

**REBUILDING THE AFGHAN STATE:
THE EUROPEAN UNION'S ROLE**

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REBUILDING THE AFGHAN STATE: THE EUROPEAN UNION'S ROLE

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Since the Taliban's fall in 2001, the European Union (EU) has been a major contributor to Afghanistan. A substantial European Commission (EC) delegation oversees an annual budget of some €200 million in development aid, and a Special Representative (EUSR) is in residence. Altogether the EC and member states pledged nearly a third of the money at the 2002 Tokyo and 2004 Berlin donor conferences and the latter contribute over two thirds of the peacekeeping troops as well as Coalition forces battling anti-government insurgents. However EU influence is less than it should be. As a new agenda is drawn up to succeed the Bonn process, the EU needs more internal coordination if it is to gain greater leverage and hold the Afghan government to higher standards of governance and democratic development.

While Europe is widely trusted by Afghans, few – even at high level – appreciate the full scale of EU commitments. This is partly due to the UN's coordinating role and the sheer scale of U.S. military and development involvement, but also to the complexity of EU foreign policy structures and lack of coherence among EU institutions and member states on and in Afghanistan. Too often development funds are used in place of collective political and military action.

The consequences of insufficient influence and insufficiently forceful policy were nowhere more apparent than during the National Assembly election process, the culmination of the Bonn process. Europe paid around 40 per cent of the costs but failed to secure a satisfactory voting system. Likewise, it did little – and now looks set to do even less – to help build the political parties that are vital to ensure a stable and sustainable political system, despite the avowal of member state foreign ministers that party development is a top priority.

The individual national limitations placed on the peacekeepers provided under a NATO umbrella contribute to lack of inter-operability between forces. The ad hoc manner in which the International Security Assistance Force (ISAF) has moved outside Kabul highlights this further, with each country-led Provincial Reconstruction Team (PRT) a fortress unto itself. Developing at least minimally agreed standards for military-civil cooperation

is an area Europe, in concert with NATO, should prioritise. The same is true for coordination within and between the teams – hopefully those of all nationalities, but at the very least for EU member states. A “European” model could not only help strengthen coherence but also influence the wider debate on the role of PRTs.

International interest must not be allowed to lag with the conclusion of the Bonn process – the bedrock of international assistance to date – following the recent National Assembly elections. Gains remain perilously fragile. Even meeting recurring costs to keep the state running will require donor support for years to come. Afghanistan's social indicators are some of the lowest in the world, on a par with sub-Saharan Africa, and the insurgency in the south and east borderlands with Pakistan produced this year the bloodiest summer since the fall of the Taliban. Poppy cultivation – both a symptom and a major source of ongoing instability – is responsible for 90 per cent of the heroin on the streets of Europe.

The EU role in rebuilding Afghanistan is not about altruism. Failed states are a danger to the world, and Afghanistan presents specific problems for Europe. It is a political project the ultimate aim of which is to bring this failed state back to the fold of nations so that it is no longer a danger. Reassembling the state apparatus has been, and must remain, central but emphasis should now shift from legitimising the newly elected institutions to ensuring their effectiveness in providing services and security to citizens. The new “Kabul Agenda” must emphasise sustainability and be much more specific than the Bonn Agreement about what is to be achieved.

The EUSR needs to be retained but with a refocused mandate. Its good offices are required all the more as new legislators become demanding interlocutors for the international community. At a time when it appears large financial commitments will again be undertaken, the links between performance and payment need to be made more explicit. Europe's concerns over human rights issues should be translated into hard demands for good governance from an administration that has allowed a culture of impunity.

The EU should strive to produce more cohesive policy and effective action by agreeing both within itself and with the Afghan administration on common benchmarks and monitoring mechanisms. As well as simplifying and clarifying obligations on a fragile state, this would give more coherence to programs and save resources. Europe will punch at its true weight in Afghanistan only through better coordination, and using to maximum effect the full array of foreign policy tools at its disposal – diplomatic, development assistance and military.

RECOMMENDATIONS

To the European Union and its Member States:

1. Ensure that Afghanistan remains a priority in the post-Bonn period by:
 - (a) maintaining financial assistance at around present levels for the next five years, focusing on reconstruction and reducing the proportion available for recurring expenses;
 - (b) renewing the mandate of the EUSR in Kabul and reviewing the current practice of giving six-month mandates to EUSRs generally; and
 - (c) working to achieve substantially higher visibility for, and domestic and international recognition of, the EU's role in Afghanistan.
2. Achieve greater policy coherence and coordination of EU institutions and member states through:
 - (a) developing common benchmarks and monitoring mechanisms, starting with the Afghanistan Reconstruction Trust Fund (ARTF) and the National Solidarity Program (NSP);
 - (b) formalising internal conflict indicators in the new Country Strategy Paper (CSP), monitoring them effectively, and taking them systematically into account in all areas of EU activity;
 - (c) instituting regular formal meetings, preferably weekly, of the EC head of delegation and the EUSR;
 - (d) seconding to the EUSR from the EC in Brussels an expert on development economics to facilitate reporting on reconstruction efforts;
 - (e) creating a common Electronic Bulletin Board for EU institutions and delegations in Afghanistan to improve communication and information-sharing; and
3. Continue and strengthen the EU's policy focus on democratisation by:
 - (a) financially supporting voter registration and at least two more election cycles, subject to constitutional changes producing an acceptable electoral timetable and process;
 - (b) prioritising support for political party development, a women's caucus within the National Assembly, civil society and the media; and
 - (c) emphasising, within support for the capacity building of new legislators, training for female members to ensure that they can be active participants in the political process.
4. Continue to emphasise human rights and good governance by:
 - (a) making a long-term financial commitment to the Afghan Independent Human Rights Commission (AIHRC);
 - (b) insisting that the Afghanistan Transitional Justice Plan be built into post-Bonn compacts;
 - (c) supporting the establishment of a high-level advisory panel, including female and minority representatives, acting with clear criteria and transparent process, to advise the president on senior Afghan appointments; and
 - (d) continuing to mainstream gender issues, while setting aside 5 per cent of EC development funding specifically for women's projects.
5. Seek greater institutional linkages with NATO and involvement in the direction of Provincial Reconstruction Teams (PRTs) through:
 - (a) the EUSR taking a seat on the PRT Executive Steering Committee;
 - (b) helping drive wide-ranging discussion on agreed minimum standards for PRTs and future roles that emphasise security;
 - (c) backing a forum for member state political representatives and development agencies involved in PRTs to interact with each other better; and
- (f) maximising cooperation and inter-linkages with EU programs in neighbouring states, using the CSPs as the primary planning tool.

- (d) investigating the possibility of using European Security and Defence Policy civilian missions in the field of security sector reform across European PRTs for both long or short-term projects.
6. Harmonise the priorities of EU institutions and member states with those of the Afghan government by holding a high-level workshop after release of the Afghanistan National Development Strategy as well as annual high-level meetings in Kabul or Brussels on the state of implementation of post-Bonn compacts.

Kabul/Brussels, 30 November 2005

REBUILDING THE AFGHAN STATE: THE EUROPEAN UNION'S ROLE

I. INTRODUCTION

Since the fall of the Taliban in late 2001, the European Union (EU) has been a key player in Afghanistan's reconstruction, contributing to the democratisation, development and stability of the volatile state. The European Commission (EC) pledged €1 billion towards the reconstruction effort over five years (2002-2006) and together with member states is responsible for around one third of the total aid promised at the Tokyo (January 2002) and Berlin (April 2004) donors conferences, with pledges looking set to be surpassed.¹ Over two thirds of the 10,000 International Security Assistance Force (ISAF) peacekeepers under NATO command are also provided by EU member states.

The catastrophic acts of terror on 11 September 2001 brought home to the world that nation building was not just about humanitarianism but also global security. Political instability provides fertile ground for transnational political extremism and criminality. The EU's self-interest is further highlighted by the fact that 90 per cent of the heroin on Europe's streets comes from Afghanistan.² Afghanistan's reconstruction is, therefore, a political project, and the EU cannot lose sight of the ultimate goal: bringing a shattered state back into the fold of nations, through diplomatic, military and economic assistance, so that it does not remain a threat. Four years after the Taliban's ouster and with much in Afghanistan in flux, EU efforts in rebuilding the Afghan state should

be examined with a view to ensuring the coordination and coherence of future actions.

At the heart of international assistance has been the completion of Afghanistan's democratic transition as laid out in the Bonn Agreement.³ With a constitution, a popularly mandated president and a freshly elected legislature in place, the formal steps have now been taken.⁴ The EU will have to work with new interlocutors in post-Bonn Afghanistan. Discussion is underway on a new international compact, a "Kabul Agenda", likely to cover a period from three to five years and to be adopted at a high-level conference in London in early 2006, although the form it will take and whether the meeting will be a pledging or purely political affair remain the subject of debate.

With the end of the transition period, the role of the United Nations Assistance Mission in Afghanistan (UNAMA) must also evolve. Created by Security Council Resolution 1401, its mandate was tightly bound to fulfilling the tasks and responsibilities entrusted to the UN at Bonn, along with managing the efforts of the nineteen UN agencies present in country.⁵

Much of the initial international assistance was for a five-year time span and will end in 2006. Fresh commitments will be set against the backdrop of the Kabul government's Afghanistan National Development Strategy (ANDS), currently under preparation, which some stakeholders want to see tightly linked with the international community's post-Bonn compact. On the security side, 2006 should bring NATO-led ISAF's long overdue

¹ The EC provided €657 million in 2002-2004 and is on target to deliver €76 million in 2005-2006. "Afghanistan: How EU Support is Making a Real Difference", Memo/05/156, Brussels, 11 May 2005. Not all this money will have been spent. A recent study of five EU member states' aid to Afghanistan noted: "When all funding tracked to date is taken into account, all five donors exceed the pledges made at the Tokyo Ministerial Meeting in January 2002 both in terms of commitments and disbursements". It estimated that the five donors committed 179 per cent more than their Tokyo pledges. See "Aid Flows to Afghanistan: A Study of Aid Flows from Denmark, the UK, the Netherlands, Sweden and Ireland to Afghanistan from January 2001 to June 2004 inclusive", Danida – Channel Research Limited, 1 December 2004.

² Ibid.

³ The Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions, endorsed by the United Nations Security Council on 7 December 2001 is commonly referred to as the Bonn Agreement.

⁴ Ongoing delays in holding district council elections mean that the constitutional arrangements on the composition of the upper house (Meshrano Jirga) of the National Assembly have not yet been met as these local government bodies are to contribute one-third of its members.

⁵ There is little talk of abolishing UNAMA but its focus, and perhaps size, will have to change.

expansion to the restive southern and eastern regions, which will demand more robust rules of engagement.⁶

Europe's commitments and influence in post-Taliban Afghanistan have, of course, been dwarfed – and largely shaped – by those of the U.S.⁷ But as the Bush administration begins to review its involvement, and with the departure of the influential U.S. Ambassador Zalmay Khalilzad,⁸ the European role may well become more valued and visible. The EU and its member states also have an important place as the only international players with the potential to influence strongly the direction of U.S. policies towards Afghanistan.⁹ To date, however, an old Afghan hand complained, “the Americans are driving while the rest are in the backseat with their arms crossed”.¹⁰

Indeed, it is widely perceived in Kabul that the EU has yet to maximise the advantages of a weighty fiscal, military and diplomatic commitment. This is largely attributable to an institutional structure in Brussels in which foreign policy

is partly devised by its executive body, the European Commission (EC) and partly by the Council of Ministers. The interests and actions of individual capitals only add to the complexity. This underscores the need for high-level political coordination such as envisaged in the proposed EU Constitution.¹¹ But given the risks inherent in failure in Afghanistan and the sheer scale of EU involvement, there is a need to press ahead without waiting – maximising the leverage gained through diplomatic, financial and military commitments by adopting a more coherent agenda.

The EU is doing much that is positive. It looks set to extend major financial commitments until 2013 and is attempting to work within frameworks agreed with the Afghan government to a greater degree than the U.S. Together with member states, the EU has also helped in large part to keep human rights, transitional justice – even the parliament's role – on the agenda but it needs to become more united, proactive and focused.

As donor attention shifts from building elected institutions to the wider project of state-building, the EU must ensure that political and security issues are embedded in reconstruction assistance, with particular stress on good governance to ensure that rebuilt institutions work in the best interests of the Afghan people.

⁶ The North Atlantic Treaty Organisation took over command of ISAF in August 2003.

⁷ Exact comparisons of financial assistance are difficult given the differences in reporting, exchange rates and what is included (whether humanitarian as well as reconstruction and also spending on military are counted). Some idea of the scale of different commitments in funds can, however, be gauged from the document U.S. Department of State, “Major Donors Reported Pledges for Assistance to Afghanistan for 2004, as of November 16 2004”. Belgium: \$4.3 million, Canada \$75.2 million, China \$40 million, Denmark \$27.8 million, EC \$294 million, Finland \$12 million, France \$37.2 million, Germany \$96 million, Greece \$3.6 million, India \$90 million, Iran \$54 million, Ireland \$6.9 million, Islamic Development Bank \$40 million, Italy \$56 million, Japan \$200 million, Luxembourg \$1.2 million, Netherlands \$42 million, New Zealand \$3.3 million, Norway \$43 million, Organization of Islamic Conferences \$15 million, Pakistan \$10 million, Poland \$0.1 million, Portugal \$1.2 million, Saudi Arabia \$160 million, Spain \$50 million, Sweden \$39.3 million, Switzerland \$14.8 million, Turkey \$3 million, UK \$215.9 million, U.S. \$1,383.14 million; World Bank \$285 million. GAO-05-742, “Afghanistan Reconstruction”. Appendix II. (This is an edited selection of the donors listed).

⁸ Khalilzad had a very close working relationship with Afghan President Hamid Karzai and was widely referred to as the “Viceroy of Afghanistan”. He is now the U.S. ambassador to Iraq.

⁹ See Crisis Group Europe Report N°160, *EU Crisis Response Capability Revisited*, 17 January 2005.

¹⁰ Crisis Group interview, Kabul, 29 August 2005. During the preparation of this report, Crisis Group held over 50 interviews with past and present European Commission officials in Kabul and Brussels, past and present staff of the office of the European Union Special Representative (EUSR) in Kabul, and representatives of member states and NGOs working with them. They are not identified by name as most continue in their posts or are dependent on EC funding.

¹¹ Crisis Group Report, *EU Crisis Response Capability Revisited*, op. cit. The new constitution would create a “double hatted” European Foreign Minister serving the Commission and Council as well as a standing President of the European Council. It is hoped these two figures will give the EU greater political coherence and weight on the international stage, but the foreign policy decision-making structure would remain broadly the same.

II. BACKGROUND

On the eve of the Taliban's ouster, Afghanistan was among the world's worst humanitarian emergencies.¹² A quarter century of civil war, exacerbated by Cold War equations and regional intervention, had left an estimated one million people dead,¹³ mines strewn across the land, and over six million people displaced, many as refugees in neighbouring Pakistan and Iran.¹⁴

The EC had been active in Afghanistan since 1985, mainly through its Aid to Uprooted People (AUP) instrument, with a representative office in Peshawar, Pakistan.¹⁵ ECHO,¹⁶ created in 1991, commenced its activities in the region in 1993.¹⁷ The EC estimates that over ten years it allocated more than €500 million to Afghanistan and was the largest single donor.¹⁸ Because of sovereignty issues and security concerns, non-governmental organisations (NGOs) were its main implementing partners during the civil war, including the years of Taliban rule. The EU, in line with most of the international community, refused to extend diplomatic recognition to the militia after it seized Kabul in 1996.

In the wake of the Taliban's ouster in November 2001, the General Affairs and External Relations Council (GAERC)¹⁹ recognised the arrangements as: "the basic roadmap for the political future of Afghanistan. Reconstruction assistance will be conditional on all

parties positively contributing to the process and goals agreed".²⁰

The Bonn accord provided tight deadlines for political reconstruction: namely to create a "broad-based gender-sensitive, multi-ethnic and fully representative government" through free and fair elections by June 2004.²¹ It was vague about other matters. On economic reconstruction, for instance, it only urged "the United Nations, the international community, particularly donor countries and multilateral institutions, to reaffirm, strengthen and implement their commitment to assist with the rehabilitation, recovery and reconstruction of Afghanistan, in coordination with the Interim Authority".²²

At the Tokyo Ministerial Meeting of January 2002 and the subsequent Berlin conference of April 2004, donors pledged €10 billion in international assistance, with the EC and member states collectively promising €3.1 billion.²³ In announcing the EC's €1 billion contribution over five years (2002-2006), then Commissioner for External Relations Chris Patten²⁴ promised that European interest would be sustained even "when Afghanistan is no longer front page news".²⁵

These pledges stood against a preliminary assessment for the Tokyo meeting by a joint World Bank (WB), Asia Development Bank (ADB) and United Nations Development Program (UNDP) team that reconstruction needs alone would total between \$10 billion and \$12 billion over five years.²⁶ "Securing Afghanistan's Future" (SAF), a re-costing exercise by the Afghanistan government, for the Berlin meeting, put the price of a "self-sustaining" state at \$27 billion over seven years.²⁷

On the military side, acquiring even an initial 4,500 peacekeepers proved difficult – a considerable contrast to the force of 55,000 with which the NATO-led mission

¹² Barnett R. Rubin, *The Fragmentation of Afghanistan* (New Haven, 2002), p. xi.

¹³ Ibid.

¹⁴ Refugee Statistics, UN High Commissioner for Refugees (UNHCR) Afghan Homepage, 30 October 2005 at <http://www.unhcr.ch/cgi-bin/texis/vtx/afghan?page=background>.

¹⁵ "Evaluation of ECHO's Humanitarian Intervention Plans in Afghanistan", Channel Research Ltd, 6 January 2004.

¹⁶ The formal name is now the European Humanitarian Aid Office. The acronym ECHO derived from the earlier name, the European Community Humanitarian Office, and remains in common usage.

¹⁷ Since this report focuses on the reconstruction and development of Afghanistan, it considers ECHO programs only where they may intersect with other mechanisms. ECHO is mandated to have a purely humanitarian focus although in practice the distinction between humanitarian and reconstruction assistance can be hard to define. See Crisis Group Thematic Issues, Briefing N°1, *The European Humanitarian Aid Office (ECHO): Crisis Response in the Grey Lane*, 26 June 2001.

¹⁸ "Country Strategy Paper (CSP): Afghanistan 2003-2006", European Commission, External Relations Directorate General, p. 15, at http://europa.eu.int/comm/external_relations/afghanistan/csp/03_06.pdf.

¹⁹ The Council of EU Foreign Ministers.

²⁰ GAERC conclusions, 15 April 2002.

²¹ The presidential elections were held on 9 October 2004 and the National Assembly poll on 18 September 2005.

²² Annex III (2). The accord also included appeals for international help in securing Afghanistan's borders; conducting a census and establishing a voter registry; assisting "the reintegration of the mujahiddin into the new Afghan security and armed forces"; creating a fund "to assist the families and other dependents of martyrs and victims of the war"; and helping combat international terrorism and opium cultivation.

²³ "Afghanistan: How EU Support Is Making A Real Difference", op. cit.

²⁴ Now Lord Patten of Barnes and Chairman of Crisis Group.

²⁵ Text of speech at http://europa.eu.int/comm/external_relations/news/patten/sp02_11.htm.

²⁶ See [http://lnweb18.worldbank.org/SAR/sa.nsf/Attachments/ex/\\$File/n-ex.pdf](http://lnweb18.worldbank.org/SAR/sa.nsf/Attachments/ex/$File/n-ex.pdf).

²⁷ See <http://www.af/recosting.html>.

moved into Bosnia in 1995 and even to the 25,000 to 30,000 Crisis Group estimated was required to provide security for reconstruction efforts to take off.²⁸ ISAF's mandate was not extended outside Kabul until the end of 2003 because of concerns about "mission creep" and operational overlap with Operation Enduring Freedom (OEF), the U.S.-led counter-terrorism force, battling the remnants of al-Qaeda and other anti-government elements mainly in the south and east.

In the past four years, Afghanistan has made progress, most notably the political process that has culminated in the elected institutions of state, including 68 female legislators in the lower house of the National Assembly. The new currency has proved stable; the number of functioning health clinics has increased by 60 per cent; and over five million children are back in school – one third of them girls.²⁹ There is also a fledgling Afghan National Army (ANA), and some 60,000 former combatants have been demobilised, although ensuring successful reintegration and the extension of disarmament programs to illegal armed groups will require sustained intervention.³⁰

However, the road to a state that can provide services and security for its people remains filled with perils. Early thoughts that the Taliban were finished have been dashed, and continuing security problems in the southern and eastern border areas with Pakistan hinder reconstruction efforts. The light international security presence and OEF policies of co-opting local commanders and other discredited figures from the past to aid the war on terror have left those with blood on their hands in power, to the disgust and insecurity of much of the population. Opium cultivation, cut to almost nil in the last year of Taliban rule, has exploded. Afghanistan now produces 87 per cent of the world's opium.³¹

This is a country with some of the lowest social indicators in the world: an average life expectancy at birth of 45 and perhaps the highest maternal mortality rate anywhere.

Around 70 per cent of the population is illiterate.³² Annual domestic revenue hovers around \$300 million.³³ Patchy economic growth, with perceptions that little has changed in people's everyday lives, has produced growing levels of discontent. One of the highest polling candidates in the 2005 National Assembly elections ran on populist, anti-foreigner sentiment, proclaiming that reconstruction funds had been squandered.³⁴

When Afghanistan was thrust back into the international limelight in 2001, there were pressures for quick results in dealing with its multiple emergencies. Many donors now feel that the task of rebuilding was underestimated from the start – and perhaps still is by those not on the ground. "We were rather naïve when we first arrived", said a senior EC staffer. "There was euphoria, and people were carried away. It was thought it was just a question of a huge amount of money, we would rebuild the infrastructure, and then it would all sort itself out".³⁵

²⁸ Crisis Group Asia Briefing N°13, *Securing Afghanistan: The Need for More International Action*, 15 March 2002.

²⁹ DFID Interim Strategy for Afghanistan 2005/06, p. 2, at <http://www.dfid.gov.uk/pubs/files/afghanistan-interim-strategy.pdf>.

³⁰ See Crisis Group Asia Report N°65, *Disarmament and Reintegration in Afghanistan*, 30 September 2003 and Crisis Group Asia Briefing N°35, *Afghanistan: Getting Disarmament Back on Track*, 23 February 2005 for assessments of the effectiveness of the DDR program.

³¹ See United Nations Office on Drugs and Crime (UNODC) press release, 29 August 2005, at www.unodc.org/pdf/press_release_2005-08-29.doc.

³² All figures from "Security with A Human Face: Afghanistan National Human Development Report 2004", United Nations Development Program (UNDP). As part of this project, the Human Development Index assessed Afghanistan as 173rd out of 178 countries. See http://www.undp.org/dpa/nhdr/af/Afghanistan_HDR2004.htm.

³³ In presenting the 1384 (by the Afghan solar calendar, the equivalent period in the Gregorian calendar is March 2005-February 2006) budget to the cabinet, the finance minister estimated domestic revenue at \$333 million. At www.af/resources/mof/nationalbudget/1384_Operating_Budget/MinisterAddressToTheCabinet.pdf.

³⁴ Former Planning Minister Bashar Dost denounced NGOs although his accusations of corruption and waste encompassed everyone from the UN to private contractors.

³⁵ Crisis Group interview, Kabul, 24 August 2005.

III. EUROPEAN UNION INVOLVEMENT

The EU's involvement in Afghanistan has an unusual structure that highlights the ongoing issue of whether and where the Council or the Commission has or should have the operational lead. It is generally perceived that the more politically sensitive an enterprise, the more member states will insist that the Council maintain close oversight.³⁶ In Afghanistan, the European Union Special Representative (EUSR), one of only three resident EUSRs, provides a privileged link and primary point of contact for the Council's Political and Security Committee (PSC).³⁷ In the absence of the usual trade issues, the large EC representation office in Kabul is mainly dedicated to overseeing the distribution of around €200 million in development funds annually. While there is no EU military force in Afghanistan, the troops of member states dominate in the NATO-commanded ISAF, with smaller contributions to the Coalition prosecuting the ongoing fight against the insurgency.³⁸

Since the EU's diplomatic, development and military commitments and goals are inextricably linked in Afghanistan, the best results and optimum leverage from the full spectrum of foreign policy tools is dependent now, and will remain dependent on, increased synergy within European institutions, EU member states and with NATO (including interoperability of military forces).

A. COMMITMENTS AND CAPACITIES

1. Development

Within days of the Bonn conference in 2001, the EC had drawn €4.93 million from the Rapid Reaction Mechanism (RRM) financial instrument for use in Afghanistan. Its objectives included support of the newly established government and building confidence among the population. The RRM, a relatively new conflict prevention instrument, focuses on the use of quick impact projects to preserve or restore stability.³⁹ The goal, in Afghanistan's case, was to help legitimise the political transition. The EU's major commitment, €2.5 million, went to a UNDP trust fund

constituted to re-establish a functioning civilian administration.

A second similar-sized RRM program, adopted in May 2002, "focussed on enhancing the credibility of the Afghan Interim Administration among the Afghan population", prior to the Bonn-mandated Emergency Loya Jirga (Grand Council) at which an Afghan Transitional Administration (ATA) was to be chosen by popularly-elected delegates.⁴⁰ An end-of-program evaluation was largely positive on the use of RRM, and many projects started in this period – including the "Good Morning, Afghanistan" radio program – were transferred to the ALA (Asia and Latin America) budget line under the new National Indicative Program (NIP).

The EC also moved swiftly to open a representative office in Kabul in February 2002. The first Country Strategy Paper (CSP), covering the period 2003-2006, similarly emphasised Bonn accord milestones and institutions, stating that "EU support is set firmly within this context".⁴¹ The CSP focused on four key areas: capacity-building of the Afghanistan Transitional Authority, rural development and food security, economic infrastructure, and health. Key cross-cutting issues included demining; support for civil society; regional cooperation; support for returning refugees; and tackling poppy production. At least 2 per cent of funds were to be devoted to women's projects.

The EC appears likely to spend more than the €1 billion pledged, having provided €57 million between 2002 and 2004 and being on track to deliver at least €376 million in 2005 and 2006.⁴² There has been a relatively high proportion of contracted funds – around 80 per cent over the three years – but the rates vary in different areas: 100 per cent for multilateral trust funds,⁴³ 32 per cent for Public Administration Reform and 62 per cent for demining.

Much of the money spent falls outside the purview of classical development. Major, and vital, funding has helped support the more than 3.5 million refugees who have

³⁶ Crisis Group Report, *EU Crisis Response Capability Revisited*, op. cit.

³⁷ Most of the nine EUSRs operate out of Brussels or their home countries. The two other exceptions are in Bosnia and Herzegovina and Macedonia.

³⁸ Coalition forces as of August 2005 were made up of 17,800 Americans and 3,200 from 25 other contributing nations. "Facts to Follow: Operation Enduring Freedom", 18 August 2005.

³⁹ Crisis Group Report, *EU Crisis Response Capability Revisited*, op. cit.

⁴⁰ "Rapid Reaction Mechanism End of Program Report Afghanistan", European Commission Conflict Prevention and Crisis Management Unit, December 2003, p. 2.

⁴¹ "Country Strategy Paper", op. cit.

⁴² "Afghanistan: How EU Support is making a Real Difference", op. cit. Note again that not all of this will have been paid out.

⁴³ These include the Afghanistan Reconstruction Trust Fund (ARTF), established in April 2002 and managed jointly by the World Bank, UNDP and the Asian Development Bank. Much of the funding is used to finance the operating expenses and recurrent costs of the Afghan government. The Law and Order Trust Fund for Afghanistan (LOTFA) was set up as a funding mechanism for police reform in May 2002.

returned since 2002.⁴⁴ There are also substantial recurring costs for simply keeping the state running. For example, the Law and Order Trust Fund for Afghanistan (LOTFA), to which the EC has contributed €65 million,⁴⁵ spends 90 per cent of its money on salaries, mostly for police.⁴⁶ For stability, and indeed as a precursor to any wider reform, this is obviously vital, but as a Kabul-based official said, "it is frustrating. The majority of development money is being eaten up by paying the salaries of civil servants, basic health, and basic education. This is not what we are used to". He also warned, "there is a sustainability issue here".⁴⁷

EC staff members who have worked in similar projects believe that Afghanistan, in terms of institutional, human and technical capacity, is closer to the least developed countries in Africa than to its Asian and Middle Eastern neighbours. The challenges in starting a new project are enormous. "Knowledge or data is hard to quantify, there is no solidity. Brussels simply doesn't understand the low base", said a staff member, commenting on the difficulty of meshing European standards with Afghan realities.⁴⁸ For instance, a project for training civil servants began by constructing the buildings in which classes would be held and then buying furniture.

Among the other donors and NGOs in Kabul, there is a wide appreciation of the depth of expertise, length of assignment and professionalism of EC staff overseeing development assistance. "They are some of the donors with the most experience and the most strategic thinking", said one NGO representative, adding that they had a large degree of autonomy and were open to dialogue.⁴⁹ Indeed Kabul is one of the only delegations set up since the "deconcentration" drive began in 2000 to devolve more powers and decision-making from Brussels to local offices. However many of the international staff feel that given the large budget and low base line in Afghanistan, they are overburdened, with insufficient time to do the kind of project monitoring they consider essential and which it is also certainly more desirable to have conducted by experienced field-based personnel rather than short-term visitors.

There is also some trepidation over what will happen during a contract switch due to take place across the EC in early 2006, when individual experts, a higher paid

category of advisers, come under the new designation of contract agents.⁵⁰ Currently the delegation has an unusually high number of individual experts (usually eight or nine), more than anywhere except parts of Africa. However, given a pay cut and what some view as a less autonomous role, several are expected to leave. There is concern that they will be replaced by people with fewer years in the field. "Less experienced people in circumstances like [Afghanistan] automatically mean mistakes and delays", said one.⁵¹ Others are more sanguine, viewing such statements as a negotiating ploy, but the human resources of the delegation certainly deserve review.

2. Political

An EUSR in Afghanistan was first appointed in December 2001; Klaus-Peter Klaiber was followed by Francesc Vendrell in June 2002.⁵² He has a small team of political advisers,⁵³ though the office is what is referred to as the "heavy model" of a EUSR.⁵⁴ The budget is also small so it has few projects – which some see as undermining its influence but others believe translates into fewer distractions.

EUSRs are supposed to act as the Union's "face" and "voice" in support of the work of the High Representative for Common Foreign and Security Policy (CFSP), Javier Solana.⁵⁵ His mandate instructs Vendrell to:

- contribute to the integrity and full implementation of the Bonn Agreement as well as the relevant UN Security Council resolutions;
- encourage positive contributions from regional actors; and
- support the pivotal role played by the UN, notably the Special Representative of the Secretary General.⁵⁶

⁴⁴ "Rebuilding Lives in Afghanistan", UNHCR Afghan homepage, 23 October 2005, at <http://www.unhcr.ch/cgi-bin/texis/vtx/afghan?page=intro>.

⁴⁵ Figures supplied from the EC database, Kabul, October 2005.

⁴⁶ See "A to Z Guide to Afghanistan Assistance", Afghanistan Research and Evaluation Unit (AREU) 2005, p. 39.

⁴⁷ Crisis Group interview, Kabul, 24 August 2005.

⁴⁸ Crisis Group interview, Kabul, 7 September 2005.

⁴⁹ Crisis Group interview, Kabul, 14 November 2005.

⁵⁰ These contract agents will have lower salaries than individual experts, but pay cuts will be offset by other benefits such as diplomatic status, pension schemes and health insurance coverage.

⁵¹ Crisis Group interview, Kabul, 12 September 2005.

⁵² Vendrell had previously served as the Personal Representative of the Secretary General for Afghanistan and head of the UN Special Mission to Afghanistan (UNSM).

⁵³ Two are EUSR staff and two are seconded (currently one from Finland and one from the Netherlands). One of the four staff specialises in human rights and gender and another in the security sector. A close protection team is provided by Spain.

⁵⁴ See "EUSRs: Guidelines on appointment, mandate and financing", Council of the European Union, 28 October 2003.

⁵⁵ "EU Special Representatives", EU Council Secretariat Fact Sheet, June 2005.

⁵⁶ These are the edited main points from the mandate of 8 December 2003.

The office also emphasises that it is a voice for Afghanistan in Europe, ensuring that important issues are kept on the agendas of capitals.

The appointment of Francesc Vendrell as the EU's Special Representative has given the EU a highly credible voice, although many believe the EU gets a place at the table in Afghanistan because of his personal standing, rather than his EU title. He has far more Afghanistan-specific experience than most member state representatives in Kabul, his multilingual staff is well versed in the region, and the political reporting of his office is widely seen as the best – and most realistic – available.

Often at the vanguard of policy-making, the EUSR is able to move more quickly and decisively than the EU Presidency, the other voice for the combined member states, which must wait until all have communicated with their capitals. However, there have been occasional awkward moments because of the ill-defined relationship between the EUSR and the EU Presidency.⁵⁷ “Who is he [the EUSR] speaking on behalf of?”, asked a representative of a large member state. “He is not getting the agreement of member states, and this can cause confusion in the minds of people without a detailed understanding [of the EU]”.⁵⁸ A European official agreed that areas of authority were hard for even those working within the structures to understand: “There is a lot of confusion inside the community and probably even more outside”.⁵⁹ So far this has been fairly amicable in Kabul because of a reasonably good working relationship between EU institutions. However, a clearer delineation of responsibilities by Brussels is needed.

On 16 November 2005 a Joint Declaration, “Committing to a New EU-Afghan Partnership”, was signed. It added little substance to the bilateral relationship but did formalise annual meetings at ministerial level. “The main aim is to address Afghan fears that we will abandon them”, a member state representative said.⁶⁰

3. Security

The UN resolution establishing ISAF mandated it to support local authorities “so that the Afghan Interim Administration as well as the personnel of the United

Nations can operate in a secure environment”.⁶¹ This followed a request at Bonn for the early deployment of a UN-mandated force: “This force will assist in the maintenance of Kabul and its surrounding areas. Such a force could, as appropriate, be progressively expanded to other urban centres and other areas”.⁶² Protecting and promoting the fledgling institutions of the state thus stood at the centre of security arrangements rather than security for the population. In terms of both its mandate and resources, the peacekeeping operation has long been perceived as “security light”.

In its first mission outside the Euro-Atlantic area, NATO assumed command of ISAF in August 2003.⁶³ There has been an implicit understanding that U.S. forces, with their OEF commitments, would not be called upon to lead or significantly contribute to ISAF. While there are no troops under an EU flag, member states provide 8,700 of some 10,000 peacekeepers, with the largest contributors being Germany (2,207), the UK (598), Spain (635), Italy (2,135) and the Netherlands (1,068).⁶⁴ Non-EU NATO member states, Canada and Turkey, also have a substantial presence.

Europe's role looks set to increase with the U.S. reviewing its commitments and ISAF preparing to extend its presence.⁶⁵ There is also U.S. pressure to merge the peacekeeping and combat missions. Such a radical change has been resisted by France and Germany among others, although there are now reports that steps towards closer co-operation are being agreed.⁶⁶

Even if ISAF rejects this option, the peacekeeping mission must address its own shortcomings. ISAF's effectiveness has been adversely impacted by national caveats on functions and acceptance of risk. Indeed, many troops are based in the safest areas of the country instead of where they are most needed. As ISAF finally embarks on its long-overdue movement into the more dangerous south,

⁶¹ Security Council Resolution 1386, 20 December 2001.

⁶² Bonn Agreement, Annex I (3).

⁶³ The UK, Germany and the Netherlands were among lead nations before NATO took command.

⁶⁴ Other EU member state contributors include: Austria 22, Belgium 372, Czech Republic 62, Denmark 173, Estonia 14, Finland 48, France 580, Greece 129, Hungary 162, Ireland 7, Latvia 10, Lithuania 113, Luxembourg 10, Poland 9, Portugal 211, Slovakia 14, Slovenia 55, and Sweden 105. Figures provided by NATO on 30 October 2005.

⁶⁵ See, for instance, Bradley Graham, “U.S. considering troop reduction in Afghanistan”, *The Washington Post*, 13 September 2005. The article speculated that the U.S. would reduce around 20 per cent of its contribution to the 20,000-strong Operation Enduring Freedom (OEF).

⁶⁶ See Mark John, “NATO military backs command deal for Afghanistan”, Reuters, 14 November 2005

⁵⁷ According to EU guidelines, EUSRs are politically accountable to the High Representative and through him to the Political and Security Committee. EUSR activities should be coordinated with those of the High Representative, Presidency and the Commission. “EU Special Representatives: Guidelines on appointment, mandate and financing”, Council Doc. 10726/04’.

⁵⁸ Crisis Group interview with EU member state representative, Kabul, 6 September 2005.

⁵⁹ Crisis Group interview, Kabul, 19 October 2005.

⁶⁰ Crisis Group interview, Kabul, 9 September 2005

only a few EU member states appear prepared to commit troops.⁶⁷ This unwillingness to accept risks, combined with the ad hoc nature of ISAF's Provincial Reconstruction Teams (PRTs), deepens concerns about the effectiveness of the EU member states' contribution to Afghan peacekeeping.

B. COORDINATION

1. Institutions

An evaluation of the RRM in Afghanistan in 2003 praised the "well-coordinated programming" between the desk in Brussels, the EC in Kabul, and the EUSR. This included an official from the Commission's Conflict Prevention Unit working with the office of the EUSR, which enhanced "cross-pillar coherence and the political focus of programs".⁶⁸ Today, however, there is an absence of formal coordination mechanisms between the EUSR, with its in-depth political analysis, and the EC delegation, one of the largest donors. The offices have kept relatively separate spheres of interests, which have prevented turf wars or overlap. "There is quite good harmony...not the enormous tension as you sometimes see elsewhere [between EU institutions]," said a European observer.⁶⁹ But there is little professional, or even social, interaction. Several staffers doubted they would recognise counterparts. "The Commission does not ask the EUSR views on priorities; the EUSR doesn't consult the Commission on policy", one summarised. "We are not unhappy about the relationship between the EUSR and Commission but how much better could we do [with more coordination]?"⁷⁰

This chasm between policy-making and funding contrasts with the U.S. embassy, in which the State Department, Coalition forces and USAID all have offices whose heads meet weekly.⁷¹

Nowhere is the lack of information sharing and coordination as clear as in the sphere of communications. There are no standardised and direct links between EU institutions and member states in Kabul. Some do not even have access to the COREU (Correspondance Européenne) network for EU member states and the Commission. For

email, the EUSR's office uses individual private accounts. Reporting is not shared with NATO or vice versa, and most European missions and agencies are unfamiliar with each other's reports and research. A simple and relatively cheap solution could lie in creating a common Electronic Bulletin Board for EU institutions and delegations, possibly with layers of access to include NATO and donor agencies.

The Presidency runs monthly Heads of Mission (HoM) meetings, and there are also regular European development agency meetings. The political officers of member states and EU institutions also meet every few weeks. But generally, as one representative of a member state development agency commented: "[Among] the EU there is much less coordination here than other countries, mainly because of time pressures".⁷²

Those with the most resources and therefore the most to share are perceived by the less privileged as the most reluctant to cooperate. According to an international observer, "the small countries put more weight on the role the EU plays while some of the larger countries simply don't see the same need for coordination; that leaves the EU in a dilemma".⁷³

More promisingly, there is growing collaboration between human rights officers, including the EUSR's human rights and gender adviser and the EC's newly appointed human rights, gender and justice adviser, who meet more frequently and have shared a reporting trip. Indeed European missions have, more often than not, been able to agree a common stance on human rights issues, with the EU issuing demarches on issues ranging from the death penalty to child combatants. In Afghanistan, human rights are widely perceived as an EU niche, with the EU often acting in concert with Canada and Norway. Since this is also an area of high priority for Afghan citizens, this cooperation could become a building block for common European policies and benchmarks.

2. Visibility

Local perceptions of the *Jame'a Oropa* (Family of Europe) are largely favourable. The European presence, judged anecdotally, is seen as more sympathetic and less self-interested than that of the U.S. There is, however, little Afghan understanding and knowledge of the scale of Europe's combined commitments to the country. That is even true of high-level government advisers Crisis Group interviewed. This lack of recognition can be at least partly attributed to the fact that much EU money is channelled through multilateral trust funds and so loses visibility.

⁶⁷ The eastwards expansion would most likely take place by U.S. PRTs in those areas transferring to ISAF command.

⁶⁸ Rapid Reaction Mechanism End of Program Report, op. cit., p. 4.

⁶⁹ Crisis Group interview, Kabul, 24 October.

⁷⁰ Crisis Group interview, Kabul, 25 August 2005.

⁷¹ Development is now explicitly a core U.S. national security objective alongside diplomacy and defence. See "The National Security Strategy of the United States of America", The White House, 2002.

⁷² Crisis Group interview, Kabul, 30 August 2005.

⁷³ Crisis Group interview, Kabul, 31 August 2005.

Since LOTFA, for instance, is a multilateral trust fund, few realise that Europeans pay most police salaries.

One member state's ambassador complained:

The [Afghan] ministries say they want to have the money. At the same time they want to see the dams, the roads we have built. From Karzai to the ministries and through the population, top to bottom, there is a lack of awareness of Europe.⁷⁴

The EC is examining the issue of visibility within multilateral trust funds worldwide. Suggestions floated in Kabul include EU-identifying symbols on documents of European funded projects and the pay slips of civil servants financed by the EC. However, there is also recognition that the quest for such visibility must be weighed against safety concerns and the dangers of undermining Afghan government legitimacy and authority. Visibility must not be seen as an end in itself but rather a way of ensuring a well-informed debate on how and where money is spent.

A more aggressive media policy would help the Afghan public better comprehend Europe's extensive combined commitments to democratisation, development and security. More explicit and better coordinated communications with government officials would also help and could legitimately be used to assert more influence in areas of particular concern to EU policy-makers.

IV. CHANNELING EU ASSISTANCE

A. WORKING WITH THE AFGHAN GOVERNMENT

The international community has supported Afghan ownership of the reconstruction process at least in rhetoric. In practice, however, it has been all too common for ministers to find donors hard at work in projects in their areas that they knew nothing about. The EU has tried far harder than some others to work within government-agreed frameworks and, as mentioned, much of its funding has gone through multilateral funds that pay the recurring costs to keeping the state functioning.

The EC's "Reform of the Management of External Assistance" in 2000 emphasised putting countries in the driver's seat through sector-wide programs managed by national authorities.⁷⁵ Its 2003 Country Strategy Paper (CSP) stated: "As the Afghanistan Transitional Authority continues to develop an increasingly robust co-ordination structure, the Commission believes it will be important to increasingly channel development resources through Government structures".⁷⁶

But the EC has found working with the fledgling administration an uphill task, as have nearly all member states. "It has been so difficult to find interlocutors in the ministries to move things forward; they are all trying to fight for position as ministers change", said a member state representative.⁷⁷ The dynamics of building democracy at the same time as reconstruction are always complex, and the process has been hampered by power struggles and personnel changes. Donors emphasised the lack of institutional and human capacity in a country without a functioning state for decades. "Too much money has been pushed too quickly through mechanisms not ready for it – and then just when it is ready the donors will start withdrawing", said a long-time development worker.⁷⁸

The Consultative Group mechanism, first established in 2003, which is supposed to coordinate donor, Afghan government, and UN agency actions within the National Development Framework, is still viewed as patchy, with a recent analysis stating that the "mechanism had not matured into a real decision-making forum."⁷⁹

⁷⁴ Crisis Group interview, Kabul, 9 September 2005.

⁷⁵ "Communication to the Commission on Reform of the Management of External Assistance", European Commission, Brussels, 16 May 2000.

⁷⁶ "Country Strategy Paper", op. cit., p.1.

⁷⁷ Crisis Group interview, Kabul, 7 September 2005.

⁷⁸ Crisis Group interview, Kabul, 29 August 2005.

⁷⁹ GAO-05-742 Afghanistan Reconstruction, op cit., p. 54.

Afghan officials complain that EU standards, contracts and procurement policies are unsuitable for post-conflict countries such as theirs. According to one, it took three months to get computers for what was a year-long program. He compared the difficulties of trying to satisfy multiple demands of donors and government regulations to "a woman with three husbands".⁸⁰ Many EC officials admit their regulations may be too demanding for Afghanistan's current stage of reconstruction.

The 2003 EC Country Strategy Paper had emphasised working within the government's National Development Framework (NDF) of April 2002. However, both the NDF and the more comprehensive needs assessment prepared for the Berlin Conference (the SAF) have been widely perceived as wish lists without the necessary prioritisation, sequencing and community consultation.

A new Afghanistan National Development Strategy (ANDS)⁸¹ is currently being devised. Overseen by the president's senior economics adviser, it will provide an overarching framework for reconstruction. If tied in with the post-Bonn accord, it would hopefully create the necessary synergy between political and development goals for the government and for the donor community.

B. EU AND NGOS

As noted, NGOs were the EU's main funding channel during most of the years of conflict.⁸² This changed dramatically after December 2001 when an internationally recognised executive took power in Kabul. The EU and others committed to supporting the legitimacy of first the Afghan Interim Administration (AIA) and later the Afghan Transitional Administration (ATA) by emphasising national structures and sectoral support.⁸³

In the initial stages of post-Taliban reconstruction, in 2002, the EU still channelled 40 per cent of its funds through NGOs. By 2004 this was down to around 20 per cent – over half of which was allocated to NGOs implementing government programs.⁸⁴

Afghanistan was unusual both in the number of long-term NGOs and the functions they had undertaken during the years of conflict, which included some usually more associated with a state. There was, therefore, considerable upset among the aid community at the end of 2003 when it became clear that the core funding several long-term NGOs relied on – and had previously received in two lots of two-year grants (2000-2002, 2002-2004) – would not continue. There was a chance to apply for consolidation funding, which many hoped would tide them over until they found new donors, but nearly all applications were rejected (although many were subsequently approved after protests and some reworked submissions).

Some in the EC believe that NGOs have become complacent, that "they feel the Commission has to pay (for) whatever is submitted".⁸⁵ Others are more sympathetic and note these are changing times, as donor emphasis necessarily shifts from working with NGOs to working with the government. As institutions are rebuilt, change has been inevitable.

NGOs are perturbed about the abruptness of that change, however. One NGO representative complained that they are now often treated as sub-contractors, given one short-term job after another, so that long-range planning has been wrecked and human capacity undermined. Highly trained local staff are leaving for other jobs, often menial but more stable and better paid, such as drivers and guards to other international organisations. "I see very valuable sources of knowledge and resource have been lost...we need to realise the realities and have to adjust but I do think Afghanistan is losing. Capacity is drifting away".⁸⁶ Another representative commented: "As the government increases capacity, we would seek to hand over services as and when appropriate. We recognise that NGOs cannot rest on their laurels and have the same programs as ten years ago; the thinking does need to change, but donors need to be supportive".⁸⁷

Much of the uneasy relations between the EC and NGOs comes down to EC failure to communicate its new directions better to old partners. Several NGO representatives noted that they felt much of the inflexibility came from Brussels, and they had received support within Kabul. It was particularly appreciated that the EC had spoken up for NGOs when government rhetoric, often very inaccurate, was being directed at them in a growing atmosphere of NGO-bashing. What is needed now, however, are measures to ensure capacity is not lost and is ultimately transferred to government. The challenge lies in how best to ensure such a transition.

⁸⁰ Crisis Group interview, Kabul, 13 October 2005.

⁸¹ See www.af/nds.

⁸² In 1998 all EC funds were disbursed through NGOs. Figures supplied from the EC database, Kabul, October 2005.

⁸³ This was in line with agreed policy under External Assistance Reform. "Working within national structures rather than bypassing them enhances the impact of community aid and promotes local ownership and capacity. It also improves donor co-ordination and complementarity", "Four Years On, 2000-2004", EuropeAid, April 2004.

⁸⁴ Figures supplied by the EC database, Kabul, October 2005.

⁸⁵ Crisis Group interview, Kabul, 28 September 2005.

⁸⁶ Crisis Group interview, Kabul, 11 October 2005.

⁸⁷ Crisis Group interview, Kabul, September 2005.

C. EU AND NATO/PRTS

The cohesiveness of Europe's security and stabilisation strategy has been impeded by the manner in which ISAF expansion has taken place outside Kabul, through country-led Provincial Reconstruction Teams (PRTs). A U.S. innovation, these are small, civil-military units intended to kick-start reconstruction in the provinces. The concept, controversial among the development community for blending military operations with humanitarian and reconstruction efforts, has been adopted in an ad hoc manner and without the numbers needed for robust security enforcement.

As of August 2005, there were 22 PRTs operating in Afghanistan, thirteen under the Coalition and nine under ISAF, eight of these led by EU member states.⁸⁸ The composition and focus of each is unique. The main efforts of the British PRT in Mazar-e-Sharif have been directed at security, with patrols and even small outposts in an area of considerable factional animosity.⁸⁹ In Herat, the Italian PRT has emphasised reconstruction and cultural interaction. As an EC official said, "they couldn't have set out to end up with a more non-standard system if they tried".⁹⁰

With a robust expansion of the peacekeeping force unlikely, PRT reform, including a review of composition and roles, becomes even more important. As one analyst observed, "because the PRTs lack a central coordinating authority, a governing concept of PRT operations, and a strategic plan, each sponsoring country was free to interpret the overall guidelines and to conduct operations based on national priorities and the local conditions. This approach brought beneficial flexibility but it also results in an ad hoc approach to Afghanistan's needs for security and development".⁹¹

Absolute uniformity might not be desirable since different regions have different needs and pose special risks. Contributing states are unlikely to abandon national caveats altogether. But at the least, there is need for minimum agreed standards, including standards on civil-military relationships, as well as improved inter-PRT coordination. With so many PRTs manned by member

states, the EU could play a crucial role in helping to create a more cohesive framework. Such a move would almost inevitably raise fears of a "transatlantic gap" developing between the American and European PRTs.⁹² However, more cohesiveness among the Europeans would surely make them better partners than they can be with the current multiplicity of models, and could be part of broader discussion on the future of PRTs. As a first step, the EUSR should sit on the PRT Executive Steering Committee (ESC). The pressing need for expanded dialogue between the EU and NATO on Afghanistan in both Brussels and Kabul may be aided by the recent addition of a former NATO staffer to the EUSR's office as an adviser on security issues.

Any revised framework should recognise that PRT impact can be maximised by focusing on security and stabilisation, rather than development. While PRTs can contribute to developmental activities in emergencies or in unstable regions that remain off-limits to civilian agencies, their value lies in ensuring security, assisting the capacity building of local security forces, and advancing disarmament programs. Indeed, as the only substantial international presence in the regions other than the UN, PRTs could aim to become hubs of assistance to security sector reform. This would require not just coordination on the military side but also by civilian components and donors. There is very little cooperation between PRTs on their civilian activities. A recent forum for information sharing by political advisers and development officers from PRTs will hopefully become a regular event that helps to align approaches and share lessons learned.

The EU is still struggling, of course, to bring its civilian capabilities for dealing with crises up to the level it desires. It is still working, for example, to deploy police observers in Darfur. However, Afghanistan offers another worthy target in this campaign. There have been very early discussions in Brussels on the possibility of some form of police support mission to the country under the European Security and Defence Policy (ESDP).⁹³ This, and/or rule of law missions would appear fruitful areas in which to engage with the PRTs if reform is to reach further than Kabul. Two EU member states – Germany and Italy – currently have G8 lead-nation status for police reform and judicial reform respectively. Any such missions should be coordinated with them (and other stakeholders) and build on their work as a pan-European effort.⁹⁴

⁸⁸ UK (Mazar-e Sharif and Maimana), Spain (Qala-e Naw), Lithuania (Chaghcharan), Italy (Herat), Germany (Faizabad and Kunduz), and the Netherlands (Pul-i Kumri). There is also a U.S. ISAF PRT in Farah. "Facts to Follow", op. cit.

⁸⁹ See Crisis Group Asia Report N°65, *Disarmament and Reintegration in Afghanistan*, 30 September 2003, p. 9.

⁹⁰ Crisis Group interview, Kabul, 29 August 2005.

⁹¹ Robert M. Perito, "The U.S. Experience with Provincial Reconstruction Teams in Afghanistan", Special Report, United States Institute of Peace, October 2005, p. 2.

⁹² These are the two major "blocs" although there are of course Canada, Norway, New Zealand and other such players to consider.

⁹³ Crisis Group interviews, Brussels, November 2005.

⁹⁴ Other stakeholders include the U.S., which is active on police training, and the UN, which is developing new rule of law capacity as part of its agreed Millennium Summit reforms.

D. EU INFLUENCE: A CASE STUDY OF ELECTORAL ASSISTANCE

The influence that Europe exerts, in comparison to the size of its commitment, is best demonstrated by its role in the elections process, the culmination of the Bonn Agreement and the centrepiece of international involvement. The EC committed €2.5 million to the 2004 presidential election⁹⁵ and €17.5 million to the 2005 National Assembly and Provincial Council polls.⁹⁶ Altogether, including member state contributions, Europe paid over 40 per cent of the \$300 million-plus cost of the two elections and the creation of a voter registry.

The EU further contributed by sending a Democracy and Election Support Mission (DESM) in 2004.⁹⁷ In 2005 a fully-fledged Election Observation Mission (EOM) led by Emma Bonino, an Italian member of the European Parliament and former European Commissioner, headed the largest team of international observers.⁹⁸ Member states provided 2,000 additional troops in the weeks before the election.

With this commitment of resources, Europe could have exercised considerable influence over the electoral process but only did so demonstrably when counting began at the end of the National Assembly and Provincial Council elections. Working behind the scenes, the EOM, together with the EUSR and member states, highlighted problems, particularly in the south, and emphasised process over speed. Two days after the EOM's public statement "Transparency Needed in Handling Cases of Fraud",⁹⁹ the

Joint Election Management Body Secretariat (JEMBS) publicly released audit procedures.¹⁰⁰

Europe's influence was not evident, however, in electoral planning and was certainly not commensurate with its substantial contributions. Most strikingly, the National Assembly and Provincial Council elections were held under the unusual and rarely used Single Non-Transferable Voting System (SNTV). The EU had strongly advised against this as particularly unsuited to Afghanistan's fragile post-conflict transition, emerging as it was from years of a civil war that was driven by ethnic, regional, linguistic and sectarian tensions. Under the election framework political parties had no role – their name and symbols not even appearing on the ballot paper. Such groupings are vital to the building of a robust political system.¹⁰¹ Instead, Afghanistan had 5,800 candidates standing as individuals and now a National Assembly and Provincial Councils of individuals with no mandates to hold them accountable. Indeed, in the absence of political parties, which must appeal to as broad a spectrum of the community as possible, Afghanistan saw campaigning and voting largely along ethnic lines.

The EUSR attempted to persuade President Karzai and his advisers to use a more suitable system, such as party lists. The EU even issued a demarche over the issue. However, Karzai, backed by the U.S. ambassador,¹⁰² refused to budge, raising suspicions that he was more interested in obtaining a fractured legislature than a stable democratic institution that could stand up to his executive power.

Some EU representatives felt that Europe should have taken a more united and robust stance. "If we pay we are at least partly contributing to the [perceived] legitimacy", said a member state representative. "But it is not Europe's style to be critical and refuse to pay. That should have been the threat over SNTV....Sometimes Europe is too good to be true".¹⁰³ The majority view favoured continued involvement and support for what was seen as a vital landmark in the political transition. Indeed, when the National Assembly elections went into cost over-runs, the Europeans made up most of the funding gap.¹⁰⁴ One vocal supporter of SNTV reckoned that:

On balance, it was considered there was sufficient interest in these elections happening and Europe

⁹⁵ "Voter Registration and Elections 2004 Commitments", UNDP.

⁹⁶ "EC gives further nine million euros to parliamentary and provincial polls", EC press release, 5 September 2005, at http://europa.eu.int/comm/external_relations/afghanistan/news/ip05_1092.htm.

⁹⁷ With a team of 25 election experts from seventeen member states, the DESM's role was "to analyse key aspects of the election process, to prepare comprehensive recommendations for improvement of the electorate and wider democratic processes, to provide support to the Afghan Independent Human Rights Commission (AIHRC) and to strengthen the capacity of domestic election observer groups". See the European Union Democracy and Election Support Mission, Final Report, 9 October 2004, p. 5. However, there was some criticism that the EU had not sent a full mission. See Crisis Group Asia Report N°88, *From Presidential to Parliamentary Elections*, 23 November 2005.

⁹⁸ Emma Bonino also serves on the Crisis Group Board.

⁹⁹ See <http://www.eucomafg.org/Transparency%20needed%20in%20handling%20cases%20of%20fraud.%2030-09-2005.pdf> 30, September 2005.

¹⁰⁰ Quarantine and Audit Procedures, 2 October, www.jemb.org.

¹⁰¹ Crisis Group Asia Report N°101, *Afghanistan Elections: Endgame or New Beginning?*, 21 July 2005.

¹⁰² The U.S. was also the largest single election donor.

¹⁰³ Crisis Group interview, Kabul, 15 September 2005.

¹⁰⁴ Two weeks before the polls, visiting European Commissioner for External Relations Benita Ferrero-Waldner announced € million of additional funding.

being associated with them to cough up the money. Otherwise there could have been no election or we could have been frozen out. It could have undermined their [the elections'] legitimacy and that was an unattractive option. We are still advancing democracy. There is probably 85 per cent achievement of the same goals through SNTV.¹⁰⁵

Another representative feared the repercussions of "playing chicken with Karzai in public".¹⁰⁶

But while the EU rightly believed that the elections were necessary for political stability, democratic transition would have been better served had member states leveraged their assistance sooner and more firmly. Aside from its glaring political disadvantages, SNTV is also expensive and technically challenging. And Europe, not the Afghan government, was picking up a hefty part of the bill. At the least, an early cap on funding might have emphasised the EU's strong opposition to SNTV and helped focus minds on the choice of a more appropriate system.

The powers of the Provincial Councils should have been another area of EU donor focus. Instead, the EU paid for elections to bodies that lacked a legislative framework until well into the electoral process. When the Afghan administration finally devised a law, Provincial Councils were given fewer powers than most Western school boards. Donors, including the EU, still spent millions on elections for the nominal bodies.

On the whole, there appeared to be little in the way of fiscal accountability in the entire electoral process. The most glaring example was the tens of millions of euros for a voter registry project started during the presidential poll that a senior election worker called "one of the worst voter registration exercises in electoral history".¹⁰⁷ At the end of the day, Afghanistan has voter lists which are of little value for future planning or for fraud prevention and may well require an entirely new registration exercise.¹⁰⁸

Indeed building a functional voter registry is a vital first step, with discussion currently underway on combining this with a new civil registry. Building a sensible and sustainable electoral calendar is another priority. The various Loya Jirgas and elections have so far been run too much as discrete events, boxes to tick off, rather than part of an ongoing and sustainable process. The electoral

timetable as it stands under the constitution is too demanding, with its multitude of differently timed polls. This must change and aid should be set in place on a sliding scale for at least two more cycles, conditional on an acceptable, revised timetable. This includes agreement as soon as possible on the future of elections for district, village and municipal councils as required by the constitution, rather than the government and donors resorting again to ad hoc events. Some work on this was done by a Post-Election Strategy Group including electoral, government and UN advisers, but it was a top-down effort which will require scrutiny by the new Parliament and civil society. By making all future funding contingent on the required constitutional changes, donors could help ensure wider buy-in, and shape and stabilise the fledgling democracy.

Most worryingly for the future is the state of political party development. Both the EC and most member states have shown little interest in working with political parties. The Dutch and the EUSR made some attempts at helping individuals and groupings come together but it was too little and too late in a hostile system. EU donors also appear unwilling to work in this area following the elections, contradicting the conclusions of foreign ministers on 13 December 2004, which recognised that "the development of democratic and moderate political parties will reinforce the role of the future Parliament and help Afghanistan to build a society promoting human rights for all, especially with regard to women, girl children and vulnerable groups".¹⁰⁹ Democratic development in Afghanistan requires serious thought – and funding – in this area.

¹⁰⁵ Crisis Group interview, Kabul, 28 September 2005.

¹⁰⁶ Crisis Group telephone interview, Brussels, 13 November 2005.

¹⁰⁷ Crisis Group interview, Kabul, 24 August 2005

¹⁰⁸ Crisis Group Report, *Afghanistan Elections*, op. cit., p. 10.

¹⁰⁹ The foreign ministers were meeting as the GAERC. See http://europa.eu.int/comm/external_relations/afghanistan/intro/gac.htm.

V. LOOKING AHEAD

Although Bonn's emphasis on the creation of an executive and legislature over other pressing goals may be debatable, the accord demonstrated that ambitious deadlines and targets could help to focus minds both locally and internationally. "We wouldn't have reached anywhere without the benchmarks we had in Bonn", said an EU member state representative, expressing a widely felt sentiment.¹¹⁰ Similar outcome-focused, rather than process-oriented, benchmarks are needed in the new compact to drive other, previously neglected areas including security sector and judicial reform, which would in turn help with reconstruction.

Good governance and political will lie at the heart of any nation-building project. Funding alone cannot buy peace, and foreign aid can even be counterproductive without a holistic approach. Counter-narcotics programs, for instance, will fail in regions where governors and police chiefs are complicit in drug trafficking. A functioning justice system cannot be built when perpetrators of past atrocities walk free and are even in positions of power. Political and military goals are similarly intertwined. Millions of euros spent on troops are unlikely to stabilise the country so long as anti-government forces can get sanctuary across borders.

If European taxpayers' money is to be spent in a useful and sustainable manner for the long-term benefit of the Afghan people, the EU and its member states need to be more assertive while employing a full range of diplomatic, military and financial tools in concert. As one human rights' observer said "Donors need to decide: are they just here to be here or to really bring positive change?"¹¹¹

A. FUTURE CHALLENGES

As discussed above, creating the elected institutions of state is just a first step towards democratisation; a robust political culture is yet to take root. The emergence of representative institutions could escalate domestic tensions or result in paralysis unless they learn to work together. Within the legislature political groupings will materialise, while outside it some of those excluded through the electoral process could become spoilers.

The legislature places new demands on donors and the government. Some elected members oppose the international presence in Afghanistan altogether; others

have questioned how is disbursed, and most will seek more assistance for their own regions. The emergence of constituency-based politics should not be taken as a backwards step, although it may sometimes seem so at first. On the contrary, it could assist the political reconstruction and development.

The representative of an international donor institution commented:

If it [the National Assembly] has no strong leaders and just numerous small parties and lobbies, it could just freeze, and reconstruction will stall. If, on the other hand, we see good leaders challenging the government, challenging them on results, it could be a great help.¹¹²

This fragile transition underscores the need for continued political engagement to prevent reconstruction from stalling. Donors should seek to ensure that all institutions of the state, and their constituents, are kept properly informed so that a truly robust and frank debate can take place on future directions.

Within the National Assembly and the Provincial Councils, demands for greater federalisation are likely to emerge, and tensions between Kabul and the provinces, or centrally appointed governors and elected councils, could heighten given the dearth of powers awarded to local bodies. The executive, with international acquiescence, has opted for a highly centralised structure, rather than devolving meaningful and legitimate power to the provinces where it has long rested in practice, but until now with illegitimate power-holders and usually at the barrel of a gun. Many international actors are turning their attention to sub-national governance but there is great need for coordination, given the plethora of competing programs and institutions they are creating or facilitating.¹¹³

Women, whose mistreatment under the Taliban was used in part to justify the international intervention, still have a long way to go to achieve an equal role in society. It was encouraging that many competed in the recent elections, and some did well enough to win seats without needing the women's quota. This included a top-polling candidate in Herat and Malalai Joya, a young woman who publicly denounced commanders with blood on their hands at the Constitutional Loya Jirga. However, even in Kabul today there are women who wear their burqas out of fear rather than choice, and legal protections are few. The Ministry of Women's Affairs has proved disappointing in terms of policy-making and implementation, and will require more

¹¹⁰ Crisis Group interview, Kabul, 8 September 2005.

¹¹¹ Crisis Group interview, Kabul, 12 September 2005.

¹¹² Crisis Group interview, Kabul, 11 September 2005.

¹¹³ Sarah Lister, "Caught in Confusion: Local Governance Structures in Afghanistan", Afghanistan Research and Evaluation Unit (AREU) Briefing Paper, 28 February 2005.

support if it is to drive gender-sensitivity across all areas of government.¹¹⁴

International tensions will likely remain high, with the recent election of a conservative leader in Iran, Uzbekistan's hardline crackdown in the Fergana Valley and the subsequent ejection of U.S. forces from the country, and Pakistan's failure to contain anti-Afghan government insurgents, operating across the border.¹¹⁵

In Europe, sustained interest and involvement in Afghanistan cannot be taken for granted. Already with the Asian tsunami, war in Iraq and the earthquake in Pakistan, those charged with gathering donor funds can sense priorities changing. The EU must ensure that Afghanistan does not become yesterday's news and that Chris Patten's promise of a lasting European commitment is respected.

B. FUTURE COMMITMENTS

The EUSR's mandate, tightly tied to the Bonn Agreement and until now all but automatically approved every six months, is up for renewal in February 2006. Options include: closing the office and where necessary folding its functions into those of the EC delegation; making it a Brussels-based position; or keeping it in Kabul with a revised mandate.

Retaining the EUSR in Afghanistan is most desirable. The EUSR's good offices will become even more important as tensions between the new institutions of the state emerge with potentially serious consequences, given the lack of a robust political culture and clear constitutional guidelines for resolving deadlock. The EU should reconsider the six-month mandates it gives its EUSRs. Much unnecessary effort goes into justifying the role at short intervals. In the Afghan case, it would be logical to reflect the likely three to five-year span of the post-Bonn compact.

While it is important that the EUSR's office not lose the flexibility possible because of a non-bureaucratic structure, it would benefit from tighter coordination with the EC delegation. Within Kabul, both the EC and EUSR would benefit from closer ties and better communication, facilitated through regular, preferably weekly, formal meetings. The secondment from the EC in Brussels of an

expert on development economics could also help tie the EUSR closer to headquarters and facilitate reporting on the reconstruction efforts – something that has yet to occur in a sustained manner.

The EC is preparing a new Country Strategy Paper laying out overall guidance for 2007-2013, an important step that would underscore Europe's long-term commitment. Future financial undertakings, however, are subject to the major uncertainty over the EU's budget framework for 2007-2013, which is deadlocked at the level of heads of state and government. Nevertheless, indications are that the intention is to keep EC funding fairly high.¹¹⁶ Nation-building is never quick, and it is to be hoped that the present level of funding will be retained.

For the first time, a geographic focal point is also being discussed, with plans to concentrate on the east and north-east.¹¹⁷ If accompanied by a similar focus on development in Pakistan's North Western Frontier Province (NWFP), this could provide a valuable basis for cross-border linkages in a potentially destabilising region, maximise the EU's impact and facilitate monitoring. The model could then be used by member states to focus, in a coordinated manner, on other Afghan regions. Such an approach should include careful monitoring of conflict indicators. These have tended to be somewhat ignored despite an EC statement that:

An assessment of potential conflict situations will be made in all Country Strategy Papers with the support of appropriate potential conflict indicators. These will look at issues such as the balance of political and economic power, the control of the security forces, the ethnic composition of the government for ethnically-divided countries, the representation of women in decision-making bodies, the potential degradation of environmental resources and so forth".¹¹⁸

The new CSP should take these indicators into consideration in all areas of activity. Both writing and monitoring these appear points of synergy with the EUSR. For example, when dealing with rural development, it is essential to examine land issues, which are a major source of existing and potential conflict in

¹¹⁴ See Crisis Group Asia Report N°48, *Afghanistan: Women and Reconstruction*, 14 March 2003.

¹¹⁵ See Crisis Group Middle East Briefing N°8, *Iran: What Does Ahmadi-Nejad's Victory Mean?*, 4 August 2005; Crisis Group Asia Briefing N°38, *Uzbekistan: The Andijon Uprising*, 25 May 2005; and Crisis Group Asia Report N°73, *Unfulfilled Promises: Pakistan's Failure to Tackle Extremism*, 16 January 2004.

¹¹⁶ At this preparatory stage it is also being recommended that the number of focus areas be slimmed down from four to three with infrastructure subsumed into rural development. There are only two cross-cutting areas: de-mining and regional cooperation. Crisis Group interviews, Kabul and Brussels, September and October 2005.

¹¹⁷ Crisis Group interviews, Kabul, September 2005.

¹¹⁸ "Communication from the Commission on Conflict Prevention", European Commission, Brussels, 11 April 2001.

Afghanistan.¹¹⁹ Given the restrictions placed on women by both the mujahidin – many of whom are now back in power – and the Taliban, gender issues should also be at the forefront. As a European official said, “gender is supposed to be cross-cutting, but here it is not enough to be cross-cutting”. The pledge in the last Country Strategy Paper to dedicate 2 per cent of EC funding to women’s projects should be increased to 5 per cent.

The EC is obliged as a signatory of the Paris Declaration on Aid Effectiveness to harmonise with the priorities of host countries.¹²⁰ The British Department for International Development (DFID) has opted for an interim strategy paper prior to release of the Afghanistan National Development Strategy (ANDS) and the post-Bonn compact. The EC should either wait before adopting a long-term strategy in the CSP or ensure that its commitment to revisit anything in the document that may be inconsistent with the ANDS is substantive and wide-ranging.

C. PRIORITY AREAS: ADDED VALUE IN ACTING TOGETHER

1. Common benchmarks and monitoring

Unlike with Eastern Europe and the Balkans, the EU does not have the obvious carrot of accession to offer the Afghan government and people in return for “meeting goals”. In its absence, the EU should concentrate on simple benchmarks that could be easily monitored. To meet its obligations to European taxpayers and the people of Afghanistan, there need to be clearly agreed and acceptable outcomes and, if necessary, penalties if they are not met. EU interests in working with a friendly regime should not extend to accepting excuses for inaction at face value. Unconditional assistance would advance neither EU nor Afghan interests.¹²¹

But European donors must also harmonise their programs so as not to burden a fragile state with conflicting, competing, multiple or unrealistic benchmarks. As Europe

enters into dialogue with Kabul on new commitments, member states should opt among themselves and with Brussels, as far as possible, for common priorities, benchmarks and monitoring instruments. Ideally, all donors should work together, but a coordinated European approach would set, at the least, a good example. DFID is already looking at common benchmarks for the Afghanistan Reconstruction Trust Fund (ARTF). Since European donors grant millions of euros to the National Solidarity Program (NSP), a Ministry of Rural Rehabilitation and Development (MRRD) grassroots initiative, this is another obvious area for a coordinated approach.

A more coherent donor approach would also be effective in other broad policy areas, such as counter-narcotics and public administration and security sector reform, where member states have major political and financial interests. A starting point for greater cooperation in these areas could be reports on common donor approaches, standards and best practises for European member states, developed in concert with Afghan government policies.¹²² The smaller missions and agencies, which are particularly keen and have the most to gain, lack the resources for monitoring and in-depth analysis across sectors. Currently, for instance, it is felt that the UK, through holding the EU presidency and leading the G8 on counter-narcotics, as well as because of the sheer size of its contribution, dominates debate within the EU on the approach to opium production.

While it would be helpful for the EC and the EUSR to take the lead in coordinating European donors in Kabul, every step the EU takes to rationalise its own internal cooperation will be set against a backdrop of competing priorities with and among other major donors including the World Bank, the UN, the U.S. and Japan. Efforts should also focus, therefore, on enhancing broader coordination and cooperation based on the comparative advantages of each.

2. Democratisation and human rights

The French lead in helping the new National Assembly through the Support to the Establishment of the Afghan Legislature (SEAL) project, to which the EC and member states are large contributors.¹²³ If the new legislature is to

¹¹⁹ Crisis Group Asia Report N°64, *Peacebuilding in Afghanistan*, 29 September 2003.

¹²⁰ This includes commitments for strengthening partner countries’ national development strategies and associated operational frameworks; and increasing alignment of aid with partner countries’ priorities, systems and procedures and helping strengthen their capacities. The declaration was a result of the High Level Forum on Joint Progress toward Enhanced Aid Effectiveness, Paris, 28 February-2 March 2005.

¹²¹ “During the Taliban, funding had to be politically correct. Now if anyone says anything, the response is ‘the state is fragile’”, comments one long-term observer. Crisis Group interview, 15 August 2005.

¹²² The Afghan government’s policies on counter-narcotics and transitional justice are enunciated in its “Counter Narcotics Implementation Plan (1384/2005)” and “Justice for All: A Comprehensive Needs Analysis for Justice in Afghanistan”, prepared by the Ministry of Justice in cooperation with the Justice Sector Consultative Group, May 2005.

¹²³ There is a similarly focused Afghanistan Parliament Assistance Project (APAP) funded by the U.S. Agency for

become a true equal of the executive, members who may have little experience need donor aid. Women in particular will require support to get their voices heard; a priority is creation of a women's caucus as a mechanism to build coalitions and help shape legislation. High-level political help by EU missions and institutions is also required, through, for instance, regular contacts with leaders of the two National Assembly houses.

There are fears that with these new institutions in place, governance funding will be limited to strengthening them alone. However, to sustain the democratic transition and hold the administration accountable, donor commitments to civil society actors, political party development and the media are vital. This assistance would also help reassure those outside elected state institutions and who might otherwise be tempted to become spoilers that their voices will be heard, and they will be allowed a role in determining the direction of the political transition. This should be emphasised in the new Country Strategy Paper.

In post-Taliban Afghanistan, the U.S-led approach has focused on co-option; the Afghan administration and many in the international community have preferred to overlook the bloody past of numerous power brokers in exchange for their support in the war on terrorism. As an Afghan academic put it, "the international community decided to build the state using powerbrokers who had already failed the state".¹²⁴ This atmosphere of impunity and the absence of the rule of law have encouraged other abuses and growing criminality, such as narcotics trafficking. Many who were embedded within the administration during the past four years have now gained democratic legitimacy in the recent elections.

European pressure, however, has helped keep transitional justice and human rights issues on the table. Indeed, they are highlighted in the recently signed EU-Afghanistan Joint Declaration, with the Afghan government pledging that it "supports the recommendations of the Afghan Independent Human Rights Commission and shall implement a process of transitional justice to address human rights violations of the past".¹²⁵ That Afghans do not regard these as luxuries, as some of their officials suggest, is reflected in the consultation paper of the Afghanistan Independent Human Rights Commission (AIHRC), "Call for Justice",¹²⁶ and the recent elections, which produced thousands of complaints about candidates,

many pointing to past human rights violations.¹²⁷ EU interests in human rights and transitional justice should now be translated into hard demands for good governance. The EC recognised in a 2003 Communication that:

The structures and the quality of governance are critical determinants of social cohesion or social conflict, the success or failure of economic development, the preservation or deterioration of the natural environment as well as the respect or violation of human rights and fundamental freedoms.¹²⁸

There are three areas in particular in which member states are currently involved or developing interest and in which they should act in concert, financially and politically:

- the Afghan Independent Human Rights Commission (AIHRC);
- the Afghan Transitional Justice Action Plan; and
- the creation of a high-level advisory panel for senior appointments.

The AIHRC is under pressure: its membership is still being debated even though the current commissioners' terms expired at mid-year. A collective EU stance on its institutional autonomy should be backed by long-term funding commitments. The Transitional Justice Plan, which lays out a path to recognise past atrocities and seek justice for them as decided by the Afghan people, similarly risks being watered down or ignored and needs to be built into post-Bonn frameworks.

Creation of a high-level advisory panel to vet senior appointments, such as governors, police chiefs and ministry appointees, is under discussion in Kabul. This could, in the absence of a functioning justice system, seek to weed out past abusers, drug traffickers and the unqualified. Some fear it could politicise such appointments but a human rights advocate argues that with clear criteria and a transparent process it would be far more neutral, "Currently every appointment is politicised. This is an attempt to depoliticise the process. The president is subject to all sorts of lobbying. This is bureaucratising it, bureaucratising in the best sense".¹²⁹ While ensuring

International Development (USAID), and some mechanisms for coordination between the projects now appear to be in place.

¹²⁴ Crisis Group interview, 25 August 2005.

¹²⁵ Signed in Strasbourg, 16 November 2005.

¹²⁶ "A Call for Justice: A National Consultation on Past Human Rights Violations in Afghanistan", Afghan Independent Human Rights Commission (AIHRC), at www.aihrc.org.af.

¹²⁷ The constitution, however, only allowed for exclusion of those who had been convicted of crimes or crimes against humanity. Without a functioning justice system, and even fewer records, in the country for most of the past 25 years, no candidate was barred on such grounds.

¹²⁸ "Governance and Development", Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee, Brussels, COM (2003)615, 20 October 2003.

¹²⁹ Crisis Group telephone interview, Kabul, 14 November 2005.

Afghan ownership – the final decision would rest with the president – Europeans could stiffen resolve for such a process at top-levels and help ensure that the panel's membership was suitably qualified, included women and minority representatives, and had public support. The EU could emphasise the seriousness it placed on this initiative by making important funding dependent on the panel operating fairly and the government paying appropriate attention to its recommendations.

3. Regional linkages

Many of Afghanistan's past woes have resulted from its neighbours but ultimately the answers to creating a secure and sustainable state also lie with them. A senior international official pointed out that:

Afghanistan is caught in a geographic situation, which is not easy. It has very powerful neighbours, who are not insignificant countries....Afghanistan needs to be anchored in a regional strategy; it should be dealt with as part of the region. [At the same time] you cannot take these neighbours for reliable partners.¹³⁰

In December 2002, China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan signed the Kabul Declaration on Good Neighbourly Relations but this was little more than a goodwill statement in which the signatories "solemnly reaffirm[ed] their commitment to constructive and supportive bilateral relationships based on the principles of territorial integrity, mutual respect, friendly relations, co-operation and non-interference in each other's internal affairs".¹³¹ In pledging to work together to "defeat terrorism, extremism, and narco-trafficking", they ignored trade, which, it has been argued convincingly, should be the starting point for regional cooperation.¹³²

Promoting regional cooperation is particularly appropriate for the EU, with "its rich experience of regional economic cooperation",¹³³ as well as its ability to reach out to countries such as Iran, where the U.S. has no links. Indeed, regional cooperation looks set to be included in the new Country Strategic Paper, as it was in the last. EU

commitments include work on the Kabul-Jalalabad highway, which will facilitate trade with Pakistan. Linking the Afghan CSP with those for its neighbours, such as Pakistan, is a logical next step.

Such commitments need to be complemented politically. The recent appointment of an EUSR for Central Asia¹³⁴ is encouraging. He is instructed to cooperate closely with the EUSR in Kabul,¹³⁵ whose mandate already includes to "encourage positive contributions from regional actors in Afghanistan and from neighbouring countries to the peace process in Afghanistan and thereby contribute to the consolidation of the Afghan state",¹³⁶ and to stay "in close contact with neighbouring and other interested countries in the region".¹³⁷ While attention was concentrated on rebuilding state institutions, this was not a priority, but it should now receive more attention.

Asia has come relatively late onto the EU radar and is probably the region with which it has the fewest development ties and agreements. While the commitments to Afghanistan reflect a rising interest in the area, the EU has no office in Tehran and only small offices in Dushanbe and Tashkent.¹³⁸ If the area is indeed, as the mandate of the new EUSR for Central Asia states, a region where the "EU wishes to play a more active political role",¹³⁹ appropriate resources should be put in place. In public diplomacy, too, member states should adopt a common approach towards Afghanistan's neighbours, in particular Pakistan, in order to help reduce the threat that cross-border insurgency represents to the Afghan state and citizens.

¹³⁰ Crisis Group interview, Kabul, 24 August 2005.

¹³¹ "Kabul Declaration of Good Neighbourly Relations", December 2002

¹³² "Just as regional cooperation may be essential for Afghanistan's sustainable recovery, Afghanistan's sustainable recovery may be essential for regional cooperation", Barnett Rubin and Andrea Armstrong, "Regional Issues in the Reconstruction of Afghanistan", *World Policy Journal*, Spring 2003 p. 38.

¹³³ EU-Afghanistan Joint Declaration, Strasbourg, 16 November 2005, p. 3.

¹³⁴ Jan Kubis was appointed EUSR for Central Asia on 18 July 2005.

¹³⁵ Council Joint Action 2005/588/CFSP.

¹³⁶ Council Joint Action 2003/871/CFSP of 8 December 2003 extending and amending the mandate of the Special Representative of the European Union in Afghanistan, Article 2(2).

¹³⁷ *Ibid*, Article 3(d).

¹³⁸ A contact office in Tashkent, Europa House, has about eight staff, and the EC Delegation in Dushanbe has ten.

¹³⁹ Council Joint Action 2005/588/CSFP, 28 July 2005.

VI. CONCLUSION

The billions of euros being spent in Afghanistan and the billions more allocated to securing it are meant to heal a wound left to fester for years. Hopefully one lesson that will be taken from the Afghan experience is that conflict prevention is preferable to post-conflict rebuilding. As an EC official said, "I hope we never have a situation like this again where a country is so smashed up for so long. I hope this is something of the past".¹⁴⁰

Afghanistan is moving beyond the emergency stage when, to a certain extent, anything that was done helped. Greater coordination is both vital and should now be possible. Levels of funding will not rise and donor fatigue is likely to set in all too soon. This means needs have to be better prioritised and capacity building and sustainability emphasised in planning.

In helping to ensure the effectiveness and fairness of the new Afghan state, Europe must line up a full array of external policy tools in support of clearly defined strategies. Only when EU institutions and member states work coherently and cooperatively together will they achieve influence commensurate with their commitments and maximise the overall international effort. While continuing its emphasis on working with Afghan government priorities, the EU will have to make some hard demands of the Kabul authorities. If it is to treat security concerns more seriously, member states may also have to make some hard demands of their own domestic constituencies.

Likewise, the EU will need to find solutions to its internal dilemmas if there is to be effective coordination between the Council and the Commission in their approaches to Afghanistan. The many member states working as individual actors with varying goals and commitments add to the confusion in Kabul. It is too much to expect Europe to be – or even be perceived to be – a single actor at this point in time but the EU should use its areas of greatest common interest as building blocks.

The building up and legitimising of democratically elected central government was at the heart of the Bonn Agreement. Those elections, whatever their failings, have been held and the elected institutions of the state are in place. As it debates a post-Bonn compact with Afghanistan, Europe should work in concert, putting good governance at the heart of its plans and commitments to help build a better and safer world for all.

Kabul/Brussels, 30 November 2005

¹⁴⁰ Crisis Group interview, Kabul, 24 August 2005.

APPENDIX A
MAP OF AFGHANISTAN



Map No. 3958 Rev. 3 UNITED NATIONS
 January 2004

Department of Peacekeeping Operations
 Cartographic Section

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with over 110 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board -- which includes prominent figures from the fields of politics, diplomacy, business and the media -- is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by Lord Patten of Barnes, former European Commissioner for External Relations. President and Chief Executive since January 2000 is former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates fifteen field offices (in Amman, Belgrade, Bishkek, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Pretoria, Pristina, Quito, Seoul, Skopje and Tbilisi), with analysts working in over 50 crisis-affected countries and territories across four continents. In Africa, this includes Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, the Sahel region, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir, Kazakhstan,

Kyrgyzstan, Myanmar/Burma, Nepal, North Korea, Pakistan, Tajikistan, Turkmenistan and Uzbekistan; in Europe, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the Andean region and Haiti.

Crisis Group raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: Agence Intergouvernementale de la francophonie, Australian Agency for International Development, Austrian Federal Ministry of Foreign Affairs, Belgian Ministry of Foreign Affairs, Canadian Department of Foreign Affairs and International Trade, Canadian International Development Agency, Canadian International Development Research Centre, Czech Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, German Foreign Office, Irish Department of Foreign Affairs, Japanese International Cooperation Agency, Principality of Liechtenstein Ministry of Foreign Affairs, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Republic of China (Taiwan) Ministry of Foreign Affairs, Royal Danish Ministry of Foreign Affairs, Royal Norwegian Ministry of Foreign Affairs, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign Affairs, United Kingdom Foreign and Commonwealth Office, United Kingdom Department for International Development, U.S. Agency for International Development.

Foundation and private sector donors include Atlantic Philanthropies, Carnegie Corporation of New York, Compton Foundation, Ford Foundation, Fundação Oriente, Fundación DARA Internacional, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, Hunt Alternatives Fund, Korea Foundation, John D. & Catherine T. MacArthur Foundation, Moriah Fund, Charles Stewart Mott Foundation, Open Society Institute, Pierre and Pamela Omidyar Fund, David and Lucile Packard Foundation, Ploughshares Fund, Sigrid Rausing Trust, Rockefeller Foundation, Rockefeller Philanthropy Advisors and Sarlo Foundation of the Jewish Community Endowment Fund.

November 2005

APPENDIX C

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