

4. Afghanistan and the new dynamics of intervention: counter-terrorism and nation building

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I. Introduction

The US-led intervention in Afghanistan in late 2001 and the subsequent international peace-building and peacekeeping effort marked a significant shift in the pattern of international military intervention, reflecting the changed international circumstances of the post-11 September 2001 world.¹ During the 1990s there was much debate on the subject of humanitarian intervention. In Bosnia and Herzegovina, East Timor, Somalia and Yugoslavia, major powers undertook military interventions motivated in significant part by humanitarian concern to prevent or end large-scale loss of life and human suffering. Arguably, this represented a significant shift away from more traditional military interventions motivated by narrow national interests and towards what became known as humanitarian intervention. The legitimacy of such interventions, however, remained controversial—as was the extent to which they might become part of a significant longer-term trend in international politics.²

In the wake of the terrorist attacks on the United States, the US-led coalition in Afghanistan was motivated more by extended national interests than by humanitarianism. The rationale and the formal legal basis for the US-led intervention were self-defence. However, the coalition involved goals that were radically different from those of most past interventions—the dismantlement of an international terrorist network and the removal of the regime that had given support to that network. Despite the reluctance of the USA to engage in what it termed nation building, the US-led intervention quickly led to a parallel international peace-building and peacekeeping effort in Afghanistan—motivated in part by humanitarian concerns but at least as much by the fear that instability in Afghanistan could all too easily reproduce the circumstances that had allowed the country to become a base for international terror-

¹ The USA and the UK began military operations on 7 Oct. 2001. Australia also provided combat forces. Ground and air support forces were either provided or promised by Canada, France, Germany, Italy, Japan, Jordan, the Netherlands, Poland, Russia and Turkey. 'Operation Enduring Freedom: a day-by-day account of the war in Afghanistan', *Air Forces Monthly*, Nov. 2001, pp. 35–50; and Willis, D., 'Afghanistan: the second month', *Air Forces Monthly*, Dec. 2001, pp. 74–82.

² On the debate on humanitarian intervention see International Commission on Intervention and State Sovereignty, 'The responsibility to protect', URL <<http://www.dfait-maeci.gc.ca/iciss-ciise>>; Wheeler, N. J., *Saving Strangers: Humanitarian Intervention in International Society* (Oxford University Press: New York, 2000); and MacFarlane, S. N., *Intervention in Contemporary World Politics*, Adelphi Paper 350 (Oxford University Press: Oxford, Aug. 2002).



Figure 4. Map of Afghanistan and neighbouring countries

ism in the 1990s. The international intervention in Afghanistan has thus been characterized by the distinctive combination of parallel, separate but inter-related counter-terrorist and peace-building/peacekeeping operations. The longer-term impact of this intervention, and in particular the success or failure of its peace-building and peacekeeping component, remains to be seen.

Against this background, this chapter reviews the US-led and wider international interventions in Afghanistan since October 2001, exploring the conclusions and lessons that may be drawn. Section II examines the background to the intervention in Afghanistan. Section III recounts the events of Operation Enduring Freedom, the collapse of the Taliban, and subsequent efforts to defeat remaining al-Qaeda and Taliban forces. Section IV describes international peace-building efforts in post-Taliban Afghanistan, focusing on the so-called Bonn peace process and the formation of the International Security Assistance Force (ISAF) and the UN Assistance Mission in Afghanistan (UNAMA). Section V presents the conclusions.

II. Background

At the time of the 11 September 2001 terrorist attacks, the Islamic Taliban regime controlled most of Afghanistan but a low-level war with the Northern Alliance was ongoing.³ Afghanistan was, and remains, deeply fragmented by complex ethnic and regional divisions—a fragmentation reinforced by support given to the different factions within the country by external powers.⁴

The modern Afghan state emerged in the 18th and 19th centuries, based around a monarchy drawn from the majority Pashtun ethnic group. The boundaries of Afghanistan were established by the Russian and British empires at the end of the 19th century, reflecting the country's status as a buffer between their empires. Although Afghanistan was a predominantly Pashtun state and its rulers were always drawn from the Pashtun majority, it was also characterized by strong regional and clan loyalties both among the country's other ethnic groups and within the Pashtun population. While exact figures are disputed, Afghanistan's population is made up of about 41 per cent ethnic Pashtun (located primarily in the south, with Kandahar as their main centre of power), 16 per cent Tajiks and 11 per cent Uzbeks (located primarily in the north-east, centred around the cities of Kunduz and Mazar-i-Sharif), and 15 per cent Hazaras (located mainly in the centre of the country). The remainder of the population is made up of smaller ethnic minorities.⁵

The gradual failure of the Afghan state in the 1960s and 1970s resulted in a palace coup which overthrew the monarchy in 1973, a communist coup in 1978 and the Soviet intervention in support of the communist regime in 1979. For the next decade Afghan Mujahedin, supported by the USA, fought the Soviet Union in one of the most prolonged and destructive conflicts of the cold war. After the Soviet Union's withdrawal from Afghanistan in 1989, divisions among Afghanistan's different ethnic, regional and clan groups rapidly re-emerged, resulting in a decade of civil war. In 1992 the Soviet-backed government of Ahmedzai Najibullah collapsed. The capital, Kabul, came under the control of Tajik, Uzbek and Hazara forces led by Tajik guerrilla leader Ahmed Shah Massoud, with his base of support in the north-eastern Panjshir Valley, and Uzbek commander Abdul Rashid Dostum, with his base in the northern city of Mazar-i-Sharif. (These forces later became the Northern Alliance.) A new government was formed under the presidency of Burhanuddin Rabbani. Distrust between the northern groups and the southern

³ The United Islamic Front for the Salvation of Afghanistan (UIFSA) is also known as the Northern Alliance.

⁴ For useful recent histories of Afghanistan see Maley, W., *The Afghanistan Wars* (Houndmills: Basingstoke, Hampshire; and Palgrave: New York, 2002); Rubin, B. R., *The Fragmentation of Afghanistan: State Formation and Collapse in the International System*, 2nd edn (Yale University Press: New Haven, Conn. and London, 2002); McCauley, M., *Afghanistan and Central Asia: A Modern History* (Longman, Pearson Education: London, 2002); and Eriksson, M., Sollenberg, M. and Wallensteen, P., 'Patterns of major armed conflicts, 1990–2001', *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 63–76.

⁵ Weisbrode, K., *Central Eurasia: Prize or Quicksand? Contending Views on Instability in Karabakh, Fergana and Afghanistan*, Adelphi Paper no. 338 (Oxford University Press: Oxford, May 2001), pp. 94–95. For slightly different figures see McCauley (note 4), pp. x–xiv.

Pashtuns, however, was strong and the latter remained effectively outside the government. Pashtun forces led by Gulbuddin Hekmatyar began shelling the capital and civil war broke out, with the various leaders consolidating their hold on power in their respective regions. Fighting also broke out between the northern groups within Kabul, with Dostum's forces joining with those of Hekmatyar against Massoud.

In the mid-1990s a new, predominantly Pashtun, group emerged—the Taliban. Drawing their support from Islamic religious schools (*madrassas*), the Taliban sought to impose order—and a strict Islamic regime—on the country. The Taliban were strongly supported by, and indeed to a significant degree a creation of, Pakistan, which provided them with political, financial and military support. Between 1994 and 1996 the Taliban took control of the south and centre of Afghanistan, including Kandahar and Kabul. By 1998 they had gained control of most of the north of Afghanistan, including Mazar-i-Sharif and Kunduz. By 2000 the Taliban controlled most of the country.⁶ In 1996 the Islamic radical Osama bin Laden, who had been active in Afghanistan during the war with the Soviet Union, returned to the country after being forced to leave Sudan, and made Afghanistan the base for his al-Qaeda terrorist group. Close relations developed between the Taliban and al-Qaeda, with the Taliban providing sanctuary to al-Qaeda and al-Qaeda providing ideological, financial and military support to the Taliban regime.

The USA did not initially oppose the Taliban, viewing them as a counterweight to Iranian and Russian influence in Afghanistan; allies of the USA's own allies, Pakistan and Saudi Arabia; capable of imposing order on Afghanistan; and potential partners for US companies wanting to build pipelines through Afghanistan to transport oil and gas from Central Asia and the Caspian.⁷ Following the bombings by al-Qaeda of US embassies in Africa in 1998, however, both al-Qaeda and the Taliban became the target of growing US and international pressure. In response to the 1998 bombing the USA undertook cruise missile attacks against al-Qaeda terrorist training camps in Afghanistan. In 1999 the UN Security Council demanded that the Taliban surrender bin Laden in order that he might be prosecuted, banned most flights into and out of Afghanistan and imposed economic sanctions on the Taliban regime.⁸ At the end of 2000 the Security Council banned the sale or transfer of military equipment to the Taliban.⁹

As of 11 September 2001 the Taliban controlled most of Afghanistan and was the dominant military force within the country. Despite strong international pressure, the Taliban retained its close links with al-Qaeda and showed no willingness to cease its support for the organization or surrender bin Laden. There were, however, signs of a shift elsewhere. The Northern Alliance had reorganized its military forces in 2000 and early 2001, possibly

⁶ Weisbrode (note 5), p. 67.

⁷ Maley (note 4), pp. 226–28 and pp. 244–54.

⁸ UN Security Council Resolution 1267, 15 Oct. 1999.

⁹ UN Security Council Resolution 1333, 19 Dec. 2000.

in preparation for a renewed offensive against the Taliban.¹⁰ Subsequent reports have revealed that the USA was considering supporting the Northern Alliance and Russia, its main external backer, in any offensive against the Taliban.¹¹ Two days before the 11 September 2001 terrorist attacks, an important Northern Alliance leader, Ahmed Shah Massoud, was assassinated by al-Qaeda operatives, suggesting that the attacks on the USA were planned to coincide with a renewed offensive against the Northern Alliance.¹²

III. Defeating the Taliban and al-Qaeda: Operation Enduring Freedom

Almost immediately after the 11 September 2001 terrorist attacks, the USA and other states identified al-Qaeda as the likely perpetrators. In his 20 September address to the US Congress and the American people, President George W. Bush said: 'Who attacked our country? The evidence we have gathered all points to a collection of loosely affiliated terrorist organizations known as al-Qaeda'.¹³ The British Government subsequently published evidence linking al-Qaeda and its leader Osama bin Laden to the attacks.¹⁴ It also claimed that: 'There is evidence of a very specific nature relating to the guilt of bin Laden and his associates that is too sensitive to release'.

In his 20 September address, Bush demanded that Afghanistan's Taliban regime:

deliver to United States authorities all the leaders of al-Qaeda who hide in your land. Release all foreign nationals . . . Protect foreign journalists, diplomats and aid workers in your country. Close immediately and permanently every terrorist training camp in Afghanistan and hand over every terrorist, and every person in their support structure, to appropriate authorities. Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.

He added that 'These demands are not open to negotiation or discussion. The Taliban must act and act immediately. They will hand over the terrorists or they will share in their fate'.¹⁵

¹⁰ Davis, A., 'How the Afghan war was won', *Jane's Intelligence Review*, vol. 14, no. 2 (Feb. 2002), p. 7.

¹¹ Judah, T., 'The Taliban papers', *Survival*, vol. 44, no. 1 (spring 2002), pp. 69–70.

¹² Massoud was killed by al-Qaeda members posing as journalists. Decisive proof of direct al-Qaeda involvement in the killing emerged at the end of 2001, when files on an al-Qaeda computer in Kabul were found to contain the list of questions presented to Massoud. See Maley (note 4), p. 251.

¹³ US White House, Office of the Press Secretary, 'Address to a joint session of Congress and the American people', 20 Sep. 2001, URL <<http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>>.

¹⁴ See the British Government report 'Responsibility for the terrorist atrocities in the United States, 11 September 2001', Office of the Prime Minister, 4 Oct. 2001, URL <<http://www.pm.gov.uk/output/Page1812.asp>>. After the fall of Kabul, further evidence was discovered. A videotape found in an al-Qaeda house showed bin Laden saying 'we calculated in advance the number of casualties from the enemy . . . I was the most optimistic. Due to my experience in this field, I thought the fire from the petrol in the plane would melt the iron structure of the building'. Robertson, G., *Crimes Against Humanity: The Struggle for Global Justice*, 2nd edn (Penguin Books: London, 2002), p. 480.

¹⁵ US White House (note 13).

The USA received unprecedented international support. On 12 September the UN Security Council unanimously expressed its unequivocal condemnation of the terrorist attacks, stated its determination 'to combat by all means threats to international peace and security caused by terrorist acts', reaffirmed the 'inherent right of individual and collective self-defence' and expressed 'its readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001'.¹⁶ On the same day, the UN General Assembly also strongly condemned the attacks and called for international cooperation to bring the perpetrators, organizers and sponsors to justice.¹⁷

The military operation

By the beginning of October 2001, and despite repeated international demands, the Taliban had not surrendered Osama bin Laden or members of al-Qaeda. On 7 October the USA commenced military operations. In a televised address, President Bush said that the USA was acting because the Taliban had ignored the ultimatum to surrender suspected terrorist leaders, including Osama bin Laden, and close terrorist training camps, 'None of these demands were met. And now the Taliban will pay a price'.¹⁸ The USA formally justified its actions as 'the exercise of its inherent right of individual and collective self-defence', in accordance with Article 51 of the UN Charter, 'designed to prevent and deter further attacks on the United States'.¹⁹ Most states implicitly accepted this justification at the time.

The military action began with attacks by about 50 Tomahawk cruise missiles launched from US aircraft and US and British submarines. Air strikes were undertaken by long-range B-1, B-2 and B-52 bombers—based in the USA and at the joint British/US naval support facility on the island of Diego Garcia, British Indian Ocean Territory—and strike aircraft based on aircraft carriers. The initial attacks focused on areas around Kabul, the Taliban's southern heartland city of Kandahar, and the Taliban-held northern towns of Mazar-i-Sharif, Kunduz and Jalalabad.²⁰ The targets included anti-aircraft systems, military headquarters, terrorist training camps, military airfields and concentrations of military equipment, as well as the presidential palace and the national radio and television building.²¹ The air strikes continued during November and December.

¹⁶ UN Security Council Resolution 1368, 12 Sep. 2001.

¹⁷ UN General Assembly Resolution 56/1, 12 Sep. 2001.

¹⁸ US White House, Office of the Press Secretary, 'Presidential Address to the Nation', 7 Oct. 2001, URL <<http://www.whitehouse.gov/news/releases/2001/10/20011007-8.html>>.

¹⁹ United Nations, 'Letter dated 7 October 2001 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council', UN document S/2001/946, URL <<http://www.un.int/usa/s-2001-946.htm>>.

²⁰ Knowlton, B., 'US and UK bomb targets in Afghanistan', *International Herald Tribune*, 8 Oct. 2001.

²¹ International Institute for Strategic Studies, 'War in Afghanistan', *Strategic Survey 2001/2002* (Oxford University Press: Oxford, May 2002), p. 236; and 'Operation Enduring Freedom' (note 1), pp. 35–36.

The initial military priority of the coalition was to secure control of Afghanistan's airspace in order to prevent attacks against coalition aircraft and to give the USA and its partners the freedom to undertake further air strikes and move ground forces and equipment by air. Priority targets included early-warning radars, surface-to-air missile sites, anti-aircraft artillery, airstrips and aircraft. The weakness of the Taliban's airpower made the task of securing air-space control relatively easy. The Taliban were estimated to have about 20 multi-role ground-attack fighter aircraft (Soviet-made MiG-21s and Su-22s) and a small number of transport and attack helicopters.²² These were old models of Soviet-era equipment and their operational effectiveness was probably very low. No coalition aircraft were engaged in air-to-air combat during the operation. Taliban air defences were reported to have been rendered largely ineffective by the air strikes on the first night and all but one of the Taliban's airbases were disabled on the second night.²³ On the third day of operations (9 October) air strikes continued, for the first time in daylight. US Secretary of Defense Donald Rumsfeld said that the USA could now undertake air strikes 'more or less around the clock as we wish'.²⁴ The scale of air attacks required by the USA to achieve this goal was much smaller than in the 1999 North Atlantic Treaty Organization (NATO) air operations in Kosovo, let alone those undertaken during the 1991 Persian Gulf War.²⁵

Throughout October, the USA continued to target Taliban command and control facilities, air defence and ground-to-air missile sites, airfields and aircraft, equipment and ammunition dumps, and al-Qaeda terrorist training camps. By mid-October the coalition was sufficiently confident of its control of Afghanistan's airspace to deploy more vulnerable AC-130U gunships in attacks on Taliban and al-Qaeda targets.²⁶

Attention now shifted to preparations for a ground campaign. Having witnessed how the Soviet Union had been drawn into a long, costly and ultimately unsuccessful ground war after 1979, the USA made clear from the outset that it did not plan to deploy large numbers of ground forces in Afghanistan. Afghanistan's remote and landlocked location would also have made it very difficult, if not impossible, for the coalition to deploy large numbers of heavy-armoured forces, even with the support of neighbouring states. The coalition would therefore have to rely on allies within the Afghan opposition if it were to defeat the Taliban. This created dilemmas. The opposition to the Taliban was diverse and fragmented, composed of a number of different factions based both inside and outside of Afghanistan. Both the ability of these groups to agree a united front and their reliability as potential allies were doubtful. The Northern Alliance—the leading opposition force within Afghanistan, espe-

²² See the entry for Afghanistan in International Institute for Strategic Studies, *The Military Balance 2001/2002* (Oxford University Press: Oxford, 2001), p. 160.

²³ International Institute for Strategic Studies (note 21), p. 236.

²⁴ 'Operation Enduring Freedom' (note 1), pp. 37–8.

²⁵ On the 1991 Persian Gulf War see Mason, R. A., 'The air war in the Gulf', *Survival*, vol. 33, no. 3 (May/June 1991), pp. 211–29.

²⁶ 'Operation Enduring Freedom' (note 1), pp. 41–44.

cially in military terms—was composed mainly of Tajiks and Uzbeks, creating the danger that any post-Taliban regime dominated by them would be opposed by the majority Pashtun population, which would seriously complicate efforts to stabilize the country after the war.

US efforts to build an anti-Taliban coalition with the Afghan opposition began shortly after 11 September 2001. The main force outside Afghanistan was the Rome Group. Organized around supporters of the former king of Afghanistan, Mohammed Zahir Shah—an ethnic Pashtun—the Rome Group was a broad coalition comprising royalists, elements from the anti-Soviet resistance, and leaders from tribal and clan groups. Its main strength was that it could claim to be reasonably representative and, unlike the Northern Alliance, might gain support from the majority Pashtun population. It advocated the convening of a Loya Jirga, or Grand Assembly, to include representatives of all ethnic groups, as the basis for a new political settlement in Afghanistan.²⁷ Lacking any forces within Afghanistan, however, the Rome Group was of no use as a military ally. Having been based outside Afghanistan since the 1970s, its ability to claim or mobilize support within the country was also open to question. The Northern Alliance, with an estimated 10 000–15 000 soldiers, as well as heavy weapons such as artillery and tanks, was the only real military opposition to the Taliban within Afghanistan.

As the air campaign continued, the US-led coalition appears initially to have been reluctant to offer decisive support to the Northern Alliance. A rapid victory for the Northern Alliance might have resulted in the sort of factional fighting that occurred in Afghanistan in the early and mid-1990s. The USA and its coalition partners were seeking to broker a wider agreement on a post-war regime among the anti-Taliban forces and moderate Pashtuns. The USA was also trying to promote anti-Taliban opposition among the majority Pashtun population in the south of Afghanistan and defections from the Taliban by moderates within the group. Abdul Haq, a Pashtun and a hero of the war against the Soviet Union, who had apparently maintained contacts with Western intelligence agencies, was infiltrated into Afghanistan with US support and given \$5 million to help buy the support of Pashtun commanders.²⁸ The USA therefore refrained from undertaking heavy air strikes against front-line Taliban and al-Qaeda positions on the Shomali plains north of Kabul or against Taliban/al-Qaeda strongholds in Mazar-i-Sharif, Kunduz and elsewhere. In mid-October, Northern Alliance forces repeatedly complained that air strikes were too limited to enable them to make gains against Taliban and al-Qaeda positions.²⁹

²⁷ International Institute for Strategic Studies (note 21), p. 234.

²⁸ Colledge-Wiggins, J., 'Can old tensions be buried in Kabul?', *Jane's Intelligence Review*, vol. 14, no. 1 (Jan. 2002), pp. 45–46.

²⁹ 'Operation Enduring Freedom' (note 1), pp. 47–8.

The collapse of the Taliban

By the end of October 2001, a number of factors caused a decisive turn in the war, resulting in the collapse of the Taliban on the battlefield in November and December. First, there was growing concern in the West about the conduct of the war. Despite nearly a month of bombing by the coalition and its complete control of Afghanistan's airspace, the Taliban remained in control of most of Afghanistan and no major gains had been made on the ground. On 29 October General Tommy Franks, Commander of the United States Central Command (CENTCOM), was forced to deny that the war was in 'stalemate'.³⁰ At the same time, little progress was being made in efforts to broker agreement on a possible post-war regime for the country. Hopes of the emergence of significant Pashtun opposition to the Taliban or widespread defections from the Taliban were also proving overly optimistic. On 26 October the Taliban captured and executed Abdul Haq, further undermining the prospects for the emergence of opposition to the Taliban and al-Qaeda in the south of Afghanistan. The USA therefore appears to have decided to escalate the air war against the Taliban and al-Qaeda and to increase its support for the Northern Alliance.³¹

At the end of October and beginning of November the USA carried out 'carpet bombing' of Taliban and al-Qaeda front-line positions north of Kabul and in Mazar-i-Sharif and Taloqan in the north of the country.³² On 30 October General Franks met with Northern Alliance Commander-in-Chief General Mohammed Qassem Fahim in Dushanbe, the capital of Tajikistan, resulting in an agreement to improve cooperation between the USA and the Northern Alliance. In particular, agreement was reached on doubling the number of US Special Operations Forces (SOF) working with the Northern Alliance on the ground. The SOF played a key role by using laser target designators to enable US and coalition aircraft to target Taliban and al-Qaeda forces on the front line with a high degree of accuracy.³³ Russia's supply of equipment to the Northern Alliance also played a very important role.³⁴ Russia also reportedly equipped Uzbek and Tajik special forces who were integrated into the Northern Alliance forces, and Russian soldiers commanded the tank and helicopter forces that attacked Taliban front lines.³⁵

Although at this stage Taliban and al-Qaeda forces remained numerically stronger than the Northern Alliance, the combination of intensified US air strikes, the use of US SOF operating alongside the Northern Alliance on the

³⁰ Davis (note 10), p. 10.

³¹ Davis (note 10), p. 8.

³² 'Operation Enduring Freedom' (note 1), p. 50; and Davis (note 10), p. 8.

³³ Davis (note 10), pp. 8–10.

³⁴ Reports indicate that Russia supplied 60 T-55 and 40 T-62 tanks, 52 armoured infantry fighting vehicles, 30 armoured personnel carriers, artillery including 50 GRAD (Hail) multiple rocket launchers, 24 Mi-8 transport helicopters, 12 Mi-24 attack–reconnaissance helicopters, 10 000 Kalashnikov rifles and 150 tonnes of munitions, worth \$167 million. The Russian weekly journal *Vlast* cited in Willis (note 1), p. 81. The USA paid Russia about \$10 million for the weapons. Woodward, B., *Bush at War* (Simon & Schuster: New York, 2002), p. 290.

³⁵ International Institute for Strategic Studies (note 21), p. 240.

ground to guide those air strikes, and Russian equipment and support triggered a rout of Taliban forces in November. The withdrawal of the Pakistani Inter-Services Intelligence (ISI) agency, which had played a central role in moulding the Taliban into an effective fighting force and coordinating its successful military campaigns in the late 1990s, may also have greatly weakened the Taliban in military terms. The initial focus was the northern town of Mazar-i-Sharif, strategically important because it provided control of access to the Friendship Bridge between Afghanistan and Uzbekistan—a key means of bringing military supplies and humanitarian aid into the country. In the week to 9 November, two-thirds of all US munitions dropped on Afghanistan fell on the Taliban forces in Mazar-i-Sharif.³⁶ In the face of this onslaught Taliban defences collapsed and Northern Alliance forces took Mazar-i-Sharif on 9 November. Once Mazar-i-Sharif had fallen, the Taliban began to unravel as a political and military force. In the next few days Northern Alliance forces took towns across northern and central Afghanistan, including Samangan, Bamian, Taloqan, Baghlan, Pul-e Khumri, Herat and Shindand. In many cases, rather than fight, Taliban forces fled, surrendered, negotiated deals with the Northern Alliance or simply swapped sides. The USA supplied significant funds to ‘buy off’ Taliban commanders and soldiers, helping to alter the political and military situation on the ground.³⁷ By this point Northern Alliance forces had reached the areas north of Kabul and US air strikes were putting pressure on the front-line Taliban positions there. Under pressure from the USA and Pakistan, the Northern Alliance agreed not to enter Kabul until the details of a new government had been agreed. However, on 12 November the Northern Alliance reneged on its commitment and 2000 of its troops entered Kabul, taking control of key buildings as Taliban and al-Qaeda forces fled. On 15 November the eastern town of Jalalabad also fell to the Northern Alliance.

Two major concentrations of Taliban and al-Qaeda forces remained—the northern city of Kunduz and the Taliban’s home city of Kandahar in the south. At Kunduz about 20 000 Taliban/al-Qaeda soldiers remained, including several thousand foreign fighters considered to be among the hard core of the most committed Taliban/al-Qaeda members. By mid-November Kunduz was surrounded by Northern Alliance forces under the command of General Dostum and the USA was undertaking heavy bombardment of the city. Northern Alliance forces held talks with the Taliban/al-Qaeda fighters, giving them a deadline to surrender, but no agreement was reached. On 22 November Northern Alliance forces initiated military action in Kunduz, taking control of the city over the next few days, amid reports of summary executions and atrocities. The majority of Taliban forces surrendered or swapped sides but the foreign fighters put up sustained resistance. Several thousand Taliban and al-Qaeda fighters were taken prisoner.

After the fall of Kunduz on 24 November, attention shifted to Kandahar, with US aircraft continuing to bomb Taliban forces in the city. By the begin-

³⁶ Davis (note 10), pp. 8–11.

³⁷ Woodward (note 34), pp. 298–99.

ning of December, Northern Alliance forces were approaching Kandahar from the north but were far from their bases of support there. At the same time, various groups of Pashtun forces loyal to different leaders had re-emerged in the south and/or defected from the Taliban, and tensions were emerging over who would regain control of Kandahar. On 26 November about 1000 US marines established a forward airbase, Camp Rhino, south-east of Kandahar, bringing in transport helicopters, attack helicopters, vertical take-off and landing jet aircraft and armoured personnel carriers—the largest deployment of US ground forces in the conflict up to that point.

In this confusing context, Pashtun leaders initiated negotiations with the Taliban.³⁸ The Taliban surrendered and withdrew from Kandahar on 7 December 2001, with Gul Agha Sherzai, the governor of the city until the Taliban took control of it in 1994, reappointed as governor under an agreement between the various local Pashtun factions.³⁹ Despite the USA's insistence that Taliban leader Mullah Mohammad Omar be detained, and the presence of US marines nearby, Omar appears to have escaped from or been permitted to leave Kandahar at this point. The surrender of Kandahar was the fall of the last significant city under Taliban control. The regime had therefore totally collapsed. The situation in the south of the country, however, remained chaotic. As one observer put it, 'This is no-man's-land, controlled neither by the Taliban nor the Northern Alliance, a lawless place where anything goes and fact is difficult to distinguish from fear'.⁴⁰

With the Taliban regime removed from power, the Taliban and al-Qaeda leadership and the remaining core of Taliban/al-Qaeda fighters became the USA's priority. About 1200 fighters, believed to include bin Laden and possibly Mullah Omar, were reported to be hiding in a complex of caves and tunnels near Tora Bora and Khost in the White Mountains close to the Afghan border with Pakistan. In December 2001, the USA initiated heavy bombing of the Tora Bora cave complex with B-52 bombers, including the use of highly destructive fuel-air explosives. The USA also formed alliances with local factions, mobilizing a force of about 1500 soldiers to attack the Taliban/al-Qaeda fighters. The operations proved more prolonged and difficult than expected, with the Taliban/al-Qaeda fighters retreating higher into the mountains and the local allies of the USA proving militarily ineffective and politically unreliable. Reports suggest that negotiations between the USA's local allies and the Taliban/al-Qaeda fighters may have allowed some of the latter to escape. The USA succeeded in detaining more than 500 Taliban/al-Qaeda fighters, 300 of whom were subsequently sent to the US military base in Guantanamo Bay, Cuba. However, the US forces and their allies failed to completely encircle the Taliban/al-Qaeda fighters, allowing many of them, reportedly including

³⁸ Mallet, V. and Wolffe, R., 'Taliban to give up Kandahar', *Financial Times*, 7 Dec. 2001.

³⁹ 'Kandahar rivals broker deal', BBC News Online, 9 Dec. 2001, URL <http://news/bbc.co.uk/hi/south_asia/1700082.stm>.

⁴⁰ Baker, P., 'With Taliban gone, warlords and bandits battle in lawless south', *International Herald Tribune*, 12 Dec. 2001.

bin Laden, to escape across the border into Pakistan.⁴¹ The battle for Tora Bora was thus a significant failure in the USA's campaign to capture or kill the remaining core of Taliban/al-Qaeda fighters and key leaders, including bin Laden.

It soon became clear that the Taliban and al-Qaeda had not been entirely defeated. In March 2002 over 1000, mainly Arab, Taliban/al-Qaeda fighters regrouped in the Shahi-kot valley in north-eastern Afghanistan, near the city of Gardez. The USA's response, Operation Anaconda, was again to use heavy air strikes while working alongside local Afghan allies on the ground. An initial assault at the beginning of March by about 1000 local Afghan forces and 60 US soldiers proved unsuccessful. Three Afghans and one US soldier were killed.⁴² Fighting escalated as the USA deployed nearly 1000 troops in what the US Central Command described as a 'fight to the death'. There were an estimated 100–200 Taliban/al-Qaeda casualties.⁴³ Seven US soldiers died when their helicopter was shot down. By mid-March the USA had gained control of the Shahi-kot valley. Reports suggest that US troops were dissatisfied with the performance of their local allies, holding them responsible for the failure of the initial assault and the subsequent need to call in a much larger US ground force and intensify air strikes.⁴⁴

With the USA concerned about the danger of further Taliban/al-Qaeda attacks and doubtful of the military effectiveness of local allies, it sought increased assistance from its coalition partners. Australia, Canada, Denmark, France, Germany, New Zealand, Norway and the UK all deployed special forces in March 2002 to help in the fight against remaining Taliban/al-Qaeda forces.⁴⁵ The UK sent a force of 1700 marines to support US operations.⁴⁶ After Operation Anaconda, the USA and allied forces failed to find further concentrations of Taliban/al-Qaeda forces, creating differences between the USA and some coalition members, in particular the UK, over the scale of the threat and the necessity to maintain the special forces in Afghanistan.⁴⁷ In June the UK announced that it would be withdrawing its marines at the beginning of July, leaving the USA to take over most combat duties in Afghanistan.⁴⁸ After June 2002 the scale of US and coalition combat operations against Taliban/al-Qaeda forces was gradually wound down. In November a US Department of Defense spokesman acknowledged that 'we are going through a new

⁴¹ International Institute for Strategic Studies (note 21), pp. 245–46.

⁴² Clover, C. and Wolffe, R., 'US in fresh attack on al-Qaeda forces', *Financial Times*, 4 Mar. 2002, p. 6.

⁴³ Green, G. and Clover, C., 'Seven US troops die in Afghan operation', *Financial Times*, 5 Mar. 2002, p. 1; and Ricks, T. E., 'US puts ground troops in thick of battle', *International Herald Tribune*, 6 Mar. 2002, p. 1.

⁴⁴ Clover, C., 'US soldiers suffer bloodiest battle in region', *Financial Times*, 11 Mar. 2002, p. 4; and Clover, C., 'US claiming victory in Shahi-kot', *Financial Times*, 13 Mar. 2002, p. 6.

⁴⁵ Burger, K., 'On the ground', *Jane's Defence Weekly*, 13 Mar. 2002, p. 21.

⁴⁶ Groom, B. and Alden, E., 'UK sending 1700 troops to seek hardcore al-Qaeda', *Financial Times*, 19 Mar. 2002, p. 1.

⁴⁷ Turner, M. and Wolffe, R., 'US to keep strong force in Afghanistan', *Financial Times*, 11–12 May 2002, p. 1; and 'The invisible enemy', *The Economist*, 18 May 2002, p. 62.

⁴⁸ McGregor, R., 'US military set to take over most combat duties in Afghanistan', *Financial Times*, 24 June 2002, p. 4.

phase where it is less about combat and more about stabilization. . . . The efforts in this phase are about 75 per cent reconstruction and humanitarian, and 25 per cent security and combat operations'.⁴⁹ This compared with a roughly even split between the two types of operation three months earlier.

In late 2002 and early 2003, attacks on US forces, international representatives and the Afghan Government increased. Reports suggested that a new alliance had emerged between warlord Gulbuddin Hekmatyar and remnants of the Taliban in order to oppose the USA and the central government.⁵⁰ In January 2003, US forces and their Afghan allies came under fire at Spin Boldak south of Kandahar, near the Pakistan border.⁵¹ The USA responded to the escalating attacks on its forces with a series of operations against Hekmatyar and the Taliban's forces (including Operation Valiant Strike in March 2003, which involved 1000 US soldiers supported by helicopters and armoured vehicles).⁵²

Ethical and legal issues raised by the military operation

The US-led intervention in Afghanistan raised important ethical and legal issues. In part these were the type of dilemma involved in most military operations, but the counter-terrorist focus of Operation Enduring Freedom and the particular circumstances of the US-led intervention in Afghanistan also raised questions not encountered in other military operations. The US intervened in the internal affairs of another state in order to remove that state's government (and attack a terrorist group) because that government had allowed its territory to be used as a base for a terrorist attack against the USA, was supporting the terrorist group concerned and refused to cease its support or take steps to bring the terrorists to justice. As was noted above, the USA formally justified the intervention, in accordance with the UN Charter, as an act of self-defence 'designed to prevent and deter further attacks on the United States'.⁵³ This legal justification was supported by some international lawyers and implicitly accepted at the time by most states.⁵⁴ During 2002, however, greater significance came to be attached to Afghanistan as a possible precedent or model for a more far-reaching US doctrine of pre-emptive intervention which would extend the self-defence rationale to justify military action against suspected possessors of WMD and supporters of terrorism even where no

⁴⁹ Goldenberg, S., 'US must put Afghanistan back together', Guardian Unlimited, 21 Nov. 2002, URL <<http://www.guardian.co.uk/international/story/0,3604,844172,00.html>>.

⁵⁰ McCarthy, R., 'Old warlord threatens Afghan peace', Guardian Unlimited, 10 Feb. 2003, URL <<http://www.guardian.co.uk/international/story/0,3604,892237,00.html>>.

⁵¹ 'Battle of the caves', *The Economist*, 1 Feb. 2003, p. 52.

⁵² McCarthy, R., 'US soldiers attack mountain hideout in biggest battle for a year', Guardian Unlimited, 29 Jan. 2003, URL <<http://www.guardian.co.uk/international/story/0,3604,884248,00.html>>; and Abbas, Z., 'US forces target Taliban massing near Kandahar', Guardian Unlimited, 21 Mar. 2003, URL <<http://www.guardian.co.uk/international/story/0,3604,918753,00.html>>.

⁵³ United Nations (note 19).

⁵⁴ Greenwood, C., 'International law and "war against terrorism"', *International Affairs*, vol. 78, no. 2 (Apr. 2002), pp. 301–17.

prior damage had been inflicted or threatened against the USA itself.⁵⁵ This approach went well beyond traditionally accepted legal interpretations and was bound to cause growing concern in the light of the USA's clear determination to attack Iraq (with or without a UN mandate) in the name of similar principles.

The *conduct* of the war in Afghanistan also raised important ethical and legal issues. The unintentional killing of civilians in bombing raids raised questions about whether the USA was making sufficient efforts to avoid 'collateral damage' and to discriminate between combatants and civilians. Estimates of civilian casualties caused by the US-led intervention are controversial and range from as low as 100 to over 3600.⁵⁶ Although unintended civilian deaths are a risk in any air campaign, it has been argued that, in the Afghanistan context, civilian deaths may have resulted from the tendency of the Taliban/al-Qaeda to locate their headquarters and military bases in urban areas. It was also difficult to distinguish between combatants and civilians, given the nature of the Taliban and al-Qaeda and the faulty intelligence provided by Afghan allies of the USA. Despite these problems, it appears that the USA did make significant efforts to distinguish between combatants and civilians and avoid civilian casualties.⁵⁷

Two particular features of the US intervention in Afghanistan were distinctive and problematic: the conduct of the USA's Northern Alliance allies during the war and the issue of the treatment of Taliban/al-Qaeda prisoners. The reliance of the USA on Northern Alliance ground forces made the conduct of the war to a significant degree dependent on the behaviour of these allies rather than the USA itself. The record of the Northern Alliance on human rights and respect for the laws of war was little better than that of the Taliban (or any of the forces who have fought in Afghanistan over the past two decades). When the forces that now make up the Northern Alliance fought over and controlled much of Afghanistan in the mid-1990s, they committed human rights abuses, atrocities and acts that probably constitute war crimes under international law. During the US-led campaign of late 2001, Northern Alliance forces were again widely reported to have committed human rights abuses and atrocities that might constitute war crimes.

A number of incidents revolving around the fall of Kunduz have been particularly controversial. Kunduz and Mazar-i-Sharif were the focus of bitter conflict between the Taliban and the Northern Alliance in the late 1990s. In 1997 the Taliban and al-Qaeda attempted to take Mazar-i-Sharif but were repulsed by General Dostum's forces, resulting in the killing of hundreds of

⁵⁵ See chapter 1 in this volume; and The White House, 'The National Security Strategy of the United States of America', Washington, DC, Sep. 2002, URL <<http://www.whitehouse.gov/nsc/nss.pdf>>.

⁵⁶ Herold, M., 'Counting the dead', *Guardian Unlimited*, 8 Aug. 2002, URL <<http://www.guardian.co.uk/comment/story/0,3604,770915,00.html>>; Conetta, C., *Operation Enduring Freedom: Why a Higher Rate of Civilian Bombing Casualties*, Project on Defense Alternatives: Briefing Report 11 (Project on Defense Alternatives: Cambridge, Mass., 2002), 18 Jan. 2002 (revised 24 Jan. 2002), available at URL <<http://www.comw.org/pda/0201oef.html>>; and Roberts, A., 'Counter-terrorism, armed force and the laws of war', *Survival*, vol. 44, no. 1 (spring 2002), pp. 18–19.

⁵⁷ Roberts (note 56), pp. 19–20.

Taliban soldiers. In 1998 the Taliban and al-Qaeda succeeded in taking Mazar-i-Sharif. The ‘worst single massacre in the entire history of modern Afghanistan’ followed when 2000 or more people were killed in three days.⁵⁸ There was therefore a strong legacy of bitterness between the hard-core Taliban/al-Qaeda loyalists holding Kunduz (in particular the non-Afghan Arabs who were al-Qaeda’s shock troops) and General Dostum’s forces. When the Northern Alliance took Kunduz on 24 November 2001 there were reports of summary executions and atrocities. With US forces working closely alongside the Northern Alliance, there are questions about how much the US forces knew, whether they should have done more to restrain their allies and to what extent they may have been complicit in the commission of such acts.

On 25 November a revolt broke out at Qala-e-Jangi fort, near Mazar-i-Sharif, where the Northern Alliance was holding prisoner 500–600 Taliban/al-Qaeda fighters from Kunduz. Prisoners appear to have broken loose, gained access to a nearby store of arms and confronted their Northern Alliance captors, who could not control them. US and British special forces and aircraft were called in to quell the uprising. Over three days, 200 Taliban/al-Qaeda fighters, over 40 Northern Alliance soldiers and a Central Intelligence Agency operative were killed.⁵⁹ Some reports implied that these events constituted a massacre in which the USA and its allies used excessive force. Others argued that the failure of the Northern Alliance and US forces to prepare adequately for the holding of large numbers of prisoners created circumstances in which the use of substantial force was the only means available to regain control of the prison.⁶⁰

Media reports also indicated that up to 3000 of 8000 fighters who surrendered to the Northern Alliance at Kunduz in November were transported in sealed containers to Sheberghan prison near Mazar-i-Sharif and either suffocated or were shot and then buried in a mass grave.⁶¹ It is further alleged that General Dostum and his forces deliberately killed the prisoners, subsequently imprisoned, tortured and executed witnesses to the massacre and could therefore be guilty of war crimes.⁶² US forces’ possible knowledge and complicity again became an issue.⁶³ Although the UN has undertaken some preliminary investigations, calls for a more comprehensive international investigation have so far not been followed up.

⁵⁸ Maley (note 4), pp. 229–30 and 239–40.

⁵⁹ Ridd, G. and Billingsley, D., ‘The battle for Qala-e-Jangi’, *Jane’s Intelligence Review*, vol. 14, no. 2 (Feb. 2002), pp. 12–13.

⁶⁰ Roberts (note 56), pp. 20–21.

⁶¹ Rivais, R., ‘US troops accused of war crimes against Taliban’, *Guardian Weekly*, 27 June–3 July 2002, ‘Dead on arrival’, *The Economist*, 24 Aug. 2002, p. 46; and Harding, L., ‘Afghan massacre haunts Pentagon’, *Guardian Unlimited*, 14 Sep. 2002, URL <<http://www.guardian.co.uk/international/story/0,3604,791840,00.html>>.

⁶² Pitman, T., ‘Warlord to meet UN war crime unit’, *Guardian Unlimited*, 2 Sep. 2002, URL <<http://www.guardian.co.uk/international/story/0,3604,784451,00.html>>; and McCarthy, R., ‘US Afghan ally “tortured witnesses to his war crimes”’, *Guardian Unlimited*, 18 Nov. 2002, URL <<http://www.guardian.co.uk/international/story/0,3604,842082,00.html>>.

⁶³ Harding (note 61); and Rivais (note 61).

The capture of Taliban/al-Qaeda prisoners by the USA and their removal to the US military base at Guantanamo Bay raised important questions about the status and treatment of such prisoners, in particular whether they should be given the formal status of prisoners of war (POWs) or treated as such even if they were not entitled to such formal recognition.⁶⁴ The USA took the position that both Taliban fighters and al-Qaeda terrorists were either 'unlawful combatants' or 'battlefield detainees' rather than POWs, since neither were part of a recognized military. The logical corollary that the 1949 Geneva Convention, III,⁶⁵ regarding the treatment of POWs did not apply to Taliban and al-Qaeda prisoners, along with some statements by US officials on the issue, provoked significant international criticism. In response to this criticism, President Bush announced in February 2002 that, while they were not formally POWs, Taliban fighters would be granted the protections of the Geneva Convention. As members of an international terrorist group, al-Qaeda members would not be formally granted these protections but would be given the same 'good treatment' as Taliban fighters.⁶⁶ However, these clarifications did not remove all concerns and disputes, notably over individuals who were third country nationals.

The reports of atrocities, the mistreatment of prisoners, and the reluctance of the USA to grant the protections of the Geneva Conventions to Taliban and al-Qaeda prisoners raise serious concerns about support for and the application of the international laws of war by both the USA and its allies. For all their imperfections, the laws of war remain a vital constraint on the behaviour of armed forces in conflicts. To the extent that the wider US-led 'war on terrorism' is also about winning 'hearts and minds' in the non-Western world, respecting the laws of war may be an important standard by which the USA and its allies will be judged. The incidents also provide concrete instances of the new contradictions and challenges created in international humanitarian law by conflicts in which terrorists and their supporters are the adversary.⁶⁷

IV. The Bonn process, ISAF and UNAMA

When it became clear in November 2001 that the Taliban regime was collapsing, the establishment of a political and security framework for post-Taliban Afghanistan became a matter of urgency. The various opposition groups had been engaged in discussions, with the support of the USA and the UN, since September. There was consensus that a Loya Jirga should be held but no agreement on the make-up of any new government, and tensions con-

⁶⁴ Roberts (note 56), pp. 20–26.

⁶⁵ Geneva Convention (III) Relative to the Treatment of Prisoners of War, which entered into force on 21 Oct. 1959, is available at URL <<http://193.194.138.190/html/menu3/b/91.htm>>.

⁶⁶ Allen, M. and Mintz, J., 'Geneva rules apply to captive Taliban', *International Herald Tribune*, 8 Feb. 2002, p. 1.

⁶⁷ See essay 1 in this volume for a discussion of international definitions of terrorism.

tinued between the various groups.⁶⁸ In November 2001 events on the ground in Afghanistan outpaced the political discussions about the country's future. The Northern Alliance's rapid sweep across northern Afghanistan and entrance into Kabul gave the Tajik- and Uzbek-dominated group de facto control of much of the country, including the capital and the institutions of central government—to the extent that these could be said to exist at all. The Northern Alliance seized government buildings, appointed its leaders Muhammad Qassem Fahim, Muhammad Yunus Qanooni and Abdullah Abdullah as ministers of defence, interior and foreign affairs, respectively, and opposed efforts to establish a more broadly based government.⁶⁹

Under international pressure, the Northern Alliance eventually agreed to participate in talks with other groups about a new government. The Special Representative of the UN Secretary-General for Afghanistan, Lakhdar Brahimi, brought together four key groups—the Northern Alliance; the Rome Group, which in effect represented the ethnic Pashtun population; a Cyprus-based group supported by Iran; and a Peshawar-based group supported by Pakistan—for negotiations in Bonn from 27 November to 5 December.⁷⁰ The resulting Bonn Agreement created a new interim government for Afghanistan and laid out a longer-term political process for the country.⁷¹ The Bonn Agreement established a new government—the Interim Authority—to last for six months from 22 December 2001. The Interim Authority was to be responsible for the day-to-day government of Afghanistan and establishing a number of institutions to help rebuild the state, including a Central Bank, a Civil Service Commission and a Human Rights Commission. The agreement also contained provision for an emergency Loya Jirga, to be convened by June 2002, to decide on a Transitional Authority to provide a 'broadly based transitional administration' to govern Afghanistan. A Special Independent Commission for the Convening of the Emergency Loya Jirga was to be established by the Interim Authority to determine the procedures shaping the composition of the emergency Loya Jirga. There was a commitment in the agreement to establish a 'fully representative government' through 'free and fair elections' to be held no later than two years after the emergency Loya Jirga (i.e., by June 2004) and a commitment to establish a Constitutional Loya Jirga, to be convened within 18 months of the establishment of the Transitional Authority, to adopt a new constitution for Afghanistan. The Transitional Authority was also to establish, within two months of its commencement, a Constitutional Commission to help prepare the new constitution. Finally, the Bonn Agreement contained a request to the UN Security Council to authorize the early deploy-

⁶⁸ Henneberger, M., 'Afghan rebels set takeover plan', *International Herald Tribune*, 2 Oct. 2001; and 'Deal to oust Taleban sealed', BBC News Online, 2 Oct. 2001, URL <http://news.bbc.co.uk/2/hi/south_asia/1573580.stm>.

⁶⁹ International Institute for Strategic Studies (note 21), p. 247.

⁷⁰ United Nations, 'Afghanistan: UN talks on Afghanistan, Bonn, 27 November–5 December, 2001', URL <<http://www.uno.de/frieden/index.cfm?ctg=talks&par=afghanistan>>.

⁷¹ United Nations, Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, UN document S/2001/1154, 5 Dec. 2001, available at URL <<http://www.uno.de/frieden/afghanistan/talks/agreement.htm>>.

ment of an international force (discussed below) to 'assist in the maintenance of security for Kabul and its surrounding areas'.

During the negotiations in Bonn, the issue of the leadership and composition of the Interim Authority proved particularly controversial. The Northern Alliance pressed for Burhanuddin Rabbani (who had been president when it controlled Kabul in the early 1990s) to be Chairman of the Interim Authority and threatened not to recognize it. The Rome Group wanted the former king Zahir Shah to be made chair. Under US pressure, both groups were persuaded to accept the ethnic Pashtun Hamid Karzai as chairman—a compromise candidate who was acceptable to most parties and had long-standing links to the USA. However, the composition of the Interim Administration reflected the dominant position of the Northern Alliance on the ground, with the Alliance gaining 17 of 30 cabinet positions (including Fahim, Qanooni and Abdullah, who retained their positions), the Rome Group eight, and the Cyprus and Peshawar groups one each.

The Interim Authority and the emergency Loya Jirga

As mandated by the Bonn Agreement, the Interim Authority took power on 22 December 2001. The Authority and Chairman Karzai faced enormous challenges. The commitment of both Northern Alliance and southern Pashtun leaders to the Authority and the Bonn process was questionable. In the wake of the collapse of the Taliban, regional leaders were reasserting their power across much of Afghanistan and the remit of the Interim Authority was not effective beyond Kabul. After two decades of war, the normal institutions of state—government ministries and local government; police, judiciary and a legal system; tax collection and public finances; and armed forces—were virtually non-existent. Twenty years of war had also destroyed much of the country's economy and infrastructure. There were massive humanitarian problems. Even before the USA began military operations, an estimated 5 million people required humanitarian assistance, 3.8 million people relied on UN food aid to survive, and tens of thousands of people had been displaced and were seeking safety.⁷²

The Interim Authority began the process of rebuilding the Afghan state and socio-economic infrastructure. It took control of or re-established government ministries, beginning to put programmes for their development in place. With international support, it began to pay the salaries of civil servants and teachers in Kabul and some provinces. It also established the Human Rights Commission and a Judicial Commission mandated in the Bonn Agreement, although the creation of a Civil Service Commission was delayed. The Interim Authority developed plans for a new 80 000-strong national army. Training of soldiers for the new army was initiated with the support of France, the UK and the USA. Efforts to establish a national police force were also initiated, with

⁷² United Nations, 'In Afghanistan, a population in crisis', Press Release AFG/45 ORG/1336, 24 Sep. 2001, URL <<http://www.un.org/News/Press/docs/2001/afg145.doc.htm>>.

Germany acting as the lead nation in providing international support. In April 2002 the Interim Administration presented a National Development Framework to the international donor community, laying out specific programmes for economic development. A new currency was introduced in October 2002 as part of efforts to stabilize and gain control over the war-ravaged economy.⁷³ With the support of the Office of the United Nations High Commissioner for Refugees, more than one million refugees returned to Afghanistan.⁷⁴

The biggest achievement of the Interim Administration was the holding of the emergency Loya Jirga in June 2002. The process of selecting about 1000 delegates was managed by the Special Independent Commission for the Convening of the Emergency Loya Jirga, supported by the UN and international monitors. Delegates were selected by 390 district assemblies, involving a significant amount of public participation, although there were also efforts to use intimidation and bribery to shape the selection process. The Interim Administration also invited leading national figures and regional governors to participate in the Loya Jirga, and local military commanders took part. Over 1500 delegates met in Kabul on 11–19 June 2002. ISAF and the Interim Administration cooperated to provide security.⁷⁵

The primary purpose of the emergency Loya Jirga was to establish the Transitional Authority to run Afghanistan until the elections scheduled for 2004. The Loya Jirga was preceded by tensions over the leadership and make-up of the Transitional Authority. Zahir Shah, the former king, had returned to Afghanistan in April, provoking fears in the Northern Alliance of a possible bid for power by Zahir Shah and his allies. Northern Alliance leaders warned that 'If the [former] king stands as president and is elected that will mean civil war'.⁷⁶ Immediately before the Loya Jirga, his entourage indicated that the former king might stand for president. Fearing violence, the USA forced him to back down, generating resentment among the Pashtun community.⁷⁷ Karzai remained the compromise candidate and was overwhelmingly elected president in a secret ballot. The Northern Alliance retained a dominant role in the new authority, with Abdullah and Fahim remaining foreign and defence ministers, and Northern Alliance commanders appointed as the three vice-presidents. UN Secretary-General Kofi Annan argued that the fact that the Loya Jirga took place at all was 'a significant achievement' and that it 'constituted a representative sampling of Afghan society', but also noted that Karzai had come under intense pressure in selecting the members of the Transitional Administration and that 'many observers were disappointed at the inclusion of warlords and faction leaders'.⁷⁸ Some delegates to the Loya Jirga

⁷³ The new currency will still be called the afghani but, at launch, was worth 1000 of the old currency.

⁷⁴ United Nations, The situation in Afghanistan and its implications for international peace and security, report of the Secretary-General, UN document A/56/1000-S/2002/737, 11 July 2002.

⁷⁵ The situation in Afghanistan (note 74).

⁷⁶ Davis, A., 'Karzai struggles to consolidate Afghanistan's fragile peace', *Jane's Intelligence Review*, vol. 14, no. 8 (Aug. 2002), p. 20.

⁷⁷ Davis (note 10), pp. 20–1

⁷⁸ The situation in Afghanistan (note 74).

were more blunt: 'This is worse than our worst expectations. The warlords have been promoted and the professionals kicked out. . . . A small group of Northern Alliance chieftains led by the Panjshiris decided everything behind closed doors and then dispatched Mr Karzai to give us the bad news'.⁷⁹

International engagement

The chaotic situation in Afghanistan after the fall of the Taliban and the continuing divisions and risk of conflict between different groups raised the question of how far the international community should take a central role in providing for security and supporting, or even running, the administration of the country until a more durable basis for peace and stability could be established. In a number of other post-war situations during the 1980s and 1990s, such as in Cambodia, East Timor, El Salvador, Mozambique, and Yugoslavia, the international community, working through various combinations of the UN, regional organizations and ad hoc arrangements, had deployed large peacekeeping forces to provide for security and supported, or even entirely taken over, the administration of territories.⁸⁰ The USA itself was clearly not willing to play this role in Afghanistan, while the country's long history of fighting foreign 'occupiers' and over a decade of civil war suggested that any international force and administration might face significant opposition and struggle to hold the country together. The UN's experience of attempting to mediate between the various Afghan factions since the Soviet withdrawal in 1989 had also not been a happy one. There was little willingness on the part of the international community to deploy a large, countrywide peacekeeping force or to establish any form of international administration. The Bonn process was thus predicated from the start on Afghans playing the leading role in the political reconstruction of the country, with the UN and other international actors limited to a supporting role. This has been described as the 'light footprint' approach, with supporters arguing that it will facilitate Afghan ownership of the peace process.⁸¹

Nonetheless, there was consensus that a more limited international security force should be deployed, at a minimum, to help maintain order in Kabul and support the new Afghan Government. Northern Alliance leaders, however, indicated that they would not welcome a peacekeeping force. When the UK tried in mid-November 2001 to deploy 100 troops at Bagram airport north of Kabul, as the first stage of a peacekeeping effort, they were forced to retreat in the face of Northern Alliance opposition. At the Bonn talks, under strong international pressure, the Northern Alliance agreed to accept an international force but with a remit limited to Kabul and its environs. On the basis of the

⁷⁹ Zakhilwal, O. and Niazi, A., 'The warlords win in Kabul', *New York Times*, 21 June 2002, section A, p. 21.

⁸⁰ Caplan, R., *A New Trusteeship? The International Administration of War-torn Territories*, Adelphi Paper 341 (Oxford University Press: Oxford, 2002).

⁸¹ Chesterman, S., 'Walking softly in Afghanistan: the future of UN state-building', *Survival*, vol. 44, no. 3 (autumn 2002), pp. 37–46.

Bonn Agreement, on 20 December 2001 the UN Security Council authorized the establishment of an International Security Assistance Force (ISAF) 'to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas'.⁸² ISAF was created under Chapter VII of the UN Charter, which deals with enforcement actions, and mandated to 'take all necessary measures to fulfill its mandate'. ISAF operates under the command and control of the participating states, rather than the UN, and is therefore not a UN operation as such.⁸³

The British Government, which was more sympathetic to nation building than the Bush Administration, agreed to provide core forces and take command of ISAF in its initial phase. The majority of troops for ISAF were provided by European states, with the force standing at 4841 personnel by March 2002.⁸⁴ The operation of ISAF is governed by a military technical agreement concluded between the force and the Afghan Interim Authority.⁸⁵ In addition to the Security Council mandate to assist the Interim Authority 'in the maintenance of security in Kabul and its surrounding areas', ISAF's roles are to assist in developing future security structures, to assist in reconstruction and to identify and arrange training and assistance tasks for future Afghan security forces. Under the agreement the Interim Authority agreed to make 'strenuous efforts to co-operate with ISAF' and return all military units based in Kabul to designated barracks. A Joint Co-ordinating Body was established to provide for cooperation between ISAF and the Interim Authority. The military technical agreement also gives ISAF complete and unimpeded freedom of movement throughout the territory and airspace of Afghanistan.

The initial Security Council mandate for ISAF was for only six months, until June 2002, but with the situation in Afghanistan remaining fragile the need for the force remained.⁸⁶ By this stage, the UK was unwilling to make a longer-term commitment to command and provide the largest contribution to ISAF. In April 2002 Turkey announced that it would take over the command of ISAF for six months. In May the Security Council extended ISAF's initial mandate for a further six months and in June Turkey took over command.⁸⁷ Although the total force size remained broadly the same (at 4829 troops by December 2002), the UK reduced its contribution to ISAF, while Turkey and Germany became the largest contributors.⁸⁸ In November 2002 the Security

⁸² UN Security Council Resolution 1386, 20 Dec. 2001.

⁸³ See chapter 3 in this volume

⁸⁴ Personnel contributions as of 7 Mar. 2002 were: Austria, 56; Bulgaria, 32; Denmark, 47; Finland, 46; France, 499; Germany, 879; Greece, 121; Italy, 357; the Netherlands, 218; New Zealand, 7; Norway, 27; Portugal, 8; Romania, 26; Spain, 340; Sweden, 40; Turkey, 275; and the UK, 1863. See 'International Security Assistance Force, Updated 1 May 1 2002', Centre for Defense Information, URL <<http://www.cdi.org/terrorism/ISAF0502-pr.cfm>>.

⁸⁵ United Nations, Military Technical Agreement between the International Security Assistance Force (ISAF) and the Interim Administration of Afghanistan ('Interim Administration'), 25 Jan. 2002, UN Security Council document S/2002/117, available at URL <<http://www.operations.mod.uk/isafmta.doc>>.

⁸⁶ UN Security Council Resolution 1386, 20 Dec. 2001.

⁸⁷ UN Security Council Resolution 1413, 23 May 2002; and UN Security Council Resolution 1444, 27 Nov. 2002.

⁸⁸ Personnel contributions as of 4 Dec. 2002 were as follows: Albania, 30; Austria, 72; Azerbaijan, 30; Bulgaria, 27; Czech Republic, 133; Denmark, 37; Finland, 43; France, 454; the Former Yugoslav

Council agreed to extend ISAF's mandate for a further year to the end of 2003 and in February 2003 Germany and the Netherlands jointly took over command of ISAF.⁸⁹ Significantly, NATO provided help to Germany and the Netherlands in force planning (including the hosting of an international force-generation conference in November 2002), intelligence, coordination and information sharing, and communications.⁹⁰ In April 2003 it was agreed that NATO as an institution should take command responsibility at the end of the German/Dutch term, albeit not under the NATO flag.⁹¹

As of early 2003, ISAF had made significant progress in contributing to security and stability in Kabul and its environs and had developed a good working relationship with the Transitional Administration. ISAF worked closely with the Interim Authority in providing for security during the emergency Loya Jirga in June 2002, contributing to the successful holding of the meeting and the avoidance of major violent incidents (although missiles were fired at residential areas distant from the site where the Loya Jirga took place).⁹² ISAF made measurable headway with the confiscation of arms (more than 175 000 unguided missiles, mines, and anti-tank and anti-aircraft missiles); training Afghan security forces under the authority of the Transitional Administration; rebuilding city infrastructure; and cultivating good relations with the population. In November 2002 the night curfew in Kabul was lifted for the first time since 1979. Significantly, the only ISAF casualties up to early 2003 were seven German soldiers killed in a helicopter crash.⁹³ Nevertheless, ISAF was unable to prevent a number of worrying incidents including: the beating to death of the Interim Minister of Aviation and Tourism Dr Abdul Rahman, in February 2002; the assassination of Transitional Vice-President and Minister for Public Works Haji Abdul Qadir in July; a bomb explosion near the main UN guesthouse in Kabul in August; a bomb in Kabul in September 2002 that killed 20 people; a hand grenade attack on an ISAF compound in December 2002; and a number of missile attacks on the city from the hills beyond ISAF's area of responsibility.⁹⁴ Perhaps more significantly, however, the primary challenges to security and stability within Afghanistan remain the warlords, and their forces, beyond Kabul—where ISAF's mandate does *not* run—who oppose the central government.

Republic of Macedonia, 2; Germany, 1139; Greece, 123; Ireland, 7; Italy, 442; Lithuania, 4; the Netherlands, 222; New Zealand, 3; Norway, 17; Romania, 35; Spain, 268; Sweden, 31; Turkey, 1331; and the UK, 379. See International Security Assistance Force, Centre for Defense Information, 17 Dec. 2002, URL <http://www.cdi.org/terrorism/isaf_dec02-pr.cfm>.

⁸⁹ UN Security Council Resolution 1444, 27 Nov. 2002.

⁹⁰ 'NATO to support ISAF 3', 27 Nov. 2002, NATO Update, URL <<http://www.nato.int/docu/update/2002/11-november/e1127a.htm>>; and Richburg, K. B., 'NATO quietly slips into Afghan mission, first step beyond traditional bounds', *Washington Post*, 12 Dec. 2002, p. A36.

⁹¹ UN OCHA, Integrated Regional Information Network, 'Afghanistan: NATO to take over command of ISAF', 17 Apr. 2003, URL <<http://www.reliefweb.int/w/rwb.nsf/0/7adba03ab7d928b085256d0b0075ef29?OpenDocument>>.

⁹² The situation in Afghanistan (note 74).

⁹³ United Nations, 'Quarterly report on International Security Assistance Force operations 1 Nov. 2002–10 Feb. 2003', 21 Feb. 2003, UN Security Council document S/2003/210.

⁹⁴ UN Assistance Mission in Afghanistan, 'About UNAMA: security sector', URL <<http://www.unama-afg.org/about/security/security.html>>; and Quarterly report (note 93)

The UN has also played an important role in supporting political and economic reconstruction efforts in post-Taliban Afghanistan. The UN has been involved in peace-building efforts in Afghanistan since the 1979 Soviet invasion, with a series of representatives of successive UN secretaries-general playing key diplomatic roles in efforts to broker peace.⁹⁵ In the late 1990s and up until 11 September 2001, the secretary-general's special representative and the UN Special Mission to Afghanistan (UNAMA), which had been working in Afghanistan since 1993, sought to promote a peace settlement among the various Afghan factions and to persuade the Taliban to cease their support for terrorism and surrender bin Laden.⁹⁶ In October 2001, Annan reappointed Lakhdar Brahimi (who held the same position in 1997–99) as his special representative with overall authority for the UN's humanitarian and political efforts in Afghanistan. Brahimi played a key role in organizing and brokering the Bonn talks, and was mandated to 'monitor and assist in the implementation of all aspects' of the Bonn Agreement and to investigate human rights violations, recommend corrective action, and develop and implement a human rights education programme.⁹⁷

In recognition of the UN's expanding role in supporting the Interim Administration, in March 2002 the Security Council mandated a new UN Assistance Mission in Afghanistan (UNAMA) with some 500 staff of whom some 350 were recruited locally. UNAMA's role is to promote national reconciliation, support the development of the Afghan administration, support economic reconstruction and development, and coordinate the activities of the various UN funds and programmes.⁹⁸

UNAMA's role broadly falls into two categories: political engagement designed to support the Bonn process and the development of a sustainable nationwide political system; and relief, recovery and reconstruction work aiming to address both short-term humanitarian needs and long-term socio-economic development. UNAMA provided political and logistical support for the emergency Loya Jirga and is supporting the work of the Constitutional Commission, as well as preparations for the 2004 elections. It also maintains dialogue with political leaders, political parties and civil society groups, and attempts to resolve conflicts between them. In the area of human rights, UNAMA supports the Afghan Independent Human Rights Commission, monitors and investigates human rights abuses, and recommends corrective actions to the Government. It works closely with the Afghan Ministry of Women's Affairs in attempting to improve the situation for women in Afghanistan. UNAMA is also a partner with ISAF and various governments in

⁹⁵ Saikal, A., 'The UN and Afghanistan: A case of failed peacemaking intervention?', *International Peacekeeping*, vol. 3, no. 1 (spring 1996), pp. 19–34; and Maley (note 4), pp. 180–85, 189–93 and 209–13.

⁹⁶ The situation in Afghanistan (note 74), pp. 1–3; and Maley (note 4), pp. 180–85, 189–93, 209–13 and 245–48.

⁹⁷ United Nations (note 71). See also chapter 3 in this volume.

⁹⁸ See the UNAMA Internet site at URL <<http://www.unama-afg.org>>.

supporting the development of the Afghan security sector (armed forces, police and judiciary).⁹⁹

In the area of relief, recovery and reconstruction, UNAMA in effect acts as the primary coordinating mechanism for the targeting and distribution of international aid to Afghanistan. At the International Conference on Reconstruction and Assistance to Afghanistan, held in Tokyo in January 2002, UN Secretary-General Kofi Annan said that Afghanistan needed \$10 billion in assistance over the next 10 years, including \$1.3 billion to cover immediate needs for 2002. Governments at the conference pledged close to \$5 billion for the next six years. After the fall of the Taliban, UN agencies, donor states and non-governmental organizations worked to provide food aid to over 60 per cent of Afghanistan's population, supported the return of more than 1.6 million refugees and more than 600 000 internally displaced people, and initiated programmes for the provision of safe drinking water, vaccination against diseases, and the distribution of fertilizer to farmers, and a return-to-school programme for children.¹⁰⁰ The UN has also established three trust funds to channel donations. Despite these various steps, however, the disbursement of funds and hence the implementation of programmes were slower than hoped. By September 2002 only \$890 million of the \$1.8 billion pledged for that year had been disbursed, causing frustration and bottlenecks in reconstruction.¹⁰¹

Future challenges

The underlying problem facing Afghanistan—and the key challenge for President Karzai and the international community—is the combination of fragmented regional political loyalties and decentralized military power. Despite the fall of the Taliban, and the Bonn process, Afghanistan's various ethnic, clan and regional leaders and groups retain control of most political, economic and military power within the country. The central government is weak and regional leaders remain very reluctant to surrender power to it. Indeed, the Transitional Administration reflects these divisions, composed as it is of various regional leaders whose ultimate loyalties lie more with their own groups than the administration. Since the fall of the Taliban, regional leaders have reasserted their power across the country and tensions have emerged between different groups. In the absence of an effective national army, with ISAF confined to Kabul and with limited economic resources at its disposal, the ability of the Transitional Administration to assert its authority beyond Kabul is severely constrained. There is also the problem of Pashtun resentment of both the Northern Alliance's domination of the Transitional Administration and continuing US military operations in the south of the country. A number of bombing raids in southern Afghanistan, in which civilians have been killed,

⁹⁹ UNAMA Internet site (note 98).

¹⁰⁰ 'Relief, recovery and reconstruction', UNAMA Internet site, URL <<http://www.unama-afg.org/about/rrr/rrr.html>>.

¹⁰¹ UNAMA, 'Funding', UNAMA Factsheet, Kabul, Sep. 2002.

(e.g., in February and April 2003) and insensitive behaviour by US troops on the ground have further alienated the Pashtun population.¹⁰²

The fragility of Afghanistan's peace and of the Transitional Administration have been indicated by a series of attacks on key leaders and the killing in July of Vice-President Haji Abdul Qadir.¹⁰³ On 5 September gunmen attempted to assassinate President Karzai during his visit to Kandahar.¹⁰⁴ A bomb attack on the same day killed more than 20 people in Kabul. Although it is unclear exactly who was behind these attacks, they clearly indicate significant opposition to the Transitional Administration and the potential for more widespread violence. The re-emergence of Gulbuddin Hekmatyar and his apparent alliance with remnants of the Taliban in late 2002 and early 2003 also suggest a radicalization of Pashtun opposition to the central government—a worrying portent given Hekmatyar's role in the early and mid-1990s. In the event that President Karzai is killed, an intensified power struggle between the country's different factions could easily escalate into larger-scale violence.

The continuing problems of widespread insecurity and violence in Afghanistan have led to debate about whether and how the international community should do more to provide for security in the country. President Karzai has repeatedly called for the extension of ISAF's mandate beyond Kabul in order to provide security and to help the administration assert its authority elsewhere in the country. UN Secretary-General Annan has also called for a limited expansion of ISAF beyond Kabul.¹⁰⁵ The Bonn Agreement provides for the possible progressive expansion of ISAF 'to other urban centres and other areas'.¹⁰⁶ One analysis suggests expanding ISAF to approximately 18 000 troops to enable it to have a presence in major towns and cities outside Kabul and protect major road links.¹⁰⁷ However, the international community remains reluctant to take such a step. During 2002, there were reports that the USA and the UK were becoming more receptive to expanding ISAF, with the USA possibly playing a role in supporting such an expanded force but not contributing to it directly.¹⁰⁸ In practice, with the USA remaining unwilling to contribute forces, the UK withdrawing most of its forces when Turkey took over command of ISAF and attention shifting to Iraq, states were not prepared to make significant new contributions to ISAF. One possible sign of an alternative response was the US decision in early 2003 to create Provincial Recon-

¹⁰² 'A little less bombing please', *The Economist*, 13 July 2002, pp. 14–16; 'Up to 30 Afghans killed by allied bombing', *Guardian Unlimited*, 12 Feb. 2003, URL <<http://www.guardian.co.uk/international/story/0,3604,894050,00.html>>; and Pitman, T., 'Eleven Afghans killed after American bomb misses its target', *Guardian Unlimited*, 10 Apr. 2003, URL <<http://www.guardian.co.uk/international/story/0,3604,933299,00.html>>.

¹⁰³ Davis (note 76), pp. 20–22.

¹⁰⁴ Clover, C., Wolffe, R. and Bokhari, F., 'Gunmen try to kill Afghan president after Kabul blast', *Financial Times*, 6 Sep. 2002, p. 1; and Constable, P., 'Attack on Karzai shows how fragile his position is', *International Herald Tribune*, 7–8 Sep. 2002, p. 2.

¹⁰⁵ The situation in Afghanistan (note 74).

¹⁰⁶ United Nations (note 71).

¹⁰⁷ Durch, W. J., *Security and Peace Support in Afghanistan: Analysis and Short- to Medium-Term Options* (Henry L. Stimson Center: Washington, DC, 31 July 2002).

¹⁰⁸ Gordon, M. R., 'US now favors expanding Afghan security force', *International Herald Tribune*, 31 Aug.–1 Sep. 2002, p. 3.

struction Teams (composed of US Army Civil Affairs units and Special Operations teams, State Department officers and US Agency for International Development officials) to enhance security and stability beyond Kabul.¹⁰⁹

The international community has instead focused on supporting the Afghan Transitional Administration to develop a new national army and police force as the means of providing security beyond Kabul. Under the Bonn Agreement, after the Interim Authority assumed 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 reorganized according to the requirements of the new Afghan security and armed forces'.¹¹⁰ In reality, Afghanistan's regional and local military leaders remain unwilling to surrender their power and next to no progress has been made in achieving this goal. Even those Northern Alliance forces under the command of ministers of the Transitional Administration effectively remain under the independent control of Northern Alliance commanders. The Interim Authority and the Transitional Administration have developed plans for a new multi-ethnic national military, although there have been disputes over the size of the force and how far it should seek to integrate existing armed forces within the country.¹¹¹ ISAF, France, the UK and the USA have taken a leading role in supporting the development of the new national army. Beginning in early 2002 the USA initiated an 18-month training programme with a target to train 11 500 troops.¹¹²

Even with international support, this programme lacks a clear plan for the demobilization of the various existing military forces or for their integration into the new army. Training courses provided by external states are of short duration and money to support the new army is also very limited, undermining both its likely military effectiveness and the ability of the Transitional Administration to maintain the loyalty of poorly paid soldiers. The key political challenge remains to create a force loyal to the new central government. Even under the most optimistic scenario, in which a new national army is gradually established, the ability of that force to provide security for the country as a whole or to support the government in asserting its authority is likely to be very limited for at least the next few years.

Against this background, the negotiations for a new constitution and the democratic elections planned for June 2004 will be a crucial test for the future of Afghanistan. President Karzai and the international community will continue to face a difficult challenge in maintaining support for the Transitional Administration and limiting violence until the elections. Regional leaders and groups are likely to use violence, intimidation or bribery in an attempt to influence the outcome of the elections or even halt them altogether. Leaders or groups facing electoral defeat may reject their legitimacy. Post-election nego-

¹⁰⁹ US Department of State, 'Security situation in Afghanistan', Press Statement, Washington, DC, 1 Apr. 2003, URL <<http://www.state.gov/r/pa/prs/ps/2003/19252.htm>>.

¹¹⁰ United Nations (note 71).

¹¹¹ Manuel, A. and Singer, P. W., 'A new model Afghan army', *Foreign Affairs*, vol. 81, no. 4 (July/Aug. 2002), pp. 44–59.

¹¹² The situation in Afghanistan (note 74).

tiations over both a new central government and the balance of power between that government and regional authorities will in any case be difficult and could cause a breakdown of the political process and a return to violence. If the Bonn process and the 2004 elections are to produce a more durable peace, continued international support for President Karzai and the Transitional Administration, for the fairness of the ensuing elections, and for the consolidation (political and economic) of the successor government will be crucial.

V. Conclusions

In terms of its immediate goals, the US-led intervention in Afghanistan from October 2001 was in many ways a remarkable success. Within two months the USA succeeded in destroying terrorist bases in Afghanistan, dismantling most of al-Qaeda's infrastructure in the country and removing the Taliban regime from power. Furthermore, the USA achieved this without deploying large numbers of US ground forces, being drawn into a quagmire or suffering significant casualties. Although figures on Afghan casualties remain contentious, the most pessimistic forecasts for civilian casualties proved inaccurate and the predicted region-wide humanitarian disaster was avoided. The defeat of the Taliban also brought an end to its extreme form of Islamic rule and, arguably, an improvement in the lives of most Afghans. It is widely assumed that these successful aspects of the intervention in Afghanistan encouraged the USA to attempt a similar regime change operation in Iraq in April 2003.

However, the relative success of the US-led military intervention was made possible by the very particular set of circumstances in Afghanistan at the end of 2001. The September 2001 terrorist attacks resulted in the formation of an unprecedentedly broad international coalition in support of the USA and against terrorism. They also gave al-Qaeda and the Taliban a particularly extreme international pariah status, to the extent that their few remaining backers, and Pakistan and Saudi Arabia in particular, withdrew their support. In conventional military terms the Taliban and al-Qaeda were very weak, especially when faced with the full might of the US military. In the Northern Alliance the USA had a ready military ally on the ground—one quickly reinforced by Russian arms and support. By 2001, despite its initial claims to have brought order to Afghanistan, the Taliban regime was also increasingly unpopular within the country. Future counter-terrorist operations may be different in character and face different circumstances—they may involve counter-insurgency rather than regime change, they may not have such widespread domestic, international and regional support, and they could encounter significant opposition within the countries targeted.

The US-led intervention in Afghanistan and the subsequent peace-building and peacekeeping efforts highlight the limitations and dilemmas of such operations and the potentially problematic relationship between them. First, despite the successful overthrow of the Taliban and dismantlement of al-Qaeda infrastructure, key Taliban and al-Qaeda leaders (probably including

bin Laden and possibly Mullah Omar) and significant numbers of al-Qaeda/Taliban fighters remain at large. International terrorism is an ongoing challenge requiring a multitude of long-term responses. It is not something that can be decisively defeated at any one place or time.

Second, ongoing instability within Afghanistan, continuing attacks on US forces, Pashtun opposition to the US military presence, and reports that remnants of the Taliban and al-Qaeda may be coalescing under the leadership of Gulbuddin Hekmatyar suggest that the emergence of a 'new' anti-US group incorporating parts of the Taliban and al-Qaeda is a distinct possibility in southern Afghanistan. How to interpret, respond to and manage Pashtun opposition will pose significant dilemmas for both the USA and Afghanistan's central government. In particular, attempting to build support among Pashtuns in the south while continuing to counter 'terrorists' and others opposed to the central government is likely to be a difficult balancing act.

Third, developments since the fall of the Taliban illustrate the difficulties and dilemmas of peace building and peacekeeping in Afghanistan. The USA and the international community have succeeded in brokering a compromise between Afghanistan's different groups around the December 2001 Bonn peace process, but support for the new central government is weak and political and military power remains in the hands of the country's regional, ethnic and clan leaders. In this context, the international community has taken a cautious and limited approach, using diplomacy and political and economic pressure to encourage support for the central government and the Bonn peace process, and ISAF to provide security and support for the central government in Kabul, but not beyond. The continued US and international military presence in the country, and the implicit threat of US air strikes, also impose an important constraint on forces, especially in the south, that might be inclined to challenge the peace process and the central government. Tensions between US-led counter-terrorist operations and the wider international peace-building effort have not been as great as might have been expected, partly because of the limited ambition and scale of the international effort.

Some critics argue that the international community should have taken a more direct, comprehensive and forceful role in Afghanistan's political reconstruction, in particular by deploying a large, countrywide peacekeeping force and perhaps also by placing the interim administration of the country in UN hands. Such a force could have played an important role in counterbalancing the power of regional warlords and an international administration might have been able to act as a neutral arbiter capable of managing the transition to a new Afghan regime. Even such an expanded operation, however, would have faced the core problem of the decentralized and fragmented nature of political and military power in Afghanistan and the reluctance of regional leaders and warlords to surrender that power. The key to a durable peace in Afghanistan will be striking a balance between the country's different ethnic groups, and between the central government and regional leaders. Continued international support and pressure will be vital to achieving that goal, but it will ultimately depend on the Afghani people and, especially, the actions of their leaders.