appointment of a senior adviser in the Office of the SRSG. The result has been considerable mobilisation on women's rights in the UN system, in co-operation with the relevant Afghan institutions. The ATA as a whole has been less accommodating, however. In trying to reconcile the different perspectives, UNAMA's leadership has adopted a low-key approach characterised by dialogue and personal diplomacy. The results are difficult to assess.

xxi   **RELIEF, RECOVERY AND RECONSTRUCTION**
UNAMA's Pillar II, and especially its Deputy SRSG, played an important facilitative role in co-ordinating international assistance while simultaneously encouraging

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capacity-building in the Afghan public sector. Pillar II initially established a necessary framework for co-ordination and helped align the Transitional Assistance Programme for Afghanistan (TAPA) with the emerging priorities of the ATA. Lodging the focal points for co-ordination in the Afghan line ministries, in the form of Programme Secretariats, simultaneously encouraged capacity-building. This experience with the secretariats nevertheless varied and by late 2002 they were replaced by an alternate co-ordination scheme promoted by the Afghan Ministry of Finance in an attempt to assert greater Afghan control over the aid process.

xxii   UNAMA from the outset articulated the principles of Afghan 'ownership' and co-ordinated and integrated UN operations. The mission subsequently identified Operating Principles for Transition, developed in co-operation with government counterparts, which were presented to the Afghan Support Group in July 2002. The most direct challenge, however, to the 'business as usual' mode came from the emerging Afghan authorities. The insistence on government project review during the TAPA process represented an innovative step to enhance local control over the <u>CAP process</u> (The Global Consolidated Appeal Process). Moreover, concerned that the UN agencies were costly and might represent a partial parallel government, key ministers called on donors to channel funds directly through the transitional authority or the World Bank-administered Afghanistan Reconstruction Trust Fund (ARTF), rather than through the Appeal-based UN system. UNAMA mediated effectively in the ensuing conflict, both through patient diplomacy and by assisting the ATA in reviewing agency operations.

xxiii   UNAMA's space for co-ordination was progressively limited as the ATA and, more recently, the US military introduced separate initiatives to co-ordinate international assistance. Of the two, the ATA initiatives built on previous UNAMA efforts and presumed continued links. The concept introduced by the US military consisted of civil–military teams to be deployed on a regional basis and was presented as a framework for co-ordinating international aid for reconstruction. Whilst these Joint Regional Teams (JRTs) were an attempt to have a lightweight, but more broad based security presence, the concept as such raised fundamental questions about the appropriate dividing line between the military and civilian spheres.

xxiv   **PRINCIPAL RECOMMENDATIONS**

<u>FOR THE SECURITY COUNCIL</u>
When authorising a UN mission in a strategically significant conflict situation, the Security Council should recognise the limits on the mission's 'space' for independent action. The Brahimi Report did not adequately take account of this point, evidently not anticipating that peace operations would take place alongside major military operations conducted by a superpower.

xxv   When authorising a foreign intervention that removes an unrepresentative regime, the Security Council should ensure that credible and consistent efforts are made to replace it with a broad-based government. This entails *inter alia* ensuring that the political transition mechanism is used as stipulated, with clear benchmarks for the transition that will enable the international community to measure progress and act accordingly.

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xxvi   <u>FOR FUTURE MISSIONS IN SIMILAR SITUATIONS</u>
Future planning should be completed more quickly even if it is less comprehensive, and should include a core of designated planning staff. Inputs from the field are critical to the planning process.

xxvii   Authorising an all-UN integrated mission in the context of a continuing emergency situation, where aid agencies are already operating in the field, may be disruptive of ongoing operations and is likely to encounter considerable resistance. A light co-ordination mechanism appears a more realistic option. If an integrated model is nevertheless adopted, the mission has to be on the ground as early as possible, and structures for achieving integration (notably funding and decision-making responsibility) have to be instituted. Instruction from the Secretary-General and the Deputy Secretary-General that agencies accept 'directive co-ordination' is necessary but hardly sufficient to achieve integration in the field.

xxviii Whether integrated or not, UN agencies and missions should proactively develop models of light deployment in order to encourage local capacity and sustainable activities, and reduce conflict with local authorities and communities over the costly and typically distortive consequences of a large foreign aid presence. Co-ordination structures that simultaneously promote capacity-building of the local state and private sectors (as in the case of Programme Secretariats) should be considered in future missions as well.

xxix   Assistance to cover the operating budget of the state administration is essential in some parts of the transitional period, and is a prerequisite for capacity-building and local ownership of the process. An international fund for this purpose should be part of the standard international response to post-conflict situations.

xxx   The organisation of a peace mission must be tailored to the kind of situation in which it is inserted. In situations 'between war and peace'—as in Afghanistan—the civilian part of the mission should have a flexible, even modular, structure where units can be deployed according to needs as the situation evolves.

xxxi   <u>FOR UNAMA</u>
The co-ordinating unit in UNAMA (Pillar II) should continue to promote the principle of capacity-building, *inter alia* by providing policy guidance, co-ordination and development of benchmarks for secondment and related strategies.

xxxii   As the Afghan Transitional Administration is assuming greater responsibility for aid co-ordination, UNAMA could focus more on developing strategies for integrating assistance with the peace process. By encouraging judicious and equitable allocation of aid resources, UNAMA could promote strategic investments in confidence-building, conflict resolution and distributive economic justice.

xxxiii A review process should be undertaken to assess ways to strengthen the monitoring and investigation of human rights violations, taking into account the tension between human rights issues and political concerns in a mission that is operating in a continuous conflict situation rather than a classic post-conflict environment. A stronger demonstration by the mission leadership of a 'principled stand' on human

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rights might help end impunity and would be appropriate in the light of the centrality of human rights in the Bonn Agreement and the relevant Security Council resolutions.

xxxiv The support structure for the independent Afghan Independent Human Rights Commission should be simplified with a view to making the commission financially autonomous and more conducive to a genuine partnership between the commission and UNAMA.[1]

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[1] Efforts were reportedly under way in this direction after the research for this report was concluded.

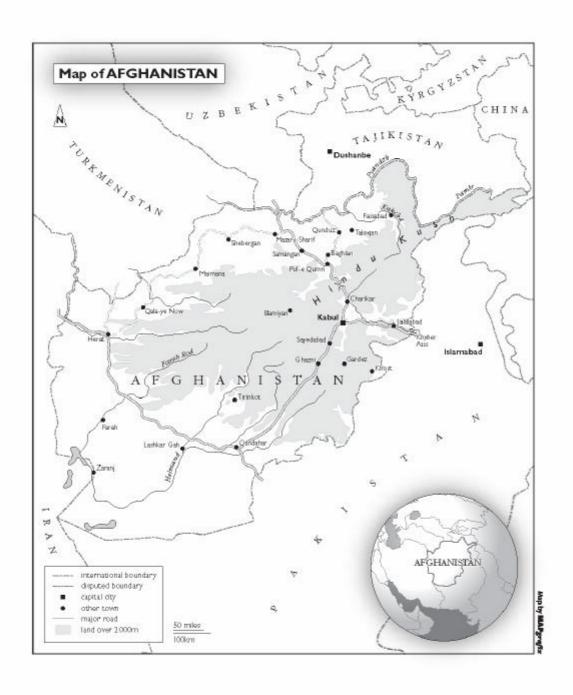**A Review of Peace Operations: A Case for Change**
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MAP OF AFGHANISTAN

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1   INTRODUCTION

1.1   SCOPE AND STRUCTURE OF THE REPORT

1.   This report sets out to identify key characteristics of the UN Assistance Mission in Afghanistan (UNAMA) in terms of its design, establishment and initial stages of implementation up to October 2002, and to assess the relevance, effectiveness and coherence of its principal activities to date. Given the recent establishment of the mission (March 2002), the report was commissioned as a 'snapshot analysis' in 'real time'.[2] As such, it makes some preliminary observations that hopefully will be useful in the ongoing activities of the mission as well as for a comparative analysis.

2.   While recognising that the design of UNAMA was shaped by the Bonn Agreement,[3] and that the work of the Special Representative of the Secretary-General (SRSG) in the early period focused on securing the agreement, this report will not discuss the process leading up to Bonn or assess the agreement itself. This study's terms of reference call for an examination of the UN mission established only after the agreement for the purpose of helping to implement it.

3.   The first part of this report focuses on the mission's planning process and its political context, roughly corresponding to the period October 2001–March 2002. The analysis of mission activities refers to the period from March 2002 until November 2002.

4.   The report seeks to:

- *assess processes* of the mission by examining whether organisational structures and systems support the stated objectives of the mission, and whether these were adapted to initial experience in the field; and

- *assess outcomes of the mission's work by exploring whether policy decisions in key areas have contributed to the objectives of the mission as defined by the mandate.*

Recognising the importance of the broader context of the planning and the launching of the mission, the report starts with an assessment of the supportive and constraining factors in the political environment. Subsequent chapters focus on the planning of the mission and its work in the principal areas defined by the Bonn Agreement, that is, assisting the Afghan authority installed by the Bonn conference and its successor administration to effect a political transition towards a more broad-based government, promote human rights, and assist in the recovery and reconstruction of the economy.

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[2] Terms of Reference,   Case Study of the UN Assistance Mission in Afghanistan (UNAMA), 11 September 2002.

[3] Agreement on the Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions, hereafter referred to as the Bonn Agreement, signed in Petersberg, Germany on 5 December 2001.

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1.2   METHODOLOGY

5.   THREE IN-COUNTRY EXPERTS AND ONE GENERAL ANALYST UNDERTOOK THE ASSESSMENT. DURING LATE SEPTEMBER 2002, SELECTED UN AND OTHER OFFICIAL DOCUMENTS WERE REVIEWED. THIS WAS FOLLOWED BY A SERIES OF INTERVIEWS CONDUCTED IN AFGHANISTAN DURING OCTOBER AND EARLY NOVEMBER 2002 WITH REPRESENTATIVES OF THE AFGHAN TRANSITIONAL ADMINISTRATION, AFGHAN PROFESSIONALS, REPRESENTATIVES OF DONOR GOVERNMENTS, INTERNATIONAL FINANCE INSTITUTIONS (IFIS), NON-GOVERNMENTAL ORGANISATIONS (NGOS), UN AGENCIES AND UNAMA STAFF IN KABUL. THE FIELDWORK INCLUDED INTERVIEWS CONDUCTED IN THE CITIES OF QANDAHAR, HERAT, WARDAK AND GHAZNI. FINAL DATA COLLECTION WAS UNDERTAKEN DURING TWO BRIEF VISITS TO UN HEADQUARTERS IN NEW YORK IN OCTOBER AND NOVEMBER 2002.

2   THE POLITICAL CONTEXT

6.   The 11 September 2001 attacks on the United States brought Afghanistan back into the focus of the international community, which decided that the United Nations would have a prominent role in defining the framework for a political transition, as well as facilitating physical reconstruction. Against a backdrop of the military defeat by the US-led coalition of the Taliban regime, the broad direction for a political transition and the role of the UN was determined by mid-November. With the signing of the Bonn Agreement on 5 December, the foundations were laid for more detailed planning for a UN assistance mission. The planning process and the launching of the mission proceeded against the background of a political context had both supportive and constraining features.

2.1   SUPPORTIVE FACTORS

7.   Despite the complex issues underlying the conflict, there was widespread agreement within the international community on a joint approach to the reconstruction of Afghanistan's state and economy. There was a sense that the international community

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had failed Afghanistan in the past, and this had contributed to the country becoming a sanctuary for militants and terrorists.

8.   While there had been significant collective efforts to reverse the effects of the Soviet invasion of Afghanistan in 1979, the period after withdrawal of Soviet troops saw a fragmentation of international involvement. There was no common strategy for mediating between the Afghan factions and no framework for a post-war aid package. The UN maintained a presence in the form of humanitarian assistance and efforts by successive SRSGs to mediate between the various Afghan factions. The rival factions continued to vie for power, in the process acting as proxies for the political and economic interests of outside powers. Plans for a *loya jirga* to chart a political transition mechanism collapsed in 1992, leading to more than three years of bitter inter-factional fighting. The initial aim of the emerging Taliban movement during the mid-1990s was to address the situation of lawlessness that prevailed.

9.   After 11 September 2001, the presumed link between international neglect and militant havens constituted a major 'lesson' of the past that translated into a series of policy imperatives for the future. There was widespread realisation of the need to:

~   prevent 'failed states' sliding back into civil war and becoming a sanctuary for militant and terrorist activity;

~   provide reconstruction assistance on a scale that would generate a broad commitment to the peace process among the Afghans, build down the war economy, and re-establish a functional and responsible state structure, which *inter alia* would permit return of refugees and control the production of narcotics; and

~   engage the international community collectively in developing a framework for political transition and post-war recovery.

10.   There was early agreement among Security Council members and other concerned states that the UN should take a lead political role in defining a post-Taliban transition. Having brokered the Geneva Accords that led to the departure of Soviet troops in 1989, the UN had maintained a political mission in Afghanistan through OSGAP (the Office of the Secretary-General for Afghanistan and Pakistan),[4] succeeded in 1993 by UNSMA (the United Nations Special Mission for Afghanistan), while UNOCHA (the United Nations Office for the Co-ordination of Humanitarian Assistance for Afghanistan) had overseen a significant humanitarian programme, implemented by UN agencies and others.[5] This experience placed the UN in a strong position to deal with the transition process.

11.   US President George W. Bush had announced already in early October 2001 that the United States would welcome a lead UN role in stabilising Afghanistan and reconstructing the economy once the military campaign ended. Other Security Council members and regional states expressed support for the UN role as well. For many, a multilateral approach was preferable to a dominant US position in a post-Taliban

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[4] OSGAP oversaw the implementation of the 1989 Geneva Accords, and was succeeded by UNSMA in 1993.

[5] The United Nations Office for the Co-ordination of Assistance to Afghanistan (UNOCA) was succeeded by UNOCHA in 1996 which, with the merging of OCHA and UNDP representational functions in the field, was in turn renamed the United Nations Office of the Co-ordinator (UNCO) from 1998.

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Afghanistan. Conversely, if the US military presence were to withdraw rapidly, a UN presence might pre-empt a return to the chaotic patterns of the past when outside states competed for influence by supporting their respective Afghan factions.

12. For the first time in recent history, the states most concerned—usually defined as the '6+2' grouping in the UN—seemed to be pursuing compatible strategies in Afghanistan.[6] The US, Russia and Iran had assisted the Northern Alliance in the war against the Taliban. After 11 September, Pakistan was persuaded to cease opposing the Northern Alliance and support the US campaign. The explicit mention within the Bonn Agreement of the need to move towards a broad-based, representative government suggested that the Northern Alliance, which had been chosen as a key ally during the US military campaign, would not be allowed to entrench itself in power indefinitely. Repeated Security Council resolutions had likewise emphasised the need for a broad-based, representative government as a prerequisite for stability in the country. The transitional mechanisms set out within the Bonn Agreement reflected the international consensus that then prevailed on the issue.

13. While the difficulty of bringing together a 'critical mass' of factional, royalist, party and other interest groups among the Afghans should not be underestimated, the supportive involvement of external powers was critically important to achieve a transitional agreement. The commitment was most clearly demonstrated during the Petersberg talks that culminated in the Bonn Agreement.[7] Guided by a sense of common purpose, delegations of various governments concerned lobbied 'their' particular Afghan factions to bring the talks to a successful conclusion.

14. The UN Secretary-General had reappointed Lakhdar Brahimi as his Special Representative for Afghanistan on 3 October 2001.[8] Having established the '6+2' group during his previous assignment in Afghanistan, the SRSG could now draw upon its support in developing a common strategy for the transition. Furthermore, the SRSG had the confidence of the Secretary-General—a significant factor in creating political 'space' for the mission within the UN system. As a senior figure, the SRSG played an important role in articulating the underlying policy consensus in the Security Council and the '6+2' and giving it the form of the Bonn Agreement.

15. The appointment of an SRSG with experience in the region, coupled with the policy consensus among the principal state actors, facilitated both the negotiation of the Bonn Agreement and the launching of the UN mission in Afghanistan. In its final authorisation, the Security Council expressed 'overwhelming support' for the mission.[9]

16. The situation was in striking contrast to events in the 1990s when the UN had authorised a succession of SRSGs to mediate between the Afghan factions but in practice had left them isolated and headed for failure. Experiences of this kind had led the Brahimi panel on UN peace operations to conclude that 'to reduce tension and

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[6] A grouping of interested states, comprising Afghanistan's neighbours (Iran, Pakistan, Tajikistan, Turkmenistan, Uzbekistan and China) plus two permanent members of the UN Security Council (Russia and the US).

[7] The negotiations were held in Petersberg near Bonn.

[8] Brahimi previously served as SRSG between 1997 and 1999.

[9] United Nations. 'Security Council Expresses Overwhelming Support for Proposed United Nations Assistance Mission in Afghanistan.' Press Release SC/7338, 26 March 2002.

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avert conflict, the Secretary-General needs clear, strong and sustained political support from Member States'.[10] Not only had the lesson been recognised, but the post-11 September political context made states more willing to behave accordingly.

2.2   CONSTRAINING FACTORS

17.   The planning and subsequent activities of UNAMA took place under conditions of severe constraint. The principal constraining factors were the continuing war and the US focus on short-term stability; the poor security situation outside Kabul; the incomplete nature of the Bonn Agreement; the composition of the post-Bonn power structure; and the complexity of the inter-Afghan political process.

18.   First, the mission was not established in a post-conflict situation, but unfolded in the context of ongoing war and partial peace. Designing and executing a peace operation in the midst of a war deemed crucial to the national security of the US imposed constraints of many kinds. In pursuit of its military goals, the US armed and re-financed a number of local power brokers who were not necessarily supportive of the emergence of a central authority in the country.[11] In pursuit of a political transition, the US and the UN forged an interim national authority from the Afghan groups represented at the Bonn conference, in the full knowledge that the participants were primarily drawn from the factions who had emerged as victors from a military campaign largely fought by the US. When these factions subsequently sought to control the transition process, the US acquiesced in the name of short-term peace and stability. UNAMA had to operate within an environment defined by these political markers.

19.   A related constraint has been the prevailing lack of security. Despite the re-emergence of some of the predatory behaviour of Afghan factions that characterised the mid-1990s,[12] the UN mission was supported by only a 5,000-strong multinational force (the International Security Assistance Force, ISAF) confined to the capital. The US had initially opposed a wider deployment on the grounds that it would conflict with the primary combat mission of the Coalition forces. Potential troop-contributing countries, for their part, were wary of sending their soldiers into possibly insecure areas, as demonstrated by the lack of contributions for an expansion of ISAF outside Kabul.

20.   The Brahimi Report had emphasised the importance of a 'robust force posture' to 'create space in which peace can be built'. The absence of a peacekeeping force outside the capital affected the work of UNAMA in numerous ways, ranging from limits on the deployment of civilian personnel in certain areas to the ability to engage

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[10] United Nations. 'Comprehensive Review of the Whole Question of Peacekeeping Operations in All Their Aspects: Report of the Panel on UN Peace Operations.' UN document A/55/305-S/2000/809, 21 August 2000 (the Brahimi Report), sec. 1, para. 3.

[11] The US Central Intelligence Agency (CIA) acknowledges having spent $70 million to finance local commanders in the war against the Taliban and al-Qaeda. Woodward, Bob. *Bush at War*. New York: Simon & Schuster, 2002. One example is Padshah Khan Zadran, a negotiator at the Bonn talks and key ally of the US during the war, who was reportedly promised the governorship of Paktia Province, and who continues to be engaged in military activity against the incumbent Governor, allegedly using weapons supplied by the US-led coalition.

[12] The seven-party 'alliance' that assumed power after the fall of the Soviet-supported regime of Dr Najibullah in 1992 was a loose coalition of Mujahideen groups whose commanders extorted payments from travellers and transporters at checkpoints on the major roads in the country, as well as allowing their fighters to systematically loot civilian property during battle and in areas under their control.

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in coercive diplomacy.[13] Moreover, it signalled to the Afghan population that the UN was unable to deliver what was believed to be a prerequisite to any degree of political stability, namely, security.

21.   The crucial importance of security was repeatedly stressed by the SRSG. Ruling out a UN force in view of the ongoing war and the need for immediate deployment, the SRSG favoured a multinational force deployed in Kabul to provide a neutral environment for the political transition. After ISAF was established and seemed to be functioning well, both the SRSG and the Secretary-General strongly advocated expansion of its mandate beyond Kabul. To underline the importance of the issue, the Secretary-General called member states to meetings in his office several times to discuss this but, as of November 2002, this was to no avail.

22.   Another constraint stemmed from the fact that the Bonn Agreement was not a conventional peace accord along the lines of the agreements the UN had helped implement in Cambodia, Mozambique, Guatemala, East Timor and similar situations. Rather than a settlement among ex-belligerents, it was an externally mediated agreement among victors in a war that appeared to have been won by the US. The main political task of the mission was not to verify and monitor a peace agreement, but to negotiate its completion. Key issues, notably demobilisation, the composition of a new national army and the nature of centre–regional relations, remained to be resolved. The initial stages of negotiation on these and other transition issues identified in the Bonn Agreement absorbed much of the attention of the SRSG and defined the overall agenda of the mission.

23.   A related issue concerns the narrow ethnic–political base of the Afghan Interim Authority agreed to in Bonn, which saw the appointment of ethnic Tajiks from the Northern Alliance in key ministries (defence, interior and foreign affairs). This was controversial in a country customarily ruled by Pashtuns, the largest ethnic group. Although the objective of the political transition was to move progressively towards a more broad-based, representative and accountable government, the incumbents not only held the key to short-term stability, but were collectively legitimised as the principal interlocutors for receiving international assistance. The longer they stay in power, and the more aid they control, the more they are likely to resist the sharing of power. The dilemmas of working with, and simultaneously trying to transform, a temporary authority were only partially addressed by the Afghan Transitional Administration formed at the *loya jirga* held in June 2002. While the new Cabinet includes a greater proportion of non-Tajiks, by November 2002 there had been only a nominal shift in power.[14]

24.   While the notion of ethnic and religious identity runs through Afghan history and culture, the conflicts of the 1990s are widely acknowledged to have deepened the divides, as borne out by the formation of a number of military/political groups built on

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[13] This is not to say that the absence of international peacekeeping forces outside Kabul prevented international aid organisations from undertaking aid projects in the rural areas. Aid organisations had worked in most parts of Afghanistan throughout the 1990s and many continued to do so after the new regime was installed.

[14] Saikal, Amin. 'Afghanistan After the Loya Jirga.' *IISS Quarterly* 44(3) autumn 2002. Tajiks continued to control the ministries of defence, national security, foreign affairs, national security and, in effect, the interior. Pashtun appointments seemed to have done little to reassure conservative Pashtun tribal interests. Among the principal Pashtuns in the ATA, the two most prominent (the President and the Minister of Finance) were long-time exiles (in Pakistan and the US, respectively).

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ethnic or confessional lines. This has added another dimension to the deep political divisions that prevailed prior to and during the Soviet occupation, and has complicated the political environment in which the UN and others have to operate. Finally, there was the physical constraint of operating in a country that had suffered 23 years of man-made and natural disasters and as a result had lost out on two decades of development.

3 PLANNING AND DESIGN OF THE MISSION

3.1 IDENTIFYING BASIC PRINCIPLES: THE POLITICAL TRACK

25. The planning of the mission took place under considerable uncertainty in a complex and constantly changing political environment. Yet the underlying principles of the future mission and an associated structure were identified early on, giving the planning process a quick start and a clear focus.

26. An Integrated Mission Task Force (IMTF) was established for the purpose of assisting the SRSG and starting the planning of a mission on 5 October 2001, only two days after the SRSG was appointed (see section 3.3 for a review of the IMTF). The SRSG let it be known that he favoured a unitary mission structure, a 'light footprint' and a reliance on local capacity, in explicit contrast to the Kosovo and East Timor models. It was clear from the start that this would be an assistance mission operating in a sovereign state.

27. The SRSG elaborated these concepts in a major speech to the Security Council on 13 November, when he articulated both his strategy for a political transition in Afghanistan and the related principles of a future UN mission. The speech became a major point of reference for the planning and launching of the mission. Four guiding principles for its design and operation can be crystallised from the text:

> *Light interventionism*: to be sustainable, institutions of good governance must be Afghan; a transitional administration run by Afghans will be 'far more credible, acceptable and legitimate' than one run by the UN or a constellation of foreigners. Afghans must be in charge and have ownership of the process.

> *Light footprint:* 'parachuting in' a large number of internationals would be counterproductive; the large pool of skilled Afghans inside and outside the country must be fully utilised.

> *Integrated strategy*: 'reconstruction will require a clear…subordination of the interest of individual agencies or donors to the overall agenda of peace and stability'.

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> *Unitary structure*: an integrated strategy requires 'clear lines of authority and responsibility' among the donors and within the UN system, possibly including 'the creation of a single system for the delivery of flows of money.'[15]

28.   These principles were in harmony with conventional wisdom in the Security Council about the type of peace operation possible in Afghanistan. Frequent consultations among the permanent five (P5) members of the UN Security Council had soon produced a consensus to the effect that only a light UN mission was possible in view of the size of the country, the security problems—of which only some were related to the current war—and Afghanistan's forbidding history with respect to an intrusive foreign presence. There were some suggestions from the United States and the United Kingdom that the UN should take on more directive 'nation-building', but this appeared as a serious, formal proposal only once, in mid-November (see Box 1).

BOX I: A UN INTERIM ADMINISTRATION IN KABUL?

> The capture of Kabul by the Northern Alliance on 12 November, reportedly in defiance of US wishes, prompted the US Secretary of State, Colin Powell, to call on the UN to form an 'interim administration of international civil servants' to govern the city and for 'a coalition of the willing' to provide security in the capital. Moreover, he wanted this to happen immediately ('speed, speed, speed', Powell said).* The notion of a UN administration differed from the prevailing thinking in the organisation and the approach advocated by the SRSG. It seemed to be another case of a member state asking the UN to perform tasks for which the organisation was unequipped and unprepared. This time, the groundwork done by the SRSG to prepare for a political transition made it possible to deftly fold the US request into the agenda of the Bonn conference. Less than two weeks after Powell's call for action, the UN formally assembled a range of Afghan interest groups to discuss the shape of an interim administration, not only for Kabul but for the entire country. At the same time, talks went ahead on security arrangements, permitting a clause on the role of ISAF to be included in the Bonn Agreement.
> * *New York Times*, 13 November 2002.

29.   The combination of overall policy consensus in the Security Council on the shape of the mission and a clear strategy articulated by the SRSG early on enabled the IMTF to circulate a draft mission plan by 30 November 2001 (see section 3.3 below on the IMTF).

3.2   IDENTIFYING BASIC PRINCIPLES: THE ECONOMIC ASSISTANCE TRACK

30.   The principles of light interventionism and a light footprint implied that the pace of economic assistance should not move ahead of political transition. If the Afghan authorities were to be in charge of recovery and reconstruction, they would need time to establish themselves. Aid agencies consequently should not rush in with plans for recovery and reconstruction priorities. On the other hand, the aid community mostly held the view that, apart from rendering immediate humanitarian aid, planning for recovery and reconstruction must start at an early stage, and recognised that donors expected quick results[16] and that opportunities to attract resources should be seized while international attention was focused on Afghanistan.

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[15] Brahimi, Lakhdar. Briefing to the Security Council, 13 November 2002, www.un.org/news.

[16] The need for quick and tangible results was stressed at the meeting convened by the UN between donors and agencies in Islamabad in late November 2001, and reiterated at subsequent meetings in the ARSG and the Implementation Group (IG).

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31.   On 16 November, only two days after the SRSG made his strategy speech to the Security Council (see para. 27 above) and almost three weeks before a framework for political transition had been agreed to in Bonn, the Secretary-General appointed the Administrator of the United Nations Development Programme (UNDP) to be UN Co-ordinator for Recovery in Afghanistan. The Co-ordinator articulated a strategy that seemed to reflect the dominant views in the assistance community, calling for rapid planning for a massive recovery and reconstruction effort that in due course would be turned over to Afghan authorities.[17] Since the latter at that time were not in sight and, if and when formally constituted, would lack the capacity to rapidly take charge of the recovery process, the aid strategy was by implication interventionist with a 'heavy footprint'.

32.   Initiatives among donors and the IFIs to move ahead on the economic assistance track accentuated the underlying conflict with the political transition strategy that was formulated by the SRSG. The US initiated a new forum for donor assistance, and what was to become the Afghan Reconstruction Support Group (ARSG) met in Washington on 20 November, that is, when the Bonn conference on a transitional arrangement had just opened, and the outcome remained uncertain. At the same time, the World Bank, UNDP and the Asian Development Bank (ADB) started planning a joint needs assessment in preparation for an international pledging conference.

33.   The almost simultaneous articulation in the UN system of two different strategies for dealing with post-Taliban Afghanistan sent confusing signals to the aid community and impeded efforts to ensure joint planning within the UN. Some integration between the political and the assistance tracks nevertheless occurred. One important initiative was the establishment of a trust fund to pay salaries for the Afghan interim administration (see Box 2). Yet the different perspectives between the SRSG and much of the aid community shaped both the planning process and the initial activities of the mission. For instance, the SRSG's insistence on giving the Afghan authorities time to build capacity to take charge of the reconstruction effort signalled that the development community should not move out in front of the Afghan authorities— although this did not seem to constrain aid actors outside the UN 'family'. Most fundamentally, the conflicting approaches raised the question of which principle was to be paramount: should aid be folded into the requirements of the political transition, as the SRSG had told the Security Council on 13 November, or should considerations about rendering quick, effective—and, for the humanitarians, impartial—aid be the primary goal?

BOX 2: AFGHANISTAN INTERIM AUTHORITY TRUST FUND

An important early initiative to provide economic assistance to ease the political transition was the establishment of the Afghan Interim Administration Trust Fund. Administered by UNDP, the fund was to pay salaries to Afghan civil servants during the first transition phase. The proposal for such a fund had appeared in an IMTF planning paper on 30 November, and the fund started operating as soon as the Afghan Interim Administration (AIA) was inaugurated on 22 December. The fund was designed to enable the AIA to retain and develop administrative capacity as soon as it took office. Together with the prominent participation of technocrat members of the newly formed AIA at the Tokyo pledging conference in January 2002, the fund demonstrated in principle how policy could be integrated to meet

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[17] Speech of 21 November 2001, reported on UN Wire.

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assistance as well as political concerns on a critical transition issue. In practice, it appeared that the fund was slow in becoming operational. By March 2002, slow or negligible disbursement of salaries had led to discontent among Afghans and in the donor community.

3.3 IMTF AND THE PLANNING PROCESS

34. The Brahimi Report had recommended an integrated task force approach in the planning and support of UN peace missions. The planning for the Afghanistan mission represented the first full application of this approach. A self-assessment done by the IMTF in February 2002 concluded that the mechanism had great potential for proactive mission planning in complex situations, but that the potential was not fully realised in this case. The task force had not been centrally involved in defining the political objectives of the mission and a satisfactory dialogue was not established with senior managers in the UN and the SRSG. The IMTF evaluation in particular noted that the planning process was not well connected to the SRSG's political activity.[18]

35. A review of major IMTF documents indicates that the planning process was indeed proactive. The first fully-fledged options paper for the mission was distributed on 30 November 2001, incorporating what turned out to be a prescient analysis of working assumptions and a mission structure closely resembling the one that was authorised by the Security Council four months later.[19] In the meantime, the IMTF worked as a clearing house for ideas and exchange of papers, including frequent inputs from the field. The transparent and participatory nature of the process probably made the final product more acceptable in the UN system than would otherwise have been the case, as one IMTF member later noted.

36. Throughout the planning process there was agreement on the principles identified by the SRSG—a light footprint, and an integrated and unified mission that would give the SRSG authority over all UN activities in Afghanistan. The discussion centred on what this would mean in terms of organisational structure.

37. Four options were initially proposed. By mid-January 2002, these had been narrowed down to a two-pillar structure, which ultimately became the final shape of the mission.[20] A proposed pillar for assisting internal Afghan security was discarded at an early stage, but the idea of a separate pillar for human rights generated a protracted discussion as to which structure would best serve to maintain the integrity of the subject. The human rights function was ultimately placed in UNAMA's Pillar I (Political Affairs), with a human rights adviser seconded to the Office of the SRSG.

38. Several operating approaches were considered for the mission (see Box 3). Agency resistance to tight structural integration was driven as much by the need for humanitarian actors to respond flexibly and act impartially as by concerns for other institutional interests and funding mechanisms. Unable to fully agree, the participants

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[18] Integrated Mission Task Force (IMTF). 'Assessment of its Role and Functions.' 7 February 2002 (Internal Report).

[19] Integrated Mission Task Force (IMTF). 'United Nations Assistance Mission in Afghanistan (UNAMA): Mission Structure Options Paper.' 30 November 2001 (draft).

[20] Integrated Mission Task Force (IMTF). 'United Nations Assistance Mission in Afghanistan (UNAMA): Mission Structure,' Working Paper No. 2, 14 January 2002.

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in the IMTF resorted to what is known as constructive ambiguity. While the language of a 'unified and integrated' mission was retained, the precise nature of the relationship was not specified in the mandate and structure as reported by the Secretary-General to the Security Council and the Fifth Committee.[21] By default, a more conventional country team approach came to prevail, although with enhanced co-ordination structures in the form of joint UN/Transitional Administration Programme Secretariats that were lodged inside the respective Afghan ministries.

39.   The formal language of an integrated mission thus coexisted uneasily with the practice of non-integration. A similar contradiction appeared between the language of the 'light footprint' and the principle of a fully self-contained mission, which guided the planning of the UN Department of Peace-keeping Operations (DPKO). DPKO operated from the beginning with a ratio of 1 : 1 support staff to substantive officers, resulting in early estimates of 760 internationals. This figure does not take into account the staff of operational agencies and only includes the additional positions established with UNAMA to advise and co-ordinate. The model presumed that 'local labour, material and services' would be used 'to ensure that Afghans have a major stake in the implementation of the SRSG's plans and to limit the size of the international "footprint"'.[22] The possibility that this division of labour might not give the Afghans a sense of ownership in the operation was not recognised. As finally approved, the ceiling for international staff was reduced to less than half (as UNAMA had no internal security function), but the ratio of 1 : 1 support to substantive staff was retained.

BOX 3: INTEGRATION VERSUS CO-ORDINATION

> The IMTF operated with the entire range of options. At one end was a fully integrated mission under the SRSG, complete with co-location, common services, and unified authority and funding structure for all the UN agencies and programmes in the country. The model was not initially forwarded through the IMTF, received least support, and appears in retrospect to have been almost a straw man. A less drastic unifying instrument was a proposed common fund (a concept also proposed in the context of the Strategic Framework for Afghanistan in 1997) to be administered by UNAMA, UNDP and the World Bank in co-operation with the Afghan Interim Authority. At the other end of the spectrum was the conventional country team approach, albeit with enhanced co-ordination structures. By mid-January, only a middle-of-the road 'insertion' model remained, with UN agencies assigned lead responsibility for a given sector but organisationally inserted into UNAMA's proposed Pillar II (Relief, Recovery and Reconstruction).

40.   In sum, although the planning process was inclusive, it did not reconcile the principle of a unified and integrated mission with the reality of long-established UN programmes that had operated in the country for years and the fact that the agencies were busy preparing for a massive new humanitarian operation. The likelihood of integration further receded as soon as agencies were able to re-establish themselves inside Afghanistan, starting in November 2002. The document setting out the mission's mandate nevertheless retains the ambitious language of a light, integrated mission, without providing for the necessary means to realise it. A more rational

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[21] United Nations. 'The Situation in Afghanistan and its Implications for International Peace and Security: Report of the Secretary-General to the Security Council and the General Assembly.' UN document A/56/875-S/2002/278, 18 March 2002; and 'Report of the Secretary-General to the Fifth Committee of the General Assembly (Programme Budget for the Biennium 2002–2003 for UNAMA).' UN document A/C.5/56/25/Add.4, 2 May 2002.

[22] Integrated Mission Task Force (IMTF). 'United Nations Assistance Mission in Afghanistan (UNAMA): Mission Structure Options Paper.' Working Paper. 13 December 2001, p. 6. The same point appears in the IMTF draft paper of 30 November.

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process would have recognised that a fully unified and integrated mission was unrealistic, shortened the planning phase, and aimed for a thorough review of only the most likely options.

41.   Other sources close to the process have suggested that the IMTF might have had more impact if it had been composed of higher-level managers and if field-level comments had been more fully incorporated. In retrospect, this seems less important than factors related to the agency conditions on the ground, as noted above.

4   ESTABLISHING THE MISSION

4.1   MANDATE AND STRUCTURE

42.   UNAMA started with several handicaps. By the time the mission was formally approved, the agencies had already re-established themselves on the ground. Co-ordination mechanisms and funding were initially based on the old patterns (see section 9, Relief, Recovery and Reconstruction). The continuation of conventional assistance modes contrasted with the much-publicised concept of the future mission as a new kind of peace operation – light, unified and integrated – which had created expectations among both donors and the UN's Afghan partners.

43.   The Secretary-General's report to the General Assembly's Fifth Committee for financing the mission conjured up visions of a streamlined operation that did not match the organisational pluralism on the ground. 'We note that the overall number of UN staff working under Pillar II is 3,700', one Committee member said, referring to the report.[23] The figure included total national and international staff of all the UN agencies and programmes in Afghanistan, of which less than 50 internationals at the time were under Pillar II (for relief, recovery and reconstruction) in any real sense. Contrary to donor expectations, there was no co-location of agencies in either Kabul or the provinces, and there were only very limited common services.[24] Each organisation had a separate compound, complete with expensive communication equipment. Duplication and the large amounts of capital invested (in cars and so on) raised obvious questions regarding cost and effectiveness, which fuelled criticism in the Kabul press and from the Transitional Administration against the UN and the 'white vehicle' presence.

44.   In defence of UNAMA's staffing level, it is often noted that it is much smaller than other recent missions, such as those in Kosovo and East Timor,[25] but comparison is not appropriate since the tasks are quite different. The UN missions in Kosovo and, until recently, in East Timor, had comprehensive governance mandates involving direct administrative operations. UNAMA is an assistance mission with no direct responsibilities for administering any part of Afghanistan or providing services beyond

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[23] Speech by the New Zealand representative, on behalf of the delegations of Australia, Canada and New Zealand, to the UN General Assembly, 56th Session, Fifth Committee, 23 May 2002.

[24] The establishment of a UN Joint Logistics Cell represented one step towards common services.

[25] The point has been made by donors and independent observers as well as mission staff.

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advice and technical assistance to the government as well as the international aid community.[26]

45.   The size of UNAMA has to be considered in relation to its substantive responsibilities. Pillar I is to assist with the political transition, including support to organise the *loya jirga*, establish three independent Afghan commissions, and monitor political developments and human rights. Pillar II is responsible for co-ordination of UN assistance programmes and capacity development in the public sector. The Office of the SRSG has advisory functions for a range of issues relating to the transition. For this purpose, UNAMA has a staffing ceiling of 232 internationals, of whom half are support staff, leaving slightly over 100 substantive personnel. By comparison, the total UN international presence in the country by mid-2002 was 670. Individual agencies with significant operational responsibilities had similar levels of international staffing (the United Nations High Commissioner for Refugees, UNHCR, had *ca.* 110 and the World Food Programme, WFP, *ca*. 80).

46.   The number of international support staff seems to be high given the availability of Afghans who could do the job (see para. 49 below). As for substantive personnel, the answer largely depends on how the tasks are interpreted. Terms such as 'advise' or 'assist' are interpreted in different ways depending on the task and the occasion. If a light interventionist touch had been consistently adopted, fewer staff would be needed to advise and assist than if the mission were to leave a heavier footprint.

47.   During the first few months, the mission had to address constitutive issues relating to both the political transition (preparing for the emergency *loya jirga*) and a range of transitional assistance issues. The latter included establishing funding and co-ordination mechanisms for humanitarian assistance—the Immediate and Transitional Assistance Program for Afghanistan, ITAP, and the Transitional Assistance Program for Afghanistan, TAPA—as well as reconstruction (the National Development Budget, NDB). At the same time, the mission faced internal programming and housekeeping challenges of the kind that typically occur in the start-up phase. To deal with these multiple tasks, the mission was staffed at less than half strength and experienced frequent turnover of personnel. Although the staff were 'worked to the bone' during this period, this suggests that something less than full strength would be sufficient once the start-up phase is over and if surge capacity can be brought in for exceptional events (such as preparing for the *loya jirga*). Ironically, as the workload subsequently seemed to drop (given that a range of co-ordination issues had been settled with the Afghan Transitional Administration (ATA) by mid-November), staff numbers increased to about two-thirds of planned levels. UNAMA's leadership recognised the need to assess changing workloads in relation to staff and to eventually develop a phase-out plan.[27]

48.   During the planning phase, the Afghanistan country team had urged that the new mission build on what was already there in terms of personnel and practices. The operationalisation of the mission, however, followed DPKO's standard procedures,

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[26] As the mission pointed out, the advice and technical assistance functions nevertheless amounted to indirect governance. UNAMA invested substantially in seconded staff, energy and finance in supporting the government to develop a national development framework, a national budget, and national–sub-national co-ordination mechanisms.

[27] Comments to draft final version of this report, 15 January 2003.

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which in effect assumed that nothing was there. The DPKO model entailed a turnkey operation that was self-contained, could be speedily deployed, and had sufficient international administrative staff to provide full accountability to donors. Since Afghanistan was not a *tabula rasa*, and both UNSMA and UNOCHA were active on the ground, the application of the standard model resulted in a particularly poor fit. Existing national staff were replaced by internationals, contracts for older staff were not easily renegotiated, and flexible practices that had developed over the years of working in a difficult environment were nullified (see Box 4). The main modification of the standard procedure was that decisions on all substantive staff appointments were made in the field rather than at headquarters—a concession that probably reflected the personal authority of the SRSG as well as policy evolution within the UN that built on the problems encountered in Kosovo and East Timor.

49.   The administrative and general services component was widely acknowledged by UNAMA staff to be excessively large and wasteful. Many positions, it was argued, could easily have been filled by Afghan nationals, as had previously been the case with UNOCHA/UNSMA (e.g., mechanics, electricians and administrative assistants). The 'bottom-heavy' part of UNAMA contributed to the overall visibility of the UN foot-print without significantly contributing to its capacity to assist the ATA insofar as these support functions could have been provided by Afghan staff or contractors.

BOX 4: APPLYING THE STANDARD MODEL

> Different personnel procedures between UNOCHA and UNAMA created delays in the regularisation of contracts when staff were transferred, and uncertainty about entitlements. Other problems reflected cumbersome HQ procedures which resulted in delayed deployment of critical international staff (e.g., the position of senior human rights adviser was not filled for over a month, which happened to be at the crucial time of the *loya jirga*); positions for National Officers (NOs) urgently needed in the field were not filled. The first contract for an NO who carried over from the predecessor mission was not regularised until mid-September 2002, while existing staff worked under less-than-favourable contract conditions, and promising candidates for NO positions were snatched up by other organisations in Kabul's tight labour market. It required intervention by the Deputy SRSG with HQ to produce some change. By late October, only some 10 out of 40 authorised NO positions were filled in UNAMA—a matter of concern given the SRSG's stated commitment not to 'parachute in' a large number of international experts. Procedures required by DPKO caused additional work in the field. Use of satellite phones to report by e-mail was restricted, new vehicles unsuited to the terrain were imported, and newly arrived administrative officers disrupted existing procedures and relations in UNAMA's area offices.

50.   An initial imbalance in the staffing of the new mission accentuated the distinction between the economic and the political track noted at the outset. The SRSG had already started working in Kabul from December 2001, focusing on the pressing political task of supporting the new Afghan Interim Authority. His Deputy Special Representative (DSRSG) for economic assistance was not appointed until February 2002 and in the interim Pillar II functions were run by existing UNOCHA staff. The lack of a unified team from the very beginning possibly made it more difficult to bring economic assistance and political concerns together in an integrated policy.[28]

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[28] To help the SRSG manage the co-ordination in the spirit of an integrated concept and a unified team, OCHA had offered the SRSG a co-ordinator soon after he was appointed, but the offer was declined.

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5 THE POLITICAL TRANSITION

51. The Bonn Agreement entailed a range of tasks for the Office of the SRSG and Pillar I in support of the political transition during the first months of UNAMA's operation. Most importantly, the UN was to assist in the convening of an emergency *loya jirga*, which was to have a critical legitimising role in the transition process by electing a Head of State and approving proposals for the structure and key personnel of the successor ATA. In addition, the UN was designated the responsibility of supporting the establishment of an independent Afghan Commission on Human Rights, a Constitutional Commission, a Judicial Commission and a civil service.

5.1 THE EMERGENCY *LOYA JIRGA*

52. Preparations for, and the convening of, the emergency *loya jirga* were the first real test of the UN's ability to support the political transition in Afghanistan. UNAMA can take a large part of the credit for the fact that the assembly was held on time and brought together a large number of delegates. The achievement reflected very considerable diplomatic, administrative and logistical efforts.

53. Despite significant logistical constraints and security concerns, the process whereby more than 1,500 delegates were selected or elected throughout the country and then convened in Kabul in June 2002, despite instances of intimidation, is acknowledged to have been an accomplishment. Timely and effective support with logistics and monitoring was provided by UNAMA's Pillar I, which by all accounts performed very well despite being understaffed for the task and constrained by administrative procedures that reduced its effectiveness. Timely deployment from UNAMA area offices and from bilateral aid agencies (especially the German Agency for Development Co-operation, GTZ), as well as from UNDP and United Nations Office for Project Services (UNOPS) provided vital surge capacity.

54. The achievement of opening some political 'space' during the loya jirga for a wide range of delegates from all parts of the country was, however, marred by serious procedural irregularities during the assembly itself. Many delegates felt that the last-minute admission of additional participants (including appointee provincial governors), the presence of intelligence personnel from the faction controlling the Ministry of Defence, as well direct threats and other procedural irregularities, significantly affected their ability to participate effectively.[29] The fact that UNAMA did not, or could not, prevent these irregularities was feared to encourage factional leaders to continue to act with impunity. It resulted in considerable doubt among Afghans—above all in Pashtun areas—that the transition mechanism would in fact produce a more broad-based government.[30] Despite widespread concern about violations of the loya jirga procedures, the press release issued by the UN Department

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[29] International Crisis Group. 'The Afghan Transitional Administration: Prospects and Perils.' Afghanistan Briefing. Kabul and Brussels, 30 July 2002.

[30] See Human Rights Watch. 'Warlords Emerge from Loya Jirga More Powerful than Ever.' Kabul, 20 June 2002, http://www.hrw.org/press/2002/06/afghancabinet.htm; various interviews by the study team in provinces to the south and west; and an important DFID-commissioned report on governance issues in Afghanistan: Johnson, Chris, William Maley, Alexander Thier and Ali Wardak. *Afghanistan's Political and Constitutional Development*. London: Overseas Development Institute, January 2003. The report is based on numerous interviews held on the local level in several parts of the country.

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of Political Affairs (DPA) in New York presented the assembly on balance as having met the goals of the transition. The Under Secretary-General for Political Affairs acknowledged the irregularities, however, and called on the Afghan authorities to 'address instances where democratic rights have been abused by those who still equated power with violence and force'. 31

55.   The activities of UNAMA with regard to the ongoing political transition since the loya jirga have focused largely on implementing the mechanisms defined in the Bonn Agreement. There was by late 2002 little evidence of additional activities of an institution-building kind that would give greater democratic meaning to the elections scheduled within two years of the assembly and facilitate the establishment of a broad-based government, as foreseen by the Agreement.   The momentum towards a wider representation within the Afghan Transitional Administration, which had begun during the *loya jirga,* had evidently not been maintained.[32] UNAMA, for its part, had only engaged in limited consultations with the elected delegates for the purpose of nurturing institutions in the next stage of the transition.

5.2   INDEPENDENT COMMISSIONS

56.   The UN's responsibilities to support the establishment of various quasi-independent commissions were set out in the provisions of the Bonn Agreement. In addition, President Hamid Karzai announced during the *loya jirga* the creation of a Defense Commission to oversee the reform of the Afghan armed forces and police. UNAMA has a small advisory unit in the Office of the SRSG to support the various independent commissions, and reportedly has played a role in the appointment phase.   UNDP provides programme and administrative support, and envisages more substantive inputs to the commissions in due course under its governance programme.[33] This section briefly reviews the activities of the various commissions until late October 2002 and assesses the role that UNAMA has played in each. On the Afghan Independent Human Rights Commission, see section 6.

i The Judicial Commission

57.   The establishment of a Judicial Commission, consisting of 16 eminent persons, provided the opportunity to have Afghanistan's best legal scholars and practitioners participate in the rebuilding of the country's justice system. Within some four months of its establishment, however, the head of the Transitional Administration dissolved the commission. Attempts by the Ministry of Justice to control the commission, political tension among commission members, and the absence of clear terms of reference and administrative /logistical support seem to have lain behind its dissolu-

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[31] United Nations. 'Loya Jirga a Truly Representative Sample of Afghan Society, Security Council told in Briefing on Afghanistan.' Press Release SC/7429, 21 June 2002

[32] Two-thirds of Cabinet positions are held by those from groups aligned to the Northern Alliance.

[33] At the request of the ATA, UNDP has been assigned responsibility as focal point for capacity-building within relevant ministries on issues related to administrative reform and governance.

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tion. Statements from the SRSG suggest that the appointment of members to a new Commission is being reviewed 'in order to ensure its independence'.[34]

58. The new commission will comprise only nine persons, to include equitable representation of both women and reflect the ethnic diversity of the Afghan population. The SRSG is said to have proposed that the commission should be made up of reform-minded and politically independent experts, presumably to balance the prevailing conservatism in the Ministry of Justice. Through contacts with members of the judiciary, UNAMA has received ample evidence of the need for urgent reforms.[35] The point was also highlighted during separate visits to Afghanistan during October by the UN Special Rapporteur on Human Rights and the Special Rapporteur on Extra-judicial, Summary and Arbitrary Executions.

ii The Constitutional Commission

59. The Bonn Agreement sets out an ambitious schedule for the drafting of the new constitution. A Constitutional Commission is to be formed within two months of the installation of the Transitional Administration, with a draft constitution to be approved by a constitutional *loya jirga* within 18 months. Despite this, the Commission was not established until three months after the emergency *loya jirga,* when President Karzai announced that a separate technical Constitutional Drafting Committee would start drafting a new constitution. Its work would be presented to a new Commission, which was to be appointed within six months.[36] The new procedure raises a number of questions. It is unclear to what extent the 'technical' members of the Drafting Committee will consult with outside groups or to what extent they will reflect the wide range of political, religious, ethnic and factional interests in the country. The Commission itself will not to be independent, but will comprise up to 35 persons drawn from a broad political spectrum. Apart from finalising and approving the new draft constitution, the role of the Commission in preparing for the constitutional assembly has still to be decided. The possibilities for modifying the approved draft also remain unclear.

60. The procedural changes suggest that groups within the ATA may wish to narrow the constitutional consultation process, which risks placing the outcome in the domain of the Kabul elites, or making it hostage to factional politics. UNAMA's substantive role in this matter is unclear, but it evidently has been pursued through the quiet diplomacy of the SRSG. The SRSG reportedly intervened in matters concerning the commission at least once when little progress was being made by the first commission, indicating at least the importance attached to keeping up the momentum of the process.

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[34] United Nations. 'The Situation in Afghanistan and its Implications for International Peace and Security: Report of the Secretary-General to the Security Council and the General Assembly.' UN document A/57/487-S/2002/1173, 30 October 2002.

[35] UNAMA's *Weekly Report* 26 October 2002 suggests that the judicial system, 'although still largely respected by Afghans, is in tatters' and identifies requests from members of the judiciary for assistance in disseminating laws, and for political support to pursue 'warlord justice'.

[36] The Drafting Committee will have nine expert members, including two women, and its work will be overseen by former King Zahir Shah. The earlier commission was 'recognised as being insufficiently independent'. SRSG briefing to an open meeting of the Security Council, 30 October 2002. Cited on the OCHA's Integrated Regional Information Network (IRIN).

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iii National Defence and Security Commissions

61.   The importance of fundamental reforms with respect to military and police forces was recognised in Bonn as critical to the success of the transition. The aim was to establish a national army and in the meantime bring factional forces under a command structure led by the interim/transitional administration in Kabul. The US subsequently assumed responsibility for training and equipping a new national army. Japan would take the lead in supporting demobilisation, while Germany agreed to do the same for restructuring the national police force. The National Defence Commission was established as a forum for consultations among the Afghan parties, and with concerned international parties, on a complex range of issues affecting the reform process. As of mid-November 2002, there had been little evident progress on army reform and the related issue of demobilisation.[37]

62.   UNAMA's leadership has been deeply involved in the negotiations, although recognising the limits of its influence.[38] The mission has a relatively marginal role in the operational aspects of the reform process, mainly relating to demobilisation and reintegration. Progress in this area is unlikely as long as the overall framework for reform, including the key issue of the number of forces, is agreed.

63.   A single adviser in the Office of the SRSG has so far been assigned to co-ordinate and promote disarmament , demobilisation and reintegration (DDR) work. As of October 2002, little progress had been made on the formation of the new national army, and hence on demobilisation, and there was little substantive activity in this area in UNAMA.

64.   On a parallel track, the SRSG and his staff have exercised the mission's 'good offices' role by addressing some of the inter-factional or tribal disputes that have arisen during 2002. One example is the formation of a Security Commission to negotiate the demilitarisation of the city of Mazar-i-Sharif in response to persistent clashes between two factions. While the role of the UN has been important, the process clearly hinges on international political pressure on the factional leaders (one of whom is Deputy Defence Minister in the Transitional Administration) and the enforcement capability of US military in the area.

5.3   TOWARDS GENERAL ELECTIONS

65.   The Bonn Agreement calls for the UN to undertake voter registration in preparation for national elections, to be held within two years of the emergency *loya jirga*. Staff from the Electoral Assistance Division of the UN DPA visited Afghanistan in August to

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[37] Many factional leaders remain reluctant to have their fighters incorporated in a force that might be centralised in Kabul and beyond their control. The current command structure is dominated by Northern Alliance commanders and former communist generals, some of whom have attempted to thwart efforts to create an ethnically representative new First Brigade. The brigade is intended as the cornerstone of the reformed National Army. Subsequent to the completion of the research for this report, a decree on the National Army was signed (1 December 2002). This is in itself a significant event, although the pace and nature of implementation remain to be seen.

[38] While noting that progress with the National Defence Commission was 'unsatisfactory', the SRSG told the Security Council recently that both the ATA and the UN 'can only address the symptoms and, like a fire-brigade …. aim at putting out the local fires, rather than preventing their occurrence'. Statement by the SRSG to an open meeting of the Security Council, 30 October 2002, reported on IRIN.

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consult with the Transitional Administration and collect information as a basis for a preliminary analysis of the requirements for an election in the country. Further issues to be considered are the formation of an Election Commission, the determination of elector-identification systems, and the drafting of legislation to regulate the elections and political parties.[39]

5.4   INTEGRATED ASSISTANCE FOR PEACE-BUILDING

66.   UNAMA's mandate explicitly recognises the potential of economic assistance to promote the peace process. '[T]he use of assistance activities to support the peace process in Afghanistan [must be]… an integral part of the United Nations approach.'[40] Much of the assistance so far has been humanitarian, and in theory should be allocated according to criteria of needs. As the emphasis increasingly shifts to recovery and reconstruction programmes, the ability of UNAMA to direct aid in ways to support the peace process is circumscribed by the limits on co-ordinating (see section 9, Relief, Recovery and Reconstruction), by the vagueness of the criterion 'to support the peace process', and by the principle that the Afghan Transitional Administration shall at the very least co-determine priorities. For example, some ATA members might be pressurized to allocate aid resources to particular geographical areas in ways that may not be   in the interest of the peace process, **,** by directing resources to locales that support their own political base at the expense of groups that are presently excluded from political power.

67.   Nevertheless, a principal purpose of the mission is to address these challenges and provide some direction for integrating assistance with the peace-building process. Emphasised by the SRSG on the eve of the Bonn conference, this remained a constant theme in the planning process.

68.   The mission structure was supposed to facilitate interaction between its political and economic pillars precisely to encourage integration of policy in the two areas. Until now there has been little institutional interaction between the two pillars. Recent reorganisation to establish joint field units with staff from pillars I and II and a Strategic Co-ordinating Unit in Pillar II is a positive change in this regard and demonstrates mission efforts to develop the potential for institutional integration.

69.   Policy integration does not necessarily require institutional integration. Yet there is little institutional activity to discuss whether and how economic assistance can be used for peace-building purposes. There seem to be no strategy papers developed so far in this area, [41] nor is there an institutional locus for such activity (e.g.**,** a strategic policy unit). On these questions, the SRSG appears to rely on a non-institutional approach.

70.   At the same time there is a danger that mission activities will be driven by pressures to respond to demands on the economic assistance side without situating these in the

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[39] Briefing by the SRSG to the Security Council, 30 October 2002, reported on IRIN.

[40] UN document A/C.5/56/25/Add.4, para. 28.

[41] No reference was made to such papers in discussions with the study team**.** Questions about the existence of such papers in particular areas were answered in the negative, and none were made available.

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political context. For example, commitment to capacity-building at the central level affects the political ownership of the state by strengthening an administration which in theory is transitional but whose behaviour suggests consolidation rather than inclusion.[42] UNAMA's recent move to develop governmental capacity at the provincial level touches on key issues of relations between the centre and the regions. Allocation of aid resources likewise affects sensitive inter-regional and inter-ethnic relations. Against this background, the apparent lack of systematic analysis in the form of strategy papers on these issues is noticeable.

6 HUMAN RIGHTS

71. Given the international scrutiny of human rights issues in Taliban-administered Afghanistan, it was to be expected that the Bonn Agreement, various UN resolutions and UNAMA's mandate would collectively affirm support for human rights as a central objective of the international community's approach to Afghanistan. The 'soft-law' language of these instruments commits the UN to:

> investigate human rights violations and recommend corrective change;

> monitor human rights;

> support a programme for human rights education; and

> assist in the development of an independent Afghan Independent Human Rights Commission.

72. The extent to which UNAMA has operational responsibility in these areas is somewhat unclear.[43] What is clear is that the Secretary-General has given the SRSG 'overall authority' for all UN activities in Afghanistan.[44] As a result, he has a responsibility to see to it that other parts of the UN system undertake human rights activities in accordance with the provisions of the Bonn Agreement.

73. Where to locate human rights in the new mission had been the subject of a long debate during the planning phase (see section 3, Planning and Design). The country team in the field had proposed a separate pillar for human rights, or possibly taking them out of the mission entirely, in order to ensure the integrity and impartiality of work on human rights. In the end, human rights were integrated in the mission. This secured support from the core budget and mainstreaming with other mission activities. The functions were, however, divided among UNAMA's various components. The senior human rights adviser to the SRSG has no international Office of the High Commissioner for Human Rights (OHCHR) human rights staff reporting directly to him, while the human rights officers report to the head of Pillar I (Political Affairs), and field officers with partial human rights responsibilities report either to him or to

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[42] The behaviour is reflected in the choice of language: the Transitional Administration calls itself 'the Government'—a term that is also widely used by UN officials.

[43] UNAMA's mandate assigns specific tasks to the various parts of the mission, particularly the Office of the SRSG and Pillar I, that include monitoring and investigating human rights. UN document A/56/875-S/2002/278.

[44] UN document A/C.5/56/25/Add.4.

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the head of Pillar II (Economic Affairs). The resulting fragmentation of duties has effectively deprived human rights of a strong institutional advocate within the mission.

74. With the principal human rights officers reporting to the head of political affairs, there is some concern that the integrity and independence of human rights may be undermined by political considerations. This is particularly the case in a mission that is 'in between peace and war' and where the SRSG is centrally involved in negotiations to ensure the maintenance of stability as well as to complete negotiations on the issues left unresolved in Bonn. The distinction between the demands on a post-conflict mission and the demands on one that is inserted into a very incomplete peace process is relevant also in this respect.

75. As noted by advocacy organisations, UNAMA does not have adequate human rights staff to permit it to monitor or investigate current rights abuses adequately (see Box 5).[45] The light staffing levels suggest responsibilities that are primarily advisory and supportive, yet the mission serves as a UN field operation for human rights monitoring. The OHCHR has only a technical adviser assigned to the newly established Afghan Independent Human Rights Commission, while the United Nations Children's Fund (UNICEF) and UNHCR have specific protection responsibilities. In time, the Afghan Independent Human Rights Commission is expected to lead in this sector, but the commission, still at a formative stage, is politically vulnerable and will likely have very limited capacity in the transition period.

76. At the central level, UNAMA's human rights activities to date have focused on start-up housekeeping issues (operationalisation of the mandate, recruitment of personnel and internal organisational adjustment). The principal substantive work has been to support the establishment of the Afghan Independent Human Rights Commission and undertake a limited number of investigations, including intimidation of the *loya jirga* delegates, deaths of civilians in US raids in Oruzgan and preliminary investigations of mass grave sites in the north.

Box 5: UNAMA STAFFING IN THE HUMAN RIGHTS SECTOR

As of early October 2002, staff assigned for human rights work at the central level totalled four internationals (including the adviser to the SRSG) and one national, in addition to one in each of the main regional cities (Mazar-i-Sharif, Herat, Qandahar) and one sub-office (Maimana). Even allowing for some human rights work conducted by other officers on the central and regional level, the total amounts to less than 12 full-time positions in a mission schedule of 232 internationals. The mission had only one national officer working full-time on human rights at the central level. It is generally acknowledged that both national and international staff are required.

77. Although only minimally staffed, the UNAMA area offices outside Kabul ensure a degree of presence and information collection in the human rights area. Human rights officers, together with humanitarian staff, have developed outreach strategies to interact with Afghan groups or individuals in monitoring trials, recording detentions and documenting police practices. In the view of both Afghan and international organisations in the field, their work continues to build confidence among the population, particularly among vulnerable groups, such as minorities. The effective

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[45] 'All Our Hopes are Crushed: Violence and Repression in Western Afghanistan.' *Human Rights Watch* 14(7c) November 2002.

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work of human rights officers to date, especially in UNAMA area offices, owes much to personal commitment and initiative. UNAMA staff nevertheless express a sense of powerlessness relative to the challenges that confront them in this area and would welcome stronger support from the central level.

78. The mission leadership (the SRSG and the head of Pillar I) has engaged in continuous diplomacy to reduce fighting in the north, including violence targeted at the local Pashtun minority after the Taliban were defeated. Some progress was registered in late autumn when UNHCR and UNAMA jointly initiated a Security Commission to facilitate the return of persons who had fled or been driven out. The commission was formed in October, partly aided by a US intervention that produced some progress on the underlying problem of disarming the northern warlords.[46]

79. There is some concern within the mission as well as among donors that UNAMA is not giving sufficient priority to human rights. A high-level visiting European Union (EU) delegation in early November 2001 encouraged UNAMA and the Afghan Independent Human Rights Commission to jointly establish a countrywide monitoring and investigation system. Afghan civic groups have expressed concern that UNAMA has not been more assertive in regard to current human rights abuses.[47]

80. UNAMA worked with Afghan human rights activists and civic groups to establish the Afghan Independent Human Rights Commission. Specific terms of reference were developed for commission members in line with its work programme, which includes investigation and monitoring, human rights education, the rights of women and transitional justice.[48] The formation of the commission represents an important step towards an autonomous Afghan role in promoting human rights. However, its relationship with the UN system is marked by considerable ambiguity. The UN structure established to support the commission in mid-2002 was cumbersome, placing UNAMA in the lead to co-ordinate inputs from UNDP (channel for financial support) and OHCHR (technical assistance).[49] The Steering Committee structure that has been put in place effectively deprives the commission of financial autonomy and is perceived by some members to be as much an instrument of control as one for guidance and advice. While commission members welcome the technical and financial assistance that is being channelled through the UN system, and acknowledge their own lack of capacity, there is a perception that the commission is not being treated as an equal partner.

7   TRANSITIONAL JUSTICE

81. The Bonn Agreement does not specifically mention transitional justice, but gives the UN the right to investigate human rights violations generally. The Secretary-General took the issue one step further in his report to the Security Council on 6 December

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[46] Briefing by the SRSG to the Security Council, 19 September 2002. Cited on UN Wire.

[47] Interviews in Herat and Kabul, November 2002.

[48] UN document A/57/487-S/2002/1173.

[49] After the research for this report had been completed, UNDP reported that changes had been introduced to facilitate transfer of funds and enhance the commission's autonomy. The reforms involved the use of the UNDP NEX disbursement modality and flexible pooling of donor funds using the UNDP cost-sharing mechanism. (Comment by UNDP on draft final report, January 2003.)

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2001, stating that 'the Afghan people and their international partners must commit themselves to addressing the problems of the past by ending impunity and ensuring accountability for past abuses, including gross and systematic violation of human rights'.[50]

82.   In operationalising its human rights mandate, UNAMA's leadership appeared to rule out retrospective investigations. The stated strategy, as of mid-October 2002, was to mark 28 March 2002 (when UNAMA was formally established) as the starting date for the mission's human rights role.[51] The decision apparently reflects the view that investigation of past abuses is inadvisable at the present time, whether undertaken by UNAMA itself or UN agencies that would need to defer to the SRSG's overall authority for UN activities in Afghanistan. As stated by a senior UNAMA official, 'Transitional justice only applies to post-conflict situations, and Afghanistan is not in a post-conflict phase'.[52]

83.   The issue of past violations nevertheless arose soon after UNAMA was established. Reports surfaced in early spring of massacres allegedly committed by a Northern Alliance faction in the closing phase of the war against the Taliban. Mass graves were located, apparently containing the remains of prisoners of war killed during transportation. Reports by Physicians for Human Rights claimed that up to 1,000 persons may have suffocated while being driven in closed containers from Mazar-i-Sharif and Qunduz to Shebergan prison.

84.   UNAMA initiated preliminary forensic investigations in co-operation with OHCHR in May 2002, but took no further action until the autumn, citing both security concerns and jurisdictional issues. The decision whether or not to investigate lay with the Afghan authorities and the Afghan Independent Human Rights Commission, not with the United Nations, the SRSG stated.[53] Moreover, investigations would likely open up a series of recriminations on all sides and might undermine the current transitional administration by implicating some of its members. On balance, 'our responsibility to the living has to take precedence' over justice to the dead, the SRSG concluded.[54]

85.   International human rights groups naturally disagreed, particularly the Physicians for Human Rights who had helped bring the issue to international attention. So did the UN Special Rapporteur on Extra-judicial Executions who visited Afghanistan in mid-October 2002. Citing the importance of ending impunity to secure long-term peace, she called for an international inquiry into past human rights violations, including the mass graves in the north.[55] The EU delegation in mid-November reiterated its offer to assist with any further investigation of past grave violations.

86.   The Afghan Independent Human Rights Commission appeared to take an intermediate position. Soon after being appointed to lead the commission, the chair had declared

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[50] United Nations. 'The Situation in Afghanistan: Report of the Secretary-General to the Security Council and the General Assembly.' UN document S/2002/1157, 6 December 2001, para. 83.

[51] The strategy apparently has been updated, but a later version was not made available to the study team.

[52] Interview, Kabul, 12 October 2002.

[53] Brahimi, Lakhdar. Press conference, *Washington Post*, 28 August 2002.

[54] Cited on BBC, 27 August 2002.

[55] Statement, 23 October 2002, cited on UN Wire.

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that there would be no amnesty for 'warlords'. Half a year later she argued that investigation of one mass grave site alone could be exploited politically. To prevent this, investigations of multiple previous abuses would have to be launched as well.[56]

87.   Growing international attention prompted UNAMA to support a reopening of preliminary investigations, as the SRSG had told the Security Council already in September. The Secretary-General reported to the Council that the investigation would be limited to 'finding and preserving evidence' (i.e., there would be no witness testimonies) and 'should have a low profile' since 'systematic and full investigations …would seriously disrupt the fragile peace that the Government and international community are striving to foster and reinforce'.[57] There was also concern that investigation might endanger potential witnesses. Reports in mid-November 2002 that witnesses had already disappeared raised further questions of why a witness protection programme had not been developed in tandem with the preliminary investigations undertaken by UNAMA and OHCHR in May.[58]

88.   In sum, in present-day Afghanistan there is no obviously right position between the conflicting demands of maintaining current stability and promoting standards of justice. UNAMA's strategy has been to emphasise the former. Given the very considerable personal authority which the SRSG enjoys in the region and in the UN system, there would seem to be some potential for him to expand the room for pursuing justice without jeopardising stability concerns, and thereby charting a course that is more evenly balanced between the two objectives.

8   GENDER

89.   Gender issues, like human rights, had been a major component of the Strategic Framework developed by the UN and donors to guide assistance activities in Afghanistan in 1997–1998, and were introduced into the IMTF planning process from the very start. In the final plan, gender issues were firmly integrated in the mission structure and their significance recognised in the language of the mandate. Three gender positions were placed in the Office of the SRSG, including two internationals, of whom one was at a senior level. All positions were included in the core mission budget. A senior adviser was appointed in May 2002 (although seconded on a temporary basis), and was included in the senior management team. The structure was viewed by the senior adviser as quite satisfactory and as a positive model to secure appropriate attention to gender issues in future missions.

90.   UNAMA's principal work in this sector has been to co-ordinate activities addressing women's rights and developing an inter-agency network for women. The network's main purpose is to develop an integrated approach to the UN's 'gender-sensitive' policy regarding its work in Afghanistan, and to co-ordinate and monitor all UN initiatives that address gender issues. Working closely with Afghan counterparts

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[56] Statement, 4 September 2002, cited on IRIN.

[57] UN document A/57/487-S/2002/1173. The point was reiterated in the SRSG's statement to the Security Council on 30 October.

[58] UNAMA, Press Briefing, 14 November 2002.

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(which as of mid-October 2002 included both a Ministry for Women's Affairs and a State Minister of Women's Affairs in the President's Office), the main tasks of the network had been to:

~ train women delegates to the *loya jirga*;

~ establish a Programme Secretariat for Gender in the Ministry of Women's Affairs; and

~ develop a statement of goals and budget estimates regarding gender issues ('the National Gender Budget') for inclusion in the National Development Budget to be completed in October.

91. While the network accomplished everything that could be done from their side in these three sectors, the Afghan Transitional Administration was not very co-operative in planning and budget matters. The Cabinet did not formally agree to have a Programme Secretariat in the Ministry of Women's Affairs; this was cited as the reason why, without warning, the network's statement on goals and programmes for gender issues was omitted from the National Development Budget presented in late October 2002. The Minister of Finance had instead unilaterally decided to 'integrate' some statements on gender issues under the heading of Public Administration.

92. The incident highlighted the potential contradiction between two principles equally espoused by the UN mission in Afghanistan: on the one hand, the Afghans are to be in charge; on the other hand, international norms shall apply. In trying to resolve contradictions arising from the two standards, UNAMA has, to date, followed a low-key approach characterised by dialogue and personal diplomacy. This stands in some contrast to the UN approach during the Taliban period, when an unequivocal and public 'principled stand' on women's rights was adopted. The shift in tactics is possibly the result of genuine learning from a time when a confrontational position appeared to be counterproductive, as a senior official dealing with gender suggested. It also reflects the fact that Afghanistan has changed from being an object of international sanctions to becoming a protégé state of the UN.

93. It is too early to see whether the quiet diplomacy approach on gender issues will be more effective than robust methods. Apart from the inherent difficulties of assessing the results of quiet diplomacy, a balance between quiet and more assertive positions would seem appropriate in its own right. This applies also to the re-establishment of the notorious 'Vice and Virtue' department within the Ministry of Religious Affairs, on which the UNAMA leadership has adopted a low profile.

9   RELIEF, RECOVERY AND RECONSTRUCTION

9.1   CO-ORDINATION

94. The defeat of the Taliban regime meant a promise of massive aid for reconstruction as well as a sharp increase in humanitarian assistance. As a large number of aid actors

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prepared to engage or re-engage on the Afghan scene, the need for co-ordination was obvious. So was the challenge of shifting from the mode of aid during the Taliban period, when the international assistance community had mostly worked around the authorities, to the present situation when a main objective was to strengthen the capacity of the new Afghan administration. The major task for UNAMA in these conditions was to provide a framework for co-ordination while simultaneously encouraging a reorientation in the international aid community towards capacity-building in the public sector. This section will consider UNAMA's role in relation to co-ordination and capacity-building.

95. The transition from the old co-ordination structures on the ground (OCHA) to the new one was difficult. There were hardly any deliberate plans for building down the old structure, and even by late 2002 the phasing out has not been completed (e.g., in terms of staff). This had the effect of limiting the space for UNAMA to rapidly introduce co-ordination mechanisms relevant to the new environment. Possibly, there was also an opportunity cost in not directing the OCHA mechanisms to work actively for a rapid and smooth transition.

96. The need for effective co-ordination of relief and reconstruction assistance had early and consistently been emphasised by the SRSG as part of the 'light footprint' approach. The risks of a poorly co-ordinated aid response overwhelming the nascent Afghan authorities, and thereby defeating the objective of calibrating assistance efforts with the political transition, were acknowledged at the design stage of the mission.[59] Moreover, UN experience in co-ordinating humanitarian programmes through the 1990s, and continuity of a core group of experienced and committed staff, provided an opportunity to play a pivotal role in reorienting international assistance towards reconstruction and supporting capacity-building initiatives within the emerging administration.

97. Unlike the situation in the 1990s, the UN's primary co-ordination role was now limited to UN assistance activities. UNAMA's mandate called for the mission to provide 'directive co-ordination' of all UN agencies and programmes operating in Afghanistan.[60] By October 2002, this constituted some 60% of the total recorded aid disbursements during the year.[61] As noted, however, UNAMA had no structures and initially little power except the moral authority of the Secretary-General for exercising such co-ordination. While UNAMA was being planned, the agencies moved back into Afghanistan, largely in a 'business as usual' mode.

98. UNAMA was given a much lighter co-ordination role in relation to aid actors outside the UN 'family'. To provide overall coherence to the international assistance, UN activities were supposed to be 'in co-operation with other actors—governmental, non-governmental, private sector and international'[62]. The sheer number of actors and scale of collective pledges resulted in something of an assistance 'free-for-all',

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[59] SRSG statement to the Security Council, 13 November 2002.

[60] UN document A/C.5/56/25/Add.4, para. 28.

[61] Afghanistan Assistance Coordination Authority (AACA). 'Preliminary Analysis of Aid Flows to Afghanistan', 11 October 2002.

[62] UN document A/C.5/56/25/Add.4, para. 21(e).

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particularly on the NGO side.[63] In addition, there were several significant donors and the international financial institutions. While recognising the need for co-ordination in principle, none was particularly eager to be drawn into a UN-defined framework of co-operation. Nevertheless, efforts at co-ordination absorbed a great deal of UNAMA's time.[64]

99. In accordance with the mission's principle of ensuring Afghan ownership, UNAMA's objective was to help build Afghan capacity to co-ordinate (see also section 9.2 below). This was operationalised partly through the establishment of Programme Secretariats, as noted above, and co-locating the Afghanistan Information Management System (AIMS) and donor tracking function within the government of transition. The government's National Development Framework (NDF) was another framework for assisting UNAMA in agency co-ordination. In early 2002, the Afghan Interim Authority made efforts to introduce controls through its own co-ordinating body (the Afghanistan Assistance Co-ordination Authority, AACA), *inter alia* by a close screening of relief and recovery projects submitted under the financial appeal issued by the UN agencies in January. By late 2002, the Afghan Ministry of Rehabilitation and Rural Development had, with UNAMA encouragement, assumed a significant co-ordination role in its sector. UN and other aid actors were aiming to move from a UN-managed regional co-ordination structure to one where provincial co-ordination structures were chaired by provincial authorities.

100. The UN–NGO relationship was initially shaped by a structural shift in the programming environment, which was one of rapid transition from the NGO 'self-regulation' of the Taliban period to one of conforming to national programmes and priorities. The UNAMA-initiated Programme Groups/Secretariats offered a forum for NGOs wishing to participate to do so. On the NGO side, the capacity for co-ordination was affected by the limited capacity of the main co-ordinating umbrella, the Agency Coordinating Body for Afghan Relief (ACBAR), and the dramatic, sudden rise in the number of NGOs in the country following the fall of the Taliban.

101. The extent to which UNAMA has facilitated the co-ordination of NGO activities since mid-2002 has been further influenced by the growing assertiveness of the Transitional Administration with regard to implementation and the prevailing ambivalence within the Cabinet towards NGOs. Despite the fact that they continue to provide a range of basic services to the civilian population, NGOs are perceived by some members of the Cabinet to be competing with the administration for donor support. By late 2002, a UNAMA official characterised the relationship between the government and the NGOs as having evolved from 'wholesale mutual suspicion' to one of coexistence and dialogue, although the extent of dialogue varied. The Ministry of Planning, which is the official focal point for the NGO community, has been tasked to review the NGO registration procedures and reporting arrangements.

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[63] The number of NGOs registered with the Ministry of Planning in Kabul in November 2002 stood at 1,005 (of which 350 were international) compared to 250 (46 international) registered in 1999.

[64] The DSRSG for Relief, Recovery and Reconstruction estimated by late 2002 that he spent more than half his time on interaction with 'the aid community, donors, bilaterals, IFIs, research institutions, government and other partners on issues of coordination'. Comments to draft final version of this report, 15 January 2003.

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102. As in all of UNAMA's activities, numerous and assertive actors are pressing on the mission's space to co-ordinate. UNAMA's co-ordination role has increasingly been defined by the priorities of the Afghan Transitional Administration; it is also affected by the agendas of major donors. More recently is an initiative by the US military forces has raised serious questions not only about duplication of co-ordination efforts but also about maintaining a division between the military and the civilian spheres in recovery and reconstruction projects. While too recent to assess in detail, the launching of the Joint Regional Team (JRT) concept in November 2002 clearly has the effect of further limiting UNAMA's co-ordination role (see Box 6).

BOX 6: SPACE FOR CO-ORDINATION?

A US initiative, the multinational Joint Regional Team (JRT) concept, is a successor to previous civil–military activities of the Coalition forces (CIMIC/CJCMOTF). The JRT represents a national-level mechanism designed to 'remove causes of instability' through 'engagement with local leaders on behalf of ATA'*. The official aim is to increase security and access, as well as monitor and assess reconstruction needs. JRTs consist of a mix of military reservist and aid personnel who will provide 'guidance and nego-tiation' on security issues while facilitating the identification of projects in districts nominated by provincial authorities. Although it did not have a formal mandate to co-ordinate reconstruction projects, when launching the concept the JRT invited all NGOs and UN agencies to co-operate as implementing partners. The JRTs will also implement projects themselves. The initial JRT was fielded in Gardez in November, to be followed by gradual roll-out of JRTs to eight areas by spring 2003. As a nationwide grid with potential for project co-ordination, the JRT scheme could become a military-led co-ordination of civilian assistance, operating in *de facto* competition with existing arrangements established by the UN and the ATA. Concern has been expressed within the UN and beyond that the JRTs will enforce the power of the ATA outside Kabul in a manner that may be counterproductive. More fundamentally, civilian aid actors fear their work will be compromised insofar as JRT actions are blurring the lines between the military and the civilian aid spheres. UNAMA's leadership envisaged the mission's role in this difficult area as one of mediating and facilitating communication between the military and civilian spheres, rather than affirming the boundaries between them**.

* Citations from presentation of the JRT concept by the Commander of US Civil Affairs Team in Afghanistan to NGO and UN representatives, US Army Colonel Phillip Maughan, Kabul, 21 November 2002.
** In the first phase of the JRTs, 'UNAMA has taken on an active role in facilitating a passage of information and analysis between the military, the agencies and the wider assistance community….'. Comments by UNAMA, Assistance Pillar, on draft final version of this report, 15 January 2003.

103. Given the constraints on UNAMA's 'space' for co-ordination even before the JRT concept was introduced, and in view of the rapidly changing institutional scene, UNAMA is generally considered to have discharged its co-ordination responsibilities well. In particular, Pillar II showed the necessary flexibility in adjusting the focus of co-ordination to the evolving demands for capacity-building in the ATA.

104. As a result of greater demands by the ATA to shape the planning for economic assistance, including the relief and recovery funding, UNAMA initiated in mid-2002 a change from UN-led co-ordination groups for the Appeal-based processes to sectoral Programme Secretariats. The Secretariats were chaired by the relevant line ministry with secretarial functions provided by assigned UN agencies. They operated with varying degrees of effectiveness and, as it turned out, were short-lived.

105. An additional problem was the sector orientation of the Secretariats. Old mechanisms/staff were kept in place, reflecting the continuation of the old structure of a thematic/sector division of the overall assistance and corresponding structure of the

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Secretariats. Consequently, areas of work practically not touched under the Taliban**,** such as good governance and government capacity-building**,** were not fitted into the Secretariat structure, nor were cross-cutting issues of protection and large-scale reconstruction work which many felt was essential to start early in the new regime.[65]

106. At the initiative of the Ministry of Finance the Programme Secretariats had by November 2002 in turn been replaced by a total of 13 Consultative Groups (CGs). The Groups match the various programmes laid out in the ATA's National Development Framework, as well as independent groups covering security and development, and rule of law. The stated objective of the groups is to 'increase the effectiveness and efficiency of aid co-ordination in support of the attainment of national development and poverty reduction objectives' through the implementation of the National Development Budget. Membership will include a Chair Ministry, a Lead Donor (including IFIs), UNAMA plus one UN agency with 'comparative advantage'**,** and between two and four NGO representatives. The underlying agenda is less a concern with effective co-ordination than a competition over control of the aid funds. By moving to a CG process, the ATA, supported by the World Bank, hopes to assert greater control over the aid process, reduce its dependence on the UN agencies, and move more quickly from relief to reconstruction activities. In this conflict, UNAMA has staked out a mediating role, as noted above.

9.2 RELATIONS WITH THE AFGHANISTAN TRANSITIONAL ADMINISTRATION (ATA)

107. During the second half of 2002, UNAMA was centrally involved in redefining the terms of engagement between operational UN agencies and the administration to reflect the pace of the political transition. One of the early challenges was to facilitate the shift from an Appeal-based approach to resource mobilisation and towards a planning process that took account of reconstruction priorities identified by the ATA.[66] The formulation by the AACA of the NDF (in which UNAMA-seconded staff to the ATA played a significant role), which was presented to donors in June 2002, represented something of a watershed in this process.

108. This was followed by a Ministry of Finance initiative to progressively incorporate all assistance programmes into a National Development Budget, which was presented to donors at the Implementation Group meeting in October 2002.[67] The budget was to become 'the central instrument for policy and institutional reform and co-ordination of aid resources to enhance the effectiveness and efficiency with which national

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[65] Given the crucial importance of Afghanistan's internal and transit trade, early reconstruction of the major arteries, in particular the Kabul–Qandahar–Herat network and the Kabul–Jalalabad stretch, was recognised as urgent at the first ASG meeting in Kabul in April 2002. At that time, the strategy of the Afghan Interim Authority was to seek assistance from the international development banks. In the subsequent Afghan Transitional Administration, however, the Ministry of Finance decided to seek grant funding rather than loans for major road rebuilding, and the whole issue of financing was reopened. Commitment from major donors (the US, Japan, the EU and Saudi Arabia) was affirmed in principle at the Washington meeting of donors in September 2002, and preliminary work on the ground started later that year. Work on the northbound route through the Salan tunnel had started earlier with (grant) support from the World Bank.

[66] The Appeal-based approach had resulted in significant increases in levels of funding for UN and NGO humanitarian programmes in the first half of 2002, possibly at the expense of support for the Afghan authorities.

[67] The Ministry's proposal included the UN-initiated TAPA, launched as part of a global UN Appeal in early November 2002.

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programmes are delivered'.[68] Faced with some reluctance on the part of donors to allocate resources directly to the Transitional Administration, the Ministry of Finance advocated disbursement directly to the administration or through the Afghanistan Reconstruction Trust Fund (ARTF) administered by the international banks and managed by the World Bank.[69] With support from the World Bank, the Ministry of Finance had, earlier in the year, commissioned international consulting firms to put in place systems of financial management and for competitive bidding. The Minister of Finance argued that donors consequently could channel money directly through the Trust Fund and the government rather than though the UN, which he viewed as a costly system that risked creating the impression of a parallel government. The UN agencies were invited to participate in competitive bidding for contracts from the respective Afghan ministries.

109. UNAMA is acknowledged, by the ATA and donors alike, to have played a critical and constructive role through the second half of 2002 in mediating between the conflicting approaches over channels of disbursements. The role depended on patient diplomacy by the DSRSG and his recognition that there was room for compromises between the conflicting positions. Some donors hesitated to channel all their aid funds through an inexperienced and temporary administration, while the agencies increasingly feared that the ATA, allied with the World Bank, would seriously take them to task for inefficient operations. An ATA-initiated review was part of this process (see para. 107). Simultaneously, relations were maintained between UN agencies and their traditional donors, thus ensuring some continuity of implementation at a crucial stage of the transition.

110. UNAMA Pillar II has taken the initiative in bringing UN agency approaches progressively in line with those of the ATA, as borne out in the role played by the DSRSG in facilitating the presentation by UN agencies of 'business plans' to an *ad hoc* interministerial panel during October 2002. Prompted by a request from the Ministry of Finance for details of agency expenditures and overheads, the process provided an opportunity for UN agencies to demonstrate their relative advantage and role within the wider reconstruction effort, including exit strategies.

111. In addition, UNAMA has played an important in role in donor co-ordination and resource mobilisation (on behalf of both the UN and the AACA). Resource mobilisation was particularly significant at the time when the Afghan Interim Authority and its successor (the ATA) had no secure sources of domestic revenue and needed external funding to finance their operating budgets.[70]

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[68] Afghanistan Assistance Coordination Authority (AACA). 'Draft Outline of Establishment of Consultative Groups for furtherance of the NDF.' Kabul, November 2002. While the a small number of ATA ministers and their foreign advisers formulated the National Development Framework, the elaboration of the National Development Budget involved the more broadly constituted Programme Secretariats and was in that sense a more consultative process.

[69] Of the **$1.3 billion** actually disbursed since the Tokyo conference, the ATA estimated in mid-October that only 10% had been provided directly to the administration.

[70] Reports made available at the time of the October 2002 Implementation Group meeting in Kabul suggest an acceleration in disbursements, with more then 70% of pledges made by donors in Tokyo disbursed, and the entire operating budget of the ATA funded.

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9.3   CAPACITY-BUILDING

112.   As UN programmes are progressively realigned to the priorities set by the ATA, the ability of the line ministries to contribute to joint planning and implementation will largely hinge on capacity-building initiatives. From the start, UNAMA has called on the operational UN agencies to support key institutions of government, both to strengthen implementation capacity and to promote policy development, in support of the transition from direct agency execution of projects to national execution. During the second half of 2002, this led to a widening range of initiatives by UN agencies and others, largely undertaken on an *ad hoc* basis, from provision of essential equipment and selective pooling of assets to the formation of joint programme units, training exercises and the secondment of UN staff as advisers to certain ministries.[71]

113.   The precise value added by UNAMA's efforts to encourage UN agencies to invest in capacity-building is difficult to assess. UNAMA helped set the tone in the post-Taliban assistance regime and reinforced the strong position of the new Afghan central authorities with regard to developing the state administration. Yet agencies that had worked with Afghan administrative structures even under the Taliban (notably UNHCR and UNICEF) had capacity-building strategies of their own and nascent structures for this purpose already in place. Among the agencies, UNHCR seemed to have the most direct and visible mechanisms for capacity-building for its ministry counterpart on both the central and the local level.

114.   During the first months of the ATA, capacity-building focused on government institutions in Kabul. Efforts are now being made to systematically address the need for capacity-building within key technical departments of provincial administrations. One possible scheme is through the establishment of an inter-ministerial commission of Regional Development Advisers appointed to the office of each governor.

115.   In response to significant changes that have taken place during the transition, UNAMA has since October 2002 embarked on a process of internal restructuring that will arguably enable it to integrate its dual political and assistance responsibilities more effectively. In order to address the clear linkages between the political and the assistance realm that emerge in the field, staff from both Pillar I and Pillar II have been assigned to a 'merged' Field Co-ordination Unit that will be the prime point of contact for UNAMA's area/provincial teams. In the light of the strengthened ATA/agency programme co-ordination systems put in place during the second half of 2002, and the reduced need for hands-on co-ordination, the core of UNAMA's Pillar II will become a 'Strategic Co-ordination Unit' (SCU) focusing less on operational issues than in the past.   The SCU will deal with TAPA/United Nations Development Assistance Framework (UNDAF) processes, support for the Consultative Groups, information management and technical support to UNAMA area offices. In addition, Pillar II will field a number of specialist advisers (for disaster response, humanitarian affairs and internally displaced persons as a resource for both the ATA and the wider aid community, as appropriate.

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[71] Being *ad hoc*, the process risked being perceived as initiatives that primarily addressed needs of line ministries with good relations with the UN and donors, while ignoring other important portfolios within the Cabinet.

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116. The organisational change shows that the Pillar II leadership is responding to the changing political landscape. The creation of the Field Co-ordination Unit suggests a degree of structural convergence between the pillars that has hitherto been missing.[72]

117. The succession of challenges facing UNAMA staff has, by their own admission, not always allowed them to address other important issues, such as opportunities for the mission to use economic assistance to promote national reconciliation and rapprochement. As the mission now develops capacity-building on the provincial level, it will of necessity face such issues. In a context where the power of the ATA does not extend through the country, the mandate of UNAMA allows for the judicious direction of assistance to areas where it might build confidence and a sense of legitimacy and, ultimately, promote peace. Systematic efforts to balance aid in relation to equity criteria as per geographic area or community requires equally systematic collection of data on existing aid flows. Some progress has been made in this area, but major data deficiencies remain.[73]

118. The manner in which the ATA relates to local authorities, and whether it is perceived to be even-handed in the allocation of investments and services, will be crucial to the credibility of any roll-out of capacity-building beyond Kabul. Capacity-building on the provincial level touches key issues in centre–regional relations. UNAMA's role in this area could help extend the power of the centre to the provinces in a positive manner and contribute to a sense of national unity. It will also affect the balance between provincial authorities and those at the centre. Unless carefully managed, capacity-building on the local level could end up at cross purposes with similar efforts at the central level.

10 FINDINGS AND RECOMMENDATIONS

10.1 GENERAL ISSUES

119. UNAMA is the first UN peace operation established in the shadow of 'the war on terror' and unfolding in the midst of its initial military campaign. The unique situation had some positive consequences for the mission, of which the most important was an extraordinary unity of purpose among the main states concerned. The United States mobilised widespread support for the war, and the SRSG worked closely with a wide range of state actors to chart a diplomatic course for reassembling the Afghan state and economy. The unity of purpose was evident in the process leading to the Bonn Agreement as well as in the planning and establishment of the mission. The contrast with the UN effort to mediate a peace agreement in Afghanistan in the early 1990s is striking and underlines a lesson that had been recognised in the Brahimi Report: a UN peace operation requires the sustained support of member states.

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[72] The units will consist of six internationals, drawn from both pillars and the administration, and report to the SRSG through his Chief of Staff.

[73] The difficulties faced by the AACA in obtaining reliable information on levels of assistance by donor, implementing agency, area or province, for the Donor Afghan Database, however, makes it difficult to accurately track allocations against pledges, let alone ensure geographic equity. To date, information on only 118 NGOs—out of a registered 1,005—is reportedly incorporated into the Donor Assistance Database (DAD) or the UN-managed AIMS, where efforts continue to address double-reporting by donors and their implementing partners.

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120. By November 2002, the process of political and economic reconstruction was moving ahead. The scheduled *loya jirga* was held on time, refugees were returning, the ATA was developing an administrative capacity, the military campaign was winding down, and recovery projects were under way. These were major achievements, and UNAMA had played a significant role on both the political and the assistance side. The SRSG was widely credited with helping to keep key aspects of the political transition on track while simultaneously playing an important role on a range of issues left outstanding in Bonn, including centre–regional relations and the composition of the army. Pillar I provided critical assistance for the convening of the *loya jirga*. The DSRSG for Relief, Recovery and Reconstruction and his staff in Pillar II established a necessary framework for co-ordination and managed the preparation of the Transitional Assistance Programme. The latter aligned the range of humanitarian needs with the emerging priorities of the ATA. Moreover, UNAMA Pillar II mediated between the ATA and UN agencies on the thorny issue of funding modalities, while strongly encouraging capacity-building in the public sector.

121. The down side of trying to build peace in the shadow of war has manifested itself in many ways. Despite the very considerable achievements, there is a widespread sense within the international diplomatic and aid community that Afghanistan is balancing on the edge of a precipice, below which lies renewed war, chaos and a resurgence of Islamic militants. Despite some concern in the international community about the narrow political base of the present Afghan administration, fear of the alternatives has generated strong political and economic support for the ATA. The transitional administration is perceived as the only hope for stability and as the backbone of a future responsible and co-operative state. This calculus has caused the international community to play down a range of contentious issues, including blatant violations of the *loya jirga* procedures, political suppression and human rights violations.

122. The renewed importance of Afghanistan to US national security influenced this calculus and has affected the work of the UN in other ways as well. In the absence of peacekeeping forces outside Kabul, the UN's room for peace-building has largely depended on the terms of the US-led coalition. Local warlords have been rearmed and refinanced, with a potential for conflict with the central Transitional Administration. US military forces decide in consultation with Afghan counterparts where and when they will undertake reconstruction projects, and have recently started to put in place a nationwide scheme for co-ordinating international aid projects (the Joint Regional Teams). The civil–military teams represent a de facto competition with existing co-ordination mechanisms established by the UN and the ATA.

123. The central dilemma for the UN in the transition period remains the gap between the legitimacy conferred on the Afghan administration—first through Bonn and sub-sequently, though partially, through the *loya jirga*—and the reality of its narrow political base and continued resistance to meaningful power sharing with a wider range of political actors. The fact that the incumbent military faction violated the rules during the *loya jirga* proceedings has created considerable doubt as to whether the transition mechanisms in fact will lead to a broad-based government.

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124. Not being a conventional peace settlement, the Bonn Agreement did not include any provisions for integrating the defeated party to the war. While the Taliban has collapsed as a political movement, large segments of the population remain politically sidelined by the post-war order. Their commitment to the UN-supported peace process depends heavily on the willingness of the ATA to be politically inclusive and to share the dividends of international economic assistance in an equitable manner.

125. A difficult environment notwithstanding, the SRSG succeeded in setting policy directions for the transition and the UN presence, and has remained an extraordinarily significant actor, both as head of mission and as a senior figure in the negotiations over the remaining issues of the political transition.

126. One of the SRSG's principal guidelines for the UN mission was that it was to have a 'light footprint', which entailed both light interventionism (the Afghans were to be 'in the driver's seat') and a light physical foreign presence (the UN should not 'parachute in' a large number of foreign experts). In practice, the physical presence of the UN, and UNAMA itself, is rather heavy in Kabul and the major cities, and light only outside. Nor is the UN presence an integrated mission as envisaged during the planning process and articulated in UNAMA's mandate.

127. In relief and economic assistance matters, the mission has progressively promoted capacity-building in the public sector, initially to restore state structures at the central level and more recently to support provincial-level authorities. Early establishment of a trust fund to empower the Afghan interim administration (in order to pay salaries of civil servants and meet part of its operating budget) was a critical step in this direction.

128. Faced with a complex environment, UNAMA's leadership has generally adopted the approach of 'quiet diplomacy' to address difficult issues relating to human rights, gender issues, broadening the base of the government, and distributive criteria for allocating recovery assistance. Apart from preparations for the *loya jirga*, mission strategies are difficult to assess given the reliance on personal diplomacy rather than an institutional approach. Generally, the light footprint approach in the sense of light interventionism appears to have prevailed, and has so far precluded a more comprehensive institution-building approach towards political parties, law and civil society.

129. The desire for a light footprint approach has resulted, overall, in conservative outcomes. It has also accentuated the conflict between the two objectives that UNAMA is mandated to pursue simultaneously: supporting the interim/transitional administration, and paving the way for its replacement by a broad-based, representative and multi-ethnic government as called for in the Bonn Agreement and numerous Security Council resolutions. A light footprint that places 'the Afghans in charge' will favour the incumbent; a more invasive presence may be necessary to reach the ultimate objectives of the transition process. While the mission is still in an early phase, it needs to be cognisant of this dynamic.

10.2 ORGANISATIONAL AND OPERATIONAL ISSUES

PLANNING

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130. The SRSG articulated guiding principles of the mission at an early stage, thereby giving a clear focus and quick start to the planning process.

131. The planning process was comprehensive, participatory and transparent. Yet it took almost four months for the mission to be authorised. By this time, events on the ground had rendered a fully integrated UN mission unlikely. These experiences suggest that the planning process was too comprehensive, too slow, and not sufficiently sensitive to perspectives from the field.

132. The concept of a fully integrated UN mission—which would place all UN agencies and programmes under the authority of the SRSG, and entail a high degree of co-location and sharing administrative services—was not realised. The SRSG was given the authority but not the power (in terms of appointment or budget control) to provide 'directive co-ordination' of the UN agencies as his mandate called for. The option of full integration was probably unrealistic from the start, given the long-established presence of the agencies in Afghanistan as well as separate funding structures. The language of a fully integrated mission nevertheless remained in the mandate as reported to the Security Council and the General Assembly. The stark contrast between the formal objectives and the reality on the ground generated unrealistic expectations among donors, complicated the relations between UNAMA and the agencies, and created confusion as to what standards of integration the mission should be judged against.

MISSION STRUCTURE

133. The mission was designed as a self-contained operation, following standard DPKO procedures. The result was an organisation that was bottom-heavy with administrative and general support staff (in the ratio of 1 : 1 to substantive personnel), which arguably was not necessary in the Afghan case, nor did it build on what was already in place from previous UN missions. It also contributed to an overall 'heavy footprint' in terms of UN presence, which was contrary to the guiding principles of the SRSG.

134. Overall numbers of substantive international staff seem large in relation to a mission that was designed to have a light interventionist touch, and in relation to the tasks of reporting and monitoring as currently defined by the mission head. Nevertheless, surge capacity is necessary for particular events (as demonstrated by the shortfall of staff in preparations for the *loya jirga*).

135. UNAMA had an internally coherent form as a relatively small mission with a simple two-pillar structure (I: Political Affairs, II: Economic Affairs), in addition to the Office of the SRSG with responsibility for cross-cutting issues as well as a range of specific tasks. Structural changes were made in response to changing circumstances, showing capacity to adapt, especially in Pillar II.

136. Pillar II (Economic Affairs) undertook an important co-ordination function in the first months of UNAMA's operations. As this function is being progressively assumed by the ATA, Pillar II could usefully refocus on policy strategy and 'strategic co-ordination', as it is now starting to do.

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137. UNAMA's present policy of decentralising to the provincial level seems appropriate, although it touches on a series of underlying questions concerning centre–regional relations that to date have not been made very explicit either in the mission as a whole or to the aid community (e.g., through the preparation of strategy papers).

138. Being situated in a continuing conflict rather than a post-conflict situation, the mission has both an important diplomatic agenda (to negotiate outstanding issues in the transition) and organisational tasks (relating to implementing issues that have been resolved, and facilitating assistance). Pursuit of the two tasks seemed to run largely on separate tracks, resulting in a less integrated policy and a less unified mission than otherwise could have been the case. Until recently, there has been little institutional integration between the two pillars. While integration is not equally important in all areas, there is a view in the mission that more of a task force approach would be useful. Efforts to create structural integration at the field level are currently under way.

CO-ORDINATION

139. UNAMA's co-ordination mandate was more narrow than that of previous UN agencies in Afghanistan. Moreover, the new mission had to co-ordinate in the face of strong agency interests, in a crowded and largely unregulated aid landscape, and under growing pressure from the Afghan Transitional Administration to control the assistance. In these circumstances, the light and facilitative approach adopted by Pillar II seemed appropriate.

140. Establishing secretariats for co-ordination in the relevant line ministries seemed a useful innovation and supportive of the mission's capacity-building objective, although they were soon overtaken by other co-ordination structures favoured by the Transitional Administration and the World Bank.

CAPACITY-BUILDING

141. The fund to cover the operating budget of the Interim Authority was an important instrument that enabled the Afghan interim authority to start functioning and buttressed its subsequent claim to take charge of the planning for recovery and reconstruction. Subsequent donor contributions to the operating Transitional Administration equally enabled the central government to function administratively while mechanisms for collecting domestic revenue were developed.

142. Under its mandate to 'bolster Afghan capacity' (S/2002/278, 98 (c)), UNAMA has actively promoted the principle of capacity-building in the aid community, focusing in particular on building initial capacity in the central administration. UNAMA seconded its own staff and invited other actors to do the same at a critical juncture in connection with the budget process.

143. An early divergence between the political track and the economic assistance track to rebuild Afghanistan reflected some difference in interest between the aid community and those attempting to chart the political transition. A DSRSG for economic affairs

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was not appointed until February 2002, well after important initiatives had been taken on the aid side (the ARSG was established in December 2001 and the Tokyo pledging meeting was held in January 2002).

<u>HUMAN RIGHTS AND GENDER</u>

144. Human rights are not well served by the present UNAMA structure. A small number of human rights officers are spread across the various components of the mission, depriving human rights of a strong institutional advocate. Staffing levels are light (equivalent of at most 12 full-time internationals in a mission with a ceiling of 232 internationals). At the same time, promotion of human rights is continuously weighed against political concern to maintain stability in a complex situation.

145. The UN support structure established to assist the Afghan Independent Commission of Human Rights is cumbersome and potentially an instrument of control rather than support.

146. Issues of transitional justice are particularly difficult in a situation of unsettled peace and multiple gross violations in the past. There is no obviously 'right' position between the conflicting demands of maintaining the current peace and upholding standards of justice. Yet UNAMA has a responsibility under the Bonn Agreement to support international (UN) investigations of all human rights abuses, whether past or present. To date, it has not consistently done so, but leaned towards the demands of maintaining short-term stability.

147. Gender issues were mainstreamed in the mission structure by the appointment of a senior adviser in the Office of the SRSG. The result has been considerable mobilisation on women's rights in the UN system, in co-operation with the relevant Afghan institutions. The ATA as a whole has been less accommodating, however. The situation illustrates the potential contradiction between two principles equally espoused by the UN mission in Afghanistan: on the one hand, the Afghans are to be in charge; on the other hand, international norms shall apply. In trying to resolve contradictions arising from the two standards, UNAMA has until now followed a low-key approach characterised by dialogue and personal diplomacy.

10.3 RECOMMENDATIONS

A: FOR THE SECURITY COUNCIL

148. When authorising a UN mission in a strategically significant conflict situation, the Security Council should recognise the limits on the mission's 'space' for independent action. The Brahimi Report did not adequately take account of this point, evidently not anticipating that peace operations would take place alongside major military operations conducted by a superpower.

149. When authorising a foreign intervention that removes an unrepresentative regime, the Security Council should ensure that credible and consistent efforts are made to replace it with a broad-based government. This entails *inter alia:*

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ensuring that the political transition mechanism is carried out as stipulated, with clear benchmarks for the transition that will enable the international community to measure and act upon progress; and

implementing the mandated human rights strategy at a reasonable pace.

B: FOR FUTURE MISSIONS IN SIMILAR SITUATIONS

150. Future planning should aim to be less comprehensive and include a core of designated planning staff. Inputs from the field are critical to the process. Though less satisfactory in some respects, a quicker planning process is more likely to keep pace with the rapid changes so typical of complex emergencies and their aftermath.

151. Authorising an all-UN integrated mission in the context of a continuing emergency situation, where aid agencies are already operating in the field, may be disruptive of ongoing operations and is likely to encounter considerable resistance. A light co-ordination mechanism appears a more realistic option. The experience from Afghanistan suggests that an all-UN integrated mission should not serve as a model unless this is clearly favoured by conditions in the field.

152. If an integrated model is nevertheless adopted, the mission has to be on the ground as early as possible, and structures for achieving integration (notably funding and decision-making responsibility) have to be instituted. Instruction from the Secretary-General and the Deputy Secretary-General that agencies accept 'directive co-ordination' is necessary but hardly sufficient to achieve integration in the field.

153. Co-ordination structures that simultaneously promote capacity-building of the local state and private sector (as in the case of Programme Secretariats) should be considered in future missions as well.

154. Assistance to cover the operating budget of the state administration is essential in some part of the transitional period, and is a prerequisite for capacity-building and local ownership of the process. An international fund for this purpose should be part of the standard international response to post-conflict situations.

155. Integration of the political and economic assistance tracks would be strengthened by the early appointment of a high-level official for economic recovery, who from the initial planning phase would be associated with the SRSG and the future mission (e.g., a DSRSG). This would help provide strategic direction and present a unified UN role vis-a-vis the donors, the IFIs and the aid agencies. Given the demands on the SRSG's time from the political arena, s/he cannot be expected to devote consistent personal attention to assistance matters.

156. The organisation of a peace mission must be tailored to the kind of situation in which it is inserted. In situations 'between war and peace'—as in Afghanistan—the civilian part of the mission should have a flexible, even modular, structure where units can be deployed according to need as the situation evolves.

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157. The distortive economic, social and political side effects of large peace operations are widely recognised. To prevent a 'light footprint' vision from turning into a 'heavy-footprint' mission requires a model different from the standard self-contained, turnkey operations deployed by DPKO. The Secretariat should initiate a review process to examine alternative operating procedures that could be the basis for a light footprint model, particularly with respect to support services. Such procedures could utilise elements of existing missions and their local support structures.

C: FOR UNAMA

158. The co-ordinating unit in UNAMA (Pillar II) should continue to promote the principle of capacity-building, *inter alia* by providing policy guidance, co-ordination and development of benchmarks for secondment and related strategies. More could be done in articulating standards and benchmarks, and for addressing corruption on both the central and the local level. As a temporary organisation, the mission should not enter into capacity-building directly, but delegate responsibility to organisations with institutional experience and comparative advantage in this field.

159. As the Afghan Transitional Administration is assuming greater responsibility for aid co-ordination, UNAMA could focus more on developing strategies for integrating assistance with the peace process. In this capacity, UNAMA has a potential to pro-mote strategic investments in confidence building, conflict resolution and distributive economic justice. Among these are:

> measures to ensure a more equitable geographic distribution of assistance, particularly to rural areas, than has been the case to date;

> application of positive conditionality as stressed in Security Council Resolution 1401(4), which links provision of recovery and reconstruction assistance to areas where local authorities 'contribute to the maintenance of a secure environment and demonstrate respect for human rights'; and

> encouraging assistance to areas that are weakly represented in the present ATA so as to generate broad commitment to the political transition process and help 'level the playing field' during the transitional period.

160. Regarding gender issues, it is too early to see whether the quiet diplomacy approach adopted by the mission leadership will be more effective than the robust approach followed in the Taliban period. Apart from the inherent difficulties of assessing the results of quiet diplomacy, a more even balance between quiet diplomacy and more assertive positions seems appropriate in order to affirm standards.

161. A review process should be undertaken to assess ways to strengthen the monitoring and investigation of current human rights violations, taking into account the possible contradiction between human rights issues and political concerns in a mission that is operating in a continuous conflict situation rather than a classic post-conflict environment. The human rights function should preferably be integrated in the mission but given a sufficiently strong institutional locus to maintain its impartiality and integrity. A stronger demonstration by the mission leadership of a 'principled stand' on human

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rights would be appropriate in the light of the centrality of human rights in the Bonn Agreement and the relevant Security Council resolutions.

162. The mission should respond to issues of transitional justice in a consistent and supportive manner, although it does not have—nor should it seek—an operational capacity to undertake retrospective investigations by itself.

163. The support structure for the independent Afghan Independent Human Rights Commission should be simplified with a view to making the Commission financially autonomous and more fully informed of UNAMA activities in the human rights field.

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ANNEX 1. RESPONDENTS

Afghanistan

Kabul

UNAMA: SRSG, DSRSGs and staff from Pillars I and II
UNDP
UNHCR
UNICEF
UNCHS (Habitat)
WFP
World Bank
Asia Development Bank

Afghan Transitional Administration:
Ministry of Foreign Affairs
Ministry of Finance
Ministry of the Interior
Ministry of Rehabilitation and Rural Development
Ministry of Urban Development
Ministry of Martyrs and Repatriation
Afghan Assistance Coordination Agency

Members of the Afghan Independent Human Rights Commission
Ex-members of *Loya Jirga* Commission, Afghan Judicial Commission
Loya Jirga delegates

Embassies: European Union, Iran, India, the Netherlands, Norway, US (and one that requested anonymity).

Aid representatives: UK/DFID, USAID

NGOs: ADA, CARE International, CoAR, HAFO, Ockenden International

NGO coordination bodies: ACBAR, ANCB

Staff from Kabul University

Herat

UNAMA: staff from Pillar I and II
UNHCR
Afghan authorities: office of the deputy Governor,
NGOs: CA/EOC, Oxfam,
Members of the Herat Professional Shura
Loya Jirga delegates

Qandahar

UNAMA: staff from Pillar I and II

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UNHCR
UNICEF
IOM
Afghan authorities: Department of Repatriation

<u>Ghazni</u>

Afghan authorities: office of the deputy Governor, offices of the District Commissioner (Woluswal) in Gilan and Moqor, members of the Ghazni *shura*
NGOs
Other

<u>Wardak</u>

Local focus group

US

<u>New York</u>

DPA
DPKO
Former staff of the SRSG
Former members of the IMTF
Delegations to the UN of France, Germany, Norway, UK and US

<u>Washington</u>

US Department of State

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ANNEX 3. ACRONYMS AND ABBREVIATIONS

AACA	Afghan Assistance Coordination Authority
ACBAR	Agency Coordinating Body for Afghan Relief
ADB	Asian Development Bank
AIA	Afghan Interim Authority
AIATF	Afghan Interim Administration Trust Fund
AIHRC	Afghan Independent Human Rights Commission
AIMS	Afghanistan Information Management System
ARSG	Afghan Reconstruction Support Group
ARTF	Afghanistan Reconstruction Trust Fund
ASG	Afghan Support Group
ATA	Afghan Transitional Administration
ATIMS	Activities Tracking Information Management System
CAP	Consolidated Appeal Process
CG	Consultative Group
CIA	Central Intelligence Agency
CIMIC	Civil-military co-operation
CJCMOTF	Coalition Joint Civil–Military Operations Task Force
CO	Country Office
DAD	Donor Assistance Database
DDR	Demilitarisation, demobilisation and reintegration
DFID	Department for International Development (UK)
DPA	Department of Political Affairs
DPKO	Department for Peace-keeping Operations
DSRSG	Deputy Special Representative of the Secretary-General
EU	European Union
GTZ	German Agency for Development Co-operation
IFI	International financial institution
IRIN	Integrated Regional Information Networks
IMTF	Integrated Mission Task Force
ISAF	International Security Assistance Force
ITAP	Immediate and Transitional Assistance Program for Afghanistan
JRT	Joint Regional Teams (later Provisional Reconstruction Teams)
MoP	Ministry of Planning
MMR	Ministry of Martyrs and Repatriation
MRRD	Ministry of Rural Rehabilitation and Development
NDB	National Development Budget
NDF	National Development Framework
NGO	Non-governmental organisation
NO	National Officer
OCHA	(UN) Office for the Coordination of Humanitarian Affairs
OHCHR	(UN) Office of the High Commissioner for Human Rights
OSGAP	Office of the Secretary-General for Afghanistan and Pakistan
PCP	Principled Common Programming
SC	Security Council
SCU	Strategic Coordination Unit
SF	Strategic Framework
SRSG	Special Representative of the Secretary-General

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TAPA	Transitional Assistance Program for Afghanistan
UNAMA	United Nations Assistance Mission in Afghanistan
UNCO	United Nations Co-ordinator's Office
UNCHS	United Nations Centre for Human Settlement (Habitat)
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOCA	United Nations Office for the Co-ordination of Humanitarian and Economic Assistance Programmes in Afghanistan
UNOCHA	United Nations Organisation for the Co-ordination of Humanitarian Assistance to Afghanistan
UNSMA	United Nations Special Mission for Afghanistan
WFP	World Food Programme
WHO	World Health Organization of the United Nations

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