

Expanding ISAF – Ending OEF

The Debate on the Mandates Sending German Troops to Afghanistan

Markus Kaim

The present debate on the renewal of the three mandates dispatching German troops to Afghanistan reveals the public's increasing difficulty to comprehend why the Bundeswehr, Germany's Federal Armed Forces, are currently operating under three different mandates in the same country—each with different objectives, a different scope of action, and tied into different command structures. To ensure that the operations in Afghanistan succeed, it is thus imperative that these three missions be rolled into a single coherent mandate to the International Security Assistance Force (ISAF), and that the German mandate to Operation Enduring Freedom (OEF) be allowed to lapse, which would garner the necessary domestic support for the mission and also enable Germany to live up to its duties as a NATO ally. At the same time, the German federal government should press its other allies to end the OEF in Afghanistan and place all their troops under ISAF command. This quantitative expansion of the ISAF mission could then pave the way for a more equitable transatlantic distribution of the burden in Afghanistan.

To date, Germany's parliament, the Bundestag, has approved three different mandates for Bundeswehr operations in Afghanistan:

ISAF: The NATO-led *International Security Assistance Force* (ISAF) created in 2001 has its basis in diverse resolutions by the UN Security Council, most recently Resolution 1707 (2006). Under these, its task is to support the Afghan national security forces in ensuring security throughout the national territory of Afghanistan so that the United Nations personnel and other international civilian personnel can operate in a safe environment, and furthermore, so that government reconstruction of the country can proceed unimpeded. The Security Council

resolutions on this subject grant the participating nations a broad scope of action in their operations, authorizing them to take all necessary measures to fulfill the UN mandate. The current German parliamentary mandate, which constitutes the basis for the participation of 3,150 Bundeswehr soldiers at present in this mission, ends on October 13, 2007.

ISAF Aerial Reconnaissance and Surveillance: The second ISAF mandate, issued in February 2007, also ends on October 13, 2007. With it, the German parliament authorizes the government to provide aerial reconnaissance and surveillance capabilities to NATO. At present, almost 200 troops are

involved in the deployment of RECCE Tornado aircraft to Afghanistan. The mandate is closely linked to the first ISAF mandate, both formally and in content. Whether a second mandate was even necessary or whether the Tornados could have been deployed under the first ISAF mandate was the subject of much debate prior to the mandate's passage in parliament. Equally controversial was the question of whether, and under what circumstances, data from reconnaissance efforts could be shared with the OEF mission command.

OEF: The parliamentary mandate for the deployment of up to 1,800 German troops in *Operation Enduring Freedom* (OEF) will end on November 15, 2007. The legal foundations for this mission—the military response to the September 11, 2001, terrorist attacks in the U.S. and aimed mainly at fighting the top Al-Qaeda leaders in Afghanistan – are the national right to self-defense under Art. 51 of the UN Charter, and Resolution 1368 passed by the UN Security Council as well as the *casus foederis* invoked by the NATO Council under Art. 5 of the NATO treaty, both on September 12, 2001. The mission is being carried out by a multinational coalition outside the NATO framework with as many as 34 nations having provided different contributions at different points in time, with the prime objective of eradicating “hard-core” Al-Qaeda terrorist forces in Afghanistan. At some points in time there have been as many as 100 members of the Bundeswehr's Special Forces Command, the KSK, active in Afghanistan.

OEF includes a naval component as well. At present, 250 Bundeswehr troops are engaged in maritime surveillance activities and the protection of naval routes in the areas around the Horn of Africa. Furthermore, the marine deployment is intended to avert the trade and transport of goods that could be used to serve international terrorism. From 2001 to 2003, the Bundeswehr had approximately 250 ABC defense forces stationed in Kuwait under the OEF mandate. Their task was to protect U.S. and Kuwaiti institutions against potential Iraqi

attacks with nuclear, biological or chemical weapons. The Bundeswehr is not involved in any of the additional OEF sub-operations such as those in the Philippines, Georgia's Pankisi Gorge, or the Sahara region.

The Function of the Mandates

The German parliament's mandates for the deployment of armed Bundeswehr troops fulfill several political functions. First, they tie German activities to international law since the precondition for any German involvement in military actions is a mandate from the UN Security Council. Second, they link the German government's security policy actions to the domestic policy discussion, thus lending these activities additional legitimacy. Third, through the public debate on the pros and cons of German involvement, they integrate society into the process. Fourth, they endow Bundeswehr leadership with the operative guidelines needed to fulfill the mandate. It is therefore crucial that the mandates be as formulated as clearly as possible, and at the same time, that they allow the broadest scope of action possible. By the same token, unclear, limited, or conflicting mandates must be prevented from imposing constraints on the Bundeswehr that would incapacitate the military in a multinational NATO context and thus endanger the success of the mission.

The current debate on whether the three mandates should be renewed in Autumn 2007 reveals that they no longer fulfill the four functions listed above. It has already become impossible to make clear to either the NATO partners or the German public why the Bundeswehr has three different mandates for operations in the same country—each stipulating different objectives, different scopes of action, and different command structures. Germany and its partners should therefore end their military involvement in the OEF mission in Afghanistan and rechannel these military capabilities into an intensified ISAF mission under NATO leadership. There are two main arguments for ceasing the parlia-

ment's division of the Bundeswehr engagement into three ISAF / OEF mandates:

1. The seemingly clear division into two mandates, one aimed at establishing security and the other at fighting terrorism, can no longer realistically be maintained. In the field, it is virtually impossible to distinguish whether an armed combatant confronting ISAF troops is opposing the establishment of the Afghan state or whether he is one of the "hard-core" terrorists referred to in the OEF mandate. In fact, a clear division of this kind has become altogether impossible in Afghanistan and the Afghan-Pakistani border areas due to the transnational cooperation between Taliban and Al-Qaeda groups. Furthermore, the success of the OEF mission has gradually eroded the justifications for sub-operations focussed specifically on Afghanistan. OEF troops have now driven the Al-Qaeda leadership into the tribal territories of Northwest Pakistan, currently considered the terrorist network's main locus of recruitment, retreat, and preparation. And even if the OEF mission is not subject to geographic limitations, it still cannot be expanded across the border into Pakistan against the will of the country's leaders. A step of this kind would in any case exclude Bundeswehr involvement due to the legal obstacles. Not least of all, this functional division has become nearly impossible to explain to Afghan people, who themselves can no longer distinguish among the operations—particularly since troops from different countries are involved in both ISAF and OEF missions. In a number of areas, the division no longer exists in practice anyway. Individual OEF troop contingents have supported both ISAF operations as well as the *Provincial Reconstruction Teams* (PRT). Finally, the current ISAF commander simultaneously holds the position of chief of *Combined Forces Command Afghanistan*, that is, the command leading the U.S. OEF mission in Afghanistan.

2. A central lesson to be learned from all the peacemaking and peacekeeping missions of recent years with a longer-term military component is that a mission's objectives can only be realized if all the available military capacities are placed under a central *unity of command* guaranteeing coordinated leadership. This is true whether the mission is led by an international organization or by an individual country. To fulfill mandates of this kind, the military leadership needs the greatest scope of action possible. Differing command structures and troop restrictions limit their freedom of action by increasing the effort required for coordination and cooperation and possibly delaying, limiting, or even preventing the necessary military contributions altogether. Incoherently formulated mandates and heterogeneous military structures can endanger the success of an entire mission. In Afghanistan, the apparent lack of coordination among the western countries, international organizations, and NGOs involved has been the subject of frequent criticism, and rightfully so. It is therefore crucially important that at least the military dimension of western engagement be designed coherently with a view to achieving mandate objectives.

On the Future Configuration of the ISAF Mandate

To ensure that the necessary domestic support is attained, that success is achieved in Afghanistan, and that Germany is able to live up to its duties as a NATO ally, the three existing Afghanistan mandates should be merged into a single, coherent ISAF mandate and the OEF mission in Afghanistan should be brought to an end. The resulting quantitative expansion of the ISAF mission would offer a good starting point for establishing transatlantic equilibrium in the burden sharing in Afghanistan.

Top priority:

Security and nation-building

Priority should be placed on returning to the core of the original ISAF mandate, which defines in relatively clear terms the tasks, potential instruments, and criteria for the mission's success. The goal of this mandate is to provide NATO support to Afghan security forces in establishing security in Afghanistan. The success of the ISAF mission does not arise primarily from the activities of the alliance itself, but will come, based on the principle of subsidiarity, with the incremental expansion of autonomous statehood throughout the territory of Afghanistan and the concomitant transfer of responsibility for each area to the Afghan security forces. ISAF operations in the south and east of the country in July and October 2006 were carried out according to these guidelines. Now the alliance should focus on rendering the *Afghan National Army (ANA)* capable of controlling these areas permanently on its own and overcoming the resistance. Only in this way will a medium-to-long-term perspective open up allowing for the withdrawal of NATO troops. Until now, the United States has carried out these training tasks almost entirely alone. To divide the transatlantic burden more equally, the other NATO partners would have to take on a greater share of the responsibility and provide the corresponding resources.

A further step that should be taken toward improving the security situation outside the NATO framework is to intensify the rapid training of large numbers of Afghan police through the ESDP police mission EUPOL Afghanistan. Since June 2007, this mission has dispatched 195 police officers to support the Afghan government in creating a police force that the citizens trust and that abides by constitutional principles, human rights standards and the rule of law. To carry out this training as quickly and with as many Afghan police as possible, the current number of less than 200 trainers is too few. These efforts must therefore be intensified.

For the foreseeable future, however, the Afghan security forces will not be in a posi-

tion to ensure security throughout Afghanistan and will continue to require the support of the ISAF. The NATO mission still lacks adequate resources, both quantitatively and qualitatively, as the following comparison clearly reveals: in Kosovo, the ratio of international troops ensuring public security to inhabitants is 1:50, in Bosnia it is 1:66, and in Haiti it is 1:375. In Afghanistan however, there is only one soldier to every 1000 inhabitants. Creating a troop presence in Afghanistan like that found in Kosovo or Haiti would require an increase in ISAF forces that could never be achieved politically. But the following basic realization is unavoidable: to ensure the public safety, it is always crucial that international troops be deployed in adequate numbers and with the proper technical equipment. If these basic preconditions are not met, mission objectives may be impossible to achieve more than partially and progress may be impossible to sustain over the long term. If one recalls the difficulties faced by the other missions mentioned above in guaranteeing public security—despite far more abundant resources—it becomes clear that a key to successful realization of the ISAF mandate in Afghanistan is to increase the military capabilities. The German government should therefore lead the campaign in NATO up to this autumn for additional troop contingents and should provide additional personnel and material support under the German ISAF mandate.

Given the high likelihood that the other NATO partners will show widely varying support for such an increase, the countries involved in ISAF should, as a second step, take responsibility for ensuring that the military resources available are being utilized as fully and efficiently as possible. To this end, it must be provided that the capabilities present in Afghanistan can be relied on throughout entire territory. The German government should thus lift all restrictions currently limiting the activities that German ISAF troop contingents are allowed to engage in and the geographical locations where they can be deployed. The modified

mandate should, for example, allow German troops to be deployed all over the country and Tornado planes provided to ISAF without any temporal or geographic restrictions. This would also entail the possibility that Bundeswehr troops can be deployed rapidly anywhere in Afghanistan, which under certain circumstances could result in combat by Bundeswehr soldiers in conflicts in the south or east of the country.

Furthermore, the German government should advocate for all the other NATO partners to lift the troop restrictions imposed in what are known as *caveats* (national rules or limitations), and thus allow their troops to be deployed under the leadership of the ISAF commander, since February 2007 U.S. General Dan K. McNeill, wherever in the territory of Afghanistan a need arises. This would significantly increase the effectiveness of the ISAF mission, even with troop numbers remaining at current levels.

Determining the relationship between military and civilian instruments

The German debate on Bundeswehr operations in Afghanistan and on the three existing mandates revolves mainly around the concepts of “security” and “development,” or their relationship to each other. Arguments differ depending on political viewpoints: either it is claimed that development is impossible without security, or conversely, that the development of the country is the precondition for security. This dichotomous view fails to recognize that the two aspects are ultimately variations on the concept of “security” and that they differ only in their time horizon: while the military measures in Afghanistan aim at short-term public safety, the development-oriented measures aim at a medium and long-term stabilization through economic and institutional reconstruction. Both aspects thus deserve equal attention—from the perspectives of both NATO and the German government. However, experience from other stabilization and reconstruction missions shows that without achieving

peace and stabilization in the short term (even against armed resistance), all efforts at the long-term development of the country will be in vain.

Ultimately the success of the ISAF will not depend solely on its own activities but to a great extent also on the progress achieved by other international organizations, civilian aid organizations, and not least, on the involvement of Afghanistan’s neighboring countries. For this reason, operations under *one* mandate and *one* command structure, with all available military capabilities brought together under the overarching command of the ISAF, can form just one component of the coherent Afghanistan strategy that is needed to guide all Bundeswehr operations and the activities of all NATO countries in Afghanistan. The countries involved will therefore also have to increase their efforts at finding institutional forms that allow ISAF activities to be more closely interlinked with the activities of other organizations active in Afghanistan. Although the ISAF command cannot determine the focal activities of civilian construction, these priorities will determine the success of ISAF operations—particularly in the medium to long term. At the same time, there will be a need for increased civilian aid to government institutions and social organizations in Afghanistan. Implementing improved coordination and coherent organization of all the governmental and nongovernmental activities in Afghanistan does not fall under the OEF or ISAF mandates but determine the broader German and Western Afghanistan strategy overarching the ISAF in scope.

Striking a new balance in transatlantic burden-sharing

Given the primacy of security in Afghanistan and the necessity of building and strengthening Afghan statehood, even against resistance, it is crucial to make clear to the German public that if the OEF mission were to be terminated and participation in ISAF operations simultaneously

increased, as recommended here, these operations could not be carried out without a military component. At least for the foreseeable future, a complete renunciation of military involvement in Afghanistan will be impossible. In view of the complex and often very thorny conflict situations arising throughout the country, the ISAF forces will continue to suffer their own losses and will also be unable to prevent the Afghan population from suffering losses as well. This is not, however, a problem specific to the OEF mission as is frequently suggested in the German debate.

Nevertheless, the public perception of OEF and the eroding legitimization of this mission provide additional reasons why the German government should urge the countries involved to end the OEF mission in Afghanistan and permanently place their troops under the ISAF command. These troops would then become subject to a multi-lateral set of rules that are stricter than the different national rules of engagement of those states participating in OEF. This would help substantially to further legitimize Germany's involvement in Afghanistan, given that a large segment of the German public has the impression that the "tough" approach taken by OEF troops in Afghanistan is an impediment to the more tightly regulated ISAF engagement.

The idea that OEF can be successfully terminated while simultaneously expanding ISAF appears quite realistic considering the doubts raised in other Western capitals as to whether OEF will even be continued—despite its broad scope of action and flexibility of operations—given the close links that have emerged in recent months between the two operations. If transatlantic understanding on this question is not reached by autumn 2007, the OEF could be granted a transitional mandate stipulating the transfer of its military forces to the ISAF by spring 2008. The OEF naval force at the Cape of Africa would remain unaffected by such considerations.

The NATO countries' long-overdue adaptation to the political and military neces-

sities arising from the ISAF mandate would (re-)establish an equitable distribution of risks and burdens among the alliance's members. This is an indispensable precondition for effective action, while a lack of consensus on this issue and the resulting erosion in the internal cohesion of NATO would endanger the success of the ISAF mission in the medium and long term. A potential line of fracture within the alliance has already been revealed in the conflicts of recent months between those states whose troops are engaged in the full range of military operations and those unwilling to provide this level of engagement.

Developing realistic expectations and setting clear priorities

In the German debate, the argument is often heard that the ISAF mission has been unsuccessful because its objectives are strategically misguided, and that therefore, western troops must be withdrawn—sooner rather than later. This point of view ignores the fact that the ISAF mission was only expanded to the entire territory of Afghanistan in July (in part as late as October) 2006. It is therefore hardly surprising that military conflicts have intensified since then in the areas of southern and eastern Afghanistan that were previously cut off almost entirely from the process of government reconstruction and thus Afghan statehood. The German government will need to show patience and fortitude regarding the duration of the ISAF mission and should not expect to see evidence of success too soon. This will be all the more true if priority is placed on economic and institutional reconstruction to achieve stabilization, since these efforts will only take effect in the medium to long term.

Furthermore, realistic expectations should be set for the objectives of the ISAF mission. Since much of the western planning foresees that a democratic constitutional state be established in Afghanistan according to western prototypes, the countries involved are investing vast amounts of

energy to create political and administrative structures that meet western standards. This is laudable in principle but not only requires huge amounts of time and money but also raises the bar for the political success of the ISAF mission so high that failure is almost inevitable—or success an only distant possibility. As a result, little rational debate has emerged thus far on the criteria for success or on the possible schedule for terminating the mission. The mandate itself, however, clearly delineates the task of the ISAF troops as being to “support the interim government bodies of Afghanistan and their successor institutions in maintaining security, so that both the Afghan government bodies as well as the personnel of the United Nations and other civilian personnel (particularly those pursuing reconstruction and humanitarian aid tasks) can work in a safe environment.” On the one hand, the objectives stated in the mandate must be used as criteria for the instruments employed by all NATO allies—Germany as well. On the other, the mandate includes a criterion for the mission’s success: as soon as the Afghan security forces are able to guarantee security in the entire territory of Afghanistan, the ISAF will have completed its mission. A mandate for expanded ISAF operations with German participation should be focused clearly on achieving this criterion: it alone can offer a sensible measure of the interim or ultimate success of the ISAF mission.

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SWP
Stiftung Wissenschaft und Politik
German Institute for International and Security Affairs

Ludwigkirchplatz 3–4
10719 Berlin
Telephone +49 30 880 07-0
Fax +49 30 880 07-100
www.swp-berlin.org
swp@swp-berlin.org

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