

Afghanistan's Endangered Compact

I. OVERVIEW

While the growing insurgency is attracting increasing attention, long-term efforts to build the solid governmental institutions a stable Afghanistan requires are faltering. Following conclusion of the Bonn process, which created the country's elected bodies, the Afghan government and the international community committed at the London Conference (31 January-1 February 2006) to the Afghanistan Compact, which identified "three critical and interdependent areas or pillars of activity" over five years: security; governance, rule of law and human rights; and social and economic development. The government signed on to realising a "shared vision of the future" for a "stable and prosperous Afghanistan", while over 60 nations and international institutions promised to provide the necessary resources and support. A year on, even those most closely associated with the process admit that the Compact has yet to have much impact. Afghans and internationals alike still need to demonstrate the political will to undertake deep-rooted institutional changes if the goals of this shared vision are to be met.

The assumption of relative stability upon which the Compact was premised has been undercut by the insurgency in the south and east, diverting time and resources. While the insurgency is sustained by cross border sanctuaries and support, disillusioned, disenfranchised Afghans are also responding to the call of extremists. Progress that results in real change in everyday life is vital. However, the spiralling violence has exacerbated tendencies among the government and its international backers to favour short-sighted, quick fixes such as auxiliary police, which risk being little more than poorly trained militias, and to work around, not through, the new democratic institutions.

The Compact is meant to bring all Afghan stakeholders into the process of reconstructing the country while measuring progress in areas as diverse as institution-building and delivery of services at the provincial level, nationwide security sector reform, passage of business organisation laws and reduction in the numbers of those suffering from hunger. However, even without the insurgency, many of its timelines

and benchmarks are overly ambitious, with little prioritisation and sequencing. Implementation risks being approached too much as a bureaucratic matter of ticking off a formal checklist rather than a serious commitment at a high political level – Afghan and international – to do the tough work necessary to build a state genuinely based on rule of law.

The Compact's overseer, the Joint Coordination and Monitoring Board (JCMB) consisting of Afghan ministers and major international players, issued a relatively robust first public report in November 2006, emphasising among other things the need to reform the interior ministry. Its recommendations need to be actively pursued but the Board's own unwieldy nature could be a serious bar to progress. It meets quarterly and has yet to acquire a full-time, independent secretariat. Between sessions there is little international engagement in the process.

State-building and counter-insurgency efforts must be seen as complementary. To advance the Compact in 2007, the Afghan government and its international supporters should concentrate on:

- ❑ countering the flourishing culture of impunity, which is the enemy of genuine reform;
- ❑ addressing the widely varying capacity of ministries to deliver on commitments;
- ❑ developing a comprehensive framework for sub-national governance; and
- ❑ bringing the hitherto largely ignored legislative branch into the heart of the governance process.

By refusing to exclude undesirable elements from positions of power in the new institutions because it was thought they could help on priority matters such as the struggle against terrorism, the international community all too often honoured the Bonn Agreement more in letter than spirit. State-building was warped from the start. To serve its own interests and those of the Afghan people better, the international community must now show more spine by demanding serious steps of the Karzai government to remove corrupt officials and establish clearer time-tables for action, and it must be prepared to impose penalties when the

government fails to implement commitments to end impunity. Even at the cost of some short-term pain, the focus must remain on the Compact's long-term goal of a "democratic, peaceful, pluralistic and prosperous state".

II. CREATING THE COMPACT

A. THE BONN PROCESS

The 2001 Bonn Agreement¹ was hailed as a "monumental achievement of our young century" at the London Conference on Afghanistan, which ushered in its successor, the Afghanistan Compact. The Bonn Agreement's tight timelines for the creation of political institutions slipped somewhat, but in less than four years a popularly elected president, with 55 per cent of the vote, was in power. A bicameral National Assembly was elected². With over a quarter of its members women, it is the most representative as well as ethnically diverse body in Afghanistan and a place where new voices can be heard. A new constitution was also endorsed. While not explicitly provided in the agreement, the electoral timetables also helped drive the disarmament and demobilisation of some 60,000 combatants.³

Although the Afghanistan Compact lauds the Bonn Agreement's "full implementation",⁴ a third of the seats in the Meshrano Jirga (upper house, Senate) of the National Assembly are still filled by transitional members. Elections for district councils – essential for

democratisation at local level – are yet to be held.⁵ Indeed, with regard to the electoral calendar, the Compact specifies only that:

The Afghanistan Independent Electoral Commission will have the high integrity, capacity and resources to undertake elections in an increasingly fiscally sustainable manner by end-2008, with the Government of Afghanistan contributing to the extent possible to the cost of future elections from its own resources. A permanent civil and voter registry with a single national identity document will be established by end-2009.⁶

The implication is that the next and only election for which plans are being made is that for president, which is due in 2009. According to the Bonn Agreement, voter registration and a census were to be undertaken before the first post-Taliban elections. However, both remain incomplete and are now included in the Compact.⁷

While the Afghanistan Independent Human Rights Commission⁸ has been relatively successful, other institutions specified in Bonn, such as the Judicial Commission⁹ and Independent Civil Service

¹ The "Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions" (hereafter Bonn Agreement) was endorsed by the UN Security Council on 7 December 2001.

² Bonn Agreement, I(4) calls for "a fully representative government" to be elected "through free and fair elections to be held no later than two years from the date of the convening of the Emergency Loya Jirga". This should have been June 2004 but the National Assembly elections were held in September 2005.

³ *Ibid.*, V(1): "Upon the official transfer of power, all mujahidin, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority, and be recognised according to the requirements of the new Afghan security and armed forces".

⁴ "Building on Success: The London Conference on Afghanistan: The Afghanistan Compact, 31 January-1 February 2006" (hereafter Afghanistan Compact), preamble p. 1. The UK Foreign and Commonwealth Office website page numbering of the text is used in this briefing, see <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1134650705195>.

⁵ Article 84 (2) of the constitution specifies that one third of the members of the Meshrano Jirga are drawn from the district councils: "From among the district councils of each province, the respective councils elect one person for a period of three years". In the interim, the 34 provincial councils have each elected a second, "transitional" member to the Meshrano Jirga. The constitution further calls for district and village (Article 140) and municipal council (Article 141) elections, which have not been held and are not mentioned in the Compact.

⁶ Afghanistan Compact, Annex I, p. 7.

⁷ "Request the United Nations to conduct as soon as possible (i) a registration of voters in advance of the general elections that will be held upon the adoption of the new constitution by the Constitutional Loya Jirga and (ii) a census of the population of Afghanistan", Bonn Agreement, Annex III (3). "The Census Enumeration will be conducted by end-2008 and the complete results published", and "A permanent civil and voter registry with a single national identity document will be established by end-2009", Afghanistan Compact, Annex I, p. 7.

⁸ Bonn Agreement, III (C) 6: "The Interim Administration shall, with the assistance of the United Nations, establish an independent Human Rights Commission, whose responsibilities will include human rights monitoring, investigations of violations of human rights, and development of domestic human rights institutions".

⁹ "The Interim Administration shall establish with the assistance of the United Nations, a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions", *ibid.*, II (2).

Commission,¹⁰ have not received the same attention as the representative bodies in the absence of explicit timetables and targets. Bonn also provided for what became the International Security Assistance Force (ISAF)¹¹ but in one of the biggest failings of the immediate post-Taliban era, its UN-mandate did not extend the role of peacekeepers beyond Kabul until the end of 2003.¹² Meanwhile, commitments to demilitarise the capital were ignored by local factions, with little censure.¹³

The Bonn Agreement's larger stated purpose was "to end the tragic conflict in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights in the country". Against those standards, judgment must be far more mixed. The lesson those responsible for implementing the Compact should draw from the process Bonn set in motion is that tight timelines can help drive events and focus minds but larger objectives can also be obscured in the rush to meet deadlines, creating future challenges for the new institutions. Ill-judged decisions during the Bonn process included registration of political parties that maintain armed wings, weak vetting of individuals for the National Assembly elections and uneven disarmament.

¹⁰ "The Interim Administration shall establish, with the assistance of the United Nations, an independent Civil Service Commission to provide the Interim Authority and the future Transitional Authority with shortlists of candidates for key posts in the administrative departments, as well as those of governors and *uluswals* [district governors], in order to ensure their competence and integrity", *ibid*, III (C)5. An Afghanistan analyst calls the commission "one of the weakest institutions of the Afghan government". William Maley, *Rescuing Afghanistan* (London, 2006), p. 52.

¹¹ "Conscious that some time may be required for the new Afghan security and armed forces to be fully constituted and functioning, the participants in the UN Talks on Afghanistan request the United Nations Security Council to consider authorising the early deployment to Afghanistan of a United Nations mandated force. This force will assist in the maintenance of security for Kabul and its surrounding areas. Such a force could as appropriate be progressively expanded to other urban centres and other areas", Bonn Agreement, Annex I (3).

¹² As early as 2002, Crisis Group called for 25,000 to 30,000 peacekeepers to cover all major provincial centres. There were then some 4,500, all in Kabul. Crisis Group Asia Briefing N°13, *Securing Afghanistan: The Need for More International Action*, 15 March 2002.

¹³ "The participants in the UN Talks on Afghanistan pledge to withdraw all military units from Kabul and other urban centres or other areas in which the UN mandated force is deployed", Bonn Agreement, Annex I (4).

Determined to get things done on time, the international community adopted a policy of "picking winners" and providing near unconditional support".¹⁴ Those responsible for overseeing the Compact should recognise that "if the bar is raised too high, one is faced with a world of unmitigated failure. But arguably the problem in Afghanistan has often been the opposite, one of lowering expectations and standards in order to reach arbitrary targets set in Bonn, New York or Washington".¹⁵

B. TOWARDS THE POST-BONN ERA

The Bonn process drove creation of the representative arms of state but, as the UN Secretary-General said in March 2006, "state-building achievements of the past four years remain fragile, and the underpinnings of a viable democratic state have yet to be firmly entrenched. The nascent democratic institutions created by the Bonn process cannot yet meet the basic needs of the population as a whole".¹⁶ As early as 2003, to ensure continued engagement in Afghanistan, senior UN and Afghan government officials and diplomats began to consider a "Bonn II" process. With Iraq descending into chaos, there were also fears that the international community would forget Afghanistan, as happened following the Soviet Union's 1989 withdrawal.

Only a few Afghan actors were involved in framing the Bonn Agreement, which had 23 signatories. Some of the first articulated thinking about what eventually became the Compact envisaged drawing in a broader group of Afghans to help build reconciliation and ensure diversity. In the end, however, an even narrower group had a hand in shaping it. This was largely the result of an overly centralised governmental structure which vests inordinate power in a strong presidency. Moreover, because political parties – essential for robust democratisation – have been all but excluded from the electoral system, policy links between the executive and legislative branches are weak, and the growth of issues-based politics has

¹⁴ Jonathan Goodhand and Mark Sedra, "Bargains for Peace? Aid, Conditionality and Reconstruction in Afghanistan", Netherlands Institute of International Relations, August 2006, p. 79.

¹⁵ *Ibid*.

¹⁶ "The Situation In Afghanistan And Its Implications For International Peace and Security", Report of the Secretary-General, 7 March 2006 (A/60/712 S/2006/145), p. 12.

been stunted.¹⁷ Civil society input was also largely ignored.¹⁸

The Afghanistan Compact was certainly not, as some now claim, an agreement that was negotiated in a matter of days. Serious discussions on a "Kabul Agenda" began around September 2005, even as the votes in the National Assembly elections were still being counted.¹⁹ In October, a high-level meeting was held in London, followed by regular sessions of diplomats and government officials in Kabul and rounds of international teleconferences. In early December, the Conference on Regional Economic Cooperation in Kabul, co-chaired by the UK in its capacity as president of the G-8, saw further rounds of line-by-line negotiations with key international policy-makers.

The new agreement was aimed at broadening Bonn's perceived "one dimensional" emphasis on political reconstruction. The Afghans strongly pushed for it to be closely linked to the ambitious, multi-sectoral Afghanistan National Development Strategy (ANDS) they were creating.²⁰ President Hamid Karzai's senior economic adviser and head of ANDS' Presidential Oversight Committee, Professor Ishaq Nadiri, was a major negotiator. In the end, the Compact and ANDS – although only in interim form (I-ANDS)²¹ – were aligned across the same three "pillars", and the

benchmarks contained in the Compact's annexes are reflected in I-ANDS.²²

At the London Conference (31 January-1 February 2006), 64 countries were represented – most at foreign minister level – along with eleven international organisations.²³ Some \$10.5 billion was pledged to Afghanistan over five years,²⁴ all but \$2 billion believed to be new money.²⁵ Looking at the assembled dignitaries, Afghanistan's then deputy foreign minister remembers thinking:

A failure on this issue is the failure of international cooperation. The success of international cooperation on this issue would be the success of international cooperation at the start of the 21st century. On Afghanistan there has been international consensus [like nowhere else].²⁶

Back in Afghanistan, however, an opportunity to help build national consensus on the country's future was missed. While the constitution gives the Wolesi Jirga, the lower house of the National Assembly, power to

¹⁷ See Crisis Group Asia Briefing N°39, *Political Parties in Afghanistan*, 2 June 2005 and Asia Report N°116, *Afghanistan's New Legislature: Making Democracy Work*, 15 May 2006.

¹⁸ For instance, a member of a civil society organisation invited to a two-day consultation in Kabul in January 2006, when the Compact was already agreed, said delegates were given little information on the document they were supposed to be discussing. Crisis Group interview, Kabul, 12 December 2006.

¹⁹ "In recognition that Afghanistan would require international assistance to meet these challenges, in September 2005 the Government of Afghanistan and the United Nations initiated a series of consultations with concerned international actors to reach a consensus on the strategy to address them. The process culminated in the launching, at the London Conference, of the Afghanistan Compact on 31 January 2006", report of the Secretary-General, 7 March 2006, op. cit., p. 12.

²⁰ President Karzai launched the ANDS process at the Afghanistan Development Forum in 2005. The Presidential Oversight Committee and Working Group were established in August 2005 to spearhead its development. "Joint Staff Advisory Note on the Interim Poverty Reduction Strategy Paper", prepared by the staffs of the International Monetary Fund (IMF) and the International Development Association, 15 May 2006. The ANDS is also designed to satisfy IMF and World Bank requirements for a Poverty Reduction Strategy Paper (PRSP) as the basis for concessional lending and debt relief.

²¹ The final version is supposed to be completed in mid-2008 after being subjected to extensive public consultation.

²² "The ANDS lays out the strategic priorities and mechanisms for achieving the Government's development vision The Afghanistan Compact is a political agreement between the Government and the international community to work together towards five-year benchmarks of progress across the three pillars of the ANDS ... the Compact fully supports the Government's development strategy with every Compact benchmark reflected as a five-year strategic objective of the I-ANDS". "Key Facts on the ANDS", at www.ands.gov.af. For more on these parallel processes, see Peter Middlebrook and Sharon Miller, "Lessons in Post Conflict Reconstruction from the New Afghanistan Compact", policy report, *Foreign Policy In Focus*, 27 January 2006.

²³ See Afghanistan Compact, Annex IV for the list of participants.

²⁴ Asian Development Bank: \$1 billion; Australia: \$113 million; Belgium: \$6 million; Canada: \$125 million; China: \$85 million; Denmark: \$120 million; European Commission: \$268 million; Finland: \$60 million; France: \$55 million; Germany: \$480 million; Greece: \$5 million; India: \$181 million; Iran: \$100 million; Islamic Development Bank: \$70 million; Italy: \$56 million; Japan: \$450 million; Korea: \$20 million; Netherlands: \$179 million; New Zealand: \$11million; Norway: \$144 million; Pakistan: \$150 million; Saudi Arabia: \$153 million; Spain: \$182 million; Sweden: \$120 million; Switzerland: \$90 million; Turkey: \$100 million; UK \$885 million; UN agencies: \$94 million; U.S.: \$4 billion; and the World Bank: \$1.2 billion. "Financial Outcomes of the London Conference on Afghanistan, International Community Pledging Outcomes (Preliminary)", at www.fco.gov.uk.

²⁵ Crisis Group interview, Dr Anwar Ul-Haq Ahady, Kabul, 3 December 2006.

²⁶ Crisis Group interview, Mahmoud Saikal, Kabul, 28 November 2006.

ratify (*tasdiq*) treaties and other international agreements,²⁷ the Compact was carefully framed to avoid the need for such ratification. The Dari term *tawaafuq nama* (compact) was used rather than *moahida* (treaty) or *misqa* (agreement). Had the document been placed before the National Assembly, as its first order of business, the legislature could have become a stakeholder in and helped ensure the momentum of the process.²⁸ This early avoidance of the National Assembly, despite the time, money²⁹ and energy spent in creating democratic institutions, proved worryingly emblematic of post-Bonn attempts to sideline the new representative body.

III. WHAT IS THE COMPACT?

The Afghanistan Compact has been called the “central strategic framework” for rebuilding Afghanistan³⁰ but is not legally binding. It was neither signed nor endorsed but rather “presented” at the London Conference, then later endorsed by the UN Security Council.³¹ The main body of the document focuses on the three major pillars of activity: security; governance, rule of law and human rights; and economic and social development, with counter-narcotics identified as a “cross cutting” and “vital” area of work. Annex I lists specific benchmarks and timelines; Annex II emphasises the importance of effective aid; Annex III deals with

creation of a Joint Coordination and Monitoring Board (JCMB).

At the Compact’s core lies the commitment of the Afghan government and international community “to continue, in the spirit of the Bonn, Tokyo and Berlin conferences, to work toward a stable and prosperous Afghanistan, with good governance and human rights protection for all under the rule of law”.³² While the government “commits itself to realising this shared vision of the future” and “the international community, in turn, commits itself to provide resources and support to realise that vision”,³³ the second party to the agreement, the “international community”, is never defined. Annex IV merely lists participants of the London meeting.

The vision expressed in the text includes such admirable but general priorities for the government as:

the coordinated establishment in each province of functional institutions – including civil administration, police, prisons and judiciary. These institutions will have appropriate legal frameworks and appointment procedures; trained staff and adequate remuneration; infrastructure and auditing capacity.³⁴

In the absence of clear priorities or sequencing, little guidance is offered on how such ambitious goals are to be reached. Clearly the work of many hands, the benchmarks encompass outcomes, for example, that “through end-2010, with the support of and in close coordination with the Afghan Government, the NATO-led International Security Assistance Force (ISAF), Operation Enduring Freedom (OEF) and their respective Provincial Reconstruction Teams (PRTs) will promote security and stability in all regions of Afghanistan, including by strengthening Afghan capabilities”.³⁵ There are also outputs such as the number of police to be trained, with Annex I stating: “By end-2010, a fully constituted, professional, functional and ethnically balanced Afghan National Police and Afghan Border Police with a combined force of up to 62,000 will be able to meet the security need of the country effectively and will be increasingly fiscally sustainable”.³⁶ There are even inputs such as establishing statistical benchmarks to measure progress.³⁷

²⁷ Constitution of Afghanistan, Article 64 (17), The power and duties of the President: “Issuing credential letter for the conclusion of bilateral and international treaties (*moahidat*) in accordance with the provisions of the law”. Article 90 (5), Authorities of the National Assembly: “Ratification (*tasdiq*) of international treaties (*moahidat*) and agreements (*misqa*), or abrogation of Afghanistan’s membership to them”.

²⁸ Further backing the argument that the Compact should have gone before the National Assembly is Article 91(2) of the constitution, which gives the Wolesi Jirga “special authority” to take “decisions about the state’s development programs”, a major focus of the Compact. Article 64(2) defines the power and duties of the president as: “Determining the fundamental policies of the state with the approval of the National Assembly”.

²⁹ The September 2005 Wolesi Jirga and provincial council elections cost \$172 million. Crisis Group email communication with UNDP, Kabul, 15 January 2007.

³⁰ Report of the Security Council Mission to Afghanistan (S/2006/935), 4 December 2006, p. 2.

³¹ Resolution 1659, 15 February 2006: “Endorses the Afghanistan Compact and its annexes as providing the framework for the partnership between the Afghan government and the international community which underlies the mutual commitments set out in the Compact”.

³² Afghanistan Compact, preamble, p. 1.

³³ Ibid, purpose, p. 2.

³⁴ Ibid, p. 3.

³⁵ Ibid, Annex I, p. 6.

³⁶ Ibid.

³⁷ Ibid, p. 7.

An international expert involved in the Compact's creation admits that it is "strong on intent [but] weak on assessment of what was required to acquire them [the benchmarks]".³⁸ Indeed, some deadlines were unattainable from the start, including end-2007 for "Disbandment of Illegal Armed Groups" (DIAG).³⁹ Given Kabul's lack of political will, evident in that program's faltering progress since it was launched in five provinces in May and June 2006, this deadline was always unrealistic.⁴⁰

Many on the ground in Afghanistan believe an opportunity was missed for simpler, more substantive benchmarks with clearly expressed conditionality. One such observer calls the agreed benchmarks "the pickings off the cutting room floor dumbed down for Afghanistan The ink's barely dry on the page, and it's in salvage mode".⁴¹ However, those involved insist the benchmarks were intentionally set high. U.S. Ambassador Ronald Neumann says:

We did not put in goals that we felt were unachievable; for example if something could not be done in the time frame of the compact, no matter how much money was available, we did not put it in. But if the goal was difficult but achievable with political will, then we listed it. We felt that if something was essential, it is better to strive for it by pushing the donors and the Afghan government even with a risk that we would fall short, rather than dumb down what needs to be done so that we could call something a success on paper. This was not a failure to understand reality but a deliberate decision to strive greatly.⁴²

Afghanistan does not have an endless supply of money. The international community pledged "resources and support" for the Compact's implementation⁴³ and that donors would coordinate projects with the government "in order to focus on priorities, eliminate duplication and rationalise donor activities to maximize cost effectiveness"; provide "more predictable and multi-year funding commitments"; and channel funding

through the core budget and government trust funds.⁴⁴ But the obligation is at most political, even with respect to specifically pledged sums. Actual money available – and how and where it is committed – will depend on the will and judgments of each donor.

The total cost of achieving everything set out under the Compact has never been estimated, although the price tag for I-ANDS was put at around \$20 billion over five years.⁴⁵ There remain fundamental differences around Kabul between those who want to seek more donor funding and those who want to use better what is already there through needs-based prioritisation and by building capacity. The latter stress that ministries disbursed only 44 per cent of available development funds in fiscal year 2005/2006 and are on track for around 60 per cent this financial year.⁴⁶

Since it is evident many benchmarks and timelines will not be met, the implications of failing to do so should be assessed and acknowledged now. Hopelessly ambitious deadlines should not be used to write off as failure what was never attainable. But the temptation must also be resisted to lower the bar and simply check off un-substantive or unsustainable activities just to prove that progress has been made.

IV. OVERSEEING THE COMPACT

The Joint Coordination and Monitoring Board (JCMB), co-chaired by a presidential appointee and the Special Representative of the UN Secretary-General (SRSG), was created at international insistence to oversee the "implementation of the political commitments that comprise this Compact".⁴⁷ It was meant to be a small body that could cut through red tape and ensure "greater coherence of efforts by the Afghan Government and international community"⁴⁸ but as SRSG Tom Koenigs explained, "everyone said 'it should be small and efficient plus I want to be on

³⁸ Crisis Group interview, Kabul, 2 December 2006.

³⁹ The earlier disarmament, demobilisation and reintegration (DDR) program focussed on fighters on the Ministry of Defence payroll, see Crisis Group Asia Report N°65, *Disarmament and Reintegration in Afghanistan*, 30 September 2003 and Asia Briefing N°35, *Afghanistan: Getting Disarmament Back on Track*, 23 February 2005.

⁴⁰ "All illegal armed groups will be disbanded by end-2007 in all provinces", Afghanistan Compact, Annex 1, p. 6.

⁴¹ Crisis Group interview, Kabul, 10 November 2006.

⁴² Crisis Group interview, Kabul, 4 December 2006.

⁴³ Afghanistan Compact, p. 2.

⁴⁴ Ibid, Annex II, pp. 13-14.

⁴⁵ "Securing Afghanistan's Future", I-ANDS Summary Report, Table 4.1, p. 61. This is an estimate using calculations from previous development plans, the final ANDS will be fully re-costed.

⁴⁶ "Implementation of the Afghanistan Compact", Bi-annual Report, Joint Coordination and Monitoring Board (JCMB), November 2006, (hereafter JCMB Bi-Annual Report), p. 7.

⁴⁷ "It will ensure greater coherence of efforts by the Afghan Government and international community to implement the Compact and provide regular and timely public reports on its execution", Afghanistan Compact, p. 5.

⁴⁸ JCMB, Terms of Reference, p. 1.

it”⁴⁹ President Karzai nominated the seven ministers who formed the ANDS Presidential Oversight Committee.⁵⁰ While the original idea was for the international community to limit itself to a similar number, either in a “billionaire club” of donors or a revolving system, 21 countries and institutions took seats at the first meeting on 30 April 2006.⁵¹ “We were aiming for the Security Council and got the General Assembly”, a government adviser said.⁵²

Because of the unwieldy size, much of the real policy is shaped in informal consultations, including a “Tea Club” of “billionaire” donor countries, whose ambassadors meet regularly with the SRSG. The heads of the larger development agencies recently formed a similarly high-level “Coffee Club”. A more formal system in which the major donors meet perhaps monthly with the government members between the quarterly JCMB plenaries and minutes are distributed to all could help drive momentum. But the arrangement is symptomatic of a wider failure of Kabul’s diplomatic and donor community to engage fully in the fledgling process so as to coordinate and monitor Compact commitments, more effectively use lower level consultative groups and working groups which address the different sectors in the Compact and ANDS, and robustly consider issues with Afghan counterparts.

A participant of the security consultative group meeting in the lead-up to the JCMB’s January 2007 session said: “It was more like a press conference, with announcements of what everyone was doing; it was not about discussion or involvement”.⁵³ Another international sees the Afghans as being left to drive the Compact process: “The embassies wake up every three months when there is an agenda to be put

together [for the JCMB]”.⁵⁴ Commitments that have been made to work together and coordinate on an ongoing basis need to be taken more seriously.

The JCMB produces public reports twice a year but only the annual report must be translated and widely disseminated.⁵⁵ While “joint” in name, the JCMB appears to have been set up so that the Afghan government has nearly all responsibility for reporting. A UN report says that: “[T]he [government’s] Oversight Committee ... has now been given responsibility for reporting to the Joint Coordination and Monitoring Board on progress towards the Afghanistan Compact benchmarks”.⁵⁶

The JCMB’s terms of reference also specify: “The Oversight Committee Secretariat will have the primary responsibility for gathering all relevant coordination and monitoring information on which the JCMB deliberations would rely”.⁵⁷ It is unclear why the international community does not have equal responsibility for monitoring. As noted, the Compact commits the government “to realising this shared vision of the future” but the international community only “to provide resources and support”.⁵⁸ However, monitoring is different from implementation. With so many projects still undertaken directly by different nations’ development agencies and not through the Afghan government budget and institutions, this input is vital in assessing progress. “Trying to get information [on what international agencies are doing] is a nightmare”, says a ministerial adviser. “Their government is the one that signed this piece of paper but they won’t give you the full story”.⁵⁹ The international community’s

⁴⁹ Crisis Group interview, SRSG Tom Koenigs, Kabul, 26 November 2006.

⁵⁰ These are the senior economic adviser to the president (and JCMB co-chair), the ministers of foreign affairs, finance, education, justice and economy and the national security adviser.

⁵¹ According to the JCMB terms of reference, the seats and criteria are: SRSG (co-chair); the six largest development assistance contributors: U.S., UK, Japan, German, European Union, India; three neighbours: Pakistan, Iran, China; three regional countries: Saudi Arabia, Turkey, Russia; international military support: NATO, Combined Forces Command-Afghanistan (CFC-A), Canada, the Netherlands, Italy, France; and international financial institutions: World Bank and Asia Development Bank. The third JCMB meeting approved a 22nd international seat, for a representative of the Nordic countries.

⁵² Crisis Group interview, Kabul, 4 December 2006.

⁵³ Crisis Group interview, Kabul, 21 January 2007.

⁵⁴ Crisis Group interview, Kabul, 24 January 2007.

⁵⁵ “The JCMB shall produce two biannual progress reports and additional reports as and when necessary. The second biannual report shall be the annual report ... produced in March each year and report on the progress during the previous twelve-month period The Annual Report should be substantive, consisting of not only the report but also in-depth analyses, assessment of progress and data tables and recommendations The Annual Report shall be published in English, Dari and Pashto and disseminated widely”, JCMB, Terms of Reference, p. 4.

⁵⁶ “Report of the Secretary-General and Its Implications for Peace and Security”, 11 September 2006 (A/61/326-S/2006/727), p. 13.

⁵⁷ JCMB, Terms of Reference, p. 4. “A temporary ANDS Working Group will support the Oversight Committee during the development of the ANDS and then evolve into a small support unit for the Oversight Committee”, I-ANDS Summary Report, p. 64.

⁵⁸ Afghanistan Compact, p. 2.

⁵⁹ Crisis Group interview, Kabul, 10 December 2006.

provision of “resources and support” should also be part of the monitoring and assessment processes.

Moreover, a full-time JCMB secretariat, as specified in the Compact and “staffed by the Afghan government and the United Nations”, has still not been formed, impeding the board’s functioning.⁶⁰ Budgeting and recruitment difficulties have been cited for this delay. In the absence of a functioning secretariat, ANDS personnel in the office of Professor Nadiri, the JCMB co-chair, have largely taken on secretariat responsibilities, supplemented by ad hoc UN staff. This is far from ideal. A secretariat, which is truly autonomous, transparently funded and more obviously “joint”, needs to become a priority.

V. A ONE YEAR REPORT CARD

A. CHANGED ENVIRONMENT

The Compact was premised upon a stable environment for development, security and institutional reforms. Instead the first nine months of 2006 saw over 3,700 deaths (militants, security personnel and civilians) – a four-fold rise – due to the insurgency in the southern and eastern provinces bordering Pakistan.⁶¹ According to U.S. military estimates, there were 139 suicide attacks in the full year, up from 27 in 2005; the use of roadside bombs doubled, from 738 to 1,677; direct attacks by insurgents using small arms, grenades and other weapons increased to 4,542 in 2006 from 1,558.⁶²

At what should be a time of rebuilding, the violence has claimed far more than its immediate victims. Affected programs include road building;⁶³ airport reconstruction;⁶⁴ census taking;⁶⁵ telecommunications;⁶⁶

education;⁶⁷ health;⁶⁸ agriculture;⁶⁹ the National Solidarity Program, the flagship program for community-level democratisation and development;⁷⁰ and even financial management.⁷¹ High-profile assassinations, including that of the governor of Paktia, Hakim Taniwal, and Kandahar’s head of women’s affairs, Safia Amajan, are directly impeding the ability to govern effectively as well as making it hard to attract people to government positions – particularly women.

An exploding drugs trade – both a source and symptom of the instability – saw poppy cultivation rise by 59 per cent in 2006 over the previous year, leading to a possible production of 6,100 metric tons of opium.⁷² Before the JCMB meeting in November 2006, the UK ambassador, whose government had the lead in counter-narcotics efforts, and the Afghan minister of counter narcotics admitted that without significant efforts, it “is unlikely any of these [counter-narcotics] benchmarks will be met by 2010”.⁷³

The creation of the Policy Action Group (PAG), composed of ministers, the larger donors and international security players in the southern provinces is the most

⁶⁰ Ibid, Annex III, p. 15.

⁶¹ Bi-Annual JCMB Report, op. cit, p. 1.

⁶² David S. Cloud, “U.S. says attacks are surging in Afghanistan”, *The New York Times*, 17 January 2007.

⁶³ “Construction of 116 kilometre sections between Kandahar, Herat and Kandahar and Greshk has been halted on numerous occasions due to lack of security. Other delays have been experienced due to violent incidents such as abductions and killing of personnel working on these sections of the road”. “Implementation of The Afghanistan Compact Benchmarks, March – August 2006”, prepared by working groups and consultative groups supported by ANDS office, p. 55 (hereafter “Implementation of the Afghanistan Compact Benchmarks”).

⁶⁴ “Farah and Zaranj have been on the list of the seven domestic airports to be upgraded, although due to security problems, no bids were received”, *ibid*, p. 63.

⁶⁵ “Security will be an issue for the work of the enumerators in some parts of the country”, *ibid*, p. 27.

⁶⁶ “Security concerns are resulting in project delay as contractors are unwilling to work in specific areas”, *ibid*, p. 97.

⁶⁷ “Lack of security – particularly in southern regions of Kandahar, Khost, Faryab, Paktiya and Nangarhar – is a real threat to the success of the benchmark”, *ibid*, p. 105.

⁶⁸ “Growing insecurity is posing an increasing strain on accessing health services especially in southern provinces; in the last quarter, health facilities have been destroyed in Farah, Helmand and Paktika. Many employees of health facilities have received serious death threats and some have been assassinated”, *ibid*, p. 118.

⁶⁹ “The deteriorating security situation in the rural areas affects project implementation as staff are not ready to go to the insecure rural areas”, *ibid*, p. 123.

⁷⁰ “Deterioration in security situation in several parts of Afghanistan, mainly the southern provinces as well as provinces such as Ghazni and Wardak in the central region, affects progress. Ministry of Rural Rehabilitation and Development and facilitating partners have lost staff working for NSP and other programs to insurgent attacks and several other staff members received threats and warnings. Several facilitating partners have reduced activities or temporarily suspended work in affected districts”, *ibid*, p. 126.

⁷¹ “Security issues hinder the involvement of some provinces and *mustofiats* [provincial-level finance departments] in government processes”, *ibid*, p. 157.

⁷² “The Opium Situation in Afghanistan: 2006 Annual Opium Poppy Survey Summary of Findings”, UN Office on Drugs and Crime, Kabul, 2 September 2006.

⁷³ Ambassador Stephen Evans, Minister Habibullah Qaderi, note for third JCMB meeting, “Counter Narcotics in Afghanistan”, November 2006, at www.ands.gov.af, p. 1.

visible institutional response to the insecurity. PAG, which meets weekly, focuses on the provinces of Kandahar, Zabul, Helmand and Uruzgan. Although there is believed to be some tension between those who spearhead it and those involved in longer-term strategic processes, Professor Nadiri of the JCMB and ANDS insists there is no contradiction and PAG is a "triggering mechanism" for wider development strategies.⁷⁴

Nevertheless, not all PAG initiatives have been well thought through. For instance, PAG was deeply involved in the decision to create the Afghan National Auxiliary Police (ANAP) in the southern provinces. The ANAP recruits locals after only ten days training, giving them the same weapons and salary of regular police to secure their areas. Weak vetting and questions over command structures raise concerns that the new force will be little more than militias. Ethnic tensions have also heightened, with non-Pashtuns rejecting calls to disarm while Pashtun groups in the south are being rearmed. Despite the ANAP's political, financial and security implications, the JCMB was presented with the new force's creation as a *fait accompli*.⁷⁵

It is increasingly clear that while security is a third pillar of the Compact, decision-making takes place elsewhere. For instance, proposed changes to the agreed numbers of Afghan National Army (ANA) and Afghan National Police (ANP) are largely based on funding decisions in foreign capitals. Just a few weeks after the November JCMB meeting, where no mention was made of ANA numbers, Defence Minister General Abdul Rahim Wardak and the top U.S. commander in Afghanistan, Lt. General Karl Eikenberry, spoke of U.S. commitments to get the ANA to full strength of 70,000 by October 2008, rather than the end-2010 Compact deadline. Eikenberry reportedly said that the U.S. military had drawn up the proposal with the Afghan defence and interior ministries, with final approval from the two

governments pending.⁷⁶ This is despite the Compact commitment that "the pace of [ANA] expansion is to be adjusted on the basis of periodic joint quality assessments by the Afghan Government and the international community against agreed criteria which take into account the prevailing conditions".⁷⁷

In November the JCMB sought assurances from the government that the ANAP increase would be temporary, and the goal would remain a combined force of 62,000 Afghan National Police and Afghan Border Police by 2010. Just weeks later the interior minister reportedly informed the National Assembly of plans to expand to 82,000 police.⁷⁸

An increase in the size of the security forces may well be needed but this ad hoc decision-making, with little reference to a larger framework of risk assessments or balancing of priorities, reveals an absence of effective counter-insurgency planning, as well as longer-term sustainability issues. The pressures to concentrate on the short term are also evident in other sectors. A development worker explained:

The insurgency has led to pressures on development, and some bilateral donors have immense pressure from a strong constituency back home who say "our troops are in x province, our boys are dying, make development happen [instantly]". But what they think is development is often just short-term measures and construction. Governments feel the need to show that they are building things in the areas where their troops are engaged ... it is not sexy to say they are financing the recurrent costs of [the Afghan] government.⁷⁹

Even when urgent measures are needed, they should be taken within the context of long-term strategic

⁷⁴ Crisis Group interview, Kabul, 23 November 2006.

⁷⁵ "The JCMB notes the recommendation of the [Security] Consultative Group to add a further 11,271 locally recruited and appropriately trained Afghan National Auxiliary Police (ANAP) to the number of ANP on a temporary basis in the south and southeast. The JCMB also takes note of the ANP Balancing Plan enacted by Presidential Decree on 1 July 2006 providing for the temporary recruitment of an additional 2,100 police forces. Given the temporary character of both measures, it is JCMB's clear understanding that this will not infringe the commitment of the Afghanistan Compact that by end-1389, Afghanistan will have in place an ANP and Afghan Border Police with a combined force of up to 62,000", Bi-Annual JCMB Report, p. 12.

⁷⁶ "U.S. proposes rapid growth of Afghan army for Taliban threat", Agence France-Presse, 22 November 2006.

⁷⁷ "By end-2010: A nationally respected, professional, ethnically balance Afghan National Army will be fully established that is democratically accountable, organised, trained and equipped to meet the security needs of the country and increasingly funded from Government revenue, commensurate with the nation's economic capacity; the international community will continue to support Afghanistan in expanding the ANA towards a ceiling of 70,000 personnel articulated in the Bonn talks", Afghanistan Compact, Annex I, p. 6.

⁷⁸ "ANA Strength to be Enhanced by 20,000: Minister", *Pajhwok Afghan News*, 3 December 2006.

⁷⁹ Crisis Group interview, Kabul, 27 November 2006.

planning. That, as the ANDS director emphasised, is one reason the Compact is there.⁸⁰

B. IMPLEMENTATION

The first year of the Compact has been largely consumed in setting up structures and processes. Indeed, because of the time taken to form it, one of the JCMB's first moves was to push back all timelines by three months.⁸¹ Some participants are disillusioned with the slow pace, believing that events have overtaken the Compact. Others welcome the very fact that the document provides a framework for action in these troubled times: "If there wasn't the Compact, it would be easy to do nothing. This is something to goad everybody to action".⁸²

Political will for some programs continues to lag. The Afghan government committed itself in the Compact, for example, to implement the Action Plan on Peace, Justice and Reconciliation, "with the support of the international community".⁸³ Nearly eighteen months after it was written, the Action Plan was finally launched on 11 December 2006. This first real attempt to tackle legacies of the years of conflict has five key components: memorialising victims, vetting appointments to state positions for human rights abusers, documenting past conflicts and injustices, promoting reconciliation, and establishing accountability mechanisms. But the government already appears to be backtracking, as was evident in the reaction when Human Rights Watch called for former mujahidin leaders, now members of the government and parliamentarians, to be held accountable for actions during the civil war.⁸⁴ The presidential office responded: "The Islamic Republic of Afghanistan states that a number of jihadi leaders have played a positive role in ensuring peace, system-building and

strengthening our national institutions in the past five years".⁸⁵

Such endorsements raise questions about the process. Kabul must realise that implementation of the Action Plan is not optional. It is a Compact commitment,⁸⁶ and the process must be monitored to ensure a substantive process which draws in a wide cross-section of civil society and gives vulnerable groups, particularly women, a real voice. That said, the 2008 deadline for implementation is overly ambitious for such a major endeavour and, particularly given the delayed launch, needs to be urgently revisited.

Delays in procurement and disbursement of funds – by donors and government alike – have also impeded progress. In fact, 2006 saw funding delays even for the National Solidarity Program (NSP), the flagship rural development project, with the result that facilitating partners in the field risked the financial stability of their organisations, and in some cases their very safety.⁸⁷ Commitments must be backed by the provision of adequate resources.

A number of lessons and issues have become obvious over the last year:

1. Substance not form

Early monitoring of the Compact's progress was too focussed on the short term and presented too rosy a picture. The UN Secretary-General's September 2006 report to the Security Council candidly said that too much emphasis had been placed on procedural benchmarks:

For example under the corruption benchmark, one of the main indicators is Afghanistan's ratification of international treaties on corruption. While the ratification process is assessed to be on track, little progress has been made in the fight against the prevalence of public sector corruption. Similarly procedural elements of other benchmarks are largely assessed to be on track. By contrast, only modest progress has

⁸⁰ Crisis Group interview, director, ANDS, Adib Farhadi, Kabul, 30 November 2006.

⁸¹ This was done by using the Afghan solar calendar rather than the Gregorian. For instance, end-2006 became end-1385 according to the Afghan calendar (20 March 2007). Except where stated, the original deadlines have been used in this briefing.

⁸² Crisis Group interview, diplomat, Kabul, 29 November 2006.

⁸³ Afghanistan Compact, p. 4.

⁸⁴ "Afghanistan: Justice for War Criminals Essential to Peace", Human Rights Watch press release, 12 December 2006. "Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity", Human Rights Watch, July 2005.

⁸⁵ "President Hamid Karzai Considers Human Rights Watch Report Incorrect", office of the spokesman to the president, 16 December 2006.

⁸⁶ "The implementation of the Action Plan on Peace, Justice and Reconciliation will be completed by end-2008", Afghanistan Compact, Annex I, p. 8.

⁸⁷ See "Aid Effectiveness in Afghanistan: At A Crossroads", briefing paper, Agency Coordinating Body for Afghan Relief, Kabul, November 2006, p. 9.

been made to date in realising more substantive benchmarks.⁸⁸

It is encouraging that the JCMB's first public report, in November 2006, presented a far more robust assessment. It emphasised: "Benchmarks ... are means to an end, not an end in themselves. To ensure that the benchmarks achieve the desired goals over the medium to long run, the JCMB will continue to monitor the quality of implementation for each of the benchmarks achieved".⁸⁹

The Consultative Board on Senior Appointments, created to advise on shortlists for senior positions such as provincial governor, chief of police, district administrator and provincial heads of security posts, is an obvious candidate for such comprehensive treatment.⁹⁰ A panel was appointed by presidential decree just days before the revised 21 September 2006 Compact deadline – and probably only because of it. However, it is the body's transparency and integrity, as well as its ultimate influence over appointments, which will be the real measure of its utility and which must be monitored throughout the Compact's life.⁹¹ Kabul's appointment of corrupt and predatory officials is a major factor behind rising popular disillusionment. The international community must insist that the government take this benchmark seriously. It is only through merit-based appointments of professionals that development goals can be driven forward and the government's own legitimacy strengthened.

2. Working with the National Assembly

The executive's inclination to ignore the legislature and the resultant tensions between the two branches of government could prove a stumbling block to the Compact's implementation. National Assembly cooperation is essential if legislative requirements under the Compact are to be met. Failing to help the new body understand what needs to be done and expecting it to do as told risks delay at best and obstruction at worst. But the government has yet to fully engage or inform the National Assembly. For example, as late as November 2006 it admitted that the legislature had not yet been consulted on the UN Convention Against Corruption (UNCAC),⁹² which is supposed to be ratified by March 2007.⁹³

The legislature has been kept out of the loop on other benchmarks, not directly connected to legislation, that fall under its purview. Kabul and the internationals may have failed to understand the National Assembly's constitutional roles. For example, the Compact states that by end 2010, "government machinery (including the number of ministries) will be restructured and rationalised to ensure a fiscally sustainable public administration".⁹⁴ The government claimed that initial steps had been taken to rationalise departments, including: "the reduction of the number of ministries from 30 ministries in 2002 to 25 in 2006".⁹⁵ But under the constitution, the National Assembly should decide this number.⁹⁶ In early 2006, the lower house (Wolesi Jirga) agreed to retain the structure of 25 ministries, as put forward by the president, for one year. In November, it voted to reduce the size of the administration, although a final decision was not taken before the winter session ended in December.⁹⁷

⁸⁸ Report of the Secretary-General, 11 September 2006, op. cit., p. 15.

⁸⁹ JCMB Bi-Annual Report, op. cit., p. 3.

⁹⁰ "A clear and transparent national appointments mechanism will be established within six months, applied within twelve months and fully implemented with 24 months", Afghanistan Compact, Annex I, p. 7. By January 2007 the committee had an office, although it was not yet fully equipped and supplied, and members were still working out internal rules of procedure. The committee had no input into the recent appointments of the governors of Helmand and Paktia. Crisis Group telephone interview, Kabul, 9 January 2007.

⁹¹ "The President has the final say over appointments, and the recommendations of the Board are advisory. However, the Board will handle much of the work involved in vetting candidates for their integrity, competency and human rights record. This is meant to make it easier for the Presidential decision regarding appointments amongst a shortlist of suitable, qualified candidates". "Factsheet: Special Consultative Board for Senior Appointments", United Nations Assistance Mission in Afghanistan, p. 2.

⁹² "GIAAC [General Independent Administration for Anti-Corruption], in cooperation with the Office for Parliamentary Affairs, still need to provide information to members of the National Assembly on the UNCAC and actively advocate that Parliament ratify the Convention", JCMB Bi-Annual Report, op. cit., p. 16.

⁹³ "The UN Convention Against Corruption will be ratified by end-2006 [changed as discussed above to March 2007], national legislation adapted accordingly by end-2007 and a monitoring mechanism to oversee implementation will be in place by end-2008", Afghanistan Compact, Annex I, p. 7.

⁹⁴ Afghanistan Compact, p. 7.

⁹⁵ "Implementation of The Afghanistan Compact Benchmarks", op. cit., p. 17.

⁹⁶ "[The] number of ministers and their duties shall be regulated by law", Constitution of Afghanistan, Article 71(2).

⁹⁷ See "The Wolesi Jirga Changes the Ministry of Urban Development into a Department", at www.nationalassembly.af, 25 November 2006; and "Wolesi Jirga Renames Ministry of

The National Assembly must be made a stakeholder in the process. Creating a legislative liaison position in the JCMB secretariat to work with the Ministry of Justice, the Office of the State Minister for Parliamentary Affairs and the legislature's secretariats and leaderships could help achieve this.

3. Measuring steps to progress

Some of the most general commitments, which extend over the Compact's five-year life, are at greatest risk of drifting, although they relate to vital areas of reform. These include the sweeping but vague counter-narcotics benchmarks and timelines. The Compact, for instance, states: "By end-2010, the Government will strengthen its law enforcement capacity at both central and provincial levels, resulting in a substantial annual increase in the amount of drugs seized or destroyed and processing facilities dismantled, and in effective measures, including targeted eradication as appropriate, that contribute to the elimination of poppy cultivation".⁹⁸ Similarly commitments to gender equity state: "By end-2010 the National Action Plan for Women in Afghanistan will be fully implemented; and, in line with Afghanistan's MDGs [Millennium Development Goals] female participation in all Afghan governance institutions, including elected and appointed bodies and the civil service, will be strengthened".⁹⁹

Security sector benchmarks are another example. The police do not have to be "professional, functional and ethnically balanced" until 2010 but the government and donors cannot be complacent about this commitment. The JCMB's decision to consider reform of the Ministry of Interior an "overriding priority" is promising.¹⁰⁰

A lot of effort over the last year has gone into designing Compact "indicators" for gauging progress and sustaining momentum. These should be widely shared to help promote broader public debate and input. Since the indicators are largely quantifiable

Culture, Tourism and Youth as Ministry of Information and Culture", at www.nationalassembly.af, 26 November 2006.

⁹⁸ Afghanistan Compact, Annex I, p. 6.

⁹⁹ *Ibid.*, p. 7. The last cabinet reshuffle saw a drop in female ministers to one, the minister of women's affairs. In the Interim Administration of 2001, there was a female vice-chair and a minister of public health. In the Transitional Administration of 2002, there were female ministers of women's affairs and health. After the 2004 cabinet reshuffle, women held the Ministries of Women's Affairs and Martyrs and Disabled.

¹⁰⁰ JCMB Bi-Annual Report, *op. cit.*, p. 11. A progress report is to be provided to the next JCMB.

measures, there should also be periodic quality checks on the larger benchmarks. For instance, the Action Plan on Peace, Justice and Reconciliation's five "key actions" – each with a different deadline – offer an opportunity for in-depth assessment of progress. The same is true for the police reform's tiers of pay and rank.

VI. MOVING FORWARD

With the first year of the Compact's life largely spent on building the structures and processes of reporting mechanisms, it is disappointing that rather than focusing on the tasks at hand, the decision was made to move the January 2007 JCMB meeting to Berlin. The JCMB's task is to drive coordination and monitoring on the ground. It does not need the distraction of becoming an international road show.

Rather than getting bogged down in quarterly "events", the Compact's second year must focus on driving larger strategic issues such as the delivery of services. A contentious debate over whether this is best done by government agencies, NGOs and/or contractors remains unresolved. Given the low capacity of many ministries, the answer probably lies in a pragmatic mix. But attention should still be directed to longer-term strategies for capacity transfer and capacity building of functions that are more rightly those of the state.

While the Bonn process concentrated on building the institutions of the central government, functioning provincial-level institutions are also vitally needed to drive change on the ground. The Compact states that:

The Afghan government will give priority to the coordinated establishment in each province of functional institutions – including civil administration, police, prisons and judiciary. These institutions will have appropriate legal frameworks and appointment procedures; trained staff; and adequate remuneration, infrastructure and auditing capacity.¹⁰¹

While the importance of strengthening sub-national government institutions, which must include elected provincial councils, is now widely recognised, efforts have tended to be piecemeal. A recent report on sub-national governance notes that different ministries have taken their own initiatives, so that the resulting structures or programs do not fit together; "on many

¹⁰¹ Afghanistan Compact, p. 3.

occasions this has led either to inertia or failed implementation".¹⁰² A comprehensive framework for reform of sub-national governance is now urgent.

Within the Compact, there is little recognition that Afghanistan is a badly fractured country, where ethnic, sectarian and regional divisions are still very wide. Although the insurgency is largely limited to the Pashtun-dominated south and east, the potential for wider intra-ethnic and intra-regional conflict remains. A UN development worker said: "There is a need to engage peaceful areas actively" to prevent conflict from spreading.¹⁰³ Implementation of the Action Plan on Peace, Justice and Reconciliation is the Compact's only benchmark that explicitly deals with such internal tensions. Post-conflict peace building and reconciliation must be the end goal of all efforts in Afghanistan – and certainly the first principle should be to do no harm.

Opting for 11,000 auxiliary police, and increasing inter-ethnic and regional tensions as a result, is the prime example of a short-term solution that can have long-term destabilising effects. The growing perception that the volatile south receives a disproportionate share of resources so as to counter the insurgency must also be nipped in the bud. A ministerial adviser said he is regularly asked by communities outside the conflict area: "Do we need to take up arms to get resources?"¹⁰⁴

Claims of discriminatory treatment are hard to assess, given limited data on the geographic distribution of development funding. A recent report stressed that while donors might prioritise development in southern and eastern provinces wracked by violence or narcotics production, fuelling resentment elsewhere, the security environment there means the ability to absorb aid is low.¹⁰⁵ This illustrates the importance of keeping the population and their elected representatives informed of what is being done and planned. Building basic conflict assessments into JCMB monitoring would also be valuable. The effects that implementation, or non-implementation, of Compact goals would have on peacebuilding should also be assessed.

Afghanistan's relations with its neighbours lie largely outside the Compact's scope but obviously have huge

implications for security and the economy. Regional cooperation receives only a cursory mention in the Compact,¹⁰⁶ which was largely drawn up by European and North American countries and the international financial institutions. Yet, how vulnerable Afghanistan's future is to the situation in its neighbourhood is amply demonstrated by Taliban sanctuaries and staging posts in Pakistan. If other neighbours such as Iran and the Central Asian republics feel their interests are threatened by rising violence, or by Pakistani intervention, they too may be tempted to interfere. Steps, complementary to the Compact, such as meaningful regional confidence and trade building agreements, as well as active political engagement, could help create trust. Measures to improve bilateral relations with Pakistan, through the active assistance of neutral international interlocutors such as the UN, could also bear fruit but only if Pakistani authorities are willing to cooperate.

Critically, the creators and implementers of the Compact – Afghan and international alike – will soon have to decide what to do when commitments are not satisfactorily met. Several fairly minor deadlines that are fast approaching are likely to be missed, such as that for UNCAC ratification. So far the approach has been to push back the date. The last JCMB report stated: "The timelines for those benchmarks that may not be achieved by the end of 1385 (20 March 2007) should be revised with new end dates presented at the next JCMB meeting".¹⁰⁷ This may work for minor issues but it fails to address the challenges the process will face when more complex benchmarks are not met because of lack of funding or political will.

Disarmament is the most obvious in the near future. With the security environment deteriorating, there is wide recognition that the DIAG program is not achievable by its original deadline. However, this process was also hobbled from the start by lack of will in Kabul, particularly within the Ministry of Interior, whose staff has militia ties.¹⁰⁸ DIAG is

¹⁰² Sarah Lister and Hamish Nixon, "Provincial Governance Structures in Afghanistan: From Confusion to Vision?", briefing paper, Afghanistan Research and Evaluation Unit, May 2006, p. 4.

¹⁰³ Crisis Group interview, Kabul, 30 November 2006.

¹⁰⁴ Crisis Group interview, Kabul, 10 December 2006.

¹⁰⁵ "Aid Effectiveness in Afghanistan", op. cit., p. 13.

¹⁰⁶ "By end-2010 Afghanistan and its neighbours will achieve lower transit times through Afghanistan by means of cooperative border management and other multi-lateral or bilateral trade and transit agreements; Afghanistan will increase the amount of electricity available through bilateral power purchase; and Afghanistan, its neighbours and countries in the region will reach agreements to enable Afghanistan to import skilled labour, and to enable Afghans to seek work in the region and remittances home", Afghanistan Compact, Annex I, p. 12.

¹⁰⁷ JCMB Bi-Annual Report, op. cit., p. 14.

¹⁰⁸ "In spite of widespread popular support for the program and commitment shown by some concerned ministries and officials of the central Government, compliance to date has been disappointing, with few commanders willing to take part

undergoing a comprehensive review.¹⁰⁹ If handled carefully, and in tandem with robust interior ministry reform, this could prove a useful example of how Compact commitments can be implemented even in changing circumstances. But care must be taken to ensure that commitments vital for a stable, secure Afghanistan are not watered down simply to tick off another item on the to-do list. A united stance and strong resolve of donors is particularly essential if real progress is to be achieved.

VII. CONCLUSION

Afghanistan's security issues must be faced but policies must also be framed that keep long-term institution building in mind if the Afghan state is truly to be strengthened. A year of terrible violence should have made Kabul and its international backers realise the enormity of the task. The challenge "still remains to move from [the Afghanistan] Compact to impact".¹¹⁰ That document may not be the best imaginable framework, lacking as it does adequate prioritisation and sequencing, but Kabul and the international community have committed themselves to it and should now work with it in earnest.

Donors must ensure their programs are aligned with Compact priorities and that allocated resources are not just appropriate but also effectively disbursed. Kabul must demonstrate real commitment, even to the most difficult goals. It must also accept the need for the National Assembly's buy-in and take other elected bodies and civil society into its confidence. The international community and the government must resist the temptation of resorting to ad hoc efforts that will ultimately fail to defeat the insurgency while damaging the long-term goal of transforming Afghanistan into a stable and prosperous country.

Above all, attention should be focussed on the overarching goal of working toward "a stable and prosperous Afghanistan, with good governance and

human rights protection for all under the rule of law".¹¹¹

Three procedural steps would help energise Compact implementation:

- ❑ slimming down leadership of the JCMB to the major players and government ministers and having them meet monthly, between quarterly plenaries, to review progress and distribute minutes to all stakeholders;
- ❑ prioritising establishment of an independent and functional JCMB secretariat; and
- ❑ creating a legislative liaison within the JCMB secretariat so as to draw the National Assembly into the process and prevent legislative bottlenecks.

The Compact should also be complemented by efforts to promote and improve regional relations. Thinking is needed now about the post-Compact period. The fledgling state will require continued international help beyond the Compact's five-year lifespan.

An analyst, involved in the drafting of the document commented: "The Compact places responsibility for meeting [its] goals on the government of Afghanistan, which can easily be held accountable, and the 'international community' which cannot be".¹¹² But Afghanistan's failure would be everyone's failure.

Kabul/Brussels, 29 January 2007

in the program The Ministry of Interior, in line with the Joint Secretariat's recommendations, confirmed the dismissal of thirteen of its employees from their posts; a subsequent inquiry found, however, that several of the dismissed officials continued to occupy their posts in violation of the Ministry's orders", Report of the Secretary-General, 11 September 2006, *op. cit.*, p. 6.

¹⁰⁹ JCMB Bi-Annual Report, *op. cit.*, p. 6.

¹¹⁰ *Ibid.*, p. 1.

¹¹¹ Afghanistan Compact, preamble, p. 1.

¹¹² Barnett R. Rubin, "Afghanistan's Uncertain Transition From Turmoil to Normalcy", Special Report, Council on Foreign Relations, no. 12, March 2006, p. 1.

APPENDIX A

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with nearly 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

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

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

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

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

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

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