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ABBREVIATIONS

ANA: Afghan National Army.

ANDS: National Development Strategy of Afghanistan.

ANP: Afghan National Police.

CSEC-A: Command of the Joint Security Transition in Afghanistan. DDR: Demobilization, Disarmament and Reintegration.

EPR / PRT: Provincial Teams of Reconstruction.

ETT: Embedded Training Teams or Embedded Tactical Trainers.

ISAF / ISAF: International Security Assistance Force.

KMTC: Kabul Military Training Center.

UNAMA: United Nations Assistance Mission in Afghanistan.

NTM-A: NATO Training Mission in Afghanistan.

OMLT: Liaison and Operational Mentoring Teams.

UNHCR: United Nations High Commissioner for Refugees.

WFP: World Food Program

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ABSTRACT

This thesis focuses on the role of the international community in the process of institutional transition in Afghanistan since the fall of the Islamic Emirate of Afghanistan in 2001. It first proposes a state of play of the institutional situation of the country under the Taliban regime, with the aim of better understanding the phenomenon of state degeneration that ensued. It then gives a substantial place to the institutional transition process that began with the adoption of the Bonn Agreement, a real roadmap for the reconstruction of the country. This thesis also looks at the follow-up to the Bonn Agreement, which has been complemented by the Afghanistan Compact, as well as a series of international conferences that have helped to change the international community's strategy in the field. The third part of the dissertation is a practical evaluation of the progress made in the field of skills transfer. Two aspects of the transition will be discussed here: first, the administrative and institutional reconstruction of the Afghan state, and secondly the reconstruction of the Afghan security forces, which includes the formation of the Afghan National Army.

Keywords :

Afghanistan; state building; institutional transition; reconstruction; Bonn Agreement; Pact for Afghanistan; UN; Loya Jirga; FIAS; Afghan army.

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INTRODUCTION

The relevance of the topic. Rebuilding a State, following almost ten years of institutional and legal vacuum: this is the challenge undertaken by the international community to the fall of the Islamic Emirate of Afghanistan in the winter of 2001. Indeed, when the Taliban regime and the last "students in religion"¹ desert Kabul, the country is completely deconstructed. Institutions have been neglected and destroyed since the development of a civil war in 1989, government officials have fled abroad in a large movement of emigration, and the country is deeply shaken by these decades of conflict incessant.

From a legal point of view, Burhanuddin Rabbani remains since 1992 and the capture of Kabul by the Mujahideen, the head of state recognized by the international community. However, he is a controversial figure who, in 2001, was unable to bring the majority of Afghans together. As for the Taliban, it is inconceivable for the United States to involve them in the negotiations. That is the situation facing the States of the international community in 2001. At that time, the US intervention supported by NATO forces is not expected to last, and soon the question arises of rebuilding the Afghan state. It is important to remember that, contrary to what can sometimes be written, Afghanistan has a relatively old state tradition. The country came into being as a modern state in 1747 under the aegis of a Pashtun, Ahmed Shah Durrani, who from the 18th century tried to develop a central state.² However, the state and institutions in Afghanistan still appear to be built at the juncture of legal criteria and traditional criteria. If one borrows the typology defined by the sociologist Max Weber, the authority of the state in Afghanistan must juggle several types of

¹ The word Taliban means "student" or "the one who seeks religious knowledge" in Arabic.

² Olivier Roy. Afghanistan: the difficult reconstruction of a state. Cahier de Chaillot, Institute for Security Studies of the European Union, December 2004, p. 11.

criteria likely to guarantee its legitimacy. The state owes its foundation first to the "legal authority" which is based on the validity of the law, rationally established by law or bureaucracy, but also two other forms of authority less conventional. Indeed, unlike Western democracies, power in Afghanistan also rests on a form of "traditional authority," which Max Weber defines as referring to the sacred respect of customs and those who hold power by virtue of tradition, and on the "charismatic authority" because the support of the chief and a number of families of respected notables across the country is very important in order to govern in Afghanistan. Therefore, the state apparatus in Afghanistan must, in order to govern, maintain its tribal legitimacy and provide support to local personalities and major clans of the country. This type of functioning is relatively uncommon in our Western democracies but is an integral part of the functioning of political and institutional life in Afghanistan.

In order to understand the state organization of the country, it is also interesting to recall that Afghanistan was constituted as a state under the influence of foreign powers. Indeed, the British and the Russians - who have in turn tried to take control of Afghanistan to make it a buffer state that protects their Empire - have made a very strong contribution to defining the borders of Afghanistan that we know today. This leads Olivier Roy to write that "the state [in Afghanistan] was not created by external conquests but by the internal conquest of a territory defined from the outside".³ It is therefore difficult to build a state from this situation, since Afghanistan seems to constitute a nation only for the actors who observe it from the outside. Internally, it is rather its great diversity as much ethnic, cultural and geographical that strikes anyone who is interested in this country.⁴⁵

This brief deals with the process of institutional transition in Afghanistan, that is, the mechanisms put in place by the international community to ensure the transfer of power, of a religious regime based exclusively on Islam - the Islamic Emirate of Afghanistan - towards a rule of law legitimately elected by the Afghan population.

³ Olivier Roy. Afghanistan: the difficult reconstruction of a state. Cahier de Chaillot, Institute for Security Studies of the European Union, December 2004, p. 13.

⁴ See Appendix B-1: Ethnolinguistic Groups in Afghanistan.

⁵ See Appendix B-2: Geography of Afghanistan.

The study presented here focuses in particular on the dynamic process of power transfer, as well as on the mechanisms put in place to rebuild a state that had ceased to exist since 1996 - and thus joins issues specific to state building. Afghanistan is an interesting case study because it is really in this country to rebuild a failed state, often called a "failed state". Afghanistan is indeed a country that has lost its consistency in the 90s and has been annexed by a transnational organization, Al-Qaida, which took advantage of the weakness of the Afghan state to establish itself in the country Afghan territory and to use it to serve its global jihad goals. However, the term failed state or fragile state must be handled with care. Indeed, this concept, which emerged in the Cold War, has been reused since the attacks of 11 September. It tends to be used to justify the interest of northern countries in the internal fragilities of some countries of the South - suggesting some form of interference.

Our study places special emphasis on the role of the international community in the institutional transition process in Afghanistan, since Afghanistan has played an important role since 2001 and is active at all levels of the transition process - even before convocation of the Bonn conference. The term international community is often controversial because it refers to an ill-defined reality. It imprecisely designates influential states on the international scene and tends to suggest that they represent a monolithic bloc with common positions, which of course is not the case. However, in the absence of more satisfactory terminology, we will use this term to refer to States participating in the reconstruction of Afghanistan, through the United Nations or NATO. We will have to study the mechanisms put in place by the United Nations to oversee this transition process, particularly through the creation of UNAMA, which plays a key role in the process of rebuilding civilian institutions. We will also focus on the study of ISAF, an international force essential for the security of the territory as well as for the training of the Afghan National Army (ANA).

The approach taken in this thesis is similar to that of state building, a discipline that focuses on the construction and functioning of the state. The reflection in this thesis brings us, along with that led to the reconstruction of Afghanistan, to question

the qualities needed to build a state - a very broad question that can only be touched on through this brief, and that will be discussed only in the context of Afghanistan.

The purpose of the thesis is to reflect on the role of the international community in the state building process, and to ask ourselves about the priority areas that need to be addressed in the process of rebuilding a State, following a situation of conflict.

The tasks of the thesis are to find out:

- The internal reasons for the appearance of the Taliban movement:
- The Taliban seizure of power: the foundation of the Islamic Emirate of Afghanistan
- Attempts to negotiate and settle the afghan question by the international community during the Taliban period.
- The role of the Bonn Agreement and the provisions on institutional transition
- The role of the UN as defined by the Bonn Agreement.
- The contribution of third States to ISAF, the body responsible for maintaining of security.
- The changes since 2008: a shift in the strategy of the international community
- Success and Failure of Skills Transfer Initiated Since the Bonn Agreement
- Stages of the legitimation of the State.
- The challenge of the institutionalization of the country.
- Security as a priority area for establishing state authority
- Prospects for the transfer of skills in the field of security

The object of the study is to reflect the role of the international community in the state building process, and to ask ourselves about the priority areas that need to be addressed in the process of rebuilding a State, following a situation of conflict.

The subject of the study is post-taliban state building in Afghanistan considering the institutional situation of the country during the period of the Islamic Emirate of Afghanistan and after.

Research questions.

1. What is the role of the international community in the process of institutional transition in Afghanistan from 2001?
 - How institutional transition process, the study of which begins with the Bonn conference, create a roadmap for the country's institutional reconstruction?
2. How essential is the Bonn agreement, since some see it as a sign of the beginning of change in Afghanistan, while others believe that the failure of the country's reconstruction?
3. What are the successes and failures encountered in the field of state building, reconstruction and consolidation of state institutions and institutional practices?
 - What progress has been made since 2001 and what challenges remain in order to rebuild a fully functioning administration?

The methodological and theoretical basis of the thesis.

The qualitative research has been used in the paper. The methodological basis of the work is a systematic approach, which presupposes the consideration of modern world politics as a complex system of various interacting participants. From general scientific methods in this work, special attention was paid to the historical-descriptive and political-descriptive methods that ensured the systematization and general analysis of the primary factual information on state building procedure as well as a comparative historical method that allowed a comparative analysis of the approaches of various interstate organizations of the global and regional spheres of activity.

The novelty of the study. There are plenty of previous studies and research focused on the process of institutional transition in state building, concerning the Afghanistan case since the fall of the Islamic Emirate of Afghanistan in 2001. Most are theory based works with the aim of better understanding the phenomenon of state degeneration that ensued. This work focuses on the role of the international community in state building process that began with the adoption of the Bonn Agreement, a real roadmap for the reconstruction of the country. This thesis also looks at the follow-up to the Bonn Agreement, which has been complemented by the Afghanistan Compact, as well as a series of international conferences that have

helped to change the international community's strategy in the field. Practical evaluation of the progress made in the field of skills transfer. Two aspects of the transition will be discussed here: first, the administrative and institutional reconstruction of the Afghan state, and secondly the reconstruction of the Afghan security forces, which includes the formation of the Afghan National Army.

I CHAPTER. AFGHANISTAN IN 2001, DECONSTRUCTED COUNTRY WITHOUT STABLE INSTITUTIONS, OTHER THAN TALIBAN LAW

1.1. The situation of the country at the time of the Taliban's seizure of power: a country in which the state has been eroding for more than a quarter of a century

1.1.1 The internal reasons for the appearance of the Taliban movement: Afghanistan, a country weakened by a civil war since 1989

The appearance of the Taliban movement is difficult to explain since the situation in Afghanistan in the early 1990s is the product of a multiplicity of factors. The sudden emergence of the Taliban, as well as the speed with which this movement has managed to take control of the majority of the Afghan territory also makes the study of such a difficult movement. Two views are propose to explain the

development of the Taliban, one focusing on external criteria, and the other on internal criteria. These do not exclude each other and are in fact complementary, even if they propose to focus on two different levels of analysis.

According to a first view, the Taliban movement originated in external factors. The emergence of this group comes from the desire of the Americans and Pakistan to control the Afghan territory, a highly strategic country for the transport of oil and gas from Central Asia. These two foreign powers would thus have favored the emergence of the Taliban in order to place this friendly group in power and to ensure the good representation of their interests.

There is, however, a second thesis attributing the origin of this religious group to internal criteria. The thesis of the internal emergence of the Taliban imputes their appearance to the weakness of the Afghan state, its situation of "failed state" or "deliquescent state". It focuses on the influence of the governance crisis that the country has been going through since 1992. Indeed, from 1992 and the departure of the Soviet occupiers, Afghanistan is developing a civil war opposing the various factions of Afghan resistance. Formerly united in their fight against the pro-communist regime of Najibullah, they see their dissension revive when their common communist enemy falls. This civil war continues in a context of crisis of governance since the fall of Najibullah. Afghanistan is thus in a situation of political vacuum, which constitutes a fertile ground for the emergence of a new political and religious group. The Taliban will emerge in the madrasas of Pakistan and spread to Afghanistan. In this turbid and violent context, they are gradually becoming popular on promises of pacification, an argument that quickly finds an echo among the population tired of years of war. This thesis is particularly interesting in our case, since our interest is in the institutional situation of the country. It is therefore appropriate to return to the state of Afghanistan in the run-up to the Taliban's takeover before studying the organization set up under the Taliban regime.

Unexpectedly, following the departure of the Soviet troops from Afghanistan in 1989, Mohammed Najibullah's pro-Communist regime remains in power. A civil war erupts in Afghanistan, opposing the Democratic Party of the Afghan People at

the head of the country, and an aggregate of different resistant factions often called together the "Afghan resistance". This Afghan resistance has been organized since the arrival of the Communist Party of Afghanistan and is composed of disparate forces. Three groups stand out in the Afghan resistance: Islamists, anti-Soviet leftists and democrats.⁶ Yet very quickly, it is the Islamist fighters, the mujahideen, who dominate the Afghan resistance and impose themselves as the driving force of this coalition. The Mujahideen do not fight under a unified command and each group represents its particular, ethnic and regional interests.

In April 1992, Kabul fell into the hands of the Mujahideen, marking the end of the Najibullah regime. Islamic fighters are therefore in a favorable position to take power. However, the fall of the communist regime will lead to the development of a civil war. The Mujahideen, who until then fought for the same cause - that of putting down the Moscow-backed Kabul regime - are now in a situation of competition for power.⁷ Rival factions clash with Jamiat-e-Islami led by Burhanuddin Rabbani, including Massoud and his followers, and the Islamic Hizb-e-Islami party led by Gulbuddin.

As these two groups rush to the capital to impose their control, Kabul soon becomes a "battlefield for power".⁸ The country is divided into rival factions, which soon leads to the development of a civil war that extends to the years 1995/1996. This exodus of qualified personnel accentuates the erosion of the Afghan state, already implemented since the early 1970s following the fall of the regime of Mohammed Daoud. The state does not disappear completely, but there is a "break-up of the state into factions and regional entities"⁹, competing for control of the state whose unity has disappeared.

⁶ Ramazan Bashardost. Afghanistan. Constitutional Law, History, Political Regimes and Diplomatic Relations since 1747. Paris: L'Harmattan, 2002. p. 233.

⁷ Gilles Dorronsoro. Disorder and legitimacy of politics in Afghanistan. Culture & Conflict, No. 24-25, Winter 1996-Spring 1997, p. 2.

⁸ Ramazan Bachardoust. Afghanistan. Constitutional Law, History, Political Regimes and Diplomatic Relations since 1747. Paris: The Harmattan, 2002. p. 236

⁹ Pierre Centlivres and Micheline Centlivres-Demont. State, Islam and tribe in the face of international organizations. History, Social Sciences, 54th Year, No. 4, July-August 1999, p. 955.

It does not seem important for our subject of study to go into detail about the struggles for power that develop from the collapse of the communist government of Mohammed Najibullah. On the other hand, it is important to underline that the political vacuum caused by his departure favored the development of a civil war between the various mujahideen factions, and that this situation constituted a breeding ground of instability which later allowed the movement Taliban to flourish. Indeed, the ravages of the civil war have prevented the rebuilding of stable institutions and the reformation of the Afghan state, leaving the field free for the emergence of new political movements, like that of the Taliban. The weakness of the state represented an opportunity for the Taliban movement in two ways. First of all by allowing him to take power relatively easily, without being opposed by a unified armed force or resistance from the central government. Secondly, the weakness of the state has served as an argument for the Taliban who have managed to present themselves as the only force able to end the almost permanent state of war since the late 1970s, thus ensuring their popularity with of a population tired of incessant clashes.¹⁰

It is in this context of political instability that the Taliban movement developed from 1994 onwards. As we mentioned at the moment, this group quickly finds an echo with the population of the countryside, which is sensitive to its promises of pacification and establishment of order.¹¹ Mullah Omar - one of the Taliban's charismatic leaders - also claims the Taliban's pacification mission: “[The Taliban] have taken up arms to achieve the goals of the Afghan jihad and save our people from the suffering in the hands of the Mujahideen.”¹² Their message can be summed up in three slogans: peace, order, and Islamic law.

At the same time, the Taliban movement is echoed by the Pashtun people, who do not feel represented by the Jamiat-e-Islami led by Burhanuddin Rabbani, who was elected president of the Afghan state in June 1992. The Taliban movement is

¹⁰ Patrick Dombrowsky and Simone Piernas. *Geopolitics of the new Afghanistan*. Paris: Ellipses, 2005, p. 21.

¹¹ Nasreen Gufran. *The Taliban and the civil war entanglement in Afghanistan*. *Asian Survey*, Vol. 41, No. 3, May-June 2001, pp. 468-469.

¹² Ahmed Rashid. *Militant Islam, Oil and Fundamentalism in Central Asia*. New Haven: Yale University Press, 2000, p.23.

reinforced by the rallying of small Pashtun commanders at his side, mortified at the idea that the country's internal struggles could lead to the end of the Pashtun hegemony over the country.¹³ At the same time, they manage to add to their ranks Mujahideen, who are more inclined to desertion for remuneration.

Faced with the governance crisis in the country, students in religion are cloaked in the legitimacy provided by traditional Islam, "the only legitimacy still intact and able to win the support of the majority of the country".¹⁴ This political and religious movement is supported by Pakistanis and includes many Afghan youth who have immigrated to Pakistan to receive comprehensive training in Pakistani madrasas.

The emergence of the Taliban movement upsets the ongoing civil war situation in the country. As early as 1994, religious students began to make spectacular breakthroughs in southern Afghanistan, which they soon added to dominance over the east and west of the country in 1995.¹⁵ Their stranglehold on the whole country is consecrated by taking Kabul without a real fight on 26 September 1996.¹⁶ Surprisingly, the Taliban manage to take control of the country virtually without fighting. Their strategy is based on peaceful means: when they approach a new territory, the Taliban send a delegation of ulemas - that is to say religious - to persuade the leaders of local militias to file the weapons.¹⁷ A strategy that pays off since most militias accept, considering the Taliban as a neutral force, see harmless.

The Taliban movement is therefore not a monolithic movement, since it presents itself as an aggregate of disparate forces, rallied to its cause for various reasons, as we have just mentioned. Patrick Dombrowsky identifies three main types of fighters within the same movement:¹⁸ mullahs or students from the madrassas of Pakistan or southern Afghanistan who constitute the hierarchy of the movement. Resistance soldiers who joined the Taliban either out of weariness from the civil war or by following their rallying commanders. And finally, the military or administrative

¹³ Olivier Roy. *The Afghan legacy*. Foreign Policy, No.4, 1996, p. 837.

¹⁴ Stéphane Allix. *From Resistance to Taking Kabul, the secret history of the Taliban*. The Diplomatic World, January 1997, pp.4-5.

¹⁵ See Appendix B-2: Geography of Afghanistan.

¹⁶ See Annex B-3: Taliban takeover

¹⁷ Nasreen Gufran. *The taliban and the civil war entanglement in Afghanistan*. Asian Survey, Vol. 41, No. 3, May-June 2001, pp. 467-468.

¹⁸ Patrick Dombrowsky. *Taliban Afghanistan*. National Defense, January 1999, No. 1, p. 112

cadres of the former monarchical regime of the Pashtun-dominated Khalq faction of the former Communist Party, anxious for political revenge or motivated by the prospect of personal enrichment.

1.1.2 The Taliban seizure of power: The founding of the Islamic Emirate of Afghanistan

Following their gradual seizure of power, the Taliban are evolving from movement status to that of a government determined to establish an Islamic state in Afghanistan. The Taliban are very early aware of the difficulty of governing a country like Afghanistan. So they choose very quickly not to repeat the historical mistake made by the different foreign powers - be it the United Kingdom or Russia - having successively tried to control the country from Kabul and spread their domination to from a centralizing model.¹⁹ They quickly realized the need to extend their dominance beyond the Afghan capital and that is why they chose to rely on local leaders through a multitude of agreements made in the field, in order to ensure their influence in the countryside.

Despite the military resistance against them, the Taliban control at the beginning of the 2000s not less than 90% of the territory. They managed to pacify the country²⁰, but struggled to overcome some of the resistant factions²¹, and in particular supporters of Burhanuddin Rabbani, who remains the President officially recognized by the international community since 1992. Desirous of countering the influence of Burhanuddin Rabbani, the Taliban seek to organize themselves to form a counter-government. They then set up a network of advisory bodies, the shura, to give a political form to their movement. However, the political vision of the Taliban is very singular, and is particularly opposed to any formal political organization. This

¹⁹ Nasreen Gufran. The taliban and the civil war entanglement in Afghanistan. *Asian Survey*, Vol. 41, No. 3, May-June 2001, p. 469.

²⁰ Nasreen Gufran. The taliban and the civil war entanglement in Afghanistan. *Asian Survey*, Vol. 41, No. 3, May-June 2001, pp. 468-470.

²¹ Karim Pakzad. Ten years after the withdrawal of the Soviet troops: where is Afghanistan? *International Review and Strategic*, No. 43, 2001, p. 150

ideology will help to accentuate the weakening of state institutions already shaken by the war.

The exercise of power by the Taliban will have very important consequences on the institutional structure of the country because it will lead to the deliquescence of the Afghan state. Indeed, at the time of the fall of the Islamic Emirate of Afghanistan in 2001, the country lost any formal state organization. To understand the phenomenon of state degeneration begun under the Taliban regime, it is necessary to focus on the vision of this group of the organization of power, which is justified by its particular interpretation of Islamic law.

The Taliban find themselves around a major objective - and it would be almost possible to say unique - that of the application of an original Islam. Their interpretation of Qur'anic concepts, ie sharia law, is a mixture of the Deobandi school, Wahhabism, and Pashtun customary rules that serve as a source of almost fully customary tribal justice in Afghanistan. In the nineteenth century, the state had attempted to unify legal practices on its territory, notably by subjecting the Pashtun tribes to the Civil and Penal Codes.²² However, this has proved difficult, and customary law remains important throughout the centuries, especially in the countryside. The Taliban's interpretation of Islam is not shared by any other Muslim country and no religious authority. This lack of formalization of the law and unified legal institutions will partly explain the rapid spread of Taliban doctrine.

The extremist Islam practiced by the Taliban - like that of the Muslim Brotherhood - is radically opposed to Western democracy and the idea of a nation-state²³. The Taliban's takeover of power from 1996 onwards does not result in a restructuring and the State, nor the creation of stable institutions. Maududi, one of Pakistan's fundamentalist thinkers, said about the Taliban's political vision: "The philosophical basis of Western democracy is the sovereignty of the people [...] this is not the case with Islam [...], Islam repudiates the philosophy of popular sovereignty and finds its foundations in the bases of the sovereignty of God and the human vice-

²² Karim Pakzad. Ten years after the withdrawal of the Soviet troops: where is Afghanistan? *International Review and Strategic*, No. 43, 2001, p. 147

²³ Ahmed Rashid. The Taliban at the heart of regional destabilization. *The Diplomatic World*, November 1999, p. 4-5.

regency (the caliphate) "²⁴. It is to this conception of Islam that Mullah Omar refers when he considers that the monarchy is a "pagan regime", and the Republic of Daoud a "period of personal dictatorship" abhorred by Islam²⁵. For Mullah Omar and the Taliban, there is therefore no legitimate political regime other than theocracy, where the absolute sovereignty of God is exercised.

To mark the return to original Islam, Mullah Omar gathered in Kandahar in April 1996, the mullahs of all Pashtun regions of Afghanistan. At this rally, he is proclaimed Emir al-Mu'minin - or commander of all believers - by an assembly of 1,200 ulemas gathered in the city of Kandahar. In the absence of a Head of State, the Emir al-Mu'minin is the supreme authority, and no decision can therefore apply without his agreement. Mullah Omar thus holds all the powers: he is at the same time religious leader, supreme judge, holder of the executive power and commander of the armies.²⁶ Mullah Omar renamed the country "Islamic Emirate of Afghanistan" in October 1997. Under the regime of the Islamic Emirate of Afghanistan, decisions are based on the opinion of the commander of all believers and no consultation is necessary since his decisions are derived from God and apply to all, in accordance with sharia law. Democratic elections are also rejected by the Taliban, who consider them to be contrary to Islamic law. The Taliban are therefore different from other religious movements that have emerged in Afghanistan because they advocate an autocratic theocracy. Indeed, they do not hesitate to declare jihad against other Muslims (the Mujahideen), represent no one but themselves and recognize no other Islam than theirs.²⁷

As soon as Kabul was captured in 1996, the Taliban announced that the country would now be governed by Islamic law, or Sharia, of which they made a very special interpretation, which was recognized only by them. Sharia applies uniformly throughout the territory and thus becomes in a certain way popular with a part of the

²⁴ J. Ahmed. The Taliban have a very particular vision of Islam. *The Afghanistan News*, 4th quarter, 1998, No.83, p.17.

²⁵ Ahmed, Rashid. *Taliban: Islam, Oil and the New Great Game in Central Asia*. New York : IB Tauris & Company, 2000, p. 23

²⁶ Rahim Kherad. "International peace and security under the test of the Tasleban regime (acts of terrorism and logic of coercion) ", in *Institute of Political Studies of Aix-en-Provence, ed., The United Nations and Afghanistan, Eleventh Meetings Internationals of Aix-En-Provence, Colloquium of 17 and 18 January 2003*. Paris: A. Pedone, 2003. p. 58.

²⁷ Kherad, p.59

population, "relieved" somehow to see that it ends the impunity that was until then competent judicial institutions.²⁸ In the absence of any political formalization (because there is in fact no parliament or consultative body in the country), the Taliban govern by decrees of religious prohibition.

Although the Islamic Emirate of Afghanistan has managed to successfully impose its authority on the domestic front, the regime continues to suffer from a number of vulnerabilities, and in particular its lack of recognition and legitimacy on the international scene. This situation keeps the country in a state of instability, and will lead to attempts to mediate settlement of the Afghan conflict from the end of the 1990s.

1.2. Attempts to negotiate and settle the Afghan question by the international community during the Taliban period

1.2.1. The Afghan problem, an issue of relatively little interest to the international community between 1996 and 2001

The secular hatred of the Taliban against Persian-speaking Tajiks and Shiite Hazaras led them to ally with the Uzbeks to form a united front against the Taliban. This tripartite and non-Pashtun alliance called the Northern Alliance, opposed to the Pashtuns of the South, divides the country into two opposing camps and reinforces the conflict in an ethnic dimension.²⁹

Faced with this division appear two axes: that of countries supporting the Northern Alliance such as Russia, India and Iran; and that of countries supporting the Taliban such as the United States, Pakistan and Saudi Arabia. The Central Asian states are also facing the conflict: Uzbekistan and Tajikistan support the Northern Alliance camp for mainly ethnic reasons, while Turkmenistan opts for the Taliban.

²⁸ Nasreen Gufran. The taliban and the civil war entanglement in Afghanistan. Asian Survey, Vol. 41, No. 3, mai-juin 2001, p. 477.

²⁹ See Appendix B-1: Ethnolinguistic Groups in Afghanistan.

The international community, however, is struggling to realize that such an explosive situation is capable of endangering peace and international security. Although the United Nations has made known its position vis-à-vis the Islamic Emirate of Afghanistan by refusing to grant it a seat in their General Assembly, the interest of the international community for the Afghan question remains in very limited in the second half of the 1990s. There are several reasons for this lack of interest. First, at the time, the problem of the Islamist threat is not yet apparent, and Afghanistan is not yet perceived as an Islamic cradle, a hotbed of terrorism, as will be the case from years past 2000. In addition, the Taliban's takeover was surprising in its speed, and the extent of the danger posed by the Taliban regime is not immediately understood. The "Afghan problem" will actually be put on the agenda only by the events of September 11th which publicly reveal the situation of the country to the face of the world. However, before 2001, meetings have already been held with the aim of finding a political solution to the Afghan crisis and identifying the obstacles preventing the return to peace.

1.2.2 Attempts to settle the Afghan question before 2001

Long before the US invasion of 2001, a series of principles and ideas were already under consideration to find the best way to establish a legitimate government in Afghanistan that could replace that of the Taliban. In the late 1990s, former king Mohammed Zahir Shah used his influence to try to initiate a mediation in order to solve the Afghan problem. This initiative will not lead to an agreement between the different parties but will set the course for the future, which will then be integrated into the Bonn process.

From 1999, several meetings will be organized, bringing together personalities related to the Loya Jirga movement, that is to say partisan of the convening of a large assembly to decide the political future of the country.

Before looking more specifically at these meetings, it is worth recalling what is the origin and the traditional function of the Loya Jirga in Afghanistan. Etymologically, the term "loya" means "big", and that of "jirga" refers to the idea of

"council" or "assembly". The Loya Jirga is therefore a "grand assembly", that is, an Afghan national council that brings together notables, tribal chiefs or religious leaders, who are called to meet when a serious matter needs to be resolved, or when an important reform for the country is envisaged³⁰. The Loya Jirga is an old and respected concept in Afghanistan, since the first of these meetings was convened in 1747 by King Ahmad Shah Durrani, and brought together the various leaders of the ethnic groups represented in Afghanistan in order to consider the modernization of the country. Traditionally, decisions made by the Loya Jirga are made unanimously and are based on the principle of consensus.

The idea that emerges among some Afghan personalities in the late 1990s is therefore to build on this ancestral institution, recognized as legitimate by the entire Afghan population, to resolve the Afghan crisis. On June 26, 1999, the Colony Hotel in Rome held a first meeting in the presence of fourteen Afghans, all invited by the office of the former King of Afghanistan, Mohammad Zaher Shah. Among the participants in the meeting, two groups stand out: the supporters of the Pakistan solution, who advocate a rapprochement with Pakistan, and supporters of the United Islamic Front - otherwise known as the Northern Alliance - and which includes different resistant factions opposed to the Taliban. The king is recognized for his unifying role among these two groups, despite the divergence of their personal sensibilities.

The Rome meeting has three main objectives. First, to discuss the crisis and the obstacles to a return to peace. Secondly, that of evaluating the position of the various protagonists as to the organization of a Loya Jirga. And thirdly, that of establishing an agenda and setting up permanent structures to take over the organization necessary for the holding of a Loya Jirga. Although the United Nations is not associated with the process, the then Secretary General of the United Nations, Mr. Kofi Annan, notes in a 1998 report of the Security Council that he approves "the informal method, long practiced in Afghanistan to resolve disputes and advocated by some leaders of non-

³⁰ Website of the Embassy of the Islamic Republic of Afghanistan in Warsaw [online]. [Page accessed on March 1 2018].

belligerent Afghan factions, the Loya Jirga "³¹. He invites the United Nations Special Mission in Afghanistan to encourage informal contacts with Afghan faction leaders.

But a series of obstacles complicate the success of this approach. First, at the time of the Rome meeting, the Taliban do not participate in the talks. In 1999, they are in a situation of strength, and therefore do not see why they should negotiate a power sharing. Some Taliban feel close to the former king and recognize his authority, but not all of them share this inclination because their movement is - as we mentioned earlier - very heterogeneous. Proponents of the United Islamic Front are in turn very supportive of holding this Loya Jirga. They had even begun negotiations with the king's supporters, even before the Rome meeting, and the king had sent a delegation to Takhar province to meet with Ahmad Shah Massoud.

A second problem arises at the time: that of the absence of permanent and institutional structures, necessary for the organization of a Loya Jirga.³² The convocation of the Afghan assembly presupposes the composition of an enlarged and representative commission to advise the former king. However, the setting up of this commission itself poses problems, especially from the point of view of ethnicity. If it had been put in place, this commission would then have been given the task of examining the applications for the Loya Jirga and setting its agenda.

Finally, a third difficulty arises: that of the choice of the meeting place of the Loya Jirga. It is indeed not possible that it is held within the national territory, since the Taliban disapprove of such an approach. It would probably have been necessary to organize the Loya Jirga in the part of the territory controlled by the United Islamic Front, but such a decision would probably have caused serious political tensions.

Two methods are considered at the time, to compose the Loya Jirga. On the one hand, it is envisaged to resort to the direct designation of Loya Jirga members by the King - an approach already used in the past in emergency situations, which could have been applied to the situation of the Loya Jirga. 1999. The alternative considered is that of the United Nations intervention. A number of people want the Loya Jirga to

³¹ Speech by the President of the Security Council, 14 July 1998, S / PRST / 1998/22.

³² Kacem Fazelly. Afghanistan from Provisional to Transitional. What Perspectives? p. 38-40.

be associated with the peace plan of UN General Representative Lakhdar Brahimi - who has been in favor of holding a Loya Jirga in June 1999.

In the months preceding September 11, the movement launched in Rome in favor of the Loya Jirga is deadlocked. No sign of progress is visible, and the international community does not seem to be interested in the project.³³ However, the tracks launched during the meetings in Rome will not remain a dead letter and lay the groundwork that will be reused later, following the fall of the Islamic Emirate.

Despite the failure of the Rome negotiations to find an effective solution to the Afghan problem, the informal meetings will continue until 2001. According to the words of Mr. Kacem Fazelly - a close friend of King Zahir Shah who participated in various meetings organized in the Italian capital - the role of the Rome group was to "fill the institutional vacuum" that was under the Taliban period, and attempted to "trigger a movement"³⁴, which was eventually provoked unexpectedly by the events of September 11th. The meetings in Rome are therefore important events because despite their failure to set up a Loya Jirga, they attest to the fact that a post-Taliban Afghanistan had already thought and prepared before 2001, by Afghan personalities.

The ideas launched during the Rome meeting, including the idea of making the Loya Jirga the means of expression of the right to self-determination, will be resumed in UN-organized talks in December 2001. The Bonn of December 2001 favors the use of the Loya Jirga as a means of restoring legitimate institutions, a point that we will have the opportunity to develop further in a second part

³³ Kacem Fazelly. Afghanistan from Provisional to Transitional, What Perspectives ?, p. 42-43

³⁴ Appendix A-3: Interview with Mr. Kacem Fazelly, July 6, 2011.

II CHAPTER. THE BONN AGREEMENT AND THE PROVISION ON INSTITUTIONAL TRANSITION

2.1. The Bonn Agreement, a roadmap for the transition process

Without going into too much detail about the circumstances of the American intervention in Afghanistan, it is useful to recall some important dates that marked the beginning of the international intervention in Afghanistan. Following the attacks of 11 September, the United Nations quickly supported the United States by calling on the Taliban on 18 September 2001 to implement Security Council Resolution 1333. In this resolution adopted in December 2000, the Security Council calls on the Taliban to surrender Bin Laden, so that he "arrested and actually brought to justice".³⁵ This resolution also demands that the Taliban "stop providing refuge ... and training for international terrorists and their organizations". Faced with the Taliban's categorical refusal to meet such demands, Western intervention in Afghanistan began on October 7, 2001. It had several main goals: to bring down Taliban power in Kabul, to destroy the terrorist organization Al-Qaida responsible attacks on the World Trade Center, and capture Osama Bin Laden. The brutality of the September 11 attacks reveals to the world that the Afghan problem is a mere local concern that the Afghans have to settle on their own, but a real threat to peace and global security. From the beginning of Operation Enduring Freedom, the United States begins to consider the post-Taliban period, even if they have no pre-established plan for the future of Afghanistan. When the Taliban regime falls - at the end of November 2001 - the international community faces the challenge of rebuilding the state of Afghanistan, starting with the rebuilding of a government and its institutions.

The main question that arises in 2001 is to know on what bases to rebuild this State? The Islamic emirate leaves after its fall a country without institutions, fragmented and disorganized. The priority task is therefore to reconstitute an

³⁵ Resolution 1333 (2000), adopted on 19 December 2000, S / RES / 1333 (2000).

administration that occupies the vacuum left by the departure of the Taliban, but above all that is legitimate in the eyes of the majority of the population. While Western countries are looking for a way to restore a foundation of legitimacy for the future Afghan administration, the approach of the Loya Jirga spearheaded by former King Mohammed Zaher Shah will receive new attention. Delegations are now rushing to Rome to meet the former monarch, who will eventually be associated with the Bonn negotiations.³⁶

The international conference in Bonn, which opens on November 27, 2001, is intended to consider tentative avenues “pending the re-establishment of permanent government institutions”³⁷, and thus formalize the institutional transition period in Afghanistan. In the absence of a pre-established plan, the United States and the international community choose to rely on the process initiated by the Rome group, in an unbridled desire to fill as soon as possible the political vacuum left by the departure of the Taliban.

2.1.1. The opening of an international conference in Bonn to establish the conditions of the peace process

On November 14, 2001, the Security Council adopted Resolution 1378 which affirms the principle that "the United Nations must play a central role in supporting the efforts of the Afghan people to urgently establish a new transition administration leading to the formation of a new government"³⁸. It is in the continuity of this resolution that the Afghans are invited to meet at Petersberg Castle in the suburbs of Bonn, Germany, to draft the country's new roadmap for the years to come.

The Bonn Conference, which begins on November 27, 2001, is often seen as the beginning of the institutional transition process in Afghanistan. However, as we mentioned earlier, this conference builds on the work done upstream, notably by the Rome group, but also on the plan presented to the Security Council on 13 November 2001 by the Special Representative of the Secretariat General of United Nations,

³⁶ Kacem Fazelly. Afghanistan from Provisional to Transitional, What Perspectives?, p. 55.

³⁷ Title of the Afghanistan Agreement signed in Bonn on 5 December 2001.

³⁸ Resolution 1373, 28 September 2001, S / RES / 1373 (2001)

Lakhdar Brahimi.³⁹ Mr Kacem Fazelly (mentioned above) considers that the work of the Rome group has prepared the work of Lakhdar Brahimi, who himself pre-prepared the text adopted at the Bonn Conference. "We can speak of an initial nucleus which was the Rome group and which was then solicited, and found itself in constant collaboration with the international society around the Bonn conference".⁴⁰

The plan developed by Lakhdar Brahimi develops a strategy for the end of the crisis, aimed at rebuilding a state weakened by more than two decades of conflict. In his address to the Security Council, Mr. Brahimi affirms the need to help the people of Afghanistan "to establish responsible, representative, accountable and stable government, with internal and external legitimacy". In order to achieve this goal, it sets four priority areas: political transition, security, humanitarian action and reconstruction.

In terms of political transition and security, which are the areas of particular interest to us here, Lakhdar Brahimi sets out several principles that will be found later in the text of the Bonn Agreement. With regard to the political transition, the Special Representative suggests the formation of a Provisional Council to appoint the members of a transitional administration. It also reaffirms its commitment to convening an emergency Loya Jirga to approve the Transitional Administration and authorize it to draft a Constitution. Finally, he proposes the meeting of a second Loya Jirga who would later approve the Constitution and lead to the creation of an Afghan government. As we will see, this plan is pretty much the procedure that is adopted during the Bonn Conference.

As we mentioned earlier, from September 11 onwards, the Afghan affair is becoming international, and the UN is gradually emerging as the organization under which the talks to organize the post-war period will take place. Taliban.

On November 13, 2001, Lakhdar Brahimi announced that the representatives of the various Afghan factions would be invited by the Secretary General of the

³⁹Speech by Lakhdar Brahimi, Special Representative of the Secretary General of the United Nations to the Security Council, November 13, 2001 [online]. [viewed December 3, 2010].

⁴⁰ See Appendix A-3: Interview with Mr. Kacem Fazelly, July 6, 2011.

United Nations, Mr. Kofi Annan, to "find a political solution"⁴¹ concerning the future of Afghanistan. The convocation of representatives of the Afghan people is done in part according to ethnic criteria, a point that will later cause tension. 28 delegates are invited, grouped in four⁴²: the alliance of the North and its various factions; the delegation of Rome led by former king Zahir Shah; the Peshawar delegation composed of Pashtun mujahedins and religious and tribal leaders based in Pakistan; and the delegation of Cyprus, a heterogeneous group composed of members of different factions close to Iran.

The Taliban, on the other hand, are not invited to the negotiating table. The absence of Taliban representatives is perceptible in the Bonn Agreement, which does not directly refer to them, but evokes elusively the need to ensure "a broad representation of all components of the Afghan population, including the groups that have not been adequately represented in United Nations on Afghanistan".⁴³ The Bonn agreement therefore merely mentions the Taliban group, without involving it in the talks. The reasons for the Taliban sidelining reside in the fact that the United States was very opposed to the participation of this group in the negotiations - a position on which Washington is now back since since June 2011, the US administration now acknowledges being in touch with the Taliban. For researchers like Karim Pakzad, this change of attitude on the part of the Americans is the very proof that the international community has made a mistake by not associating the Taliban with the institutional transition in 2001⁴⁴ - an issue on which we will have the opportunity to return later to a section on changes following the Bonn conference.

On the other hand, to ensure continuity with the pre-Taliban period, Burhanuddin Rabbani - the head of the Afghan government recognized by the international community throughout the Islamic Emirate of Afghanistan - is strongly associated with the Bonn conference. His presence provides legal continuity between

⁴¹ See Appendix A-4: Interview with Mr. Karim Pakzad, July 11, 2011.

⁴² Ramazan Bachardoust. *Afghanistan. Constitutional Law, History, Political Regimes and Diplomatic Relations since 1747*, Paris, L'Harmattan, 2002, pp. 264-267.

⁴³ Preamble to the Afghanistan Agreement signed in Bonn on December 5, 2001.

⁴⁴ See Appendix A-4: Interview with Mr. Karim Pakzad, July 11, 2001

the period of 1996, when he left Kabul to go into exile, and the time of the Bonn conference.

After having studied the context in which the international conference is preparing, let us now focus on the content of the agreement adopted at the end of this meeting.

2.1.2. The Bonn Agreement and Provisions Relating to the Transfer of Power and Reinstatement of an Afghan Government

The Bonn Agreement is a key text in the process of institutional transition, since it undertakes to set in motion two processes: on the one hand, firstly, it initiates a process of State reconstruction, since it sets a timetable for the establishment of a legitimate and representative government in Afghanistan. Secondly, it is putting in place a process of consolidating peace and pacifying the territory - a point that we will have occasion to discuss in a second part devoted to security. Let us first look at the process of institutional transition and institutional reconstruction, as envisaged by the Bonn text.

As we mentioned above, in the aftermath of the fall of the Islamic Emirate of Afghanistan, there is still a head of state recognized by the international community: Burhanuddin Rabbani. In 1992, Rabbani was appointed President of the Islamic Council of Afghanistan, the governing body of the country at the time. Following the capture of Kabul by the Taliban in 1996, he settled in Faizabad and led one of the five anti-Taliban factions of the Northern Alliance. Despite the Taliban's takeover, only three countries recognize the Islamic Emirate of Afghanistan: Pakistan, Saudi Arabia, and the United Arab Emirates. For the vast majority of countries in the international community and the United Nations, Rabbani remains the recognized leader and repository of power under the Taliban regime.

The fall of the Islamic Emirate of Afghanistan leads to the provisional restoration of the institutions and the legal regime in force at the time of the capture of Kabul by the Taliban, that is to say in 1996. Rabbani thus becomes again legally

the head of the Afghan state and the repository of power. The Bonn agreement therefore provides for a transfer of power from Mr Rabbani to the new government, which is expressed in the preamble to the agreement: "Professor Burhanuddin Rabbani [...] has shown his willingness to transfer power to a provisional authority to be established under this Agreement ".⁴⁵

In order to re-establish a legitimate government in Afghanistan, the Bonn Agreement then provides for several steps, including the successive establishment of two successive authorities: the Interim Authority and the Transitional Authority.

As a first step, the Bonn Agreement provides for the creation of the Interim Authority, to be established from the formal handover of powers on 22 December 2001. Following the formal transfer of powers, this authority becomes custodian of Afghan sovereignty. It consists of several elements: an Interim Administration, an independent Special Commission to convene the Emergency Loya Jirga, a Supreme Court of Afghanistan and all the courts it wishes to establish. The Bonn Agreement is also responsible for determining the regime of this Interim Administration, which is put in place at the time of the formal transfer of powers. It is composed of a president, five vice-presidents and twenty-four other members who are chosen by the participants in the Bonn talks. It becomes the supreme organ of Afghanistan for a period of six months and is entrusted with most of the powers internally as well as internationally. Indeed, the Bonn Agreement provides that the interim administration is "the guardian of Afghan sovereignty" and "occupies the seat of Afghanistan in the United Nations and its specialized agencies, as well as in the United Nations. other international institutions and conferences ".⁴⁶ It is important to note that the Bonn Agreement places particular emphasis on the preservation of the sovereignty of the Afghan people, and repeatedly reaffirms its willingness to let the Afghan people "freely determine its own political future".⁴⁷ This is probably why the Bonn Agreement provides that the Interim Authority will have a life of only six months, and will then be replaced by a new Authority, elected more broadly by the emergency

⁴⁵ Agreement on Afghanistan signed in Bonn on 5 December 2001, Preamble.

⁴⁶ Agreement on Afghanistan signed at Bonn on December 5, 2001, Article I, Paragraph 3.

⁴⁷ Agreement on Afghanistan signed in Bonn on 5 December 2001, Preamble.

Loya Jirga. The text of the Bonn agreement thus testifies to the stated willingness of the international community to leave power to the Afghans, while overseeing the institutional transition to ensure its smooth operation.

As a second step, the Bonn Agreement provides for an emergency Loya Jirga to be convened within six months of the establishment of the interim authority. The Emergency Loya Jirga is in fact tasked with establishing a Transitional Authority, including a Transitional Administration, which will lead Afghanistan until the election of a representative government through free and fair elections. These elections are scheduled two years from the date of the convening of the Emergency Loya Jirga. The Emergency Loya Jirga is responsible for electing the Chief of the Transitional Administration and for approving the structure of the Transitional Administration and appointments to key positions. Once established, this Transitional Authority replaces the Interim Authority, which is therefore declared dissolved.

Finally, the Bonn Agreement provides a very important last step for the transition process in Afghanistan. Following the establishment of the Transitional Authority, the agreement stipulates that a Constituent Loya Jirga must be convened within a maximum of 18 months, with the aim of adopting a new Constitution to Afghanistan. The Transitional Administration is charged with constituting a Constituent Commission to assist the Constituent Loya Jirga - ultimately responsible for adopting the new supreme text of the State of Afghanistan. Eventually, the Bonn process must result in elections, which will dedicate and put in motion the new institutions of the country. The various stages foreseen by the Bonn process are summarized in the following diagram⁴⁸:

⁴⁸ Thomas H. Johnson. Afghanistan's Post-taliban Transition: State Building After War. Central Asian Survey, mars-juin 2006, p. 3.

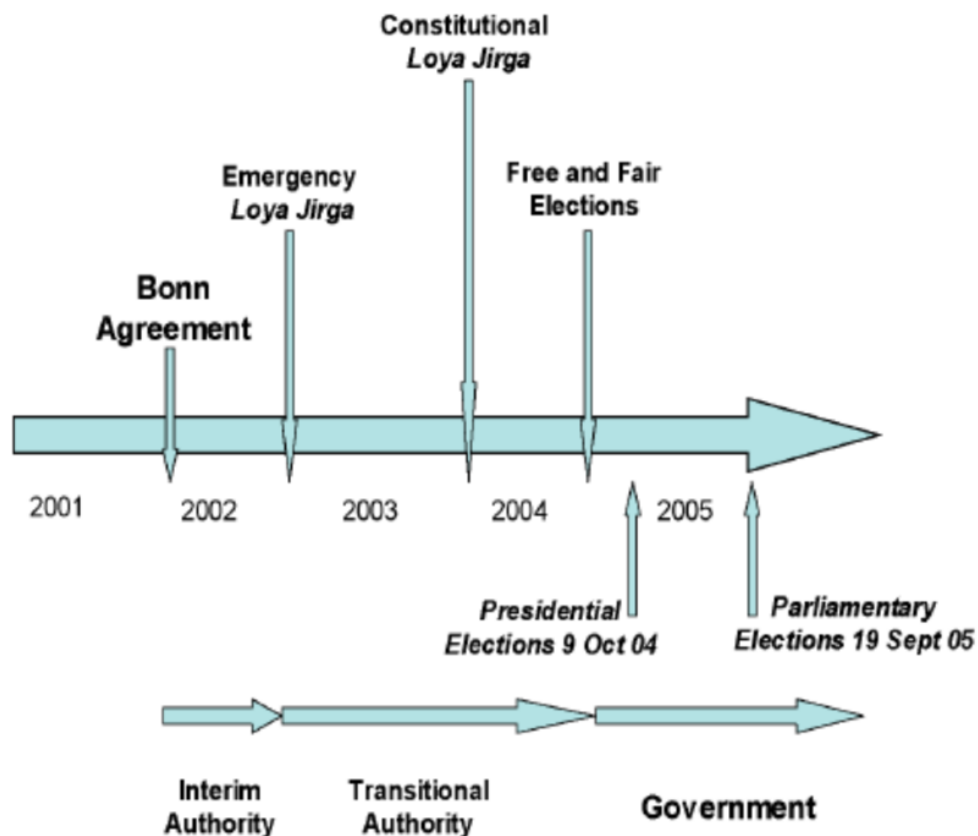


Figure 1. Bonn process

In December 2001, Afghanistan found itself in a legal vacuum. Indeed, under the Taliban regime, all applicable law was customary and not formalized, and based exclusively on the Taliban's reading of the Qur'an. At a time when the country must be rebuilt, it is therefore impossible to rely on the legal provisions in force under the Taliban regime.

The participants in the Bonn Conference therefore agreed that the 1964 Constitution - with the exception of the provisions relating to the monarchy and the executive and legislative bodies - should be reinstated provisionally until the adoption of the Constitution. a new Constitution. Laws and regulations are also reinstated, within the limits of their compatibility with the Bonn Agreement and the country's international commitments. Pending institutional reconstruction of Afghanistan, the

Bonn Agreement thus brings into effect the legal structure as it existed before the Taliban took power in 1996. This symbolic gesture consists of a certain amount of to treat the period of the Islamic Emirate of Afghanistan as a parenthesis in the legality of the state - which is the case from the legal point of view since the majority of the States making up the international community have never recognized the Islamic Emirate of Afghanistan. Afghanistan as the legal government of the country.

The Bonn Agreement appears from its inception as a controversial text, for several reasons.

First of all, despite the strength of its intentions, the text of the agreement remains rather vague as to the means to be used to achieve its objectives. It does not specify, for example, how the disarmament and reintegration of Mujahideen fighters should be practiced, leaving it to the Interim Authority to adopt measures for the practical implementation of such a program. As for the emergency Loya Jirga and the constitutional Loya Jirga, their powers and the precise modalities of their meeting are not defined. This point will then be an element of contention since dissensions will emerge quickly, on the occasion of the convening of the emergency Loya Jirga, the various parties in front of each other do not agree on the number of participants and the terms of their election. This lack of detail is partly due to the speed with which the agreement was reached, as well as the immense pressure on the conference participants to find a satisfactory compromise, while remaining sufficiently consensual. for it to be accepted by the majority of the Afghan population.⁴⁹

At the same time, the Bonn Agreement is controversial as some parts of the Afghan population consider that they were not adequately represented in the Bonn talks. This is particularly the case for the Taliban, who have been shelved from the negotiations of November and December 2001. The convocation of Taliban representatives would of course have posed practical problems, and the United States was fiercely opposed to it in 2001. However, this choice has, in a way, helped to give the Taliban the status of "resistors", to give them a certain legitimacy with the fringes

⁴⁹ Thier, Alexander. « The Politics of Peace-building. Year One : From Bonn to Kabul », in Donini, Antonio, Niland, Norah et Wermester, Karin, dir., *Nation-Building Unraveled? Aid, Peace and Justice in Afghanistan*. West Hartford, CT : Kumarian Press, 2004. p. 47

of the population opposed to the presence of the international community on Afghan soil. The researcher Karim Pakzad even sees in this sidelining of the Taliban, a major explanatory factor of the failure of the reconstruction in Afghanistan: "the fundamental mistake that the United States made is that they did not appeal to the Taliban or those close to them. They made a mistake because in terms of weight and in terms of representation, the Taliban represented the majority ethnic group, namely the Pashtuns"⁵⁰. Indeed, the international community has forgotten here the thousand-year-old importance of ethnic groups in Afghanistan. The Taliban were certainly not frequent interlocutors, but they enjoyed a certain popularity in areas adjacent to the Pakistani tribal belt, that is to say, mainly the east and south of the country. This sidelining has alienated some Pashtuns, and was only artificially offset by the appointment of Pashtun Hamid Karzai, head of the Interim Administration.

At the same time, some factions of the Afghan resistance also complain that they have not been sufficiently taken into account in the Bonn process. At the end of the German conference, the Northern Alliance groups were largely thanked and won three key positions in the new administration: defense, the interior and foreign affairs⁵¹. On the other hand, some non-Northern Mujahideen factions feel cheated, including Uzbek general Abdul Rashid Dostum, Ismail Khan, the former governor of Herat, and Pir Sayyid Ahmed Gailani, leader of the Islamic Front. Afghanistan, all of whom announce that they are rejecting the Bonn agreement on Afghanistan⁵². Ismail Khan justifies this choice at the end of the Bonn conference with the following statement: "The ethnic and geographical realities of the field, as well as the primordial role of those who fought, were not taken into account".⁵³

To a lesser extent, some members of Kabul's small civil society also felt left out of the negotiations, and decided to hold their own conference at the same time near Bonn, in an attempt to influence one way or another political negotiations.

⁵⁰ See Appendix A-4: Interview with Mr. Karim Pakzad, July 11

⁵¹ Thier, p 48-49

⁵² Uzbek warlord rejects Afghan accord. CNN, 6 December 2001.

⁵³ Key Afghan warlords reject Bonn deal. BBC News, 6 December 2001.

Critics emerging from the former mujahideen weaken the agreement signed in Bonn and the legitimacy of the authority that emerges. The situation, unstable in December 2001, is therefore likely to jeopardize the security balance of Afghanistan. Bonn conference participants, aware that the precarious situation in Afghanistan could lead to an explosive situation, also insist in the text of the Bonn agreement on the importance of securing the territory, and on the need for to involve international actors to ensure the smooth transition.

2.2 The role of international actors in institutional transition

2.2.1. The role of the UN as defined by the Bonn Agreement

Opinions differ on the appreciation of the role of the United Nations in the transition process in Afghanistan. While some point out that the Bonn Agreement entrusts a central role to the organization in rebuilding the country, others argue that the United Nations has adopted a much more "light" approach to the Afghan theater. than in previous missions in which it had had to administer territories in the reconstruction phase. But these two approaches are not necessarily contradictory, and both can be taken into account to reflect the nature of the role of the United Nations in the Bonn process.

First of all, there is no doubt that the United Nations is entrusted by the Bonn text with a very important role of overseeing and supporting the country in the process of institutional transition. This is justified by the weakness of the Afghan state, which emerged in 2001 as unable to independently take on governance issues. Annex II to the Bonn Agreement deals exclusively with the "role of the United Nations in the interim"⁵⁴, and provides for the supervision of the United Nations at several levels: the United Nations is responsible for "advising the Interim Authority", particularly with a view to enabling the emergency Loya Jirga to proceed in good conditions. For his part, the Special Representative of the United Nations Secretary-General cooperates effectively with the Interim Administration, since he can "attend the meetings of the Interim Administration and the Independent Special Commission

⁵⁴ Annex II to the Afghanistan Agreement signed at Bonn on 5 December 2001.

for the Emergency Loya Jirga" . The United Nations therefore has a role of guarantor of legality in the implementation of the provisions of the Bonn Agreement and must ensure the convening and smooth running of the Emergency Loya Jirga. UN oversight is also involved in the establishment of the Independent Special Commission to convene the Emergency Loya Jirga. Another sign of UN oversight of the Afghan administration is that "all measures taken by the Interim Authority [must] comply with Security Council Resolution 1378 (2001) of 14 November 2001, and other resolutions of the Council concerning Afghanistan".⁵⁵ This provision is very significant since not less than 14 resolutions concerning Afghanistan are adopted by the Security Council between 2001 and 2004 alone, and all of them are therefore binding on the interim administration in accordance with the terms of the agreement. Bonn.

However, it is possible to temper this idea of any UN power over the Afghan administration. In a study conducted for the International Peace Academy, researcher Simon Chesterman points out that the role of the UN in Afghanistan has been much lighter than in other cases where the organization has had to administer states in reconstruction.⁵⁶ In some respects, the United Nations mission in Afghanistan has in fact been rather limited, since it has sought from the beginning to "be based on a limited international presence and as many Afghan personnel as possible".⁵⁷ In addition, the role of the United Nations as defined by Bonn is to facilitate the transition process rather than really to govern the Afghan administration. The United Nations must help the interim administration to set up a series of critical institutions in a number of areas to begin the process of transition. These institutions include the Central Bank of Afghanistan, the Independent Public Service Commission, the Independent Human Rights Commission, as well as "any other commission to deal with issues that are not mentioned [in the Bonn Agreement] ".⁵⁸ The United Nations is therefore responsible for supporting and advising the interim authority. It may

⁵⁵ Agreement on Afghanistan signed at Bonn on 5 December 2001, Chapter V, Paragraph 5.

⁵⁶ Simon Chesterman. Justice under international administration. International Peace Academy. Report. September 2002, p. 9.

⁵⁷ Simon Chesterman. Justice under international administration. International Peace Academy. Report. September 2002, p. 9.

⁵⁸ Afghanistan Agreement signed at Bonn on 5 December 2001, Part III, Title C.

attend its meetings and has the role of arbitrator, since it is declared competent in the event that it would be impossible to convene an emergency Loya Jirga, that is to say, in the event that the Interim Administration would fail to fulfill its mission. The provisions of the Bonn Agreement, therefore, attest to the fact that the participants in the German conference wish to invest the United Nations with a number of important responsibilities. However, the UN is not intended to override the interim administration, but rather to be a guardian of legality in the delicate phase of institutional transition.

Simon Chesterman - mentioned above - argues that the United Nations approach in Afghanistan could be described as a "light footprint" approach. It opposes postures adopted by the UN in other state building cases, such as in Kosovo or East Timor⁵⁹, where the international organization's patronage over the state concerned was much more flagrant. This approach could be explained by the fact that despite the deliquescent state of Afghanistan in 2001, State sovereignty is still intact and the country is recognized by the international community; while in the case of Kosovo and Timor, borders were new and state sovereignty was highly contested by its neighbors. In the case of Afghanistan, it would have been counterproductive and frowned upon to place the State in a position of too much dependence on international society, especially in a country so much in love with independence.

Therefore, the two approaches that we have detailed here are not contradictory. Although it is true that the reconstruction of the country and the so-called transition period was entirely supervised by the United Nations, the role of the organization was lighter and more important than in other states, state building process.

March 2002 marked a turning point in UN involvement in Afghanistan. On 28 March 2002, the Security Council established by resolution 1401 the United Nations Assistance Mission in Afghanistan (UNAMA). Established for an initial period of 12 months, this mission aims to "integrate all elements of the United Nations present in Afghanistan into one mission".⁶⁰ This mission is defined as having three main goals:

⁵⁹ Simon Chesterman. Justice under international administration. International Peace Academy. Report. September 2002, p. 10-11.

⁶⁰ Secretary General of the United Nations. Report on the situation in Afghanistan and its implications for peace and international security. Report. United Nations, 18 March 2002, p. 15.

"To fulfill the tasks and responsibilities related to human rights, the rule of law and the issue of women's rights, for which the United Nations has been entrusted with by the Bonn Agreement "; "Promote national reconciliation and rapprochements across the country"; And "to coordinate all humanitarian, institutional recovery and United Nations reconstruction activities in Afghanistan under the authority of [the] Special Representative and in coordination with the Interim Authority and its successor administrations in Afghanistan".⁶¹

In summary, this mission is therefore intended to assist in the reconstruction and strengthening of Afghan institutions and to provide support for the implementation of the Bonn Agreement. It therefore presents itself as the civilian component of United Nations-mandated operations and seeks to be close to the needs of Afghans: "the USN. is a concrete example of an integrated mission designed to provide support in the areas of the political process, governance and peacebuilding, while responding to urgent humanitarian and recovery needs ".⁶²

After having studied the part of the Bonn agreement devoted to the institutional transition of the country, it is now time to focus on a second very important area within the Agreement: that of security. Security is a priority because rebuilding the Afghan state is possible only if it has the monopoly of force in its territory and is able to guarantee a degree of stability on the ground.

2.2.2. The contribution of third States to ISAF, the body responsible for maintaining security

In the Bonn Agreement, the issue of disarming forces in Afghanistan is a major concern. Zalmay Khalilzad - US ambassador to Afghanistan from 2003 to 2005 - notes that after internal conflicts, countries often enter a "warlord phase". During this period, power tends to be concentrated in the hands of those who, through force,

⁶¹ Secretary General of the United Nations. Report on the situation in Afghanistan and its implications for peace and international security. Report. United Nations, 18 March 2002, p. 15.

⁶² Secretary General of the United Nations. Report of the Secretary General on the work of the Organization, A / 57/1. Report. United Nations, 28 August 2002, p. 8.

manage to gain control over peoples and territories.⁶³ It is therefore particularly important in the post-conflict period to create a political space through which leaders can seek power democratically, and "lead a transition [to diminish] the influence of armed groups".⁶⁴

Following the fall of the Taliban regime, the United States opted for a solution that would integrate political figures already in place, while at the same time promoting the construction of a political system that integrates these forces in a formalized system, and pacified. The issue of disarmament is mentioned many times in the Bonn Agreement: as early as the preamble to the agreement, participants express their gratitude to the Mujahideen for their struggle for "independence, territorial integrity and the national unity of the country ". On the other hand, the Bonn Agreement is also concerned about the presence of these armed fighters on the territory. He is therefore looking for a way to integrate the forces in a government-regulated framework so that they can be controlled by the new Afghan administration. Article 1 of Chapter V of the Agreement reads as follows: "Upon the formal handover of power, all Mujahideen and all members of the Afghan armed forces and armed groups of the country shall fall under the command of the Interim Authority, who will control them, and will be reorganized according to the needs of the new Afghan security forces and armed forces." For the participants in the talks, the disarmament of all armed groups in the country appears as an essential condition for the creation of future Afghan national and not fragmented and territorialized armed and security forces. This same concern is finally reaffirmed in Annex I of the Agreement, which states that "participants in the talks ... undertake to withdraw all military units from Kabul and other urban centers or areas in which the force mandated by the United Nations will be deployed."⁶⁵ ISAF is therefore presented in a way as an interposition force that should have pre-eminence over local groups, in order to avoid the development of conflicts between the different factions of the Afghan resistance.

⁶³ Zalmay Khalilzad. Lessons from Afghanistan and Iraq. *Journal of Democracy*, Vol. 21, No. 3, July 2010, p. 42.

⁶⁴ Zalmay Khalilzad. Lessons from Afghanistan and Iraq. *Journal of Democracy*, Vol. 21, No. 3, July 2010, p. 42.

⁶⁵ Agreement on Afghanistan signed at Bonn on 5 December 2001, Annex I, Paragraph 4.

At the same time, the reintegration of the Mujahideen is also a major concern. This is mentioned in Article 4 of Annex III as one of the particular requests addressed to the United Nations. Indeed, the participants invite the United Nations to "take the necessary measures to assist the reintegration of the mujahideen into the new Afghan armed forces and security forces". This provision was described by Barnett R. Rubin as a desire of the international community to promote the principle of "democratization of warlords",⁶⁶ that is, to demobilize armed groups for the purpose of incorporate into the political system, to ensure that they use legal and political means to regulate their differences. The concerns we have just mentioned are at the basis of a program set up from 2004: The DDR (Demobilization, Disarmament, and Reintegration) Program, which aims to "dismantle irregular militias that compete with the state monopoly of coercion"⁶⁷

All these precautions expressed in the Bonn Agreement are explained in the light of the civil war that broke out in Afghanistan after the fall of the pro-Soviet Najibullah regime. Indeed, in 1992, groups formerly united in their fight against the communist regime in power see their dissension revive following the disappearance of their common enemy, and it is then that the country then divides into rival factions that engage in a war without mercy until 1995. The strong references in the Bonn text to the disarmament of the combatant groups are therefore a result of this past, and testify to the will to organize the disarmament of the combatant groups in Afghanistan in order to avoid the formation of violence that could lead to a new civil war.

Lakhdar Brahimi's plan, which we mentioned earlier, underlines the importance of securing Afghanistan's territory in November 2001. The Special Representative's recommendations stress the impossibility of establishing a new government without ensuring lasting security, but leave open the question of the exact nature of the force to be sent to Afghanistan.

⁶⁶ Barnett R. Rubin. *Peace Building and State-Building in Afghanistan: Constructing Sovereignty for Whose Security?* *Third World Quarterly*, Vol. 27, No. 1, p. 175-185.

⁶⁷ Barnett R. Rubin. *Afghanistan: sovereignty as a condition of security*. *Presses of Sciences Po*, Vol. 3, No. 28, 2005, p. 175.

Lakhdar Brahimi is considering four options for the composition of the security-keeping force to be deployed in Afghanistan: The first option advocates the intervention of a UN force. This solution is rejected because of the very important delay that would have been necessary before being able to mobilize such a force. Moreover, in the case of Afghanistan, the situation does not properly fall within the framework of peacekeeping operations.

The second option envisages the creation of a force entirely composed of Afghans. This solution is desirable, but is not feasible in the short term, in the absence of a formally organized national army.

The third option proposed by Mr. Brahimi is to dispatch a force composed of Muslim countries such as Turkey, Bangladesh and Indonesia. This option is discarded because of the practical difficulties of such a solution, but also because of the lack of equipment of these countries, which cannot afford to intervene alone and in a short time.

Finally, the fourth option vaguely suggests the deployment of a robust and credible force that can be put in place quickly. This fourth option is the one chosen during the Bonn conference and culminates in the birth of the International Security Assistance Force (ISAF).

In order to ensure the security of the Afghan territory, Bonn conference participants call on the Security Council to authorize the rapid deployment to Afghanistan of a UN-mandated force to help maintain security in Kabul and Afghanistan. surroundings. Following the signing of the Bonn Agreement, the UN Security Council adopts resolution 1386⁶⁸, dated 20 December 2001, which creates the International Security Assistance Force (ISAF). Although ISAF is not a force deployed under the banner of the UN, it is placed under Chapter VII of the UN Charter - Action on a threat to peace, rupture of peace and aggression. The United Kingdom initially took command of the international force, in accordance with the offer London had made in a letter dated 9 December 2001.

⁶⁸ Resolution 1386, 20 December 2001, S/ RES / 1386 (2001).

The establishment of ISAF is justified by the idea that in the short term, Afghans are not in a position to assume responsibility for the maintenance of security and public order. The talks also recognize that the establishment of new Afghan security forces is likely to take time; hence the need to deploy, at least temporarily, an international force capable of maintaining security in the country. Originally, ISAF is not intended to be an interposition force but is set up to facilitate the implementation of the Bonn Agreement. The conduct of counter-insurgency against the Taliban and Al-Qaida is the exclusive responsibility of the United States, which is fighting mainly in the south and south-east of the country. Its original mandate is therefore limited to specific and localized tasks.

ISAF is entrusted with several missions by the Bonn text: first, it is responsible for maintaining the security and public order in Kabul and its surroundings. It must ensure the safety of international personnel working in the Afghan capital, as well as the security of the new Afghan executive. It replaces the armed mujahideen armed groups responsible for security in the Afghan capital since the fall of the Taliban. It is important to note that initially the mandate of ISAF is strictly limited to the Afghan capital. This decision was very controversial because some consider that it has delayed the consolidation of security in the country. By concentrating its efforts solely on Kabul, the coalition has inadvertently neglected other, yet strategic, provinces in Afghanistan.⁶⁹ As early as March 2002, an organization like the International Crisis Group, aware of the weakness of ISAF, is already calling for an increase in the number of ISAF soldiers and its expansion to other "major cities" from the country as well as towards "strategic roads".⁷⁰ This call will not be heard and we must wait until 2003 for the mission to see its prerogatives extended, as we will have the opportunity to discuss later.

ISAF is also entrusted with a second very important mission: assisting the Afghan authorities to help them train and set up Afghan armed and security forces. Finally, ISAF is responsible for contributing to the "rehabilitation of Afghanistan's

⁶⁹ See Annex B-4: Provinces of Afghanistan.

⁷⁰ International Crisis Group. Securing Afghanistan: The Need For More International Action. Afghanistan Briefing Paper. Report. March 15, 2002, p. 1-2.

infrastructure".⁷¹ As such, ISAF is not simply seen as a stabilizing and maintaining security force, but also as a rebuilding force. As we will have the opportunity to study in more detail in the third part of this brief, ISAF will set up specific units to take charge of the reconstruction of the country.

ISAF will experience many developments in the years following the signing of the Bonn Agreement. First, a "Military Technical Agreement" was signed on 4 January 2002 with the President of the Interim Administration, Hamid Karzai. This agreement formalizes relations between ISAF stabilization forces and local authorities. He also explicitly recalls that ISAF forces are not part of the US-led coalition forces in the framework of Operation Enduring Freedom, specifically engaged in the fight against the Taliban and Al-Qaeda.

There have been several notable developments since 2003. In May 2003, NATO agreed to oversee the ISAF mission, which had until now been commanded by the United Kingdom. On 11 August 2003, NATO assumed command, coordination and planning for ISAF - ending a precarious arrangement. This change is formalized on October 13, 2003 by resolution 1510.⁷²

In addition, this resolution is of particular importance as it is responsible for expanding ISAF's work throughout the country. This decision marks a turning point in the coalition's position, refusing for two years to reinforce the ISAF force - a decision criticized by many observers including Karim Pakzad who considers that the coalition "wrongly Kabul was sufficient for a new regime to prevail in the country."⁷³ In 2003, the countries of the international community engaged on the ground are forced to recognize that securing the territory can only progress if forces are present throughout the territory, at the local level. The absence of security forces in the rest of Afghanistan has indeed allowed the Taliban movement to consolidate by taking refuge in the South and East of the country as well as in Pakistan. Resolution 1510 puts an end to this situation of imbalance and promises an allied presence in all the provinces of Afghanistan. Article 1 of this resolution provides that: "[The Security

⁷¹ Agreement on Afghanistan signed at Bonn on 5 December 2001, Annex I, paragraph 4.

⁷² Resolution 1510, 13 October 2003, S / RES / 1510 (2003).

⁷³ Karim Pakzad. Afghanistan, after the failure, what outcome? Socialist Review, No. 37, 1st quarter 2010, p. 109.

Council] authorizes the expansion of the mandate of the International Security Assistance Force to enable it, to the extent of available resources, to assist the Authority. Afghanistan and its successors to maintain security in areas of Afghanistan outside of Kabul and its surrounding areas, so that Afghan authorities as well as United Nations personnel and other international civilian personnel who contribute, in particular, to the reconstruction and humanitarian effort can work in a secure environment, and provide security assistance for the execution of all other tasks in support of the Bonn Agreement ".⁷⁴

The extension of ISAF's mandate to the country as a whole is proceeding quite quickly following the adoption of this resolution. The first phase of expansion concerns the north of the country and takes place in December 2003. The second phase of extension concerns the west and starts much later, on February 10, 2005. The third phase begins the same year, December 8 2005, and is heading south. Finally, the last phase of extension of the NATO mission is in the east and begins on October 5, 2006. From this date, the responsibility of the whole country is assured by the FIAS, which takes over from the American coalition.⁷⁵ The expansion of ISAF's mandate is facilitated by the approval by NATO Foreign Ministers in 2005 of a revised operational plan that takes into account the deployment of the mission begun in early 2004. This plan seeks to redefine the tasks of ISAF in order to adapt it to the extension of its mission to the whole country. It provides, inter alia, for the expansion of ISAF to take place "in the form of the deployment of the FIAS operational mentoring and liaison teams to Afghan National Army units"⁷⁶ as well as through Provincial Teams. of Reconstruction - a point on which we will have the opportunity to come back later.

Finally, a final important development is to be noted in the mandate of FIAS. Until June 2008, the Americans are engaged in two separate wars: the one they conduct on their behalf under the banner of Operation Enduring Freedom, and the one they conduct under ISAF's mandate. This situation changes on June 3, 2008, when

⁷⁴ Resolution 1510, 13 October 2003, S / RES / 1510 (2003).

⁷⁵ NATO. Article "NATO's role in Afghanistan" [online]. [accessed February, 2018].

⁷⁶ NATO Operational Plan for ISAF in Afghanistan, 2005 (SACEUR OPLAN 10302)

General McKiernan is appointed Commander of both ISAF and Operation Enduring Freedom. As of that date, US forces remain engaged in two separate operations, but there is now a single command on the ground. This decision, however, does not completely end the communication problems that persist between the two missions.

2.3. Going beyond the Bonn process

2.3.1. The Afghanistan Compact, a redefinition of objectives following the end of the Bonn process

After examining the provisions of the Bonn Agreement, we will now turn to the post-Bonn period, which begins after the completion of the last stage of the agreement: the holding of free and democratic elections in 2004 and 2005. A new phase opens up for Afghanistan, hence the need to adopt a new framework that outlines the future of the country.

Paragraph 1: The priority areas identified by the Afghanistan Compact

Following the implementation of the measures contained in the Bonn Agreement - the adoption of a new Constitution in January 2004, the presidential election in October 2004 and the election of the National Assembly and Provincial Councils in September 2005 - the international community meets again at a conference in London from January 31 to February 1, 2006. A new text is then adopted, presenting itself as the country's new roadmap for the next five years to come: the Afghanistan Compact.

The Afghanistan Compact, which defines the new priority areas of action for the post-Bonn period, is presented by the Afghan government and the international community on 31 January 2006 in London. It marks the end of the Bonn process, but recalls in its preamble that "the transition to peace and security is not yet assured, and that the sustained commitment of the international community must be reaffirmed to meet the challenges that remain".⁷⁷ The goals set out in the Afghanistan Compact are

⁷⁷ Preamble of the Afghanistan Compact. January 31-February 1, 2006, London.

therefore quite similar to those of Bonn, and we find in this text the same principles as those affirmed at the 2001 German Conference. However, it is important to note that the Covenant For Afghanistan, this time is in line with goals set by the Afghanistan National Development Strategy (ANDS), which is the strategy set by the Afghan government in 2005 in the area of security, governance, economic growth and the reduction of poverty ".⁷⁸ The text of the Afghanistan Compact is now much more important than in 2001 to the role of the Afghan government, since all decisions must be taken jointly by the Afghan government and the international community.

The Afghanistan Compact defines 3 priority and decisive interdependent activity sectors in the next 5 years following the adoption of the Pact:

Security

Governance, the rule of law and human rights

Economic and social development

The Afghanistan Compact reaffirms the importance of the partnership established between the Afghan government and the international community to "work through a partnership between the Afghan Government, which exercises its sovereign responsibilities, and the Government of Afghanistan. international community, in which the United Nations plays a central and impartial coordinating role."⁷⁹ The text adopted in London also provides a legal framework for the continuation of UNAMA's mission for the next five years (until 2011).

One of the concerns that is reflected in the Afghanistan Compact is that of international assistance. Annex II of the Covenant is entirely devoted to this issue, and two concerns emerge: on the one hand, the need to ensure the regularity of the assistance provided by the international community to Afghanistan. On the other, the need for the Afghan administration to be accountable to donors. To this end, the Covenant provides for the establishment of "regular reports on the use of donor assistance and the results achieved against the benchmarks agreed in the present Covenant".⁸⁰

⁷⁸ Embassy of Afghanistan in Washington [online]. [accessed July 17, 2011].

⁷⁹ Pact for Afghanistan. January 31-February 1, 2006, London.

⁸⁰ Afghanistan Compact. January 31-February 1, 2006, London. Annex II.

However, some observers point to flaws in the text of the Afghanistan Compact. In a report dated 2007, the International Crisis Group cites an expert who considers the Afghanistan Compact "strong in its intentions [but] weak in defining what is required to achieve these objectives".⁸¹ The same International Crisis Group suggests that the Pact would have been better at being more precise about the goals to be attained, setting more substantive performance and defining a timeline more clearly.

Paragraph 2: New objectives in the field of security

With regard to security, it is reaffirmed by the Afghanistan Compact as the "fundamental condition for establishing stability and ensuring development in Afghanistan".⁸² However, this area is considered more extensively here than in the Bonn Agreement since the participants at the London Conference recall that security cannot be achieved with strictly military means and must be accompanied by efforts to reconstruction "and" development ".⁸³

The Afghanistan Compact has a more precise wording than the Bonn Agreement, and clearly addresses the priority issues in the area of security. First, the role of ISAF and Operation Enduring Freedom is reaffirmed. These two missions are responsible for continuing to participate in security sector reform, including by continuing their training role of national security forces to become fully operational. They must continue to "support the government to establish and maintain security in the country". The Afghanistan Compact also stresses the role of the Provincial Reconstruction Teams (PRTs)⁸⁴ - these integrated civilian-military units - through which the ISAF presence must be strengthened, and on which we will have opportunity to return to a third part devoted to the evaluation of achievements in the field of security.

⁸¹ International Crisis Group. Afghanistan's Endangered Compact. Asia Briefing N 59. Report. January 29, 2007, p. 6.

⁸² Afghanistan Pact. January 31-February 1, 2006, London, Security Section.

⁸³ Afghanistan Pact. January 31-February 1, 2006, London, Security Section.

⁸⁴ Afghanistan Pact. January 31-February 1, 2006, London, Security Section.

2.3.2 The changes since 2008: a shift in the strategy of the international community?

As the conflict bogs down - in contrast to the rapid progress made in the first year - the international community seems to be looking for a way out of the Afghan conflict. It is interesting to study some of the international conferences that have been held since 2008, as they have contributed to the development of a new strategy in Afghanistan. Indeed, the issue of the transfer of security is becoming dominant, and the themes related to the withdrawal of troops are beginning to be mentioned.

Paragraph 1: The renewed commitment of the international community between 2008 and 2010, and the emergence of the theme of the transfer of responsibility

Following the adoption of the Afghanistan Compact, a series of conferences is being conducted to refine the goals of the international community in Afghanistan and to redefine priorities. Two main conferences, the Paris Conference of June 2008 and the London Conference of January 2010, should be mentioned in this section. Indeed, they contribute in the lineage of the Pact for Afghanistan, to clarify the strategy of the international community in Afghanistan.

On June 12, 2008, a conference will be held in Paris to support Afghanistan in the presence of the main countries contributing to its reconstruction. On this occasion, the countries of the international community seek to consider prospects for the future and the stabilization of Afghanistan and express their attachment to the implementation of the measures contained in the Pact for Afghanistan. The Afghan government also unveils on this occasion, its National Development Strategy for Afghanistan (ANDS),⁸⁵ the country's roadmap for the next five years. In order to fund the detailed programs in the ANDS, countries in the international community pledge \$ 20 billion in aid to Afghanistan. The main achievement of the Paris conference is

⁸⁵ "The first priority for this security pillar is to increase the capability of the security institutions". Extract from the National Development Strategy of Afghanistan.

thus to reaffirm "the strategic partnership between the Afghan government and the international community ".⁸⁶

However, the Paris conference is also a forum where critics emerge as to how the reconstruction of the country is administered. Many observers point out that despite huge sums invested in reconstruction, the results on the ground are not forthcoming. President Hamid Karzai is also criticized by his Western allies, who accuse him of being unkind about his administration's mismanagement of international aid.⁸⁷ Among the dissenting voices at the end of the Paris conference is that of the German Foreign Minister Frank-Walter Steinmeier, who calls on Hamid Karzai to "take a firm stand in his fight against corruption and impunity". At the same time, the conference demonstrates that Afghanistan remains fully dependent on international aid and the goodwill of donor countries.

On 28 January 2010, a new international conference on Afghanistan opens in London. This deserves our attention because it represents the launch of a new phase of the transition process. Indeed, on the occasion of this conference, the themes of Afghanistan's independence and the transfer of responsibilities are particularly salient, and the statements made at the summit suggest that the international community wishes to move towards increased ownership of responsibilities by the Afghans themselves. The final communiqué of the conference indicates that this conference represents a "new phase on the path of Afghan independence". On the sidelines of the conference, the Secretary General of the United Nations believes that this conference should be one of the "decisive moments in the reconfiguration of the relationship between Afghanistan and the international community ".⁸⁸

On the occasion of the London conference, the participating countries decide on the transfer of responsibilities in the field of security. The conference approves Kabul's plan to "take command of the majority of operations in unstable areas within three years" and assume "responsibility for security on the ground within five

⁸⁶ Statement by the President of the Security Council, S / PRST / 2008/26. July 11, 2008. [online] [from February to July 2008].

⁸⁷ Matthias Gebauer. Diplomats offer Karzai firm words. Spiegel, 6 juin 2008.

⁸⁸ "Afghanistan, London conference in January will help dialogue", UN News Center, 29 November 2009

years"⁸⁹- by 2015. One of the things to remember about this London conference is the adoption of a precise timetable in the field of security. Delegates are calling for the transfer of responsibility to begin "if conditions allow" by the end of 2010, or early 2011⁹⁰. Under these circumstances, it is expected that ISAF will retain a supporting role Afghan forces involved provinces. However, this new strategy can only be achieved if Afghan security forces are effective. The training of the ANA and the ANP therefore become priorities in order to meet these objectives. To support this transition, it is decided that the number of members of the Afghan security forces will be increased to 300,000 by October 2011 (exactly 171,600 for the ANA and 134,000 for the ANP)⁹¹. As we will have the opportunity to study later, the first phase of transition began in July 2011, not without brilliance.

Paragraph 2: The November 2010 NATO Summit: the adoption of a timetable that provides for the full transfer of responsibilities for 2014.

Finally, a last international meeting, which still concerns the field of security, should be mentioned: the NATO summit held in Lisbon in November 2010. During this meeting, the Alliance specifies the timetable adopted during the meeting. London conference on the transfer of security. NATO decides to start the transfer of security the following year - that is, in 2011 - and this time sets a deadline for completion of the transfer process. This information constitutes a very important development in the strategy adopted by the international community, which has so far refused to put forward a withdrawal date. The official declaration issued after the Lisbon Summit states that "by the end of 2014, Afghan forces will take full responsibility for security throughout Afghanistan".⁹² On the other hand, the Alliance does not specify in its communiqué which districts and provinces will be concerned in priority by this transition. The reinforcement of the ANA is presented as a priority, as ISAF

⁸⁹ Final Communiqué of the London Conference, 28 January 2010, Section "Security", Paragraph 10.

⁹⁰ Final Communiqué of the London Conference, 28 January 2010, Section "Security", Paragraph 11.

⁹¹ Final Communiqué of the London Conference, 28 January 2010, Section "Security", Paragraph 10.

⁹² Declaration of the Lisbon Summit issued by the Heads of State and Government participating in the meeting of the North Atlantic Council held in Lisbon on 20 November 2010 [online]. [accessed March 30, 2011].

progressively disengages from combat zones in order to take a predominantly supportive role. The general tone of this NATO summit shows that the Alliance is determined to find a way out of the crisis in Afghanistan, as well as ways to reduce its presence on the ground. The general context is pushing for a withdrawal since 2010 is the most deadly year for the coalition forces, since the beginning of the conflict in 2001.

On the occasion of this summit, and in response to the announcement of a start of withdrawal of coalition forces, Afghans express their concern. They fear that an early disengagement of NATO forces will allow the Taliban to regain ground. However, NATO Secretary General Anders Fogh Rasmussen wants to reassure them. He says that the organization "will continue its support missions well after 2014, especially for the training and training of Afghan forces" and adds "we will stay as long as necessary to finish our work [...] we will not leave leaving behind a security vacuum that could lead to a destabilization of the region ".⁹³

However, despite these statements intended to temper the gravity of the NATO announcement, it seems that the Lisbon summit marks the beginning of a new phase in Afghanistan's relations with the international community. The countries engaged in Afghanistan no longer hide their desire to delegate the management of the Afghan conflict to the local forces, a change of strategy on which we will now look in more detail.

2.3.3 A new goal: "Afghanization" of the conflict?

Paragraph 1: Delegate the management of a conflict that becomes bogged down

The great contradiction which the staffs and the political powers must face is that which appears when the feeling of the inevitable defeat rises [...]. One has the feeling that if one withdraws too quickly, this non-victory or semi-defeat becomes a debacle. And so paradoxically, it is when one realizes that the part is no longer winnable that one is the slowest to withdraw because one measures that a policy of brutal and rapid withdrawal could have aggravating effects.

⁹³ NATO. Official website [online]. [consulted from October to July 2011].

Bertrand Badie, June 21, 2011.⁹⁴

The international meetings since 2008 that we have just mentioned, suggest that the countries of the international community involved in Afghanistan are now looking for an exit strategy for the Afghan conflict. Some see in the statements of the heads of government and diplomacy of the countries involved in Afghanistan a shift towards a strategy of "Afghanization" of the conflict.

This idea of "Afghanization" is derived from the concept of "Vietnamization" coined during the Vietnam War to describe Richard Nixon's policy. At the time, as the United States was entangled in the Afghan quagmire, the US administration, and in particular Henry Kissinger, developed a so-called realistic new strategy of equipping, training and increasing the number of South Vietnamese troops, to give them an increasingly important role in combat, while gradually reducing the number of American troops.

In Afghanistan, the same approach seems to have been favored since 2008: the stated objective is now to strengthen the Afghan security forces in order to achieve the transfer of security management to the Afghan forces. Statements to this effect are multiplying, like that of a diplomat at the Quai d'Orsay: "It is obvious that NATO can not win in the military sense. The problem is no longer there: when we leave the country, the Afghan army must be able to defeat the Taliban."⁹⁵ " The American vision is even more pessimistic, as Robert Gates, who stated in December 2009, said: "One of the aspects of this strategy is that we are not going to embark on the reconstruction of the country. What we are going to do is focus on those ministries that are important to meeting our objectives and that contribute to the success of our strategy, both in terms of Al-Qaida and stabilization of security. " Gates' strategy here is to focus efforts on rebuilding the ANA so that it can eventually delegate conflict management to Afghan forces.

However, this objective remains extremely optimistic since, despite the efforts made, there is little evidence to suggest that the Afghan National Army (ANA) - let

⁹⁴ See Appendix A-1: Interview with Mr. Bertrand Badie, Tuesday, June 21, 2011.

⁹⁵ Thomas Cantaloube. NATO and the French Army Want to Afghanize the Conflict. Mediapart, March 31, 2008.

alone the Afghan National Police - will be able to autonomously ensure the security of the country. territory. First of all because of the number of soldiers in the Afghan National Army: in October 2010 it was 171,600, ⁹⁶ while it is estimated that the country would need 350,000 soldiers by the end of 2013 in order to to be able to autonomously ensure his safety.⁹⁷ Furthermore; the ANA has even more problems than this lack of staff. It needs modern equipment, is plagued by infiltration problems, and lacks qualified personnel. We will discuss more precisely the viability of this goal of devolution in a third part devoted to the assessment of achievements in the field of security.

Paragraph 2: Negotiating with the Taliban, a more "realistic" strategy?

"We must try to maintain the progress we have made. For that, we must transfer to the Afghan government the responsibility of ensuring the security of the country. We know that without a political settlement peace will not be able to settle in a land that has experienced so many wars. The United States will participate in initiatives to reconcile the Afghan people by including the Taliban."

Barack Obama, June 23, 2011.

In parallel with this new speech advocating the Afghanization of the conflict, we are witnessing the emergence of the idea of starting negotiations with the Taliban. Faced with the difficulties on the ground, the goal now is simply to provide the necessary stability so that American and Allied troops can withdraw in an honorable peace. Failing to neutralize the terrorist nebula, the goal is to sanctuary terrorist areas to better control them.

Priority is given to establishing stability, and this is why the idea of Taliban negotiation is gaining popularity, especially in the American camp. At the time of the Bonn Agreement in 2001, this solution had been rejected almost unanimously. The

⁹⁶ NATO / ISAF Background: Afghan National Security Forces, March 2011, ISAF official website.

⁹⁷ Radio Canada. "Afghan National Army: NATO Shortage of Instructors" [online]. [accessed June 2011]. <http://www.radio-canada.ca/nouvelles/International/2010/12/21/002-afghanistan-otan-instructeurs.shtm>.

Americans had preferred to play on strategies such as co-optation, that is to say, to buy the loyalty of warlords for a nice sum of money.

Recently, however, the situation has changed: the premises of a negotiation were first conducted secretly without confirmation from either the Afghan authorities or the US command. The first information on Taliban negotiations came first from the Afghan administration. On October 10, 2010, Hamid Karzai confirmed on CNN that he had been conducting "secret negotiations with the Taliban" for a long time. The Afghan President reports that the Afghan administration has "spoken with the Taliban from compatriot to fellow countryman. It is not a regular official contact with the Taliban, with a fixed address, but rather unofficial personal contacts".⁹⁸

The change of position comes later on the American side. The Bush administration did not have a clear position on reconciliation, but since the election of Barack Obama, the motto given is that of reconciliation with the "moderate" Taliban.⁹⁹ On June 19, 2011, former Secretary of Defense Robert Gates confirmed that he had entered into negotiations with the Taliban with the aim of reaching a peaceful settlement in Afghanistan.¹⁰⁰ On the other hand, it highlights the difficulty of identifying credible interlocutors: "Who really represents the Taliban? [...] We do not want to end up having a conversation with someone who acts freelance."¹⁰¹ This change in approach is justified, on the American side, by the progress made since the death of Osama bin Laden on May 2, 2011.

At the same time, the United States seeks to promote a two-track reconciliation process.¹⁰² On the one hand, the Tahkim-e-Solh Program (PTS) led by the Independent National Commission for Peace and Reconciliation is responsible for negotiating with the common insurgents. On the other hand, the Afghan Presidency is in charge of negotiating with insurgent leaders.

⁹⁸ Hamid Karzai Confirm Negotiations with the Taliban. *Le Monde*, October 11, 2010.

⁹⁹ Talatbek Masadykov, Antonio Giustozzi et James Michael Page. *Negotiating with the Taliban : towards a solution for the Afghan Conflict*. Crisis States Research Centre, Working Paper No. 66 (2), LSE Development Studies Institute, January 2010, p. 12.

¹⁰⁰ Ginger Thompson. Gates acknowledges talks with the talibans. *The New York Times*, 19 juin 2011.

¹⁰¹ Robert Gates says Taliban contact "very preliminary". *The Guardian*, 19 June 2011.

¹⁰² Talatbek Masadykov, Antonio Giustozzi et James Michael Page. *Negotiating with the Taliban : towards a solution for the Afghan Conflict*. Crisis States Research Centre, Working Paper No. 66 (2), LSE Development Studies Institute, janvier 2010, p. 12.

It therefore seems that the international community is now aware of the difficulty of achieving its original goals of peace and stability for Afghanistan. Indeed, the resurgence of the Taliban shows that securing the territory is far from complete. This observation leads us to focus more specifically on the record of reconstruction initiated since the 2001 Bonn Agreement.

III CHAPTER. SUCCESS AND FAILURE OF SKILLS TRANSFER INITIATED SINCE THE BONN AGREEMENT

3.1. The long march of the legitimation of the State

As we have seen in a previous section, the institutional transition in Afghanistan is a multi-step process, which has been framed precisely through two main texts - the Bonn Agreement and the Afghanistan Compact. - and specified at several international conferences and summits. Beyond this procedural aspect, however, it is now necessary to consider the transition process in a practical way and to judge it in the light of the progress made in the various sectors concerned. Indeed, almost ten years after the Bonn conference, it is interesting to assess in the field the successes and failures of the transition initiated by the German conference.

However, although the formal transition phase is officially over, it is important to keep in mind that the situation remains fluid. The observations made in this third part are based on reports and testimony relating to Afghanistan's current institutional situation and are therefore intended to evolve as the situation changes. The reflections proposed here must therefore be understood as an assessment of the objectives achieved and the challenges that continue to be faced in Afghanistan today, with a view to the full reconstruction of a stable and functioning State.

Charles Tilly, historical sociologist of politics, was interested in his work on the genesis of the state and the nation, that is to say, the state building, whose benefits he defines as being: "the emergence specialized personnel, control over a consolidated territory, loyalty, sustainability, permanent institutions with a centralized and autonomous State which exercises a monopoly of violence over a given population ".¹⁰³ This definition is interesting in the case of Afghanistan because it can serve as a model for assessing the results achieved in the reconstruction of the Afghan state since 2001. So we will look at this part first. on the first part mentioned

¹⁰³« State building provided for the emergence of specialized personnel, control over consolidated territory, loyalty, and durability, permanent institutions with a centralized and autonomous state that held the monopoly of violence over a given population ». Charles Tilly. *The Formation of National States in Western Europe*. Princeton: Princeton University Press, 1975, p. 410.

by Tilly - that is to say, the current situation of the central state institutions. Then in a second part, we will focus on the second part defined by the American sociologist - in other words, the degree of state control over his armed force - and in particular the situation of the Afghan National Army.

3.1.1 The course of the first stages of transition envisaged by Bonn: the holding of the emergency Loya Jirga and the adoption of a new Constitution

After having studied in the preceding part the steps envisaged by the Bonn Agreement for the restoration of permanent state institutions, we will now focus on the practical progress of these steps as well as the lessons that can be drawn from them. The first step planned by Bonn is the convening of an emergency Loya Jirga, which is to allow the passage of the chosen government on the occasion of the Bonn conference - that is to say the interim authority - to a more representative government, the transitional authority, chosen by representatives of the people from all over the country. The second step in the Bonn text is then the adoption of a new Constitution. We will focus here on the preparatory work of this new Constitution, the debates it has raised, in particular between the Afghan administration and the international community, as well as the conditions for its adoption. We will discuss the regime that it puts in place, as well as the trends in Afghan society that it expresses through its text. We will refrain, however, from making a complete study of the text of the Constitution, which would lead us to move away from our object of study.

The reflection in this brief does not deal with the political functioning of the new Afghan regime, and that is why we will have to leave aside the study of the last stage planned by Bonn: that of the 2004 presidential election as well as the than the 2005 parliamentary elections. The study of these elections is interesting in order to understand the practical functioning of the institutions, but our priority goes to the study of the 2004 Constitution, which appears as an additional field of intervention of

the international community, and which sets the institutional framework for the new Afghan regime.

Paragraph 1: Emergency Loya Jirga, the first step in the Bonn process

As we have seen before, the Bonn Agreement places the institutional transition process on the Loya Jirga approach, which must be a first step towards rebuilding an ethnically representative, accountable and responsible government. democratically elected. The principle of a Loya Jirga is adopted by the German Conference because of its capacity to legitimize the process of State reconstruction, an objective which, as we will see, is achieved at the end of the holding of this great assembly.

The text of the Bonn Agreement provides for an emergency Loya Jirga to be convened

"Within six months of the establishment of the Interim Authority"¹⁰⁴ in order to proceed with the nomination of a transitional administration to replace the interim administration and to approve "the proposals concerning the structure [of the transition administration] as well as appointments to important posts ".¹⁰⁵ As envisaged by the Bonn text¹⁰⁶, an independent Special Commission is set up to prepare the Loya Jirga. The composition of the latter is announced on 25 January 2002 by the Secretary General of the United Nations, Kofi Annan.¹⁰⁷ In the words of the Secretary General, the Special Commission is presented as "an independent [...] group, a group of honest men and women, highly respected in society".¹⁰⁸ Chaired by Ismail Qasimyar, an expert in constitutional law, the Commission includes members from the political scene, religious figures, academics, as well as representatives of NGOs and associations. In charge of defining the procedures for convening the Emergency Loya Jirga, the Independent Special Commission decides to fix the number of representatives composing the Emergency Loya Jirga, to 1450, including

¹⁰⁴ Agreement on Afghanistan signed at Bonn on 5 December 2001, Title I, Paragraph 4.

¹⁰⁵ Agreement on Afghanistan signed at Bonn on 5 December 2001, Title IV, Paragraph 5.

¹⁰⁶ Agreement on Afghanistan signed at Bonn on December 5, 2001, Article I, Paragraph 2.

¹⁰⁷ Joint press conference of the UN Secretary-General and the Chairman of the Interim Authority, Hamid Karzai. Kabul, Afghanistan, 25 January 2002. [online]. [viewed March 2011]

¹⁰⁸ Joint press conference of the UN Secretary-General and the Chairman of the Interim Authority, Hamid Karzai. Kabul, Afghanistan, 25 January 2002. [online]. [viewed March 2011]

1051 indirectly elected. The Commission also defines their election procedures: each district will elect 20 representatives through a two-round single-member ballot and a special representative to represent the entire district. The preparatory work for the meeting of this great assembly being completed, the convocation of the emergency Loya Jirga can now begin.

With the help of the United Nations and the international community¹⁰⁹, the emergency Loya Jirga is open within the deadline set by Bonn on 11 June 2002. In the same way as the Bonn Conference, the Taliban do not benefit no delegates, but groups sharing their convictions get the right to send representatives to this emergency Loya Jirga. Before the start of the emergency Loya Jirga, two main candidates are competing for the head of the Afghan executive: Burhanuddin Rabbani (former Afghan president) and Hamid Karzai, then head of the Interim Administration. However, shortly before the start of the Loya Jirga, Burhanuddin Rabbani gives up being a candidate. Meanwhile, rumors are circulating about a third candidacy, that of former king Zahir Shah, that many Afghans want to see the head of state. These rumors are quickly denied by Zalmay Khalilzad, the United States special envoy to Afghanistan, and then by the former monarch himself, on the day of the opening of the emergency Loya Jirga.¹¹⁰ Finally, three candidates declare themselves: Hamid Karzai, Masooda Jalal, a doctor working for the UN, and Mahfooz Nedai, an academic member of the Independent Special Commission.

The debates begin on June 11, 2002, on the campus of the Polytechnic College of Kabul, where are gathered the various Afghan representatives participating in the Loya Jirga. Delegates from across the country are gathering for the first time in 23 years to choose a new head of state, the structure of the transitional administration, as well as members of the new government.¹¹¹ In the absence of a serious competitor, Hamid Karzai quickly emerges as the favorite candidate among the majority of the

¹⁰⁹ Barnett Rubin. *Crafting a Constitution for Afghanistan*. *Journal of Democracy*, Vol. 5, No. 3, July 2004, p. 9.

¹¹⁰ Sayed Salahuddin. *Karzai false start adds to chaos at Afghan assembly*. *Afghanistan News Center* [online]. [accessed June 11, 2002].

¹¹¹ Ali Ali Jalali. *Afghanistan 2002: The struggle to win the peace*. *Asian Survey*, Vol. 43, No. 1, January-February 2003, p. 177.

groups present, and also imposes himself as the privileged choice of the international community.

On 21 June 2002, after ten days of debate, the delegates elect Hamid Karzai to head the new Transitional Administration with over 80% of the votes.¹¹² This administration is now responsible for governing the country until the adoption of a Constitution.

What can we say about this emergency Loya Jirga? First of all, there is no doubt that this has been a considerable step towards the establishment of a legitimate government elected by the people of Afghanistan. At the end of the emergency Loya Jirga, the UN Security Council welcomes what it considers a "success", where he says, the Afghan people were able to implement their "inalienable right" to determine his own political future freely "¹¹³. However this Loya Jirga has also been criticized because of several elements. First, this approach has been tainted by the presence of warlords and leaders of fighting factions known for their cruelty and disrespect for human rights.¹¹⁴ The presence of these warlords comes as the official procedure for the election of members of the Loya Jirga urgently prohibits the election as a member of individuals "involved in the spread and trafficking of narcotics , human rights violations, war crimes, looting of public property and the smuggling of cultural and archaeological heritage".¹¹⁵ This feeling of bitterness towards the permanence of the warlords is largely perceptible in the wake of the closing of the Loya Jirga, in Afghanistan and internationally, where the New York Times opens its daily edition with the title : "Warlords win in Kabul"¹¹⁶.

Another problem has also damaged the credibility of the emergency Loya Jirga and the new government that emanated from it: the sidelining of Mohammed Zahir Shah in the new Afghan administration. Some supporters of the former monarch were indeed disappointed with the Afghan conference, convinced that only this one had the

¹¹² Laurent Lombart. *The Political Reconstruction of Post-Taliban Afghanistan: Delivering from the Islamic Emirate to the Proclamation of the Islamic Republic (2001-2004)*. French Review of Constitutional Law, No. 60, 2004, p. 866.

¹¹³ Resolution 1419 (2002), 26 June 2002, S / RES / 1419 (2002).

¹¹⁴ Ali Wardak. *Jirga. A traditional mechanism of conflict resolution in Afghanistan*. University of Glamorgan, 2004.

¹¹⁵ Procedure for the Election of Members of the Emergency Loya Jirga, Chapter IV, Article 14, Personal Translation.

¹¹⁶ Omar Zakhilwal and Adeena Niazi. Warlords win in Kabul. New York Times, June 21, 2002.

capacity to restore national unity. Moreover, they believe that the former king was the victim of a conspiracy by the UN and the US administration, both of whom prefer the appointment of Hamid Karzai.¹¹⁷

Third, the composition of the transitional administration government has been criticized. During the debates, the structure of the government and the appointments to key positions gave rise to almost no disagreement. President Hamid Karzai presented a list of 14 ministers, who, in the absence of a challenge, were appointed. However, observers point out that the composition of the new transitional administration does not really differ from that of the former interim administration.

Finally, the emergency Loya Jirga was criticized because of the influence struggles and intimidation that were reported by some participants. According to the International Crisis Group, the decision to include unelected delegates - including 100 Afghan officials and 32 governors - among the participants was taken at the last minute and was justified by the desire to reflect the structure of the government of the time.¹¹⁸ In fact, it would rather have helped foster the power struggles within the great Afghan assembly. Indeed, the governors knew most of the delegates in their province and would have put pressure on them to influence their vote.

In conclusion, the Emergency Loya Jirga was undoubtedly a decisive step in the progress of the Bonn process, allowing the country to take another step towards a representative democracy. However, the holding of this Loya Jirga was tainted by its inability to promote more substantially democratic participation, as well as the permanence of power in the hands of local notables and warlords.

Paragraph 2: The adoption of a new Constitution

The next step envisaged by the Bonn process is the adoption of a new supreme text of basic laws for Afghanistan, to replace the last Constitution in force in the country, dating from 1964. Without entering the details of the text of the new Afghan Constitution, it is interesting to study the debates surrounding its development as well

¹¹⁷ Ali A. Jalali. Afghanistan 2002: The struggle to win the peace. Asian Survey, Vol. 43, No. 1, January-February 2003, p. 178.

¹¹⁸ International Crisis Group. The Afghan Transitional Administration: Prospects and Perils. International Crisis Group Afghanistan Briefing Paper. Rapport. 30 July 2002, p. 3.

as the stages of its adoption. The process of drafting the new constitution begins on October 5, 2002, when Hamid Karzai, president of the transitional administration, appoints the nine members of the Commission for the Preparation of the Constitution. They develop a preliminary draft of the new Constitution inspired by the Constitution of 1964.¹¹⁹ Then, in April 2003, President Karzai appointed the 35 members of a new commission: the Constitutional Commission. They are entrusted with the task of deciding on the preliminary draft of the new supreme text of Afghanistan, as well as receiving the opinion of the Afghan population on it. For more than six months, the Constitutional Commission surveyed the country and amended the draft Constitution, which was finally presented to the public in November 2003.

The Constitutional Loya Jirga opens shortly thereafter, on December 14, 2003, and closes on January 4, 2004. After 20 days of debate, there is considerable disagreement among members of the Constitutional Loya Jirga. Their disagreements include the nature of the regime that should be established in Afghanistan. Some favor an American-style presidential regime, while others prefer a parliamentary system with a two-headed executive composed of a president / prime minister. Other areas of disagreement include the status to be accorded to Afghans abroad, the multi-ethnic nature of the state, the role of religion in the Republic of Afghanistan, the definition of official languages, constitutional values, the role to be accorded to women in public life. A first draft Constitution is handed over on 3 November 2003 to President Hamid Karzai, former King Zahir Shah, and the country's highest authorities. According to the procedure defined by Bonn, it is then up to the constitutional Loya Jirga to decide on the text since it is the depository of the constituent power. After weeks of intense debate and a dozen amendments to the original text, the Constitution is finally adopted by consensus - as tradition dictates - on 4 January 2004.

The Afghan Constitution has three major characteristics: it is a Constitution that draws a presidential regime, it gives a privileged place to religion by establishing an Islamic Republic, and it establishes the principles of a democracy in Afghanistan.

¹¹⁹ Barnett Rubin. *Crafting a Constitution for Afghanistan*. *Journal of Democracy*, Vol. 5, No. 3, July 2004, p. 10.

First, the Afghan Constitution draws a presidential regime inspired by the American model, since the regime is based on the strict separation of power between the three branches of government: the executive, the legislature and the judiciary. Indeed, "the executive power is wholly held by a President elected by the people and irresponsible before Parliament, which, for its part, can not be dissolved by the President"¹²⁰. Zalmay Khalilzad considers this choice not as a sign of the strength of the new Afghan government, but as a direct consequence of weak Afghan institutions. According to the former US ambassador in Kabul, this type of regime was chosen in Afghanistan in the hope of drawing a powerful centralized system that strengthens the state building process, still very fragile at the time¹²¹. The choice of a strong state would thus aim to thwart the sources of local power, seen as threats to the good governance of the country. However, the choice of a strong executive is not without risks because it can help - by concentrating power in the hands of the president - to instil a sense of exclusion among his political opponents who have lost the election.

A second characteristic of the new Constitution is its privileged place in religion. In order to maintain the cohesion of the multi-ethnic state of Afghanistan, the Constitution requires the Afghan authorities to ensure national unity and equality between different ethnic groups¹²² and reaffirms that "Afghanistan is a single country, united which belongs to all the ethnic groups residing in the country"¹²³. The many references to the Muslim religion are intended to recall the unifying role of religion in Afghanistan. The Constitution is adopted "in the name of God"¹²⁴, and placed under the sign of the Muslim religion to which very frequent references are made throughout the text. It is possible to cite as such the calendar of the state, based on the pilgrimage of the prophet Mohammed¹²⁵ or the obligation of the state to promote the

¹²⁰ Raymond Guillen and Jean Vincent. *Lexicon of legal terms*. Paris: Dalloz, 2007, p. 449.

¹²¹ Zalmay Khalilzad. *Lessons from Afghanistan and Iraq*. *Journal of Democracy*, Vol. 21, No. 3, July 2010, p. 44.

¹²² Article 6 of the Constitution of the Islamic Republic of Afghanistan, 2004.

¹²³ Preamble of the Constitution of the Islamic Republic of Afghanistan, 2004.

¹²⁴ Preamble of the Constitution of the Islamic Republic of Afghanistan, 2004.

¹²⁵ Article 18 of the Constitution of the Islamic Republic of Afghanistan, 2004.

"development of religious education"¹²⁶. This point has given rise to much debate between the Afghan administration and the international community. While conceding that the text establishes an Islamic state in Afghanistan, international actors were very opposed to the Constitution's direct reference to sharia law. The provisions adopted are the result of bitter negotiations between international representatives, Afghan Islamists and President Karzai.

Finally, the Constitution establishes a democracy. The preamble of the Constitution recalls the need to establish "a government based on the will of the people and democracy"¹²⁷ as well as "the rule of law, social justice, the protection of human rights, dignity and which ensures respect for the fundamental rights and freedoms of individuals"¹²⁸. The text insists on the notion of popular sovereignty and establishes universal suffrage since it recalls that sovereignty belongs to the nation, which "exercises it directly or through its representatives".¹²⁹ The institutional framework therefore provides for Afghans to participate regularly in regular, national and local elections.

In conclusion, on January 4, 2004, the constitutional and institutional framework of the new Islamic Republic of Afghanistan is finally adopted with the implementation of the new Constitution. A major step is taken in the process of institutional reconstruction of the country. However, many challenges remain, so that the new state operates optimally, obstacles that we are going to evoke now.

3.1.2 The challenge of institutionalizing the country Paragraph 1: Rebuilding effective administration

In order to rebuild a solid state apparatus, Afghanistan also needs, in addition to a Constitution, an administration on which it can rely in order to fulfill its missions. However, for the moment, two main obstacles stand in the way of

¹²⁶ Article 17 of the Constitution of the Islamic Republic of Afghanistan, 2004.

¹²⁷ Preamble of the Constitution of the Islamic Republic of Afghanistan, 2004.

¹²⁸ Preamble of the Constitution of the Islamic Republic of Afghanistan, 2004.

¹²⁹ Article 4, paragraph 1 of the Constitution of the Islamic Republic of Afghanistan, 2004.

rebuilding an effective administration: on the one hand, the weakness of the state's infrastructure, and on the other, the lack of available human capital.

The first problem facing the reconstruction of the administration is the lack of infrastructure in all areas in Afghanistan. First of all, the country has no income other than international aid because it does not export or own industries. Added to this problem is the lack of a tax administration, which makes it very difficult to manage international aid, and impossible to raise taxes - even if the country generates income. The budget issue is central to the state formation process as it is the sine qua non condition for the state to function. The state's ability to provide services has also been destroyed by decades of violence: all basic infrastructure such as roads, schools, energy or financial institutions must be rebuilt. In a 2000 report, the United Nations Development Program (UNDP) reports on the catastrophic state of institutions: "Twenty years of ongoing crisis have led to the total collapse of national and local governance institutions, devastated the economy, undermined community cohesion and basic social and productive infrastructure ".¹³⁰

At the same time, Afghanistan faces a second problem: the lack of human capital. The French researcher Serge Michailof points out that the vast majority of Afghan civil servants have hardly been paid since 1996 - a situation that led to a massive exile of Afghan government officials in the 1990s¹³¹. The Taliban in 2001, only very few highly qualified Afghan personnel remain on the national territory.

In addition to this problem, however, there is a second difficulty for the Afghan administration: that of the competition introduced by international organizations and NGOs, often accused of representing a "parallel administration"¹³² to the Afghan national administration. International aid is indeed very present on the Afghan territory where UN agencies abound, such as UNAMA, the WFP (World Food Program), UNHCR or UNICEF. In addition to these agencies are the programs of the World Bank, the European Union and a multitude of NGOs involved in all types of

¹³⁰ United Nations Development Program. Report. February 15, 2000, DP / 2000/16, p. 3.

¹³¹ Michailof, Serge. "The challenge of rebuilding the administration in Afghanistan", in Châtaigner, Jean-Marc and Magro, Hervé, eds., *States and Fragile Societies. Between conflict, reconstruction and development*. Paris: Khartala Publishing, 2007, pp. 398-399.

¹³² Michailof, Serge. "The challenge of rebuilding the administration in Afghanistan", in Châtaigner, Jean-Marc and Magro, Hervé, eds., *States and Fragile Societies. Between conflict, reconstruction and development*. Paris: Khartala Publishing, 2007, pp. 398-399.

sectors. As a result, the few qualified Afghan executives who are fortunate enough to speak English generally prefer to find employment in international organizations or in the multitude of branches of these organizations, because they have much higher funds than the State.¹³³ The salary of an Afghan employee working in an international organization can indeed reach almost international rates (from 800 to 2000 \$ per month¹³⁴). An astronomical sum when we know that the majority of the Afghan population lives on average with \$ 40 per month¹³⁵. This situation limits the staff available for state administration, and appears difficult to rectify in the short term, as the Afghan government does not have sufficient resources to increase the remuneration of its employees, and such an increase in salaries would risk also have a negative impact on prices for the rest of the population. International organizations, for their part, continue to disconnect the wage structure from the local price structure¹³⁶. We are therefore witnessing the creation of a parallel international administration, useful of course because it provides essential services for the population, but undermines the legitimacy of the Afghan state. From this point of view, international aid is necessary, but at the same time it is part of the problem since it keeps the Afghan state in a state of dependency. It is therefore necessary to put in place a strategy of economic assistance for the reconstruction of the Afghan state, which allows the country to rebuild its own administration while continuing to benefit from the assistance of international organizations present on its territory.

Paragraph 2: Conflicting relations between center and periphery

Another problem to be pointed out in the field of institutional reconstruction is that of the conflicting relations between center and periphery in Afghanistan. Alexander Thier and Jarat Chopra describe the country's institutional environment as a "fragmented constellation of institutions,"¹³⁷ an expression that illustrates the

¹³³ Peter Marsen. The reconstruction process. Royal Institute of International Affairs, Vol. 79, No. 1, January 2003, p. 94-95.

¹³⁴ Michailof, Serge. "The challenge of rebuilding the administration in Afghanistan", in Châtaigner, Jean-Marc and Magro, Hervé, eds., States and Fragile Societies. Between conflict, reconstruction and development. Paris: Khartala Publishing, 2007, pp. 397.

¹³⁵ United Nations. Statistics Service. [online]. [accessed May 2011]. <<http://data.un.org/CountryProfile.aspx#Economic>>.

¹³⁶ Moreira, Paul. Afghanistan: on the dollar track. [DVD]. Paris: ADAV: Doc & Co. 57 mins.

¹³⁷ Alexander Thier et Jarat Chopra. The road ahead: political and institutional reconstruction in Afghanistan. Third World Quarterly, Vol. 23, No. 5, 2002, p. 894.

confusing nature of Afghanistan's institutional structure, which combines several decision-making levels but does not possess supreme authority capable of coordinating them all. Indeed, there is a disorderly overlap between national institutions, local institutions, regional institutions and international institutions that, instead of cooperating, compete in their quest for influence and resources. All operate more or less independently and without consultation, which accentuates the difficulty of rebuilding the country. This situation is directly inherited from the decades of war in Afghanistan, which led to the creation of a strong regional identity and a strong autonomy of the Afghan provinces from each other, as well as report to the central government. Moreover, political centralization remains largely associated in the minds of Afghans during the period of Soviet occupation and therefore repression. Finally, this situation is also attributable to the topography of the very mountainous Afghan territory, which does not encourage exchanges between the different Afghan provinces.

The task of the Afghan government is therefore difficult: on the one hand, it must be able to deal with the decentralized structure of the country and respect the local participation to which the Afghans are very attached. On the other hand, it is the responsibility of the government to decide which institutions should be national in nature in order to strengthen the central administration. To sum up, too much regional autonomy prevents the construction of national institutions, but too much centralization risks alienating local actors who will subsequently seek to undermine the credibility of the central state. It is therefore a very subtle game of balance that the government must engage in order to maintain both the local balance, but also the national balance.

As a consequence of this regional autonomy: the progress of the reconstruction is mainly concentrated in the urban areas - in particular in Kabul and in the regional capitals - and spread more difficult to the rest of the territory. For example, the construction of upscale neighborhoods in the vicinity of Kabul increases the

resentment of the population towards elites, and the feeling of injustice¹³⁸. Several factors explain this situation. First of all, the international community has difficulties in charting the trajectory of international aid from the central government to the regions. And for good reason, local resource management is often done through regional leaders who are not very accountable. In addition, it is possible to apply to Afghanistan the "six miles rule"¹³⁹. According to this rule, it is the population located in an urban center, or within a radius of six miles around it, which receives almost all the benefits of the aid paid to the region¹⁴⁰. A wording that is not so far from what we see on the ground in Afghanistan, where aid is struggling to spread to the entire population, and remains concentrated in the hands of a minority.

The concrete institutionalization of the country can only be successfully achieved if the two problems we have just mentioned find solutions: on the one hand, the reconstruction of the administration is absolutely essential for the Afghan state to function. On the other hand, it is essential to reduce disparities between centers and peripheries and to ensure an equal distribution of assistance in the provinces. A necessity as practical, as essential in order to gain the confidence of the local populations.

3.2 Security is a priority area for establishing the authority of the Afghan state

According to figures provided by ISAF, the strength of the Afghan National Security Forces today is 270,000, including 118,000 in the Afghan National Police and 152,000 in the Afghan National Army¹⁴¹. Impressive figures for an army whose training began less than a decade ago, and which initially benefited from rather weak support from countries engaged in Afghanistan. In order to better understand the stages of ANA training, we will have to ask ourselves three questions: under what conditions did the Afghan army begin training, how does it get trained, and what

¹³⁸ Moreira, Paul. Afghanistan: on the dollar track. [DVD]. Paris: ADAV: Doc & Co. 57 mins.

¹³⁹ Six miles correspond to approximately 9.6 kilometers.

¹⁴⁰ Alexander Thier et Jarat Chopra. The road ahead: political and institutional reconstruction in Afghanistan. *Third World Quarterly*, Vol. 23, No. 5, 2002, pp. 905-906.

¹⁴¹ NATO Official Site. ISAF communiqué, "NATO / ISAF Backgrounder: Afghan National Security Forces," March 2011 [online]. [accessed May 2011].

exactly are its abilities to do? the current time ? We will also look in this section to take stock of the progress made in the field of security.

3.2.1 A priority, securing the territory

Security is a priority area on the road to rebuilding the Afghan state. Indeed, one of the essential tasks of any State is to guarantee the security of its territory and its population. But securing the territory is also a priority for the international community, which has been keen since 2009 to find an exit strategy for the Afghan conflict, but cannot, however, consider delegating territorial management to Afghanistan as long as the country does not have an autonomous and effective armed force.

Paragraph 1: The establishment of an Afghan National Army as the only way to ensure the rebirth of the Afghan State

The establishment of a national army is now identified as an essential condition for the revival of the Afghan state. However, this has not always been the case: the efforts undertaken for the ANA have grown over the years, passing successively through several phases that we will detail here, before concretely studying the practicalities of training of the Afghan National Army by the countries of the international coalition.

The construction of the Afghan army is done through a program known as "Security Sector Reform" or SSR. It aims to rebuild Afghanistan's national capacity to ensure its own security, as well as to strengthen its governance capacity¹⁴². The SSR provides for three main tasks: first, the dissolution of irregular armed groups through the demobilization of combatants, secondly their disarmament and reintegration, and thirdly, the creation of state-run professional security forces. This last point has two components: the training of the Afghan National Police and that of

¹⁴² Ayub, Fatima, Kouvo, Saret Wareham Rachel. Security Sector Reform in Afghanistan. International Center for Transitional Justice, Initiative for Peacebuilding. April 2009, p. 11-13.

the Afghan National Army. It is on the military that we will focus our attention because its training is more successful than that of the police, and allows more to draw conclusions on the progress achieved as well as the problems that persist. The Afghan army is also an interesting case study because the international community has been very much involved in its reconstruction.

The development of the Afghan army was initiated in May 2002, when the US military began training a first group of ANA soldiers in the center.

military training center in Kabul¹⁴³. However, efforts to rebuild the Afghan army are limited in this initial phase: few coalition soldiers are mobilized to train the new Afghan units and their means remain weak. In the first years of conflict, the priority is instead to secure the territory and fight against Taliban insurgents, much more than the ANA.

It was not until 2006 that the formation of the Afghan army began to become a real priority, for several reasons. First, the Afghanistan Compact adopted on 1 February 2006 makes security the first of its three priority areas, and stresses the importance of "strengthening and [...] developing the capacity of the security forces to become fully operational."¹⁴⁴ The increased interest in the Afghan army is also due to the renewed violence in the Afghan theater from 2007/2008, which makes the countries involved in Afghanistan aware of the need to change their strategy on the ground. On this occasion, the idea of forming an Afghan army as a substitute for American and NATO forces is receiving new attention. This trend can be seen in the NATO Secretary General's statement at the conclusion of a NATO summit held in Brussels on 7 October 2007 that NATO's objective is now "to support the Afghan security forces, as they assume an increasingly important responsibility for the security of their country and that "the role of ISAF will evolve as this process evolves".¹⁴⁵ But at the time, the means devoted to the ANA are still relatively insufficient, as emphasized by the NATO General Assembly during its annual

¹⁴³ Jalali, Ali Rebuilding Afghanistan's national army. Parameters: US Army War College Quarterly, Vol. 31, Autumn 2002, Afghanistan Compact. January 31-February 1, 2006, London.

¹⁴⁴ Afghanistan Pact . January 31-February 1, 2006, London.

¹⁴⁵ NATO. Official site. "Afghanistan and Kosovo remain NATO's priorities", 7 November 2007 [online]. [accessed May 2011]

meeting in 2007, where it deplors "the incomplete or slow commitment of the Allies for the reconstruction and training of the Afghan security forces"¹⁴⁶. From the end of 2007, the countries engaged in Afghanistan are therefore reviewing their position, and the ANA now appears as a top priority. As we will see later, this commitment to rebuild the ANA is through the establishment of new types of units dedicated to the training of the Afghan army.

The importance attached to the ANA will only increase thereafter: it is reinforced by the new operational plan adopted in 2009, which provides for the transfer of security to Afghan forces by 2014, then by the summit of Lisbon 2010, during which the strategy of "Afghanization" of the conflict is adopted by the American government. Let us now look at what the United States has done in Operation Enduring Freedom, as well as those deployed by NATO to develop the Afghan army.

Paragraph 2: The measures put in place by the United States for the formation of the ANA

After discussing how the formation of the Afghan National Army has emerged as a crucial part of the transition, it is now necessary to study in practical terms how this training takes place on the ground.

The Americans were the first to take charge of the formation of the ANA. They set up the Kabul Military Training Center (KMTC) fairly quickly in the summer of 2002. It aims to: "support the GIRoA (Government of the Islamic Republic of Afghanistan) by training and providing support to the Afghan National Security Force (ANSF), developing leaders, and building institutional capacity in order to enable Afghans to take proper responsibility for the security of their country ".¹⁴⁷ Intended to train the new Afghan army battalions, it initially provides for a ten-week training cycle - a duration subsequently lowered to eight weeks in the autumn of

¹⁴⁶ Parliamentary Assembly of NATO. Afghanistan: Assessing progress and key challenges for the alliance. Report. Annual session of 2007.

¹⁴⁷ NATO Training Mission in Afghanistan [online]. [accessed June 4, 2011].

2003.¹⁴⁸ This decision has been criticized because some consider it This delay does not teach Afghan recruits sufficient lessons to be fully effective in the field.¹⁴⁹

At the same time, a specific operational unit, the Phoenix Task Force, was set up in May 2003 with the help of other contributing countries to specifically support the ANA¹⁵⁰ training and counseling program. However, the training mission of the Task Force Phoenix is delayed and does not actually start until 2006. Comprised of US National Guard soldiers from more than twenty US states, the Task Force fills a large number of functions, all associated with the formation of the ANA, ranging from recruitment to the accompaniment of Afghan units on the ground during clashes. The training of Afghan soldiers supported by the Phoenix Task Force is done in several stages. First, the new recruits are assigned to ANA battalions, the kandaks, which average between 750 and 880 soldiers. The Afghan enlisted begin their training with a week of orientation at Kabul Military High School, before joining the Kabul Military Training Center that we have already mentioned, where they carry out most of their training. Once finished training, they then join their original kandak, before being assigned to a regiment¹⁵¹.

At the same time, the United States is setting up specific instructors called Embedded Tactical Trainers (ETT). ETTs present themselves as US Army trainers, usually from the Marine Corps or Special Forces. They work on a daily basis in close coordination with Afghan soldiers, and are "embedded", that is to say integrated into the Afghan units they are responsible for training. This concept created by the United States aims to develop more personal links between instructors and military training, than during a traditional training, the ultimate goal being to optimize the operational skills of Afghan soldiers.

Paragraph 3: The formation of ANA by ISAF

¹⁴⁸ See Appendix B-6: Details of the ANA Training Program.

¹⁴⁹ Mark Sedra. Security Sector Transformation in Afghanistan. Study for the Geneva Center for the Democratic Control of Armed Forces, p. 6.

¹⁵⁰ Rand National Defence Research Institute. The Long March Building an Afghan Army. Report. 2009, p. 30.

¹⁵¹ Global Security [online]. [accessed June 1, 2011].

In line with US measures to train the ANA, ISAF will develop its own training program and subsequently be given most of the responsibility for the training of the ANA, the Afghan National Army. According to NATO's 2005 Operational Plan for ISAF in Afghanistan¹⁵²: "NATO's withdrawal from Afghanistan will depend on the successful development of credible, professional and legitimate Afghan security structures capable of maintaining a safe and secure environment, stable in their own country; as well as desires of the Afghan government. Once Afghan national security forces are trained and effective, ISAF should be able to reduce its profile, according to the decision of the North Atlantic Council." ¹⁵³ The plan reveals NATO's focus on training Afghan security forces, which is seen as a prerequisite for a gradual withdrawal of coalition forces.

In order to accelerate the formation of the ANA, NATO is implementing a program called the NATO Training Mission in Afghanistan (NTM-A). This program is announced at the Strasbourg-Kehl summit in April 2009, and aims to contribute "even further to the development of efficient and autonomous Afghan national security forces".¹⁵⁴ Through the creation of this NTM-A, the coalition seeks to consolidate the efforts of the allies to rebuild the ANA in a unique setting. On 21 November 2009, the NTM-A is associated with the Joint Transition Command for Security in Afghanistan (CSTC-A), the US-led military training mission. The two missions then adopt a joint command, but each retain their internal hierarchy. This grouping is intended to facilitate cooperation between the NATO mission and the US mission, both of which work to rebuild the Afghan security forces.

NATO's essential contribution to the reconstruction of the ANA is through the Operational Mentoring and Liaison Teams (OMLTs). OMLTs are the equivalent of Embedded Training Teams deployed under the leadership of the United States, with whom they work "in a complementary way"¹⁵⁵. The OMLT program consists of integrating officers and NCOs from ISAF member countries into Afghan combat

¹⁵² SACEUR Operation Plan for the International Security Assistance Force in Afghanistan.

¹⁵³ Extract from NATO Operational Plan for ISAF in Afghanistan, 2005 (SACEUR OPLAN 10302).

¹⁵⁴ NATO. Official website, article of 4 April 2009. [online]. [accessed July 22, 2011].

¹⁵⁵ NATO. Official site. Fact Sheet on Operational Mentoring and Liaison Teams [online]. [accessed from October to June 2011].

units as coaches and advisers¹⁵⁶. OMLTs are therefore like teams of advisers and instructors from one or more of ISAF's 27 contributing countries, consisting of between 13 and 30 people in Afghan army operational units. OMLTs accompany and advise the ANA in all its missions, training or combat¹⁵⁷, and should also facilitate links between ANA and ISAF to carry out coordinated actions. They have the particularity of having a very flexible composition: they vary greatly in size and in the mode of organization from one to the other. An ISAF member country can either provide all OMLT staff or in other cases provide only part of the OMLT staff, with the rest coming from other contributing countries. As for their size, it also varies from one team to another. As we mentioned earlier, OMLTs are generally made up of about 20 instructors, but the British OMLT located in Helmand (south) has more than 280¹⁵⁸. This OMLT was also the first in May 2006, and was quickly followed by the establishment of other teams in the rest of the country.

As of June 2010, there were 143 OMLTs, an honorable but disappointing figure since it is estimated that it would take at least 12 more to effectively support the ANA¹⁵⁹. Under these OMLTs, joint command and control of troops is conducted between ISAF and the Afghan Ministry of Defense, and the command structure is based on case-by-case and situation-specific arrangements.

Paragraph 4: Between Territorial Security and Reconstruction, the Hybrid Role of Provincial Reconstruction Teams

In order to respond to the crucial problem of securing and stabilizing the territory, while involving the necessary task of rebuilding Afghan infrastructure, the US government has devised a new form of intervention in Afghanistan: the Provincial Reconstruction Teams.

EPRs are presented as civil-military units that originate in an American concept stemming from a common reflection between the American Development

¹⁵⁶ Rand National Defense Research Institute. *The Long March Building an Afghan Army*. Report. 2009, p. 34.

¹⁵⁷ Department of Defense and Veterans Affairs. Folder on the French device for Afghanistan [online]. [accessed November 2011].

¹⁵⁸ Rand National Defense Research Institute. *The Long March Building an Afghan Army*. Report. 2009, p. 38-39.

¹⁵⁹ NATO. Information sheet on OMLTs. June 2010. <http://www.isaf.nato.int/images/stories/File/factsheets-june/June%20202010-Fact%20Sheet%20OMLT.pdf>

Agency (USAID) and the Pentagon. Initially launched by the US armed forces in November 2002¹⁶⁰, this concept will gradually be taken over by the Atlantic Alliance.

RPAs have been specifically designed to operate in post-conflict environments in which direct confrontation has stopped, but where a phase of stabilization, reconstruction and capacity building is needed. the state in institutional matters. RPAs are transitional structures designed to improve the security situation, while facilitating the reconstruction and economic development of the region where they are located. They consist of military, civilian political advisers and development advisers, who work in an integrated manner to provide humanitarian assistance and support development activities in the region, while ensuring security, stability and security. the influence of the institutions of the Afghan state in the provinces for which they are responsible. EPRs are distinguished from "traditional" military deployments by their proximity to the local population and problems, as well as their high capacity adaptation to the security situation in the field¹⁶¹. EPRs have the particularity to be able to adopt different forms, according to the State that supports them. They vary in their structure, size or the nature of their mission. This feature gives them flexibility that allows them to adapt to the particularities of the districts in which they are deployed.

The implementation of the EPRs began in January 2003 with the installation of a first team in Gardez, eastern Afghanistan. They are first deployed under the command of Operation Enduring Freedom. The United States installs EPRs in the east and south of the country, the United Kingdom in the northern region, near Mazar-e-Shariff, and New Zealand implements this concept in the center, around the city of Bamiyan. Subsequently, while remaining managed by a particular country, these RPAs will come under the authority of NATO, which will encourage their development in new provinces. Indeed, the gradual extension of ISAF's mandate -

¹⁶⁰ Peter Runge. The Provincial Reconstruction Teams in Afghanistan: Role model for civil-military relations? Bonn International Center for Conversion, Occasional Paper IV, October 2009, p. 10.

¹⁶¹ Paul Haéri and Laurent Fromaget. Stabilize otherwise? Provincial Reconstruction Teams (PRTs) in Afghanistan. Strategic Focus No. 4, IFRI, January 2008, p. 15.

authorized by Resolution 1510 - is carried out mainly through the Provincial Reconstruction Teams¹⁶².

The RPAs have been the subject of a number of criticisms relating both to the dual nature of their action (civil and military) and to the results they have achieved on the ground. This type of deployment is controversial because it suggests a very integrated conception of civil-military relations. Some observers therefore consider that they represent an "instrumentalization of aid to the people"¹⁶³, an impression sometimes confirmed by the actors engaged in the PRTs, who themselves sometimes admit that this type of deployment represents a way of "winning the hearts and minds"¹⁶⁴ local people. RPAs are also being criticized by some non-governmental organizations in Afghanistan for allegedly encroaching on their field of activity. Some NGOs also point out that RPAs are confusing the minds of local people, who may find it difficult to distinguish between soldiers and civilian personnel if foreign armies begin to become involved in the reserved field of NGOs¹⁶⁵.

EPRs are also criticized because several reports stress that their impact on the security level of a region is relatively limited - especially in the case of Afghanistan, where the situation on the ground tends to deteriorate. Several factors explain these disappointing results, in particular their small size, as well as the fact that RPAs are generally rather slightly equipped, since their mission is supposed to be mainly oriented towards stabilization actions and not frontal combat. The ability of these units, often of medium size, to ensure the security of a province as a whole is strongly questioned. They appear to be effective primarily in their immediate physical environment, but only contribute slightly to the pacification of remote provinces. They are therefore not enough on their own to counter insurgent offensives and ensure the stability of a district.

¹⁶² See Annex B-7: The Extension of ISAF through Provincial Reconstruction Teams.

¹⁶³ Paul Haéri and Laurent Fromaget. *Stabilize otherwise? Provincial Reconstruction Teams (PRTs) in Afghanistan*. Strategic Focus No. 4, IFRI, January 2008, p. 16.

¹⁶⁴ Peter Runge. *The Provincial Reconstruction Teams in Afghanistan: Role model for civil-military relations?* Bonn International Center for Conversion, Occasional Paper IV, October 2009, p. 10.

¹⁶⁵ Princeton University, Woodrow Wilson School of Public and International Relations. *Provincial Reconstruction Teams: Lessons and Recommendations*. Report. January 2008.

Finally, the effectiveness of EPRs in the field of reconstruction is also questioned. The high turnover rates within PRTs, which typically last between three and six months in the international coalition, jeopardize the projects undertaken by the Provincial Reconstruction Teams. Indeed, these delays do not leave enough time for the EPR to carry out projects in their entirety. Many sites are therefore often abandoned when they are only half completed. Researcher Peter Runge discusses in one of his EPR studies, a hydro-electric project initiated by a British EPR near Logar, which was never continued, following the arrival of a new battalion on the ground¹⁶⁶. This situation is potentially explosive because it risks alienating local populations, who are impatient with the lack of progress on the ground. It is also a loss for the international coalition, which invests in these civilian projects with no results.

3.2.1 The obstacles to the establishment of an effective Afghan army Paragraph 1: Problems specific to ANA's military structure

Despite the successes recorded by the ANA, it must be noted that the ANA is facing a series of difficulties specific to its internal composition, which slow down its operability and synergy.

First, the reasons for the soldiers' commitment to the ANA are variable, with some soldiers engaging in the ANA more out of self-interest than for the sake of the national interest. In a country where per capita income is one of the lowest in the world¹⁶⁷ (two-thirds of the population live on less than \$ 2 per day), soldiers are often attracted by greed and the hope of better life. They are not necessarily ready to risk their lives during operations, which leads to a lack of motivation or desertion, and damages the cohesion of Afghan troops. According to General Fazil Ahmad Seiya, former head of the 207th Afghan Regiment in Herat, the soldiers join the Afghan National Army mainly in the hope of better living conditions: "They came by

¹⁶⁶ Peter Runge. *The Provincial Reconstruction Teams in Afghanistan: Role model for civil-military relations?* Bonn International Center for Conversion, Occasional Paper IV, October 2009, p. 23.

¹⁶⁷ World Bank. *Afghanistan 2008 statistics* [online]. [accessed from January to June 2011].

necessity. In Pakistan, they can expect to earn \$ 31 per month. Here, they earn more than \$ 66 a month. They are here for pay "¹⁶⁸.

A second problem for ANA forces is the difficulty of integrating new soldiers into formal military structures. The majority of Afghans have a working knowledge of combat skills and are recognized as veteran fighters, since the country has been in a state of near-permanent warfare since the Soviet invasion of 1979. However, most of the soldiers fought in combat. armed factions where fighting techniques were often artisanal, and where there was very little coordination and hierarchy. The new ANA soldiers must therefore learn the basics of military combat and the discipline required in a modern army¹⁶⁹. The insertion into a structure that requires respect for a hierarchical authority, a demanding discipline, and strict daily schedules is experienced as a culture shock by most ANA¹⁷⁰ soldiers, which contributes to slowing down their training. There is a gap between the training provided by the countries of the international community and Afghan habits. For example, ANA soldiers often do not read a map, but have exceptional knowledge of the terrain. he officers in charge of forming the ANA must therefore use large sandboxes on which are reproduced the reliefs of the ground so that the Afghan soldiers can represent geographically the space to be studied. Colonel Bruno, commander of Operation EPIDOTE, reports at Command and Staff College in Kabul (a college tasked with training Afghan army officers): "The Afghan officer has not used to work on a map. All that is plan does not correspond to its culture and its mode of reasoning. So he absolutely needs to work on the concrete, on the visual, on something in three dimensions "¹⁷¹.

Finally, a last internal problem arises within the ANA, that of the command. Because of the lack of education of the population - which we will have the opportunity to study later - the ANA is faced with the difficulty of finding qualified personnel to train its future managers. In order to respond to this deficit, a school was

¹⁶⁸ Carol Dysinger. Victory Camp, Afghanistan. [DVD]. Safecracker Pictures, 2011. 90 min.

¹⁶⁹ Carol Dysinger. Victory Camp, Afghanistan. [DVD]. Safecracker Pictures, 2011. 90 min.

¹⁷⁰ Rand National Defense Research Institute. The Long March Building an Afghan Army. Report. 2009, p. 18.

¹⁷¹ Department of Defense and Veterans Affairs. The Journal de la Defense, No. 45, July 2010 [online]. [accessed in November 2011].

set up in Kabul to train the new Afghan army cadres: the National Military Academy of Afghanistan. It proposes a cycle designed to train the new officers of the ANA. However, this training process can only take a long time, and does not entirely solve the problems of command in the short term.

Paragraph 2: Fragility in the image of Afghan society

In parallel with the predominantly military problems we mentioned earlier, the Afghan army is also facing a series of broader obstacles that are also found in other sectors of Afghan society.

First, the ANA suffers from the lack of education of its new recruits. Thus, it is estimated that 90% of ANA soldiers are illiterate, and that the remaining 10% have often not studied beyond primary school¹⁷². This situation is problematic because some sectors of the Afghan army lack educated recruits, such as the administrative sector. More worrying, illiteracy also affects officers: figures show 50% of illiteracy among officers in the south of the country in 2006¹⁷³. This situation raises questions about the ANA's ability to function independently, without coalition or ISAF assistance. However, this problem should not be insurmountable, as new recruits can in principle acquire relatively quickly basic knowledge to read and write. However, this situation undeniably contributes to slowing the effectiveness of the Afghan army.

Secondly, the ANA is a structure within which there are tensions specific to the multiethnic nature of the country. At the national level, the construction of a unified state is problematic because of the cultural and ethnic diversity of the country, and in the same way it is difficult to integrate all parts of the country into a single Afghan national army. There are also tensions within different ethnic groups, such as between Pashtuns in the north and Pashtuns in the south¹⁷⁴. The ethnic problem in the Afghan army is highlighted by Colonel Gilles Castel, deployed in Afghanistan in 2006, which highlights the difficulty of creating an Afghan army on a Western model, as regional particularities are significant in Afghanistan: " We created the Afghan army a bit like

¹⁷² Giustozzi Antonio. The Afghan national army, unwarranted hope? The RUSI Journal. Vol.154, No. 6, December 2009, p.37.

¹⁷³ Giustozzi Antonio. The Afghan nation alarm, unwarranted hope? The RUSI Journal. Vol.154, No. 6, December 2009, p.37.

¹⁷⁴ Giustozzi Antonio. The Afghan nation alarm, unwarranted hope? The RUSI Journal. Vol.154, No. 6, December 2009, p.38-39.

we create a national army here. We take people from just about every country, put them in one block and tell them that they are part of the Afghan national army. We take people who are from Herat and we will assign them to Kabul, while the people are very connected to their region, their tribe and their ethnic origin. This is not necessarily in the sense of a good integration "¹⁷⁵.

For example, Afghan battalion commanders may have to speak to their troops through an interpreter because they do not speak the same language as their soldiers. Relationships between officers are also affected by this ethnic element, as some soldiers may have bad relations with their brothers-in-arms of a competing ethnic group. The international coalition has tried to tackle these problems by introducing ethnic quotas, as well as by deploying recruiting stations in all regions to try to create greater diversity within the armed forces. These measures are intended to ensure the widest possible ethnic representation of different ethnic groups, and aim to reduce the influence of local notables in the recruitment process of ANA soldiers. However, these problems persist and affect the cohesion of the Afghan army.

The ANA is also weakened by problems of discipline: first, there are many cases of theft of equipment in Afghan units. Oil, weapons, or other equipment from army stocks are sold on the black market by unscrupulous soldiers. Corruption - which affects all spheres of Afghan society - has also infiltrated the military, complicating the task of international trainers deployed within the ANA. The Afghan army is also plagued by major alcohol and drug problems. In the south, it is estimated that between 20 and 25 percent of Afghan soldiers suffer from one of these two addictions¹⁷⁶. As we seek to increase recruitment to reach a target of 240,000 soldiers by 2014, the quality of the soldiers employed in the ANA is likely to decline, and these problems will increase.

Finally, the last problem we encounter in the ANA is the infiltration of the Taliban, which creates a lack of confidence and undermines the esprit de corps within the Afghan forces. This phenomenon is the result of very cursory checks on new

¹⁷⁵ Appendix A-2: Interview with Colonel Gilles Castel, Tuesday, June 28, 2001, p. 23.

¹⁷⁶ Antonio Giustozzi. The Afghan national army. The RUSI Journal, January 2010, p.38.

recruits in Afghanistan. The procedure for applying for a new soldier is very basic: it must simply be supported by an elder from his or her home village and then formally approved by the governor - who in practice never verifies on a case-by-case basis the personal journeys of each of the new soldiers. This lack of rigor is explained by the phenomenal number of recruitments to the Afghan security forces, estimated at more than 8,000 per month¹⁷⁷. Indeed, the priority of the coalition is now to reach the number of 122,000 soldiers by 2014¹⁷⁸. This infiltration has serious consequences for the ANA: since 2009, it is estimated that 47 soldiers of the NATO were killed by Afghan police or soldiers¹⁷⁹. These deaths are often the result of differences between instructors and soldiers, but in some cases they are directly caused by Taliban sympathizers infiltrated into the Afghan security forces. Worse still, NATO instructors may surprise Afghan soldiers in the process of communicating strategic positions to the Taliban. This situation contributes to the deterioration of relations between instructors and new recruits, but also to undermine the cohesion within the Afghan forces.

3.2.2. What prospects for the transfer of skills in the field of security?

In order to conclude this part dedicated to the evaluation of successes in the field of skills transfer, we will now look at the perspectives that are opening up in the field of security, with a view to the 2014 horizon. the opportunity to see how the formation of the Afghan National Army is ensured, as well as the internal and external problems it suffers. Let's take stock of the lessons we can draw from the current security sector situation, with the aim of looking for ways forward.

Paragraph 1: A political calendar disconnected from reality on the ground?

And if the main obstacle to the effectiveness of the ANA was simply the lack of time? Political time and reality on the ground appear indeed disconnected. The 2014 deadline was adopted in a particular context - that of public fatigue, increasingly

¹⁷⁷ Ray Riviera. Afghans build security, and hope to avoid infiltrators. The New York Times, June 27, 2011.

¹⁷⁸ See Appendix B-8: Projections for the Development of ANA.

¹⁷⁹ Ray Riviera. Afghans build security and hope to avoid infiltrators. The New York Times, June 27, 2011.

opposed to operations in Afghanistan - and not the speed of progress made by the Afghan army. Hence the hiatus facing the countries engaged in Afghanistan: the date of withdrawal is already fixed, but the reality on the ground does not allow to be optimistic and calmly consider the deadline that looms.

The training program was slow to put in place and suffered initially from the lack of instructors. In addition, the ANA has been delayed by an eternal problem in Afghanistan that we have had occasion to mention several times: that of centralization. Training was initially concentrated in the Kabul region, which delayed the large-scale training of Afghan troops. It was only later that other training camps were set up in the rest of the country.

The researcher in international relations, Bertrand Badie, notably points out that the political time - which is pushing for a rapid withdrawal of the coalition troops - is not compatible with military time: "There is an honor course in the army that plays a key role, because all the command is based on the idea of duration. If you want to make a real army of state, it takes at least fifteen years. If we had started to build an Afghan army in 2001 - which was not the case - it means that it would not have been operational in 2016-2017, so you can see that we are far away."¹⁸⁰ Indeed, the formation of the ANA requires in the first place a lot of time. The fact that it is not yet fully performing at the moment should not be considered solely from the angle of failure, since the training of the Afghan army will undoubtedly take a long time. On the other hand, it is necessary to question the eagerness of the international community, which by accelerating its disengagement, jeopardizes the capacity of the ANA to maintain itself after 2014, without the support of the countries of the international community.

Paragraph 2: The transfer of security to Afghan forces in 2014, a realistic goal?

¹⁸⁰ See Appendix A-1: Interview with Mr. Bertrand Badie, June 21, 2011.

Today, the United States' strategy vis-à-vis the ANA is divided into three phases¹⁸¹: the development of the ANA, the transition to the primacy of Afghan forces on the ground and the evolution towards a partnership strategic.

The first phase, concerning the development of the ANA is well underway, as we have had the opportunity to mention before.

The second phase, which deals with the transition from security management to Afghan forces, is underway. The first security transfers to Afghan forces began on 17 July 2011 with the transfer of the Bamyan province - formerly managed by New Zealand. The transfers from Mehterlam (United States), Lashkar Gah (United Kingdom) and Herat (Italy)¹⁸² followed shortly thereafter. Four other provinces must be transferred before the end of the summer. However, doubts remain as to the ability of the Afghan army to assume such responsibility; reservations that we will have the opportunity to discuss in a third part.

Finally, the third phase provides for the establishment of a strategic partnership between the United States and Afghanistan in the field of security. Negotiations on the terms of such an agreement began in the spring of 2011, but its conclusion appears to be lagging¹⁸³. Recent indications by President Karzai suggest that the establishment of such cooperation may prove more difficult than expected. At the end of July 2011, the Afghan head of state expressed his determination to reach an agreement based on Afghan and not American criteria¹⁸⁴. He said he would set conditions in Washington, such as the end of night raids and all US military operations likely to cause civilian casualties. These thunderous statements by Hamid Karzai prove that the implementation of such an agreement will not be smooth, as the differences between the two countries are great. A sentiment shared by the new ambassador named in Kabul, Ryan C. Crocker, who declared at the end of July 2011 that the conclusion of such an agreement would probably be difficult.¹⁸⁵ It should be

¹⁸¹ Rand National Defense Research Institute. *The Long March Building an Afghan Army*. Report. 2009, p. 17.

¹⁸² NATO transfers security from three provinces to the Afghan army. *Le Monde*, July 22, 2011.

¹⁸³ US State Department. *US-Afghanistan strategic partnership discussions* [online]. [accessed June 2011].

¹⁸⁴ Long-term deal with US must be on Afghan terms, says Karzai. *Voice of America*, July 26, 2011.

¹⁸⁵ Joshua Partlow. Talks on long-term Afghan-US partnership stalled. *The Washington Post*, July 28, 2011.

noted that this strategic partnership is of utmost importance for the future of Afghanistan since it must decide on a series of crucial issues. These include the modalities of Washington's economic and military assistance to Afghanistan in the years to come, as well as the conditions surrounding the maintenance of US bases in Afghanistan¹⁸⁶.

The transfer of security to Afghan forces today appears to be the only solution for the international community, which is looking for a way of disengagement. But is this objective really realistic? Candice Rondeaux, an analyst for US think tank International Crisis Group, notes on the sidelines of the November 2010 NATO summit that "2014 is not a realistic date for a full transition to force security control. The Afghan army does not have the logistical means or strategy to function independently"¹⁸⁷. With regard to the external characteristics of the ANA, a number of problems persist. First of all, the training program was slow to put in place and the initial lack of instructors, but also of recruits, caused a delay in the constitution of the Afghan army. In addition, the initial lack of ANA resources has slowed down its training process: economic aid has been slow to unblock. The ANA still suffers from this problem today because it lacks new equipment and must often be content with obsolete equipment given by the coalition countries. This lack of resources is usually one of the most frequently mentioned issues to explain the ANA's difficulties.

What are the prospects for the future of Afghanistan? It is very difficult to make projections because the situation on the ground tends to evolve very quickly. However, there is certainty: the Afghan armed forces are not able for the moment to ensure the security of the territory alone. The support of international forces is therefore essential beyond 2014. Although it is very difficult to make projections, it is nevertheless possible to assume that the future of Afghanistan will largely depend on the extent of support. the international community, beyond the year 2014. If the aid promised by the contributing countries - both in terms of the economy, in terms of

¹⁸⁶ Caroline Wadhams and Colin Cookman. Negotiating Afghanistan's future. Foreign Policy, June 2, 2011.

¹⁸⁷ International Crisis Group. Afghanistan: The exit. Interview with Candice Rondeaux, November 22, 2010. [online]. [accessed in June 2011].

logistical support and support to the security forces - is well supplied to Afghanistan, then a withdrawal of international forces from the coalition could potentially lead to strengthening and legitimizing Afghan institutions. On the other hand, if the countries of the international community abandon Afghanistan to their fate, neglecting the ANA and rebuilding civilian institutions, the Afghan government could quickly be discredited. The local factions will then take over, destroying the efforts of the international community for more than ten years.

CONCLUSION

Afghanistan came to an ominous end with progress on the democratic transition and socioeconomic development threatened by an increasingly entrenched narco-economy, a potential humanitarian disaster, and the spread of insecurity from areas bordering Pakistan. Efforts by Afghan and international security forces to check the spreading Taliban insurgency continued, resulting in the highest number of international casualties since 2001. Civilian casualties from operations conducted by the ISAF and U.S.-led coalition forces, combined with the low impact of international donor-pledged aid, decreased support for international forces and agencies, although the majority of Afghans still supported the international presence. A regime change in neighboring Pakistan and U.S. targeting of insurgents in Pakistan were unable to stem the tide of increased cross-border insurgent activity into Afghanistan, leading to growing demands within the international community for negotiations with moderate Taliban factions. Rising tensions between India and Pakistan in the wake of the November 2008 terrorist attacks in Mumbai, Pakistan's subsequent shifting of some troops from its border with Afghanistan to its border with India, and security problems in maintaining the main supply route for international forces in Afghanistan via Pakistan's Khyber Pass highlighted the impact of regional politics on Afghanistan's security. Given the security and socio economic challenges in one of the world's poorest countries, Afghanistan reached a point from which only increased and concerted international efforts could pull it back from the precipice.

The road traveled since the beginning of the American and NATO intervention in 2001 is considerable. From the institutional point of view, a real transition was initiated, a process that culminated in the 2009 elections in which millions of Afghans were able to elect their own president and provincial representatives. Thanks to the various stages defined by the Bonn Agreement, power has been transferred to a democratically elected government. The great achievement of the Bonn Agreement also consists of avoiding - by introducing institutional procedures for settling the

various and demobilizing combatants - the development of a civil war between the various factions of the Afghan resistance. This success is noteworthy despite the stalemate in which are currently the Western forces engaged on the ground, who are facing a renewed violence and face many difficulties in securing the territory. The challenges facing Afghanistan are now primarily political, that is, linked to the functioning of institutions, as evidenced by the recurring conflicts between Parliament and the Afghan presidency.

In the field of security, the reconstruction of the Afghan National Army is often presented as a success. Indeed, Afghanistan now has a real army that can eventually defend the integrity of the Afghan territory. However, the ANA remains a fragile institution, whose ability to deal with the Taliban alone is in doubt, especially since the start of the transition process in the field of security which began in July 2011. The complete transfer of security management to Afghan forces requires an increased strengthening of the national army, and especially time to form fully operational units. It therefore seems that the 2014 horizon is premature for a total transfer of the heavy task of maintaining security to the national forces. Security, or rather lack of security on the national territory could be the main challenge of the country for the coming years. The areas adjoining the Pakistani tribal border must imperatively be secured, otherwise it will always hover over the country the threat of destabilization, which could also intervene very quickly, if we consider the speed with which the Taliban seized power in the 90s.

Henceforth, lack of time appears to be the main challenge facing reconstruction efforts in Afghanistan. The emergence of a state apparatus is not an endogenous process, and that is why state building is a slow undertaking. As the researcher Bertrand Badie pointed out in his interview, we must leave the Afghan people "the time to build their own social contract"¹⁸⁸. The country has undeniably made progress, but these can only be endorsed after a process of natural acclimatization with the new institutions. In addition, it will also take time for Afghans to become familiar with the functioning of the young Islamic Republic of Afghanistan. State

¹⁸⁸ See Appendix A-1: Interview with Mr. Bertrand Badie, June 21, 2011.

building indeed needs an institutional practice in order to be able to establish itself and cannot be imposed effectively by external forces.

The "new Bonn conference" - scheduled ten years to the day after the Bonn conference in December 2001 - should be an opportunity to do three things: first of all to talk about the process of transferring security to the Afghan government by 2014; second, to adopt measures to plan the long-term commitment of the international community in Afghanistan; and finally to consider ways for the future stability of the country.¹⁸⁹ A first element contrasts with the conferences of the past that we had the opportunity to study in this memoir: the invitation of the Taliban to the negotiating table, including the presence partially confirmed Tayyab Agha, former personal assistant of Mullah Omar¹⁹⁰. Participating countries, including the United States on the front line, seek to deny the idea that the conference would be a "Bonn bis", fearing that this would weaken their position in the negotiations. This new conference comes in the context of a decline in the position of the international coalition in Afghanistan. The challenge will therefore be to find ways to prepare the withdrawal deadline for 2014, while maintaining a strong position and without taking hasty decisions - decisions that could ruin the efforts undertaken by the international community until now.

Afghanistan is now entering an unknown phase as the transition period initiated in 2001 is now over. It is now a question of testing the achievements put in place since the Bonn conference in the light of the reality of the field. In this new phase that opens for Afghanistan, the dangers remain numerous. The main stumbling block remains the withdrawal of countries from the international community, which could lead to a destabilization not only of the country, but also of the region, and subsequently spread to the rest of the world. If they want to preserve the meager efforts made over the past decade, countries committed to Afghanistan must continue to support the country until 2014 and beyond. Assistance to Afghanistan by the countries of the international community must be considered for the long-term

¹⁸⁹ German Information Center - South Asia. Bonn Conference to set the race for Afghanistan's future [online]. [accessed May 2011].

¹⁹⁰ Julian Borger. Bonn conference could mark formal start of Afghan peace process. The Guardian, 20 juin 2011.

stabilization of the country, and not just as part of an exit strategy. The main uncertainty for Afghanistan is whether the countries currently engaged in Afghanistan will keep their promises of long-term partnership, development assistance, and reconstruction assistance once their troops leave the country. Afghan theater. If such promises materialize, we may finally have the opportunity to begin to speak truly of "international community", in the sense of effective solidarity and coordinated action among countries, beyond particular interests. specific to each State.

Policy options

- The international community must show strong political commitment to state-building in Afghanistan. Post-Taliban Afghanistan's political future is directly linked with the commitment of the global community. The democratic era has started in Afghanistan due to US intervention and the removal of the Taliban regime. A large number of Afghans still believe that moral and financial support by the international community will make Afghanistan a politically stable state.
- External nation-builders should adopt the 'bottom-up approach' rather than 'top-down approach.' The bottom-up process is primarily carried out by the civil society and non-governmental organizations. Although the civil society in post-Taliban Afghanistan is weak but the nation-builders should try to engage the locals in the rebuilding of state institutions. This approach would help to resolve the crises of national identity and public support.
- Dialogue with the Taliban is also a feasible option to reduce the security gap. President Karzai has already made attempts to have a dialogue with the Taliban to bring them on board. He has also offered positions to the Taliban in the Afghan government if they agree to give up hostilities. The Taliban are stakeholders in the political dynamics of Afghanistan. Recent meetings between the Afghan government, Taliban representatives and Gulbuddin Hekmatyar under the auspices of Saudi Arabia, clearly indicate that force is not the only option, and progress can only be made through dialogue. By adopting this approach, the Taliban will be neutralized and will no longer associate with al Qaeda elements in Afghanistan.

- More coordinated efforts are required on the part of the US, NATO and the UN. Several military and civilian command structures are operational in post-Taliban Afghanistan which cause problems in the nation-building process. A unified command structure and strategy can bring positive and quick results.
- Neighbours' cooperation is also important for peace in post-Taliban Afghanistan. Afghanistan's political stability is important for the entire region. The international community should try to build a cordial relationship between Afghanistan and Pakistan and, at the same time, convince them to avoid making hostile statements against each other. In addition, the international community must address the reservations of Pakistan with regard to the increasing influence of India in post-Taliban Afghanistan. Pakistan's decision makers are not comfortable with the new nexus emerging between the US, Afghanistan and India.
- Afghan national army and Afghan national police, the two most important institutions of security must be apolitical and all the ethnic communities should be given equal representation in these institutions. The salary structure should also be revised to stop dropouts.
- The state-building project in Afghanistan requires a Marshall Plan. Financial assistance pledged by donors in various conferences held in Tokyo, Berlin and London have not fully reached the Afghan government. Delivery of aid at the right time is important for reconstruction. There is also a need to establish mechanism to evaluate the manner in which the aid is distributed.
- Effective measures should be taken to eradicate opium cultivation. Alternative crops must be introduced in the rural areas. Government officials involved in the drug trade must be brought to justice.
- Political parties are the essence of democracy. Karzai's government should allow political parties to hold public meeting and engage in debates. This would enable local people to convey their problems to the government through a political forum.
- The parliament must not act like a rubber stamp. Parliamentarians should draft and pass laws which would ensure ethnic and tribal harmony in Afghanistan. They should also pass laws to protect the basic rights of the Afghans.

Post-Taliban Afghanistan is not at all a lost story. But the international community's new strategy persists with the use of coercion rather than political tactics to resolve problems. To rely less on coercive power and more on political settlement is still only a suggestion. The use of force should be an option only against hard core militants and al Qaeda Elements. The large number of civilian casualties is igniting a negative feeling against foreign forces and the present regime, which might convert this limited success story into a total failure.

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Appendix A: Interviews

Appendix A-1: Interview with Mr. Bertrand Badie, Tuesday, June 21, 2011

Biography of Mr. Bertrand Badie

Graduated from Sciences Po Paris, Institute of Oriental Languages, and in-depth studies in twentieth-century history in Paris I, Bertrand Badie obtained his PhD in Political Science at Sciences Po Paris in 1975 and its aggregation of Political Science in 1982.

He is a professor of Universities at Sciences Po Paris.

He was Director of Collections at Sciences Po Press (1994-2003) and the Rotary Center for International Studies on Peace and Conflict Resolution (2001-2005).

He teaches at Science Po Paris and directs the mention "International Relations" of the Research Master and the Doctoral Program in Political Science of International Relations: Master "International Solidarity", PhD: "Foreign Policy in the light of new international relations".

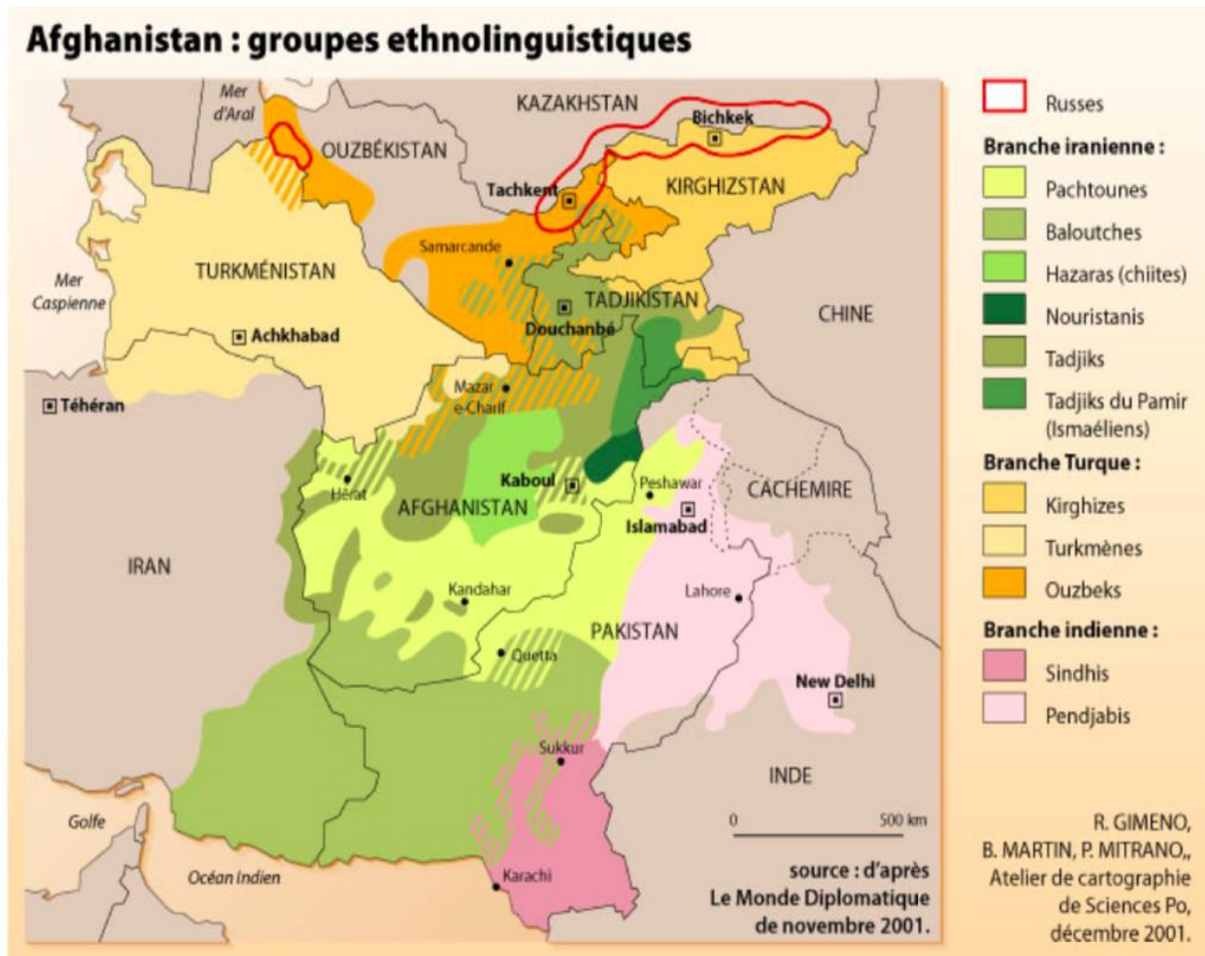
Source: Website of the Center for International Studies and Research (CERI).

Appendix A-2: Interview with Colonel Gilles Castel, Tuesday, June 28, 2011

Biography

Colonel Gilles Castel is the General Counsel of the Directorate of Legal Affairs of the Ministry of Defense. He was deployed to Afghanistan for six months as field counsel in 2006.

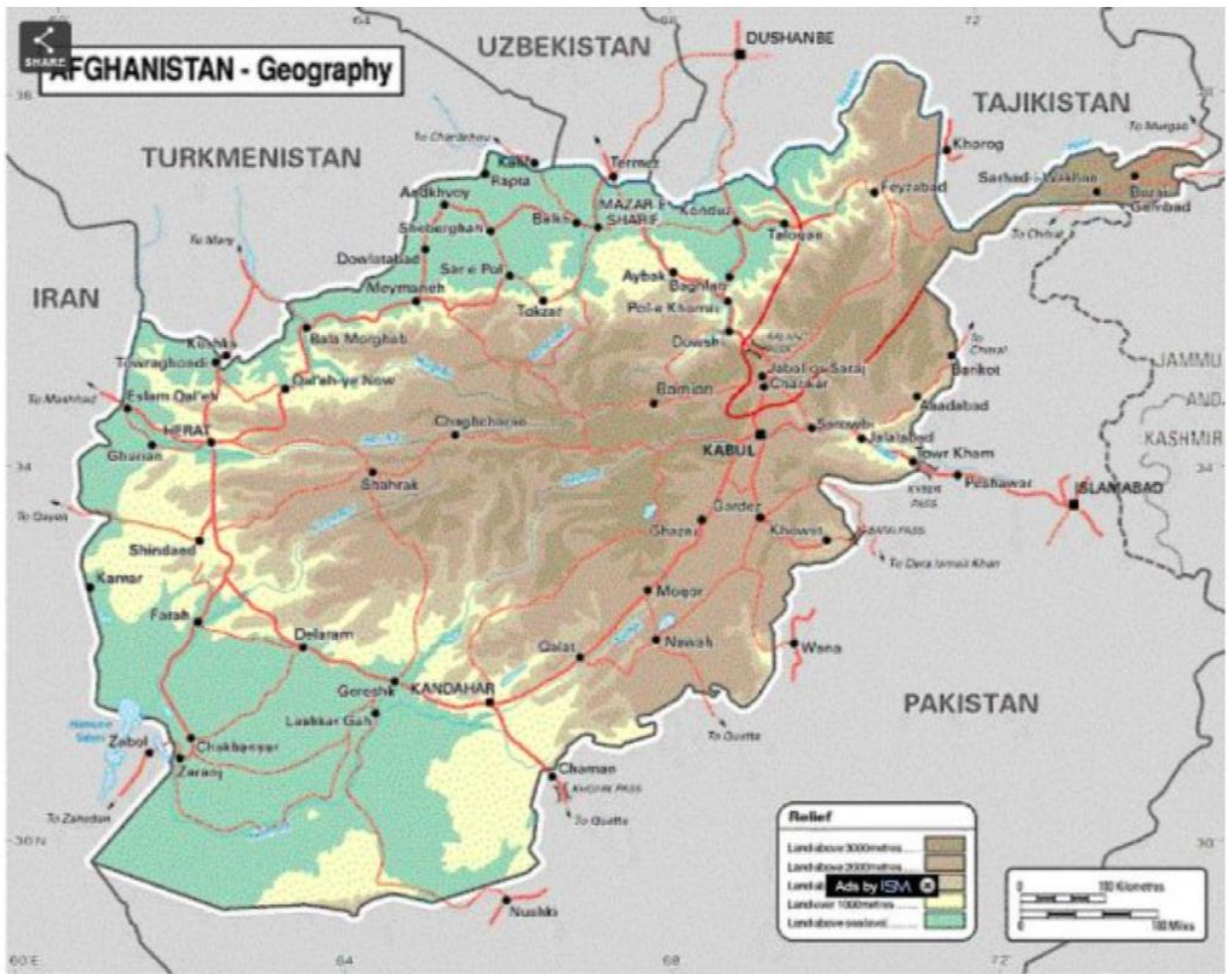
Appendices B: Maps and Diagrams



Appendix B-1: Ethnolinguistic Groups in Afghanistan

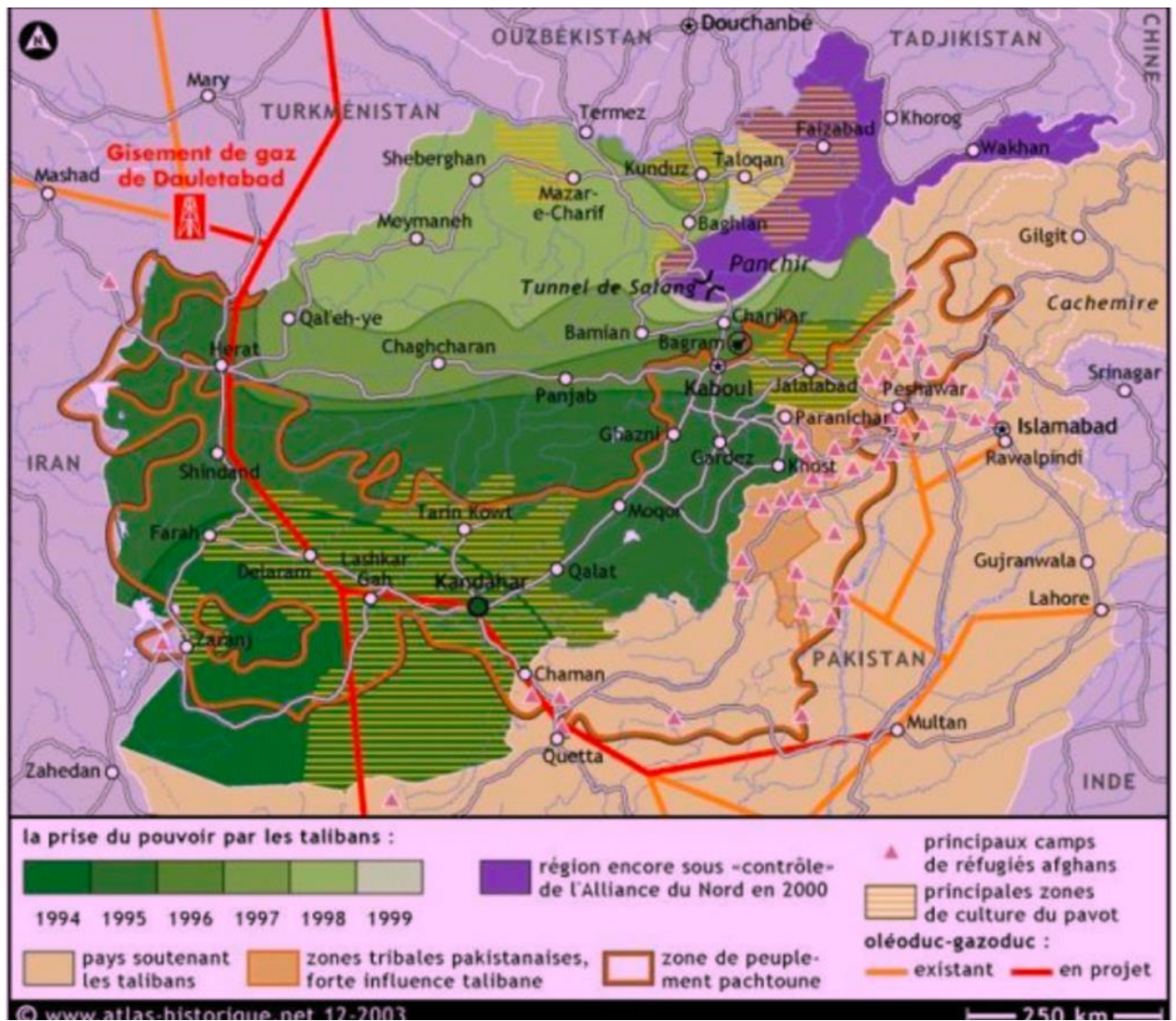
Source: R. Gimeno, B. Martin and P. Mitrano, Sciences Po Mapping Workshop, December 2001.

Annex B-2: Geography of Afghanistan



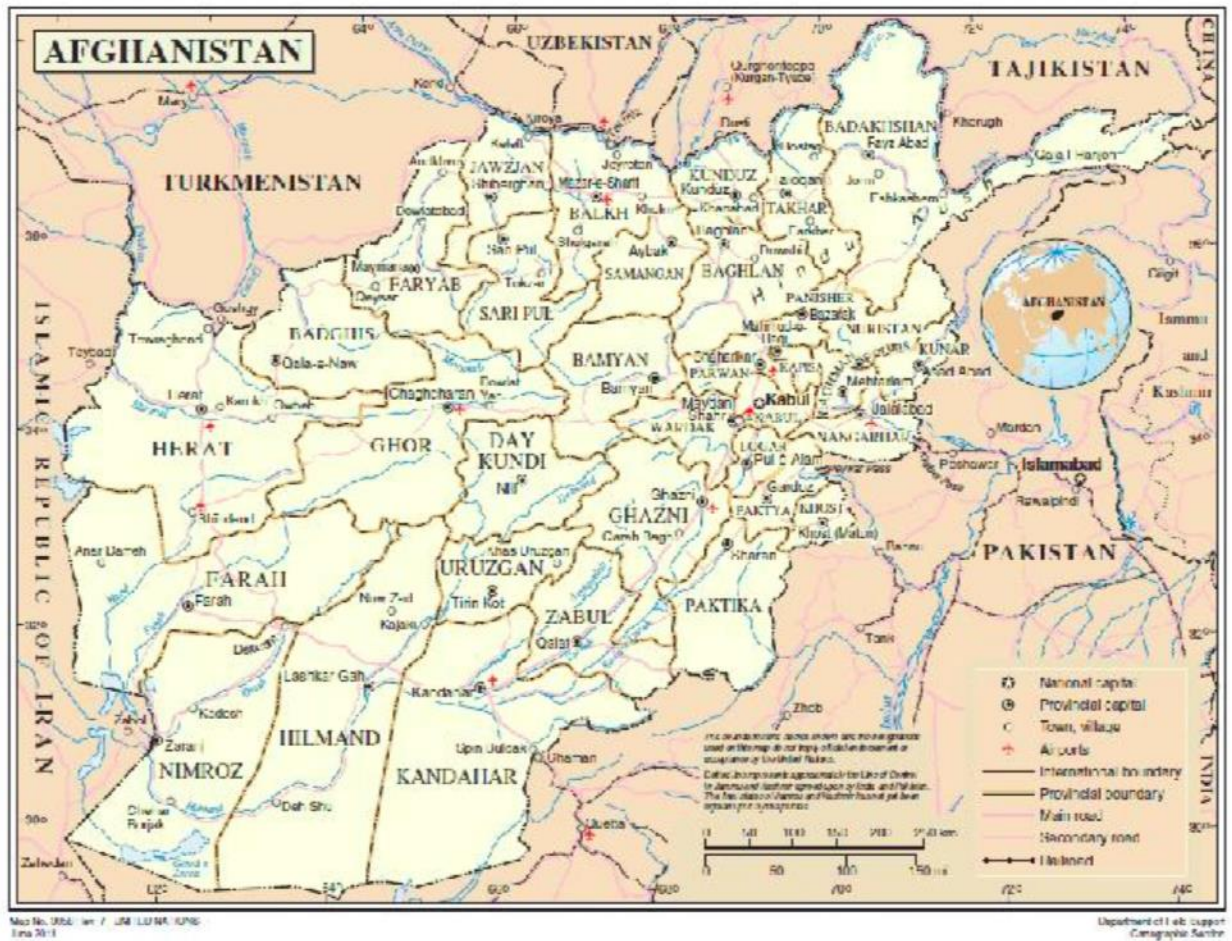
Source: Global Security [online]. [accessed in October 2010].

Annex B-3: Taliban takeover



Source: Historical Atlas - Cartographic and Historical Resources [online].

Annex B-4: Provinces of Afghanistan



Source: United Nations, Cartographic Section, June 2011.

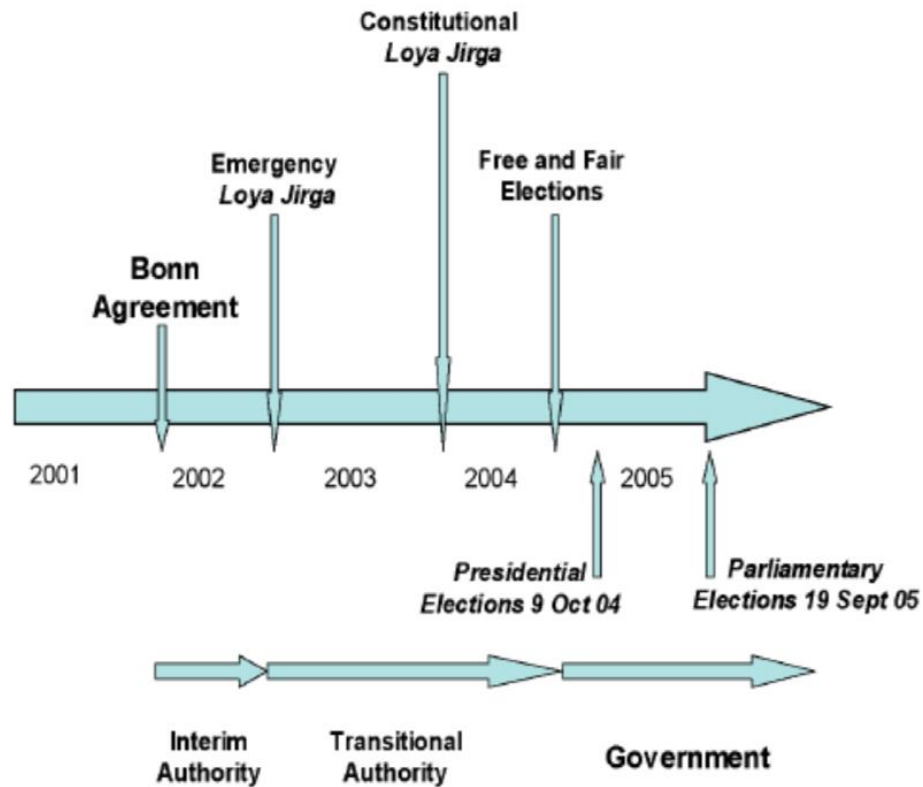
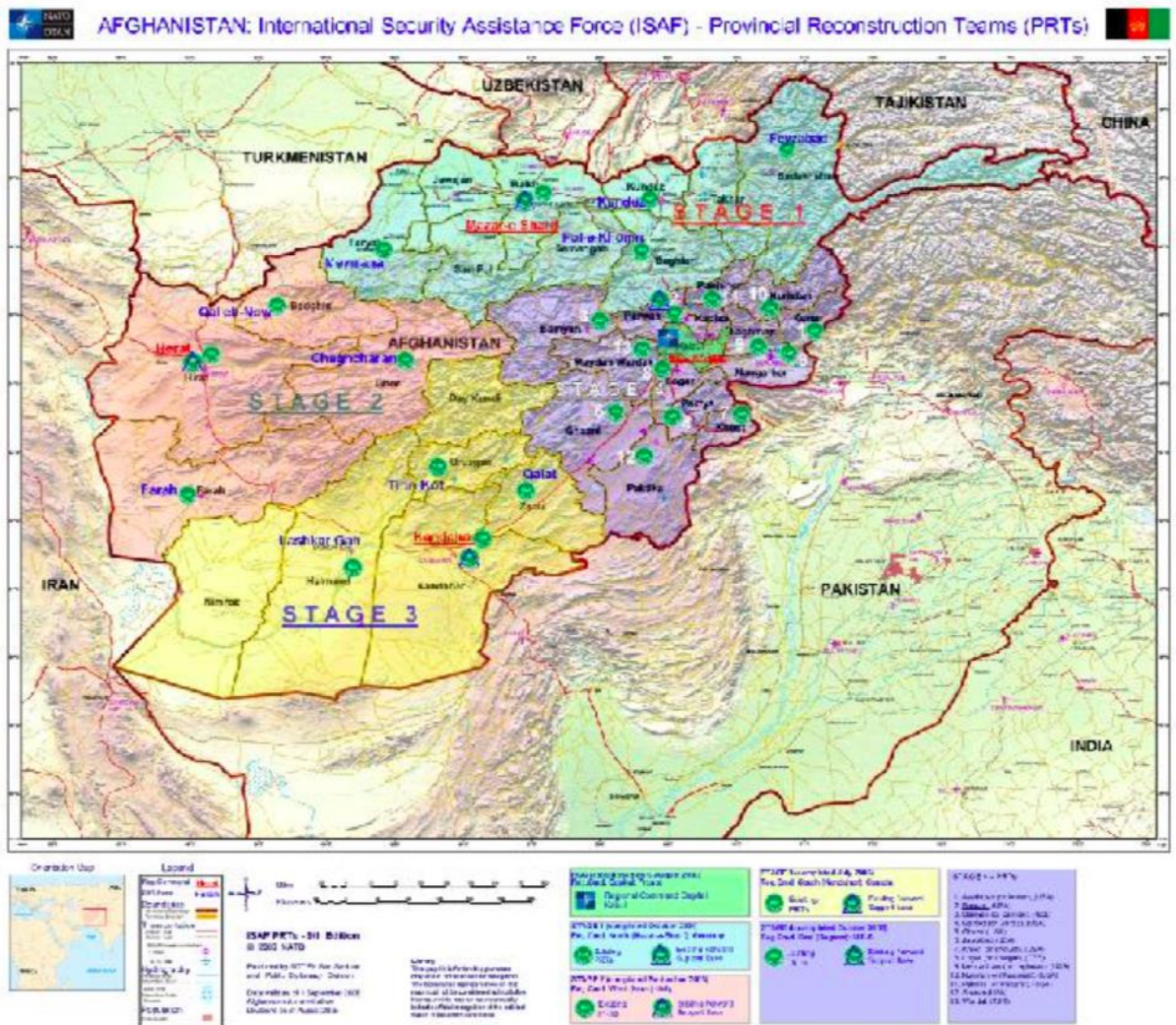


Figure 1. Bonn process

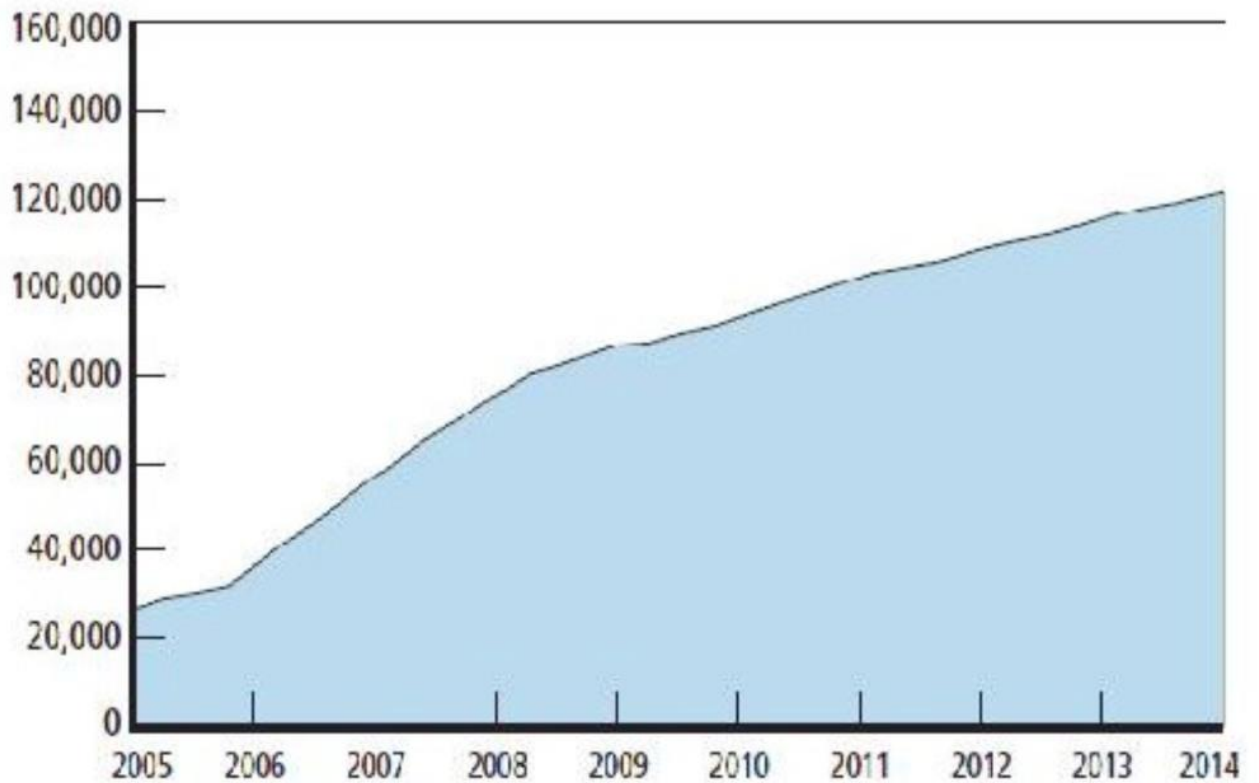
Source: Johnson, Thomas H. Afghanistan post-taliban transition: state building after war. Central Asian Survey, March-June 2006, p 26.

Annex B-7: The Extension of ISAF Through Provincial Reconstruction Teams



Source : Site de la FIAS [online]. July 2010.

Figure 2.1
Planned Growth of the ANA

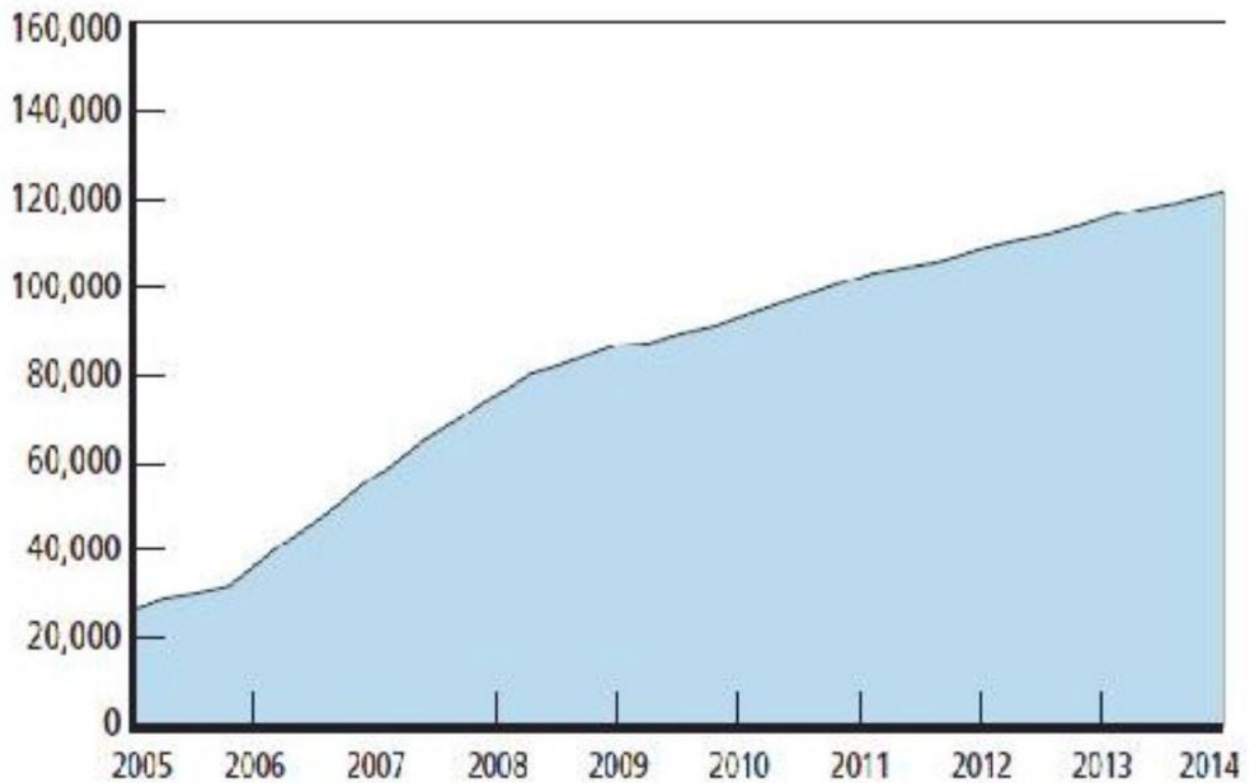


SOURCE: Department of Defense, 2009.

NOTES: Data have been adjusted to reflect the more recent end-strength goal of 122,000. Figures for 2012 and onward include 12,000 personnel in TTHS category

Appendix B-8: Projections for the Development of ANA

Figure 2.1
Planned Growth of the ANA



SOURCE: Department of Defense, 2009.

NOTES: Data have been adjusted to reflect the more recent end-strength goal of 122,000. Figures for 2012 and onward include 12,000 personnel in TTHS category

Appendix B-8: Projections for the Development of ANA

Source: Rand Corporation. The Long March Building an Afghan Army. Report of the Rand National Defense Research Institute, 2009.