REVIEW OF THE STRATEGIC FRAMEWORK FOR AFGHANISTAN

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About the Afghanistan Research and Evaluation Unit (AREU):

AREU, formerly known as the Strategic Monitoring Unit (SMU), was established in 2000 by the Afghanistan Programming Body (APB) as one component of the Strategic Framework for Afghanistan. It was conceived as an independent unit with a management board of three donor, three UN and three NGO representatives. The purpose of AREU is to conduct and facilitate quality action-oriented research that will inform policy and improve practice in order to increase the accountability and impact of humanitarian and development programs for Afghans.

Preface

This review was completed shortly before the tragic events in New York and Washington on 11 September 2001. Once again, conflict in Afghanistan epitomises global political and military developments. While the effects and consequences of these worrying developments can only be guessed, the subject of this report, the nature of the international community's engagement with Afghanistan, is now more important then ever. In particular, the relationships between political, assistance and human rights objectives and actors will once again be re-drawn. If this report succeeds in throwing light on how the relationship between these various facets of the international community's engagement in Afghanistan have been conceived in the past, and some of the ensuing problems, then it will have succeeded in making a modest contribution to this debate.

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Acronyms

ACC	Administrative Committee on Co-ordination
APB	Afghan Programming Body
ASG	Afghan Support Group
ATF	Afghanistan Task Force
CAP	Consolidated Appeal Process
CAO	Civil Affairs Officers
CAU	Civil Affairs Unit
DFID	Department for International Development (United Kingdom)
DHA	Department for Humanitarian Affairs
DPA	Department of Political Affairs
DSA	Daily Subsistence Allowance
ECHA	Executive Committee on Humanitarian Affairs
EPI	Extended Programme of Immunisation
HOR	Humanitarian Operating Requirements
HRW	Human Rights Watch
IEA	Islamic Emirate of Afghanistan
ICRC	International Committee of the Red Cross
MoU	Memorandum of Understanding
MSF	Médecins Sans Frontières.
NGO	Non-Governmental Organisation
OCHA	Office for the Co-ordination of Humanitarian Affairs (UN)
OECD	Organisation for Economic Cooperation and Development
OSAGI	Office of the Special Adviser on Gender Issues and Advancement of Women
OSGAP	Office of the Secretary General in Afghanistan and Pakistan
PEACE	Poverty Eradication and Community Empowerment
PCP	Principled Common Programming

RCB	Regional Coordinating Bodies
RC/HC	Resident Coordinator/Humanitarian Coordinator (in 1999 became UNCO)
SFA	Strategic Framework for Afghanistan
SG	Secretary-General
SMU	Strategic Monitoring Unit
SR	Special Rapporteur
SRSG	Special Representative of the Secretary-General
TETF	The Edict Task-Force
UF	United Front
UN	United Nations
UNCO	United Nations Coordinator's Office (for Afghanistan)
UNDP	United Nations Development Programme
UNGOMAP	United Nations Good Offices Mission in Afghanistan and Pakistan
UNHCR	United Nations High Commissioner for Refugees
UNHCHR	United Nations High Commissioner for Human Rights
UNOCHA	United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan
UNSECOORD	United Nations Security Coordinator
UNSMA	United Nations Special Mission for Afghanistan
WFP	World Food Programme
WHO	World Health Organisation

Executive Summary

This review was completed shortly before the tragic events in New York and Washington on 11 September 2001. This development has meant that the subject of this report, that is, the nature of the international community's engagement with Afghanistan, and how political, assistance and human rights objectives should interconnect, is now more important then ever. In throwing light on how these facets have related to each other in the past, and some of the ensuing problems, it is hoped that this report will make a modest contribution to this debate.

The Strategic Framework for Afghanistan (SFA) was formally announced in September 1998 and was designed to promote greater coherence between the assistance and political wings of the UN and its partner organisations in the interests of more effectively promoting peace and stability. The main mechanism within the SFA for guiding this process is through adherence to a number of common principles and operational modalities.

The purpose of this review was to assess the extent to which the SFA had met its aims of improving the effectiveness of the assistance programme in Afghanistan and in making progress towards building peace (UN 1998a, Appendix 1). Chapter One introduces the SFA and outlines the methodology used - largely semi-structured interviews and documentary analysis. In total, almost 80 people were interviewed in Islamabad, Peshawar, Kabul, Mazar, Faizabad, New York and Geneva.

The majority of those interviewed thought that the SFA had failed in its basic aim. The relationship between politics, assistance and rights has continued to remain difficult if not acerbic. To take one important example, in response to UN sanctions in December 2000, the Taliban restricted the activities of the UN Special Mission to Afghanistan (UNSMA) while allowing the aid wing of the UN to continue. Not only were the Taliban able to exploit the continuing antipathy between aid and politics, the silence of the aid community regarding this restriction seriously called into question the 'speaking with one voice' policy supposedly central to the SFA.

The central concern of the review team, therefore, has been why coherence has remained elusive. Rather than a technical problem of co-ordination, the main conclusion is that intrinsic and unresolved differences remain over the nature and role of politics, assistance and rights. This review attempts to examine these differences in order to contribute to further debate and reform.

Chapter Two traces the background of the SFA from the mid 1990's. At this time, the Taliban had consolidated their position, but the UN's political and aid missions were in a state of crisis having failed to have any significant impact. They were often pursuing conflicting courses of action with scant regard for each other. Externally two other developments were underway:

- The role of international assistance in conflict situations generally was subject to growing criticism and calls for reform, and;

- Reflecting this climate, the UN itself was in the process of thinking through its role and organisational structure in the new world order.

The perceived shortcomings of humanitarian action coupled with the need to promote a socially inclusive vision of peace led to increasing demands for a new approach to the management of international assistance. The SFA is a well-documented example of the significant change in the way that aid in conflict situations is organised, coordinated and managed. It sets out a new role for the UN that involves greater coherence between the political and aid missions in order to maximise the opportunities for peace.

Human rights were always integral to the SFA, but it was not until later that they were distinguished as its third institutional pillar. The SFA does not require these three pillars to merge or be brought under common management. Rather, while remaining organisationally separate, it advocates that political, assistance and human rights actors should "…inform and be informed by each other" in order to focus international engagement in Afghanistan on achieving peace.

The changing relationship between aid and politics, which lies at the heart of the coherence agenda, also led to a reconceptualisation of the concepts of peace and security. Since international insecurity is now seen as threatened by forces associated with under-development and exclusion, then the promotion of development and inclusion becomes a strategic act that contributes to global security. Aid takes on a security role insofar as its activities are thought to promote peace and stability through contributing to such things as conflict resolution

and social reconstruction. This is what this report refers to as the 'securitisation' of aid. The SFA is an example of the attempt to use aid in such a strategic manner – especially in how it has been developed by the United Nations Coordinator's Office (UNCO).

Chapter Three analyses the securitisation of aid through the attempt to 'build peace from below' or 'encourage positive attitudes among the Taliban'. This can be distinguished from the traditional political mediation role of UNSMA.

This new strategic or security role for aid is dependent on representing Afghanistan as a 'failed state'. The emotive imagery of the failed state – the collapse of political authority, social fragmentation and the isolation of local communities – has had a formative effect on the institutions of the aid community and its programmes. It justifies the attempt to use aid as a tool for conflict resolution, social reconstruction and behavioural change. For example, the failed state motif reinforces the importance of local community-based organisations in building peace from below. The leading example of this is UNDP's Poverty Eradication and Community Empowerment programme (P.E.A.C.E). At the same time state failure lends ethical justification to UNCO's claim that the UN system has to occupy the position of a 'surrogate government'. This position goes further to look at how aid may be used as a tool to socialise the Taliban through principled engagement. UNCO has conceived of principled engagement in terms of using aid as a graded system of sticks and carrots to modify behaviour. Through continuous monitoring and adjustment this system is thought capable of encouraging the more open and acceptable departments of public administration while penalising the discriminatory and authoritarian.

In relation to Afghanistan, therefore, aid securitisation is synonymous with the belief that international assistance can play a social engineering role - in this case that of building peace from below while at the same time moderating the Taliban. Such engineering has yet to bear fruit.

Rather than encouraging coherence the 'securitisation' of aid has tended to see the nature of the political and diplomatic peace-making strategies of UNSMA as problematic. A failed state delegitimises local political actors, especially elites, and therefore does not provide acceptable interlocuters and counterparts. With a certain degree of entrepreneurial drive, aid as a strategic tool of

conflict resolution and social reconstruction has filled this policy vacuum. Similarly, human rights as political rights have tended to be downplayed in favour of economic and social rights that can be proactively designed into aid programmes.

The review team is unconvinced of the accuracy of the failed state motif in relation to Afghanistan. Rather than reflecting a 'complex political emergency' the Taliban are perhaps better understood as an 'emerging political complex' - an adaptive system that relies on multiple links to local and global networks and in which new, if often illiberal, forms of economic development and political control and legitimacy are evolving. The SFA, however, has not adjusted to accommodate these developments.

The ability of aid to play a conflict resolution and social reconstruction role remains, at best, a possibility. While the theory exists, in practice performance in Afghanistan has remained elusive as the incentive and disincentive powers of aid are limited. Promoting community forms of governance in a totalitarian environment means, in effect, that the UN is encouraging a political opposition. While reflecting much development thinking, aside from the ethics and protection issues involved, it is questionable that an under-resourced and fragmented aid effort can achieve this. Similarly, expecting to be able to moderate the Taliban through the incentives/disincentives of aid is unrealistic and misjudges the nature of the Taliban.

The following three chapters examine each of the institutional pillars in turn. Chapter Four looks at the politics/aid relationship, which is characterised in Islamabad by division and animosity not unity.

There has been a UN political mission for Afghanistan since 1981 and UNSMA was established at the end of 1993. It made little headway until the end of the 1990s with, among other things, the formation of a new regional political forum (6+2 forum) and the establishment of a Civil Affairs Unit (CAU). Although relatively small, the CAU gave UNSMA a presence on the ground in Afghanistan. The Department of Political Affairs (DPA) wrote few prescriptions for the role of the CAU, but this has developed to include: official mediation with the Taliban; liaison with UN agencies and NGOs; and as observers and fact-finders compiling reports on life within Afghanistan including monitoring human rights.

There is a high level of mistrust levelled at UNSMA by the aid community. In many respects, despite the SFA and its coherence agenda, the negative attitudes of the mid 1990s persist. The review team believes that the division between politics and aid in Afghanistan is not the result of a lack of co-ordination, but is due to fundamental differences over what the nature and role of politics, assistance and human rights are thought to be. This calls into question the basic premise of the SFA, an issue that only the wider international and donor community can properly address.

Intrinsic differences exist, for example, on the nature of the Taliban and the appropriate role of aid. In contrast to the failed state motif, the political mission initially viewed the Taliban as a social and reforming movement, but more recently have changed their views to define Afghanistan under the Taliban more as a 'rogue state' requiring concerted political action. That is, an internally ruthless and totalitarian political entity with external destabilising links with opposition and terrorist groups on a region-wide basis. This 'political' view of the crisis (which is shared by actors other than UNSMA) holds that aid should be restricted to basic humanitarian assistance. Further aid, in the form of a reconstruction package, would be conditional and linked to a comprehensive peace process.

This conflicts with the view of aid being capable of playing a strategic peace building and social reconstruction role. For example, it is widely accepted that the Taliban have effectively penetrated the aid programme with informants and sympathisers at many levels. While UNSMA is concerned about this situation, UNCO/UNDP tend to take a more sanguine view. One respondent argued that Taliban involvement in community level projects could be seen as an opportunity, to expose them to developmental thinking. Differing views also exist on the security of national staff and project partners.

The result of such intrinsic differences has meant that, if anything, aid and politics have grown more distant and fractious under the SFA. It has been unable to bridge the gap between two essentially different conceptions of security and how to achieve it.

These divisions are not, however, confined to the UN system. On the contrary, they are reproduced within and among donor governments. The donor group - the Afghanistan Support Group (ASG) - for example, also divides into opposing 'development/humanitarian' and 'political' groupings that tend to want to discuss different things. A serious consideration of these differences and their implications is required. Certainly they have not been lost upon the Taliban who have exploited the divide between aid and politics, arguably to the benefit of no one but themselves.

Chapter Five examines the relationship between the assistance programme and the SFA. In order to promote the 'transition to peace' that is the primary aim of the SFA, a qualitatively different level of coordination is seen to be required amongst aid actors than would normally be the case. The complex, national-level, and long-term operations that such a strategic goal requires, in effect standing in for the 'failed state', cannot be achieved by an aid system that is disparate, short-term and project focused as is normally the case in such situations.

To implement the five key objectives of the SFA there has been a considerable amount of architectural reform aimed at making the aid effort more coherent. These reforms include: the Afghan Programming Body, and its regional counterparts the Regional Coordinating Bodies; the Afghanistan Task Force; and the Strategic Monitoring Unit. Much of the process of architectural reform was encouraged through another innovation, the Afghanistan Support Group (ASG). The ASG was not formally part of the SFA, but has come to be a key institution in the overall architecture.

In practice however, the atomistic, local, and project-level tendencies of the assistance system have proved stronger than the architectural reforms. All the various mechanisms have been adapted and adjusted so that they accommodate these tendencies. The project rules. The reforms have not delivered the strategic and nationally focussed assistance operation that was called for by the SFA.

There are a number of reasons for this. First is the question of legitimation and implementation in a failed state. Despite the failed state motif of the SFA, in the Taliban the UN is confronted with a group certain of their own legitimacy and who exercise a significant degree of control over most of Afghanistan. The legitimacy to make the sort of nation-wide policy called for by the SFA, and the machinery to implement it, are contested by UN agencies and the Taliban and are the subject of daily battles between them. These take place on a variety of issues from girls' access to schooling, to

employment of staff, to permission for projects. Given their force of arms, the Taliban enjoy a superior position.

Second is the issue of the ability of the system to engage with the Taliban in a principled way. This too has suffered from problems, in that a diffuse and agency dominated architecture has been unable to impose a common interpretation of principles. This has made impossible the already next to impossible task of reforming the Taliban through engagement that is demanded of the assistance community by the SFA.

Thirdly, the underlying dynamic of the aid system, the project/agency/donor relationship, has remained unchanged by the various reforms. The reform that would have done most to challenge this dynamic, the common fund, was rejected early on in the process by a coalition of agencies and donors. They have decided that an agency/donor relationship based around projects is more important than the coordination structures required for the SFA. Thus funding of agencies by donors does not depend on the SFA or its funding mechanism the Consolidated Appeal Process (CAP).

The SFA requires substantial changes to the way in which assistance is planned and funded. However, the diverse institutional, political and assistance agendas of both agencies and donors have prevented such a 'quantum leap' from occurring. The commendable levels of inter-agency cooperation existing in Afghanistan do not represent the kind of level and nature of planning and intervention envisioned by the SFA. A particular factor here has been the resistance of the main UN agencies - the UN cannot expect to lead if it cannot coordinate itself. However, perhaps more importantly, if such reform had occurred, would that have meant the SFA delivered better on its objectives? Given the nature of the current regime, the answer is probably no.

Chapter Six argues that the Strategic Framework has failed to overcome institutional obstacles to implement a viable strategy to promote and protect human rights. The problem is that the efforts undertaken to implement human rights principles have been within a culture of institutional relationships that is not equipped to reconcile competing priorities. Also the Office of the High Commissioner for Human Rights (OHCHR) was left out of the original SFA, and its lack of involvement in Afghanistan and failure to address the problem

of impunity has undermined efforts to advance human rights protection in the field.

The problem that continues to plague efforts to ensure better protection for human rights is that while there may be rhetorical acceptance that human rights is part of what the UN should be doing, there is little agreement on who should be doing it and how. It is essential that the UN makes protection and accountability priorities; failure to do so will continue to undermine their political and assistance strategies.

The assistance community has tended to favour some engagement with the authorities arguing that capacity building and community empowerment programmes protect Afghans' rights to livelihood, health care etc. But in the absence of serious efforts toward accountability and protection, such programmes could leave more Afghans vulnerable to abuse.

Responsibility for human rights programming, protection and monitoring within and among UN agencies based in Islamabad is diffuse, with few agreed guidelines for pooling information and developing complementary strategies. A two-pronged approach to human rights developed, where the mainstreaming human rights into the assistance programme, especially economic and social rights, can be distinguished from the monitoring of the human rights situation, including political rights and specific abuses. This approach has contributed to divisions between UNSMA and UNCO on how to address human rights - while the CAU ultimately took on some of the characteristics of the latter approach, the Human Rights Adviser adopted most of the former, relating principally to the assistance community. In addition, the establishment of the Gender Adviser originally as a separate office was problematic from the start and undermined efforts to ensure that gender rights were understood as part of an overall human rights portfolio.

Developing guidelines on sharing information, clarifying for the assistance community the mandate of the CAU and ensuring that CAOs receive adequate training could go a long way to easing some concerns. However, it would be better to reassess the entire human rights situation, bringing in all relevant actors and outside advisers, to chart a new strategy. There is little doubt that human rights training programs for the assistance community and other efforts of this kind will still be needed, but the

capacity for monitoring and intervention needs to be examined.

One vital element of that reassessment will have to be protection for refugees. The SFA does not deal implicitly or explicitly with assistance questions arising from a continuing refugee outflow from Afghanistan, the human rights concerns of this population, or the political implications for engagement not only with Afghan authorities but also regional authorities. In Pakistan, UNHCR has failed to enforce its own protection mandate for Afghans. Capacity has been part of the problem, but the most serious issue has been the unwillingness of UNHCR to be sufficiently forceful with Pakistani authorities about reported rights violations.

The office of the UN High Commissioner for Human Rights (UNHCHR) has until now abdicated its responsibility for promoting accountability in Afghanistan through its failures to conduct thorough investigations and to use information effectively to push for international action to help break the cycle of impunity. Changing conditions inside Afghanistan make it possible for such efforts to move forward, but it will depend on whether the OHCHR has the will to act.

Chapter Seven concludes that whilst the SFA is a bold and imaginative initiative it has not yet achieved the objective of coherence between political, human rights and assistance interventions. This failing is not primarily managerial or organisational, rather it is that the relationship between aid and politics represents a major unresolved and inadequately analysed issue between donor governments.

The report outlines general and specific recommendations. The former, address the more fundamental questions raised in the review and extend beyond Afghanistan. They are thematic in tone and address broad areas of concern. The latter are directed at more immediate improvements.

General Recommendations

1. The differing conceptions of 'politics', 'assistance' and 'rights' do not only exist within the UN system but also permeate the international community. A serious debate is required among donor governments and aid agencies around these issues in order to establish appropriate

roles, responsibilities and interconnections between such modalities in zones of instability. Such a debate needs to include a number of key areas including:

-   In relation to regimes such as the Taliban, the limitations of the failed state motif should be fully examined with the intention of developing a more transregional, adaptive and networked understanding of the entities involved. At the same time, effective ways of addressing such non-territorial networked systems should be explored.

-   The role of politics and diplomacy in the context of the new forms of instability needs more examination.

-   The limitations and consequences of attempting to use aid as a tool of conflict resolution and social reconstruction should be fully explored and understood.

-   A comparative examination of attempts to achieve coherence in a variety of locations (conflict, post-conflict, etc) should be undertaken to gauge the effect of such differences.

2. While also affecting donor governments, DPA needs to adapt its activities to take account of quasi- and non-state actors. This includes developing an expertise in addressing criminal, parallel and terrorist networks.

3. Donor governments need to establish more effective ways of developing and sustaining a political consensus and momentum in relation to such countries as Afghanistan.

4. In countries like Afghanistan, rather than trying to use aid to play a security role, it may be more effective to concentrate on delivering impartial, effective and accountable humanitarian assistance in the context of an international community that is fully engaged in the pursuit of peace and stability.

5. Serious attention needs to be given to establishing mechanisms to reconnect civil/political rights with social/economic rights. At the same time, such machinery should not jeopardise any humanitarian actions.

Specific Recommendations

6. The OHCHR should undertake a comprehensive review of the human rights situation in Afghanistan with the aim of establishing an on-going mechanism for documenting and analysing developments. Such a mechanism would be complementary to the work of the Special Rapporteur (SR). Attention should be directed to establishing a regular line of communication between such a documenting mechanism and the SR.

7. In order to encourage the move from local project to broader programme level interventions:

   • The UN, and its donors, should reconsider the idea of a common fund for at least some UN activities.

   • As a counterpart to this there should be improved UN planning.

   • The UN should develop a series of common goals and targets as opposed to a series of agency plans.

   • The monitoring role of the SMU needs to be reconfirmed. [Donor governments should in effect pool and delegate their accountability concerns to the SMU rather than undertake bilateral reviews of aid effectiveness].

8. In order to strengthen the human rights work of UNCO and UNSMA:

   • The Human Rights Adviser and the Gender Adviser in UNCO should be joined as part of a human rights unit with responsibility for developing complementary strategies in the areas of programming, training and protection.
   • The CAU and UNCO should develop guidelines for sharing information and analysis and developing responses to specific human rights issues.
   • The CAU should train the CAOs in human rights methodology, fact-finding and interviewing techniques.
   • UNSMA should negotiate with UNSECOORD arrangements for posting or allowing regular visits by CAOs to vulnerable areas, if conditions are such that local authorities agree to work with the CAOs.

9. Co-ordination among those involved in assistance, political negotiations and human rights must take into account the regional dimensions of the refugee crisis. The UN and donors must undertake serious advocacy efforts to enhance protection for both refugees and returnees.

1.   Introduction

The Strategic Framework for Afghanistan (SFA) can be understood as a pioneering experiment in the ongoing attempt to forge new systems of international engagement with zones of instability. Reviewing it has not been an easy undertaking. According to a number of respondents, the SFA is not a defined programme, it is better understood as "…an institutional process" or "… a mechanism" that provides the international community with a shared objective in its dealings with the Taliban. Rather than a distinct project, it is "…more a way of doing things" that attempts to reshape the attitudes and responsibilities of international actors towards each other.

The initial concept of the SFA (1998) was intended to encourage greater coherence between the assistance and political wings of the UN and international system, in the interests of promoting peace. Human rights were integral at the outset, but have more recently become a third institutional pillar within the framework. The SFA does not require that these pillars should merge or be brought under common management. Rather, while remaining institutionally separate, it advocates that political, assistance and human rights actors should "…inform and be informed by each other" in order to more effectively focus international engagement in Afghanistan on achieving peace and stability.

Through transparency and agreement, the SFA provides a vision of how policy coherence between politics, assistance and rights can furnish a new approach to international security in the post-Cold War era. As a guide to conduct, the SFA creates an expectation of co-operation and unified action across the UN and international system. Although having separate origins, the SFA also informs the attempt to establish Principled Common Programming (PCP) among UN agencies, donors and NGOs operating within Afghanistan. PCP aims not only to create complementarities between programmes, but also to help agencies work in a principled and accountable manner given the authoritarian political regime in Afghanistan. To achieve this end the PCP has inspired a significant field-based aid co-ordination system in the country. Whilst the SFA and PCP are connected, it was not in this review's TOR (see Appendix) to examine the PCP.

1.1   Methodology

Apart from the general difficulty of arranging travel within Afghanistan, the review encountered two methodological problems in its completion. First, while the SFA aims to improve the coherence between politics, assistance and rights, international engagement with Afghanistan does not fall into such neat institutional compartments. Assistance can have political effects as well as impacting upon rights. At the same time, politics shapes the assistance programme, and so on. This interconnectedness lies at the heart of the SFA approach - because politics, assistance and rights already interrelate and largely define each other, a concerted attempt at orchestrating coherence is expected to produce a sum greater than the parts. The difficulty for the review team was how to dissect such an interconnected process. Given the limited time available and conscious of the overlaps involved, the team members decided to take the direct approach and divide responsibility for politics (Mark Duffield), assistance (Nick Leader) and human rights (Patti Gossman) between themselves.

The team spent two weeks in May 2001 in Pakistan and Afghanistan. Where possible, they divided interviews according to thematic responsibility. Apart from Islamabad, where at times all were present, different team members made trips to Peshawar, Kabul, Mazar and Faizabad. In July, New York and Geneva were also visited. An initial meeting in London, preliminary documentary analysis and a briefing session in Islamabad at the start of fieldwork enabled the team to set some opening questions and objectives. During the course of the fieldwork, and especially prior to departing Islamabad, several brainstorming sessions took place to disentangle interconnections, shape interview questions and agree a basic outline of the report. Semi-structured interviews, including some by telephone, together with documentary analysis were the main methods used. Following the fieldwork, further clarification was sought from some respondents by email. In total, nearly eighty people were interviewed.

The second difficulty faced by the team was that although the TOR called for an examination of the relevance of the SFA, in the eyes of many of those interviewed it was already seen as having failed in its basic aims. For many respondents the lack of coherence between politics, assistance and rights is just as bad today as it was in the mid 1990s.

The review team believes that this situation persists not for organisational or co-ordination reasons, but due to fundamental differences over what the nature

and role of politics, assistance and human rights are thought to be. For example, should aid be a conditional adjunct in support of a regional peace process or used for community level attempts to promote peace from below? Are human rights essentially political rights requiring the protection of people and the holding to legal account of leaders and war criminals, or are they social and economic rights that can be pro-actively designed into assistance programmes that empower beneficiaries to claim these rights for themselves?

Many would argue that such differences are complementary; they are different manifestations of politics, assistance and rights, all of which can find their place within the same strategic system. While this may appear to be the case at first glance, once one scratches the surface an arena of competing visions, conflicting institutional priorities and contending stakeholder politics is revealed; all of which establish different claims on the role of international assistance and what politics should be about.

In order to bring these differences into the open, and thereby encourage discussion, the review has presented the views of respondents in a non-

attributable fashion. The SFA may have failed in its basic aims, but where it has succeeded has been to foster debate and throw light on the often fractious entity we usually refer to as the international 'community'. In this respect, the SFA exercise has been invaluable in highlighting the areas that need further clarification, discussion and agreement.

1.2   Structure of the Report

Chapter 2 gives the background to the formation of the SFA and outlines its basic principles. Chapter 3 provides an analysis of the SFA in terms of the general trends towards coherence in aid policy and the growing use of aid as a strategic tool of conflict resolution and social reconstruction. The rest of the report is structured around the three pillars of the SFA: politics, assistance and human rights. Chapter 4 examines the SFA through the prism of its impact on UN political activity in Afghanistan. Chapter 5 looks at the relationship between the aid programme and the SFA, in particular the architecture of the SFA. Chapter 6 analyses the impact of the SFA on the promotion of human rights in Afghanistan. Finally, the conclusions and recommendations of the review are drawn together in Chapter 7.

2. Background to the Strategic Framework

The withdrawal of the Soviet Union's military forces at the end of the 1980s and, especially the events surrounding its dissolution in 1991, mark an important watershed in the troubled history of Afghanistan. The reparational attempts by the US and USSR in this transitional period to broker peace in the form of an interim government represent one of the final acts of an already rapidly evaporating Cold War dynamic. The internationally supported proposal for an interim government to replace that of President Najibullah and pave the way for elections and the creation of a broad-based government is significant in two respects:

- it marked the formal ending of United States and Russian military support to the warring parties. This has been modified in recent years, especially in relation to Russia, but given Afghanistan's modern history as a rentier state this was an important development (Rubin 1995).

- with the support of both international and regional powers it marked the last conventional and relatively authoritative involvement of the UN's political mission in the brokering of peace.

The collapse of this initiative in April 1992 can be seen as marking the transition of the conflict in Afghanistan from a Cold War to a post-Cold War framework. Building on earlier foundations, the crisis assumed the form of violent and competing ethno-regional systems that, for several years at least, gave Afghanistan the appearance of a 'failed state'.

The political fragmentation of Afghanistan during the first half of the 1990s was symptomatic of significant changes in the nature of the conflict (Rubin 2000; Fielden and Goodhand 2001). The loss of superpower patronage re-emphasised the importance of regional economic and political linkages. From a dependent buffer and rentier state, Afghanistan matured into a series of transborder political systems that, through the pursuit of extra-legal economic activities, enjoyed varying degrees of independence from the circuits of Western aid and diplomacy. The Taliban emerged in September 1994 with a leadership largely of southern Pashtun origin with strong links to Pakistan. Within two years they had transformed and consolidated this situation, positioning themselves as an Islamic solution to the political fragmentation they encountered. The Taliban captured Kabul in September 1996 and by the end of 1998 had extended their authority over much of the country and brought relative security to the areas under their control.

Many donor governments see this experience in terms of Afghanistan becoming a 'complex political emergency'. It is perhaps more instructive to regard the Taliban as forging a transborder and regionalised 'emerging political complex' through a process of expanding and consolidating some ethno-religious networks while eliminating others.

The Taliban articulate their mission through a conservative and confrontational interpretation of Islam. This has impacted upon regional political alliances, pitching a Taliban/Pakistan axis against an oppositional United Front/Iran/Russia position. This post-Cold War re-internationalisation of the crisis has confirmed Afghanistan's position as a refuge for regional dissension and international terrorism and a crossroad for the extensive transregional shadow economy. This form of international resurgence has problematised the Taliban for Western governments that, with the exception of the United State's willingness to use disciplinary military force, have few political tools other than non-recognition and, more recently, UN sanctions.

By the time the Taliban had consolidated their position in the mid 1990s, the UN's programme in Afghanistan – both its political and aid missions – was in a state of crisis. With the disappearance of a legitimate or recognised government, the role of the political mission had been challenged. In addition, during the 1980s and early 1990s, aid had been politically partisan and supplied directly to factions and commanders. There was growing criticism that, in part at least, humanitarian endeavours had helped to fuel the conflict. Meanwhile, outside of Afghanistan two other developments were underway. First, the role of international assistance in conflict situations generally was subject to growing criticism and calls for reform. Second, reflecting this climate, the UN system itself was in the process of thinking through its role and organisational structure in the new world order. The outcome of these factors was that in 1997 Afghanistan was chosen to be a laboratory to test a new UN approach to conflict and humanitarian crisis.

While not formally approved until September 1998, what became known as the Strategic Framework for Afghanistan (SFA) set out a new role for the UN

system. It was to "...help directly through peace initiatives and indirectly by creating the conditions that make recovery and reconstruction a viable option for those who, at present, see no option other than war (UN 1998a: 3). Bringing these direct and indirect components together involved a call for greater coherence and complimentarity between, primarily, the UN's political and aid missions. Through this alignment the opportunities for peace could be maximised.

The aim of the SFA is to provide "...a more coherent, effective and integrated political strategy and assistance programme" through a "...common conceptual tool" that identifies key activities "...on the basis of shared principles and objectives" (Ibid: 1). Through the Strategic Framework, the UN's overarching goal is one of facilitating "...the transition from a state of internal conflict to a just and sustainable peace through mutually reinforcing political and assistance initiatives" (Ibid: 4). Such a peace-building strategy demands that there be "...no 'disconnects' between political, human rights, humanitarian and developmental aspects of the [international] response" (Ibid: 3).

Besides being a conceptual tool based on shared principles and objectives, the SFA is symptomatic of a significant change in the way that aid in conflict situations is organised, co-ordinated and managed. Broadly understood, the SFA is one example of a process of managerial reform that attempts to bring politics, human rights and international assistance together in a coherent and mutually reinforcing manner in the interests of promoting peace. The key word in this approach is coherence. In particular, that the political and aid missions of the UN should work together in complementary ways, each informing and being informed by the other.

At the outset, it should be noted that the main finding of this review is that the basic aim of the SFA – to achieve greater coherence between politics, human rights and aid – has yet to be achieved. For those practitioners involved, this will not be a particularly surprising outcome; a clear majority of the relevant people interviewed in Islamabad, Kabul, New York and Geneva, to varying degrees hold this view. For some, the gap between politics and aid in Afghanistan is greater today than at the start of the SFA. This is exemplified by the Taliban restrictions on the activities of UNSMA following the imposition of sanctions in December 2000. While the SFA itself represents an invaluable exercise in getting

practitioners to think about the relationship between politics, human rights and aid in new and innovative ways, the actual relationship between them has remained problematic. Given this widespread belief, this review has attempted to understand the nature of this problem in order to inform future reform efforts.

2.1   The International Trend Toward Managerialism

The SFA is singular to Afghanistan in terms of its systematic implementation, but this approach reflects wider shifts occurring internationally in the nature of aid policy in conflict zones. Indeed, its reformist rationale rests upon a number of general concerns already well established by the mid 1990s. By this time, for example, the role of international assistance, especially humanitarian action, was seen as ambiguous. It was widely argued that humanitarian assistance, besides preserving life, could also have unintended and negative consequences (Anderson 1996). Research on the nature of conflict in the post-Cold War era began to question the aims and legitimacy of the political leadership involved and pointed out the growing importance of non-state and quasi-state actors (Kaldor 1999). The traditional role of inter-state diplomacy in mediating organised violence was becoming increasingly problematic. This space was occupied by radical demands, even among usually conservative multilateral donors, that international assistance should be used in new ways to promote peace and social reconstruction from below; for example, by altering the balance of power between competing groups in order to reward pluralistic and tolerant behaviour (EC 1996a).

The perceived shortcomings of humanitarian action coupled with the need to promote a socially inclusive vision of peace formed the backdrop to increasing demands for a new approach to the management of international assistance. The keyword in this general movement of reform and renewal was coherence (for an overview see, Macrae and Leader 2000). Towards the end of the 1990s, many donors (eg. DFID 1997,MFA 1997) and multilateral organisations (EC 1996b; OECD 1998) produced their own, essentially similar, visions of the desired coherence and synergy between diplomatic, humanitarian, development and commercial activities. A common feature of these peace-promoting schemas is the intention to move from ad hoc interventions to universal principles; from concerns with delivery to those of measuring impact;

and from exclusiveness to partnership. They reflect the current consensus within aid policy that the reactive and dubious aid responses of the past should give way to proactive forms of intervention where performance improvements are planned into project design and outcomes measured in a transparent way. Using a number of organisational concepts (coherence, co-ordination, strategic frameworks, compacts, global plans, etc), the outcome of this reform, indeed, its necessary consequence, has been to produce new managerial and performance oriented regimes to administer international aid.

This trend toward managerialism has been occurring generally, if unevenly, throughout the world's conflict zones. However, the Strategic Framework for Afghanistan represents a significant and concerted attempt to foster greater coherence between politics and international assistance in the interests of peace. As a result of its experimental status, there is an extensive paper trail. For example, there are several accounts of the SFA's background and establishment (Witschi-Cestari, et al 1998; Newberg 1999). The UNCO office in Islamabad has also played an important role in interpreting its operational nature and implications (OCHA 1998; UNCO 1999; Donini 2001; UNCO 2000a). Below is a summary of the key events, based on the existing documentation on the creation of the SFA.

2.2 The Strategic Framework and the UN

In addition to the general policy shifts outlined above, the SFA also interconnected with a similar process of reform underway both within the UN system and among aid agencies in Afghanistan. During the 1990s, the UN has been an important, if often contested, source of legitimation for the changing relationship between aid and politics that lies at the heart of the coherence agenda. Resolution 688 in April 1991 regarding Iraq, for example, was a watershed in the emergence of 'conditional sovereignty'. In 1992, following the first meeting of the Security Council at Head of State level, Boutros-Ghali's Agenda for Peace set out an expanded concept of peace and security in the form of 'human security'. This reconceptualisation involved enlarging the notion of security to include such erstwhile internal development issues as ecological damage, levels of poverty, population growth, inequality, human rights, and so on. In many respects, the idea of human security can be seen as contributing to a wider 'securitisation' of aid. That is, if insecurity results essentially from the

modalities of under-development, then the promotion of development becomes a strategic act undertaken in the interests of international security. Aid programmes, development projects and humanitarian action take on a security role insofar as these activities are thought to promote peace and stability. The SFA, especially how it has been developed by UNCO, is an example of the attempt to securitise aid.

Given its multi-levelled nature, strengthening human security creates a demand for effective co-ordination between a wide range of international and aid actors, including non-governmental organisations whose near monopoly of project implementation emerged during the 1980s. The growing predominance of human security concepts and their managerial underpinnings was to see the Security Council slowly open up to representations from a range of non-state actors in the latter part of the 1990s. The Agenda for Peace helped to weaken established institutional barriers between aid, politics and military dimensions. In a number of respects, while the Agenda established a conceptual framework for reform, the UN's 1997 Programme of Reform provided the management strategy to realise it (Macrae and Leader 2000: 34). This included the coordination of all UN field agencies under the Resident Co-ordinator or the Special Representative of the Secretary General (SRSG); the replacement of the Department for Humanitarian Affairs (DHA) with the Office for the Co-ordination of Humanitarian Affairs (OCHA); and the creation of executive committees to facilitate cross-departmental and cross-agency work on common themes.

2.3 The Formation of the Strategic Framework

2.3.1 Field Level Activities

The mid-1990s was a period of marked institutional reform arising from a growing concern with the inadequacy of the aid response:

In 1992 UNDP established a Rehabilitation Strategy for Afghanistan. In 1996 this strategy was reviewed to enhance its capacity to encourage peace through initiatives to promote dialogue, strengthen community cohesion and promote good governance. This developed into a UNDP led inter-agency programme for Poverty Eradication and Community Empowerment (P.E.A.C.E). The review was also linked to calls for a Strategic Framework, which was largely conceived in terms of a planning tool for aid

co-ordination and recovery based on the collection and study of socio-economic data, governance patterns, and so on, allowing stakeholders "...to formulate a broad-based comprehensive Strategic Framework" (UNDP 1997: 1). While a forerunner in name, this Strategic Framework differed from the eventual SFA.

The division between relief and development was signalled in Afghanistan by dual UN leadership under the United Nations Office for the Co-ordination of Assistance to Afghanistan (UNOCHA), which had earlier become part of DHA, and UNDP. The decision was taken to merge the two under the leadership of the Resident Coordinator/Humanitarian Coordinator (RC/HC) in the winter of 1996/97. This was validated at the International Forum on Assistance to Afghanistan launched by UNOCHA and UNDP in January 1997 in Ashkabad. The same conference underscored the need for greater coherence in policy planning and in relations between all members of the aid community. This call led to a number of reforms including:

- The creation of the Afghan Task Force (ATF). This was the outcome of a joint UN, donor, NGO initiative that evolved into a largely field-based programme oversight body.

- The Afghan Support Group (ASG) grew out of the Ashkabad meeting. This donor-based group brought another element of programme and policy oversight of the aid effort. The ASG is led from donor capitals with local counterparts deputised to act from Islamabad.

- The reform of the Consolidated Appeal Process (CAP). In 1998, the CAP process was organised around greater field consultations, with the inclusion of NGOs.

- The creation of a multileveled administrative structure called Principled Common Programming (PCP) to ensure greater complimentarity and coherence in the provision of assistance.

2.3.2 HQ level Activity

The field led reform process fed into a similar dynamic of change and competition occurring between UN agency HQs. The feeling was such that "...some reform was essential just to keep aid in business". The original UNDP idea of a Strategic Framework was appropriated by the Administrative Committee on Co-ordination (ACC) and transformed into a cross-institutional initiative in which DPA played a leading role. This resulted in an inter-agency mission (DPA, OCHA, UNDP, World Bank, gender specialist from ESCWA, UN Staff College and Oxfam) to Afghanistan in October 1997. Responsibility for the proposal changed hands several times, reflecting a number of changes in the conception of the SFA, until ending in the office of the Deputy Secretary-General. It has been argued that this situation reflected a certain discomfort among agency Heads "...about the degree to which a framework for assistance would force their compliance with policies outside their control" (Ibid: 24).

In the year between the inter-agency mission and the formal launch of the SFA in September 1998, the nature of the SFA changed considerably. Initially, for example, there was a much greater emphasis on the creation of alternative livelihoods. Moreover, the initial drive had been to create a common programme for Afghanistan. That is, an experiment in which different agencies would merge their identities and funding would be from a common fund. However, this "...was quickly replaced by an effort to engage in common programming (in the bureaucracy of the assistance business, gerunds trump nouns.)" (Ibid: 24). In relation to the SFA, this has meant that all the principle actors have retained their institutional identities. Rather than merging, coherence has been approached from the perspective of what would eventually become the three institutional pillars of politics, human rights and assistance remaining separate but 'informing and being informed by each other'.

While the SFA was drafted in consultation with the field agencies and validated by the ASG, it was essentially a HQ exercise. Indeed, several interviewees involved in the Islamabad discussions of the SFA claimed that, regardless of consultation, the approach had already been decided in New York. Though they share a similar philosophy, the SFA was developed separately from the field-based PCP structure.

The basic aim of the SFA is to promote the transition to peace in Afghanistan by improving the coherence between politics and aid. While the question of human rights is clearly within the September 1998 document, it did not become a separate institutional pillar until later. The main mechanism within the SFA for encouraging cohesion is through adherence to seven principles:

1. Life-sustaining humanitarian assistance shall be provided in accordance with the principles of humanity, universality, impartiality, and neutrality.

2. Assistance shall be provided as part of an overall effort to achieve peace.

3. International assistance will be provided on the basis of need; it cannot be subject to any form of discrimination, including of gender.

4. Rehabilitation and development assistance shall be provided only where it can be reasonably determined that no direct political or military advantage will accrue to the warring parties in Afghanistan.

5. Institution and capacity-building activities must advance human rights and will not seek to provide support to any presumptive state authority which does not fully subscribe to the principles contained in the founding instruments of the United Nations, the Universal Declaration of Human Rights, the Conventions on the Rights of the Child, the Convention on the Elimination of Discrimination against Women and International Humanitarian Law.

6. Assistance activities must be designed to ensure increasing indigenous ownership at the village, community and national levels and to build the country as a whole.

7. Assistance activities must attain high standards of transparency and accountability, and must be appraised, monitored, measured and evaluated against clear policy and programmatic objectives.

The day-to-day implementation of these principles is informed by the following operational modalities:

- ensure that assistance works towards the eradication of structural discriminations, by gender, tribe, ethnicity, language, religion or political affiliation;

- agree to speak with one voice on all issues of principle;

- agree on the collective conditions for engagement and disengagement when human rights are violated;

- consider and reach consensus on the range of non life-threatening activities to which conditionalities may be imposed.

How these principles and modalities have faired in practice is the subject of the remainder of this review.

3. The Securitisation of Aid

In relation to Afghanistan international political action takes on at least five different forms, several of which are contradictory.

1. The resolutions and activities of the UN Security Council. The sanctions imposed in November 1999 and, especially, December 2000 have had a negative impact on the UN programme in Afghanistan and have been widely criticised as such. The fact that they have only been applied to the Taliban and not the United Front is seen as undermining the impartiality of the UN.

2. United States exceptionalism in relation to Afghanistan takes the form of disciplinary military action, support for sanctions and, at the same time, recently becoming the largest donor of humanitarian assistance. Such exceptionalism, arising from its status as the world's only superpower, provides a form of 'coherence' all of its own. Again, US military action and its support for sanctions has been criticised as undermining the UN programme.

Those manifestations of political action that are more directly relevant to the SFA and hence to this review include:

3. The elite-based internal and regional diplomacy and political mediation by the DPA that has existed in various forms since the beginning of the 1980s[1].

4. The 'politicisation' of aid, or the attempt by donor governments to use funding strategies, aid instruments or pressure on NGOs to secure their own national or foreign policy interests.

5. The 'securitisation' of aid, which denotes the use of aid as a strategic tool for non-elite conflict resolution and social reconstruction and/or mollifying the behaviour of elites. Aid securitisation implies that aid itself can play a security role through programmes that attempt, for example, to 'build peace from below' or 'encourage positive attitudes among the Taliban'.

These three forms of political action intermesh. As will be argued below, however, among other things the SFA was established as a means of limiting the effects of aid politicisation. When the SFA sets out to encourage greater coherence between 'politics' and 'aid', basically what is in question is the relationship between political mediation and diplomacy (point 3) and social and behavioural engineering (point 5) strategies for peace and security. Before this contrast can be examined, it is necessary to clearly distinguish the politicisation of aid from its securitisation. This is necessary because much of the recent criticism of international assistance to Afghanistan under the SFA, especially by NGOs, relates to claims of politicisation on the part of Western donors.

3.1   The Politicisation of Aid

The politicisation of aid is generally associated with direct attempts by donor governments to use their spending power, contractual authority among implementing agencies, or influence within the aid community to secure their own political aims. During the Cold War, with its emphasis on building international political alliances, such an approach was common. The era of cross-border aid to Afghanistan during the 1980s and early 1990s, for example, was a time when external assistance was blatantly partisan. Moreover, following the emergence of the Taliban in the mid 1990s, and their determination to secure victory on their own terms, the politicisation of aid took the form of growing donor conditionality. In turn, this accentuated divisions among aid agencies. Differences emerged between those agencies favouring tempering engagement through conditionality, rapprochement or the need to protect the humanitarian imperative.

It should be emphasised that the essential point of departure in the formation of the SFA was the creation of an aid regime that, by operating on the basis of transparency and principled engagement, could resist such forms of external politicisation, bilateralism and division. Rather than trying to find a middle

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1 Regional negotiations between 1982 and 1988 eventually led to the withdrawal of Soviet troops. In the early 1990s, efforts by the then Office of the Secretary General in Afghanistan and Pakistan (OSGAP) pursued what proved to be ultimately unsuccessful peace talks. Following the creation of the present UN Special Mission for Afghanistan (UNSMA), in 1997 a 6+2 regional forum composing Pakistan, Iran, Uzbekistan, Tajikistan, Turkmenistan and China was established. UNSMA has also pursued mediation efforts between national and regional political actors and the Afghan diaspora.

ground among conflicting positions, the task of the UN was conceived as following "...a principle-centred approach on basic issues" (Witschi-Cestari, et al 1998: 12).

While this was the intention, there remain a number of concerns, especially among NGOs, that the SFA is not fully insulated from the politicisation of aid. A coherent and interconnected system carries the danger of making the subordination of aid to bilateral interests easier rather than more difficult. This concern is illustrated in the events following the aftermath of the United States cruise missile attack on Osama bin Laden's training camps in eastern Afghanistan in August 1998. This attack came at a time when the harassment of aid agency staff by the Taliban authorities was already on the increase. Immediately following the attack, an UNSMA member of staff was killed on the streets of Kabul, and the UN withdrew all expatriate personnel from Afghanistan. The SFA was formally adopted in September at the height of this crisis. During the following months, under pressure from donor agencies, the scale of UN and NGO programmes was reduced and expatriate movement restricted.

NGOs questioned these restrictions and the political role of donor governments. In particular, there was a feeling that some donor governments were exaggerating security concerns and conflating them with political considerations. Travel restrictions were seen as "…representing a politicisation of humanitarian aid in Afghanistan" (NGOs/APB 1999a: 2). NGOs were concerned to re-assert and protect their core identity as non-political, non-governmental, private international relief and development agencies - something they felt many donors tended to forget. A security protocol was signed with the Taliban in October 1998, but it was not until early 1999 that expatriate UN personnel began to return to Afghanistan.

The formal adoption of the SFA during this crisis led to renewed efforts to establish a transparent framework of principled engagement. This was a central concern, for example, in two 'Next Steps' papers produced in September 1998 and February 1999 respectively (these are discussed in section 3.7). Such clarification was vital to ensure the independence of the aid programme from donor political pressure. In this respect, the SFA "…has at least helped to clarify the principles to which all external actors - including the political ones - should abide by and provided tools to measure such

compliance" (Donini 2000: 8). Despite such attempts to secure independence, however, NGO concerns over the SFA approach have persisted (see, NGOs/APB 1999b). MSF, for example, while supporting the need for better inter-UN co-ordination, has publicly distanced itself from the SFA and its associated PCP. Apart from believing that it provides inadequate protection from aid politicisation, MSF has argued that the approach threatens independence of action; the ability to assess and determine response; increases security risks by alignment to UN mechanisms; and impacts on the relationship between NGOs and the authorities (MSF 2000).

3.2 The Securitisation of Aid

Given its dependence on external funding, the SFA can never be impervious to donor politicisation or other expressions of bilateralism, including choosing to ignore the SFA/PCP framework altogether. Some agencies have continuing concerns in this respect, but to focus on this level risks missing what is different and emergent within the SFA approach.

In resisting the 'politicisation' of aid the SFA, paradoxically, politicises it in a new way. The claim that aid itself can be used to promote conflict resolution and social reconstruction, including attempts to soften the behaviour of the Taliban, gives it a new strategic or security role. The SFA is one example of a wider trend that uses aid as a local peace-building and political mollification tool. This differs from the more traditional diplomatic objective of engaging and mediating between national and regional political elites in the interests of securing stability. The main intention of the SFA is to use external assistance to rebuild civil society, create local constituencies for peace and, at the same time, encourage the acceptance of moderation and democratic representation among political actors - it is concerned with changing and modulating behaviour. The primary aim is not to support states per se but to empower populations and encourage positive trends within them.

Using aid as a strategic tool for conflict resolution and social reconstruction clearly plays a political role, but it is distinct from the politicisation of aid as normally understood. The former is managerial, regulatory and networked while the latter tends to be more bilateral and geared to discrete political interests and conditionalities. Moreover, attempting to build peace from below or modify elite behaviour is an ambitious undertaking that is beyond the

capacity or legitimacy of individual donors or aid agencies. It is associated with new contractual regimes linking donors and aid agencies that demand extensive system-coherence and interagency co-ordination and networking. Forms of principled and rights-based programming are not only essential technologies of empowerment, they introduce new managerial techniques for the measurement of performance and the designation of accountability.

The use of aid as a means of local peace-building/elite encouragement also establishes the possibility (within Afghanistan it has yet to become reality) of an international regulatory regime that, through the aid programme, can modulate behaviour by rewarding positive characteristics while penalising or ignoring the negative.

The SFA is widely seen to have failed to achieve greater coherence between politics and aid within the UN system. Stated in another way, the gap between political/diplomatic mediation and social engineering security strategies has remained. The theory of the SFA is centred on their complementarity, in practice however they have proven difficult to reconcile. Diplomatic mediation and alliance building (between national and regional political elites) and aid attempts at conflict resolution and social reconstruction embody very different approaches. They are spatially distinct, based on contrasting perceptions of political practice, work according to different timeframes and deal in information of contrasting sensitivity. The SFA, moreover, is essentially an Afghanistan based framework whereas most informed commentators interpret the crisis as a regional issue. Informing and being informed by each other implies that coherence among the SFA's distinct institutions is to be largely achieved by actors changing their own activities to complement the actions of the others. There are several important managerial and conceptual problems with this assumption that the SFA itself has no mechanism to resolve. For example, under what conditions should the views of one pillar take precedence over the others? Before these problems can be examined, the implications of the strategic use of aid needs further examination.

3.3 The Implications of Aid Securitisation

The SFA attempts to bring together political/diplomatic peace-making and local peace-building/behavioural change strategies. However, while presented as complementary, UNCO have tended to develop the SFA as a mechanism for the latter - many of the attributes of which conflict with the modalities of political/diplomatic mediation, for example, human rights understood as a civil and political issue. Rather than encouraging coherence, the securitisation of aid has tended to problematise elite-based diplomatic and political alliance building security strategies.

The SFA is a UN mechanism that, among other things, seeks to engage the Taliban in a principled and accountable manner. Principled engagement is necessary because while Afghanistan is a country of great humanitarian need, the Taliban regime is not recognised by Western powers. The nature of engagement through the SFA, however, is ambivalent. At a rhetorical level, it is confrontational; it seeks to promote peace where the Taliban pursue war, it upholds universal rights when the Taliban assert sectarian values, and so on. At a practical level, however, aid programmes, simply by existing and having to adjust to local operating conditions, tend to be accommodationist. This ambiguity is reflected in the tension between 'principles and pragmatism' that the SFA is recognised as embodying (UNOCHA 2000).

The SFA defines the overarching goal of the UN in Afghanistan as facilitating the transition from conflict to sustainable peace through mutually reinforcing assistance and political strategies. The very ambition of this strategy tends to conceal the radical departure that it contains, especially in relation to the UN's 'indirect' peace-building through aid role.

During the Cold War, the UN seldom intervened in conflict situations. When it did, it was usually in the context of an internationally brokered cease-fire, with the UN playing a policing role. Even during the first part of the 1990s, when agencies generally were coming to terms with their new-found ability to work in ongoing conflict, the role of UN aid agencies was largely conceived in terms of negotiating and facilitating humanitarian access to civilians within conflict zones. Through the SFA, the role of the UN aid mission has been significantly radicalised to embrace not only the delivery of international assistance but the promotion of peace as well. In a country such as Afghanistan, this position has seen the UN move into a position of de facto political opposition regarding the Taliban. This characteristic of external engagement has not been lost upon the existing regime and, using the language of security, rights and, especially, gender,

the SFA has marked out an arena of UN/Taliban conflict and compromise (Fielden and Azerbaijani-Moghadam 2001). Indeed, UNCO's moves to construct a framework of principled engagement have deepened in concert with the Taliban's determination to resist.

3.4 Is Afghanistan a Failed State?

The role of the SFA as a conceptual tool cannot be separated from the way that it depicts what Afghanistan and the Taliban are. This representation is the basis of the SFA's conceptual and prescriptive abilities. How an organisation defines and portrays a crisis is important. Such depictions invariably contain the seeds of how it intends to respond. Definitional representations and descriptions are the soil from which institutional arrangements and policy prescriptions grow. In many respects, policy is only as good as the particular problematisation of the issue upon which it rests. For example, the SFA's depiction of the crisis in Afghanistan strategically positions aid as able to play a security role through peace-building and mollifying the behaviour of the Taliban. The crisis is represented as amenable to the rationality of aid and aid agencies. This representation also legitimates the role of UNOCHA as the aid programme's central co-ordinating body.

How problems and difficulties are depicted is seldom value-free. It reflects institutional stakeholder politics and agendas. In attempting to understand the problems of achieving coherence between the UN's aid and political missions in Afghanistan, one line of enquiry therefore is how the SFA understands the crisis in Afghanistan.

The underlying motif that shapes the SFA as a conceptual tool is that Afghanistan under the Taliban constitutes a 'failed state'. That is, it can be known through the collapsed public services, fragmented social infrastructure and non-existent political legitimacy that this concept suggests. Thus the framework gives a brief description of an impoverished war-torn society characterised by fragmentation, depleted social capital, collapsed basic services, disappearance of traditional coping mechanisms, avid gender discrimination, absence of effective government, and so on.

> The complex reality of Afghanistan thus escapes easy labelling. It mixes a volatile and violent political crisis, a humanitarian emergency and two decades of missed development opportunities. The fragmentation of the country and the collapse of practically all institutions of state, also constitute an 'emergency of governance' (UN 1998a: 3).

The 'emergency of governance' is reflected in the 'weakening of civil society' including the isolation of the countryside. There is little local legitimacy or outreach by the Taliban to rural areas creating a 'political vacuum'.

> Citizen-state relations have diminished, surely, but so, too, have the citizen-citizen relationships that are the foundation of communities and the state (Newberg 1999: 11).

In this 'failed state' situation the only thing that functions is the 'criminalised economy'. Profiting from the disruption of the war, criminal forces have taken over poppy cultivation, drug trafficking, speculative warlord ventures, transborder smuggling, and so on.

> While the economy is damaged and distorted, with the majority of the population eking out a bare bone existence, it does provide opportunities for a [criminal] minority to thrive (UN 1998a : 3).

The idea of Afghanistan under the Taliban as a failed state has not only shaped the creation of the SFA, it has remained its conceptual driving force and has played an important and formative institutional role. Not least, it justifies attempting to use aid as a tool for conflict resolution, social reconstruction and behavioural change. The aid programme is transformed into a series of technologies that promise to rejoin what has been fragmented, rebuild that which has collapsed and refill the void: where the state has failed, aid can succeed. At the same time, it tends to see the mediation and diplomatic strategies of UNSMA as problematic. For the purposes of peace-making, a failed and criminalised state does not provide acceptable political interlocutors; the only legitimate activity, therefore, is to build constituencies from below and attempt to mollify existing political incumbents.

Apart from its extensive institutional and programmatic effects, the review team is unconvinced that the failed state motif adequately represents the reality of Afghanistan and the Taliban.

Detailing a better representation is beyond the scope of this review. Such a construct does not exist ready-made and, to do justice to this gap in our understanding would require a separate piece of formative research. What can be done, however, is to suggest a few orientational concepts.

As has already been suggested, instead of regarding Afghanistan as a 'complex political emergency', a concept that complements the idea of a failed state, it is more useful to begin with the idea of an 'emerging political complex'. Not only does this denote the existence of political volition, it suggests powers of adaptation, resistance and survival. As an adaptive political entity, the Taliban, together with the economic system that supports them, rather than being confined by national borders are better understood as occupying trans-regional, indeed, international space. The Taliban are a non-territorial politico-economic entity whose prime organisation form is the network. On the economic side, Afghanistan is a crossroads for an extensive trans-regional shadow economy. Politically, the Taliban are an important node in a networked system of confrontation and terrorism that links, and variously allies, not only Afghanistan's immediate neighbours and their dissidents but also Middle Eastern states and beyond (Rubin et al. 2001; Fielden and Goodhand 2001). While abandoning many of the attributes of the traditional nation state, such as social inclusiveness and comprehensive welfare provision, the Taliban nonetheless maintain effective executive, security and military capabilities. The trend in the implementation of Taliban edicts (Fielden and Azerbaijani-Moghadam 2001) and, not least, the extraordinary ability to eliminate the world's largest single source of poppy production in a single season, all suggest powers of centralisation and political cohesion.

While the Taliban are certainly not a conventional political movement, failed state imagery continually conflicts with and misunderstands the realities of Afghanistan. Even within the UN system, this tension has produced differing views of what the Taliban represent and these tend to contradict the SFA. For example, no doubt reflecting its own institutional requirements, UNSMA has come to view Afghanistan under the Taliban as more of a 'rogue state' demanding political address rather than a failed state. These differences are examined below (see 4.5.1). The next section looks at the attempt under the SFA to construct local peace constituencies and change Taliban behaviour.

3.5   Building Peace from Below

During the January 1997 aid meeting in Ashkabad, which led to the formation of the ASG, Jan Pronk of the Netherlands argued forcefully for aid to be used to promote peace. This concern is embodied in the principles of the SFA, notably in numbers 2, 5 and 6. These cover, respectively, that assistance is provided as part of "...an overall effort to achieve peace"; capacity building activities must advance human rights and not provide support "...to any presumptive state authority" that does not subscribe to the founding instruments of the UN; and assistance must ensure "...indigenous ownership at the village, community and national levels" to build the country as a whole. These principles are informed by operational modalities that, among other things, strive to ensure that assistance is used "...to significantly reduce structural discriminations by gender, tribe, ethnicity, language, religion or political affiliation" (UN 1998a: 4-5).

The arena for local peace-building in Afghanistan has been located at the level of the community and civil society. It should be stressed that what is sketched below is the theory of peace-building since it has yet to deliver its promise. The practicalities, especially in relation to the conflicting interactions of politics and aid, are examined later. At the same time, however, it should be pointed out that, during the establishment of the SFA, some NGOs questioned whether aid should be linked to peace-building. It was argued that the ability of aid to help in this way rested on an unproven assumption and tended to exaggerate the role that aid agencies could play. The real problem was, and remains, the lack of capacity within the aid system to complete even basic welfare tasks (Wilder 1997).

The leading example of the attempt to use aid as a means of social reconstruction and conflict resolution is UNDP's area programme Poverty Eradication and Community Empowerment having the apt acronym of P.E.A.C.E. - especially its community development component managed by Habitat in the urban areas and OPS in the rural. Repackaged in the mid 1990s from a number of existing activities, it has become a cornerstone for cross-cutting programming among technical agencies working with UNDP. It represents "...the first deliberate effort to work to encourage non-institutional (and non-faction based) peace building" (Witschi-Cestari et al. 1998: 18). The rationale for this approach derives from the failed

state representation. The isolation of rural communities and the weakening of the state are alleged to have reinforced the importance of local community-based organisations. At the same time, state failure gives aid agencies the opportunity to bypass political obstacles and promote,

> ...a form of shadow development that creates alternative venues for local decisions, attempts to empower local leaders and their communities, and provides the first building blocks for post-war Afghanistan (Newberg 1999: 16).

Supporting community structures is to empower them as agents of social reconstruction. Assistance takes on a governance dimension in that it creates the possibility that "...communities would be able to form networks over larger geographical areas, with peace as part of their agenda" (Ostby 2000: 3). Community assistance creates, as it were, the possibility of forming peace-constituencies that can temper the violent actions of faction leaders. Strong community organisations can "...to some extent limit the anti-social behaviour of commanders, and safeguard local resources for use in constructive activities" (Ibid: 3). According to a senior UNDP informant, if the Taliban were to fragment into competing groups, the possibility of a return to the inter-factional violence and destruction of the early 1990s has been reduced in those districts where the P.E.A.C.E. programme has been operating.

Peace-building was originally seen as an indirect contribution of the aid programme. However, as UNCO has decided that the political mission is failing, it has called for a "paradigm shift" within the SFA involving the UN launching a broad-based initiative "...rooted in the fabric of Afghan society. This involves a scaling up of efforts to engage civil society in the peace process" (UNCO 2000a: 3). Promoting a community governance programme in what is effectively a totalitarian political space means that the UN aid mission now straddles a fine line between promoting local constituencies for peace and fomenting a political opposition. Several interviewees critical of the peace-building claims of the aid programme suggested, for example, that if it was serious, UNDP should supply arms as well if it really wanted to complete the job. Though little more than a decade ago, the era of non-interference is clearly past.

Unlike the political mission that is directly involved in mediating between states and warring parties,

using aid as a means of local peace-building implies creating an opposition through the empowerment of populations so that they, themselves, play a 'self-sufficient' political role. While reflecting general post-conflict and development thinking, it is questionable that an aid programme in war conditions, especially one regarded by many NGOs interviewed as under-resourced, fragmented and lacking capacity, could achieve this strategic effect. At the same time, even if this was possible, the UN system lacks the organisational ability and political will to protect those communities and individuals so empowered. According to the Deputy Foreign Minister, Abdul Rahman Zahid, the Taliban are well informed about the activities of aid agencies and will not tolerate any attempt to re-organise communities or establish new forms of political authority. Not only does the feasibility of building peace from below in these conditions need serious analysis, the ethical, protection and political implications of such a strategy needs far wider debate than it has hitherto received. For too long donors and aid agencies have been able to indulge in the rhetoric of peace-building through aid without having to face the stark realities on the ground.

3.6 Establishing a Surrogate Government

The failed state motif and the use of aid to promote peace also legitimise the co-ordinating role of UNCO. To the extent that state failure in Afghanistan has left a fragmented and dysfunctional void, then the more the UN system has to necessarily fill this space with a coherent and robust management system that can afford "...no disconnects between the political, human rights, humanitarian and development aspects of the response" (UN 1998a: 3). The very absence of legitimate counterpart institutions and interlocutors at the state level also demands "...stronger working alliances among UN partners and a culture that places a premium on co-operation and co-ordination for effective action" (Ibid). This requirement has continued.

> Given the current situation in the country, the need for a more structured and, when needed, robust coordination set-up remains unchanged. In the absence of functioning institutions of governance, UN agencies will continue to perform essential strategic planning, resource allocation and other 'surrogate government' functions. Coordination is the lynchpin for this to happen smoothly (UNCO 2000a: 1).

The need for 'coherence' has been reflected through the lens of Afghanistan as a failed state. This has necessitated that the UN system attempt to establish a "surrogate government" in terms of the provision of basic services and humanitarian resource allocation. State failure, expressed in terms of "...weak, fragmented local governance" also justifies why "...human rights issues became the domain of international assistance agencies rather than local actors" (Witschi-Cestari et al. 1998: 8). The idea within the SFA, however, of the UN as a surrogate government goes further to include an outline of how aid may be used as a tool to socialise the Taliban.

3.7 Changing Taliban Behaviour Through Principled Engagement

The SFA establishes a framework for engaging in a principled manner with the 'presumptive authority' that is the Taliban. In the formal September 1998 SFA document (several earlier drafts had existed) 'aid' and 'politics' are represented in a relatively traditional manner with each occupying a familiar place. Claims that aid can play a direct security and peace-building role, for example, are not in evidence. The need to formulate a principled return following the withdrawal of UN expatriate aid staff in August 1998, however, led to further clarification of the mechanisms of such engagement. This clarification is contained in two UNOCHA Next Steps documents of September 1998 and February 1999 respectively. These documents represent a significant deepening of the aid securitisation approach, arguing specifically that aid can play a non-elite peace-building role in its own right; claims absent from the formal SFA declaration, and on the pages of which the ink was barely dry. This 'paradigm shift' was further consolidated in The Three Pillars: Strengthening the Foundations (UNCO 2000a).

It was evident that the SFA approach, especially the need for principled engagement, represented a departure with the earlier and influential 'do no harm' thesis of Mary Anderson (Anderson 1996). During the formulation of the SFA, it was being asked whether attempting to 'do no harm' just saved "...profound problems for a later date? Is it possible to take difficult decisions about the mix of aid resources and programs and still 'do no harm'" (Newberg 1999: 14). At the same time, state failure and the 'crisis of governance' in Afghanistan complicated existing ideas of the need to move from relief to development in conflict situations. Earlier notions of attempting to centre a principled engagement on distinguishing between 'life-saving' activities and 'capacity building' were also called into question. All assistance is ultimately fungible. At the same time, all community-based activity is not necessarily 'good' while not all state-based capacity building is 'bad' (UNOCHA 1999). The former can have unintended consequences just as the latter, in the right circumstances, can save lives.

The two principles of the SFA declaration that directly address the issue of principled engagement are numbers 4 and 7. That is, that assistance should only be provided "...when it can be reasonably determined that no direct political or military advantage will accrue to the warring parties" and it must "...attain high standards of transparency and accountability [and] be appraised, monitored, measured and evaluated against clear policy and programmatic objectives." The Memorandum of Understanding (MoU) agreed in May 1998, between the UN and the Taliban is seen as providing, through technical sub-agreements, one way of making the relationship transparent, progress amenable to measurement, and helping clarify the question of community and/or national ownership of programmes (UNOCHA 1998: 3). The main suggestion in the Next Steps documents, however, is the envisioning of a managerial system in which aid can be used as a regulatory tool to modulate the political behaviour of the Taliban.

The Next Steps recommendations place on aid a number of regulatory requirements. For example, aid should be used to reduce structural inequality and, while no conditionality will be attached to humanitarian life-saving activities, assistance will depend upon meeting certain "minimum standards" including non-discrimination among UN staff on grounds of gender and "...respect for humanitarian principles, including access to all segments of the population and in particular women, minorities and other vulnerable groups in need of assistance" (Ibid: 4). In attempting to achieve such minimum standards, the Next Steps envisage the UN adopting both positive and negative responses. Specific leverage points "...will be identified so that 'sanctions' or 'rewards' can be targeted and effective" (Ibid). Moving beyond trying to distinguish between 'life-saving' and 'capacity-building' activities is central to establishing points of institutional leverage and regulation. In particular, no direct assistance will be given to authorities in areas where SFA principles

are being deliberately violated. At the same time, however, UN agencies will continue to work "...with the technical branches of public administration structures when there is evidence that these entities provide essential services to the civilian population in a non-discriminatory manner (e.g., health, solid waste disposal)" (UNOCHA 1999: 2).

The Next Steps establish the possibility of distinguishing between 'good' and 'bad' branches of public administration in terms of whether or not they practice discriminatory behaviour. As a way of encouraging desirable behaviour and discouraging unwanted institutional practices it is suggested that a graded list of non-life saving activities on which conditionalities can be imposed should be established. This could include the withdrawal or increase of international staff, the selected suspension of valued activities or the development of higher profile activities. For example, it may be decided that expatriate staff will not be involved "...and that ongoing humanitarian activities will be implemented through national staff and their local counterparts" (UNOCHA 1998: 4). Besides these general suggestions, UNOCHA has yet to make a list of non-life threatening activities that the UN system could use to regulate behaviour, let alone assess how effective they would be. Given the general mistrust between the Taliban and the UN system, it is assumed that the threat to withhold the deployment of expatriate staff would not have much impact. Nevertheless, the vision within the Next Steps documents is of such a graded system. It sees the Resident Coordinator/Humanitarian Coordinator (RC/HC), informed by the distinction between good and bad institutional behaviour, as playing a central role in ensuring system-wide compliance to any response together with "...what should trigger it and its gradation" (Ibid: 5). In this way, the SFA provides the means for the UN to "...define the benchmarks and indicators to measure [...] progress and adjust its presence inside the country accordingly" (Ibid: 3).

3.8   The Limits of Principled Engagement

The SFA as a mechanism for aid to play a security role has two components:

- it sees aid as capable of building constituencies of peace from below and;

- in the form of principled engagement, aid becomes a graded set of sticks and carrots capable of socialising the Taliban.

The latter approach rests upon a number of contradictions. The SFA is informed by the failed state motif that justifies assuming the role of a surrogate government, yet the UN has signed a MoU with the Taliban (UN 1998b). At the same time, the various restrictions and requirements placed on the UN by the Taliban, apart from their continuing ability to prosecute a war, clearly suggest that they exist as a political force. The failed state motif, however, is premised upon political fragmentation. This allows a distinction between 'good' and 'bad' parts of the administration to be made. Because no connection is thought to exist between them – due to state failure and fragmentation – it becomes possible to work in a principled way with the 'good' while ignoring the 'bad'. While the assumption of disconnection remains to be demonstrated, the idea continues to support the view that it is possible to increase the capacity of the good while the bad either stagnates or changes its behaviour as the price of inclusion.

The danger of this view - that aid has a politically mollifying effect - is that rather than principled engagement it can lead to accommodation and appeasement. Perhaps the strongest recent test for principled engagement was the July 2000 Taliban edict restricting the employment of Afghan women by aid agencies (see section 6.3). Not only was the SFA unable to produce a consensus, the general position among aid agencies was one of "...no disengagement, no confrontation, staying out of the political arena, approaching the Taliban through line ministries, keeping the dialogue open, moving slowly, keeping a low profile and adopting a wait-and-see attitude" (Fielden and Azerbaijani-Moghadam 2001: 7).

The view of the Taliban as a fragmented political entity, while common and informing the SFA, is challenged by representations from other parts of the UN system. This can be illustrated by reference to the report of the UN Interagency Gender Mission to Afghanistan in November 1997. In many respects, the assumptions behind this report conflict with the SFA view of Afghanistan as a failed state. Or, at least, the recommendations made assume that the Taliban are a cohesive political force. It argues that consistent negotiations should be conducted "...at all levels and in all parts of the country to facilitate women's participation in relief, rehabilitation and recovery [such negotiations] should be pursued vigorously and continuously in order to ensure quality work as well as to educate authorities in the

nature of international standards and practices" OSAGI 1997: 16). Moreover, it is suggested that joint technical committees be established to encourage dialogue with Afghan authorities. The Gender Mission argues for a framework of multileveled negotiation and advocacy with the Taliban. This open framework of negotiation is distinct from the regulatory approach inherent with the SFA. Indeed, the principled approach of the SFA would have aid agencies boycott those parts of public administration that practice discrimination. This difference helps to perhaps explain why the UN aid community generally regards the Mission as essentially having failed to get to grips with the issue (Witschi-Cestari et al. 1998: 20). A differentiating, conditional and restricted approach to engaging public authority – as opposed to its robust address at all levels – has prevailed.

Another concern is that the idea of a graded system of aid incentives, or at least, the possibility that it would work, tends to reduce the Taliban regime to a mechanical object. It is assumed that the Taliban will respond in a predictable and measurable fashion to aid that is applied in a principled way. The Taliban regime, however, like any political system, is more akin to a living organism than a machine. Change the environment of an organism and, in order to preserve life, it will mutate and adapt; press a button on a machine and it will perform a predictable function. The emphasis within regulatory systems on measuring performance, establishing benchmarks, and so on, is dependent upon predictable outcomes; this is the rationale of the log-frame. Without predictable outcomes the measurement of performance is impossible.

One would expect that if the Taliban regime were not a mechanical object that always behaved predictably (as is usually the case in real life), techniques of performance measurement would show this up. The danger of regulatory systems, however, especially ones that claim to have established new and exacting standards of rationality, is that any setback is not seen as a failing of regulation itself – which is principled, transparent and rationally

applied – it is the fault of the entity that one is trying to modify. It is argued, for example, that in the 18 months prior to the July 2000 Taliban edict restricting the employment of Afghan women by aid agencies there had been some "...positive results" stemming from UN engagement. Since then, however, the operating environment has deteriorated with the Taliban reducing points of contact, hence making principled engagement difficult (UNOCHA 2000; Donini 2001). The problem is not the inability of aid to play a security role, it is the Taliban that continue to resist and to be even more difficult than originally anticipated. Optimism continues that one day, given the right conditions, aid can work.

The securitisation of aid within the SFA remains, at best, a possibility. While the theory exists – the SFA documentation is largely based on it – in practice performance has remained elusive. The danger is that the limited capacity of aid to play a security role is not questioned. Rather, it is the Taliban that tend to be described as even more irrational and difficult to work with than expected. While there is obvious justification for this – the Taliban are a resistant political enterprise – a dependence upon aid to resolve difficult social and security problems can lead to a political dead-end. The incentive and disincentive powers of aid are limited and its effectiveness as a means of conflict resolution remains to be proven (Uvin 1999; Wilder 1997). At the same time, the creation of the regulatory system necessary to manage such an incentive/disincentive framework can take on an institutional life of its own. In order to secure its own survival this tends to marginalise alternatives. With the tendency of the SFA to portray the Taliban controlled state as variously 'failed', 'fragmented' or 'criminalised', those opportunities for critical engagement that do emerge can be missed. The eradication of this season's poppy cultivation is a case in point. The significance of this act is only matched by the near silence that it evoked from the international community. Apart from the disarray among donors, one cannot help feel that in part this silence is due to the incredulity that a 'failed state' could do such a thing.

4.   UNSMA and the Aid Programme

The only body in Afghanistan that officially defines its role as peace-making is the UN Special Mission to Afghanistan (UNSMA) which reports to DPA and is mandated by the resolutions of the Security Council. UNSMA's role in promoting peace is varied (see Rubin et al. 2001). It includes mediation between regional actors and the Afghan diaspora. The review has concentrated on UNSMA's activities within Afghanistan, as these are most relevant to the SFA's attempt to bring together politics and aid.

When the review team visited Islamabad in May 2001, UNSMA consisted of a Political Unit, Civil Affairs Unit and a Military Unit. In addition, it had a Political Officer in Kabul and a Political Liaison Officer in Tehran. The Civil Affairs Unit (CAU) until recently had six Civil Affairs Officers (CAO) inside Afghanistan. However, in response to the imposition of UN sanctions in December 2000, the Taliban retaliated by restricting the activities of UNSMA. Notably, the closure of CAU offices inside Taliban controlled Afghanistan, with the exception of Kabul, the ending of formal meetings and, on the grounds that the sanctions were one-sided, the announcement that the Taliban no longer accepted UN political mediation. In an interview with Abdul Rahman Zahid, the deputy Foreign Minister, he made it clear that the Taliban distinguish between UNCO, that supplies humanitarian aid and is acceptable, and UNSMA, the political mission, that is undesirable. As a result of these developments, UNSMA now only has CAOs in Kabul and in Faizabad (the region controlled by the United Front). At the time of the review, it was in the process of opening an office in Peshawar, Pakistan.

This development is a major blow to the very foundations of the SFA. Not only do the Taliban distinguish between 'politics' and 'aid'; they have penalised one while allowing the other, after a fashion, to continue. More to the point, despite the 'one voice' policy of the SFA, it would seem that the aid community has taken up no formal concern over these restrictions with the Taliban. The general climate appeared to be one of acceptance and business as usual. Indeed, it would be fair comment to say that the attitude among some of those interviewed could best be described as 'good riddance'. This section attempts to examine how such a fundamental lack of 'coherence' was possible.

4.1   Background to the Political Mission

The political mission of the UN has been involved in Afghanistan since 1981 with the appointment of the first Special Representative of the Secretary General (SRSG). The subsequent Geneva negotiations between 1982 and 1988 paved the way for the withdrawal of Soviet forces, but they did not provide a resolution to the conflict. The Geneva Accords established the UN Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) that was replaced in March 1990 by the Office of the Secretary General in Afghanistan and Pakistan (OSGAP). In May 1991, encouraged by US/Soviet rapprochement and changes in the Saudi Arabian and Pakistan positions in the aftermath of the Gulf War, the UN mission began to push for the establishment of a 'transitional mechanism'. This included the curtailment of all external arms supplies, a negotiated cease-fire and the formation of an interim authority that would arrange elections and establish a broad-based government (Rubin 1995: 266-267). This basic elite-based approach has remained the formal objective of the UN political mission in Afghanistan, though some of the details and actors have changed. In particular, giving institutional depth to negotiations between neighbouring countries, attempts to engage the Afghan diaspora, and creating an independent capacity within Afghanistan. The main difference between now and then, however, was that favourable regional alignments, the dynamics at the ending of the Cold War, and the attention still focused on Afghanistan, gave the 1991/92 initiative a concerted international tailwind that the many subsequent attempts have lacked.

In September 1991, both the US and USSR agreed to terminate external assistance to the warring parties. This arrangement was not helped by the announcement of the dissolution of the Soviet Union in December of that year, but the agreement did come into effect in January 1992. Negotiations to replace the Najibullah regime with an Islamic interim government were extensive. The UN eventually facilitated the arrangements for a representative 'Afghan gathering' as a first step to the creation of an interim government. In order to encourage this process, in March 1992 under US and Pakistani pressure, President Najibullah publicly announced that he would leave office as soon as an interim government was formed. Contrary to expectations, this announcement increased tension and dissent over the nature of the transitional arrangements. Within a month the initiative had collapsed and conflict had resumed. As one informed commentator pointed out, this collapse is symptomatic of a wider problem within the international community: that

is, the tendency to support the 'idea' of elections, interim mechanisms, and so on, while making little provision for the institutional support that such ideas require (Rubin 11 July 2001). In the case of the 1991/92 initiative, not only was it pushed at a rapid pace, but also no real attention was given to the infrastructural requirements of a transitional mechanism with the result that the initiative further destabilised the situation.

4.2 UN Special Mission to Afghanistan (UNSMA)

Between April 1992 and the December 1993 resolution that established UNSMA there was no effective political mission and Afghanistan had slid below the international horizon. The Security Council mandate for UNSMA is for it to use its mediation efforts to support a negotiated settlement leading to a broad-based government and reconstruction. From early 1994 to the appointment of Lakhdar Brahimi in July 1997 as SRSG, UNSMA is widely regarded as making little headway, a situation that was not helped by ineffectual earlier SRSG appointments (Fielden and Goodhand 2001; Rubin et al. 2001).

Under Brahimi, UNSMA, institutionally at least, began to take on its present form. For example, in recognition that the Afghan crisis is a regional issue, the 6+2 forum was created to bring together Afghanistan's neighbours (Pakistan, Iran, Uzbekistan, Tajikistan, Turkmenistan and China) with Russia and USA. In the past, the effectiveness of this mechanism has been undermined by the active role that several of these powers have played in the conflict. Following the resignation of Brahimi in October 1999 on matters relating to this issue, the present SRSG, Fransesc Vendrell, was appointed in February 2000.

4.3 The Civil Affairs Unit

In terms of the SFA, the key development has been the establishment of the Civil Affairs Unit (CAU) at the end of 1998. This originated from Brahimi's frustration with the inability of the UNHCHR to conduct credible investigations into the violation of human rights in Afghanistan. The idea was given further impetus following the withdrawal of UN staff in August 1998, which highlighted that UNSMA had no presence of its own. Brahimi used his influence to convince the General Assembly to agree the necessary new posts. While not fully convinced

that UNSMA was the correct vehicle for monitoring human rights issues, in the absence of anything else it was seen as better than nothing. As it was breaking new ground, DPA itself did not have a fully developed idea of what role the CAU would play. It was quickly decided that the officers' involved could not be called Humanitarian Monitors as originally intended, as this would not have been accepted at HQ or in the field. It was called Civil Affairs, reflecting practice in such places as Bosnia.

DPA did not write many prescriptions for CAU out of recognition that the operating environment was relatively unknown. During the couple of years that the CAOs have been operating within Afghanistan, they have seen their role as official mediation with the Taliban, liaison with UN agencies and NGOs, and as observers and fact-finders compiling reports on life within Afghanistan, including monitoring human rights. This role has been explained to the Taliban. They also try to support civil society, helping groups link together. Mediation includes such things as raising questions on behalf of the aid community, fulfilling official instructions such as issuing note verbal, and informal briefings with NGOs. In terms of monitoring human rights, CAOs meet interlocutors, examine risks and look for trends. If there is evidence of systematic abuse, CAOs collect the available information and decide the best way to take it forward, including referring matters to UNHCHR. UNSMA has also made a database of all international treaties and agreements signed by the former Afghan state. On the basis of this work, where possible, UNSMA has taken up compliance issues with the Taliban. The general line of approach has been that if the Taliban entertain hopes of formal recognition then they have to observe international law and conventions. UNSMA, however, admits that this aspect of its work still lacks clarity. This has not been helped by the absence of clear guidance or involvement of UNHCHR.

4.4 The Problematisation of Politics

At the same time as the aid community has been self-critical, condemning the partisan aid practices of the past, its invocation of Afghanistan as a failed state has tended to see the more traditional elite-based UN approach to mediation and peace-making as problematic. Following the end of the Cold War, political elites engaged in internal and regionalised conflict have increasingly lost legitimacy on the world stage. The political mission in Afghanistan

during the mid 1990s has variously been charged with having no cognisance of the role of aid in promoting peace and continuing with failed and outdated strategies (Newberg 1999). The UN political mission continued to seek partners in Afghanistan,

> …who would be willing to forego military engagement in favour of political negotiations. This effort, which was several years old, had thus far produced few results; indeed, the military imperative was not only paramount, but also seemed to grow in importance as the Taliban gained strength. Afghan citizens - who were significantly disenfranchised after sixteen years of war - were not included in any governance decisions, and only fighting factions were included in discussions about war and peace. As a result, peace-building efforts - a task defined by some assistance actors - and peace-making - the mandate of the political mission - were often poles apart from one another, and both tasks seemed quite foreign to Afghan military leaders and civilians alike (Witschi-Cestari et al. 1998: 5/6).

In the mid 1990s, the aid community's view of the political mission could be summarised as ineffective, unresponsive to change, only engaging discredited warring factions, ignoring ordinary Afghans, and so on. Reflecting on these criticisms and in the interests of creating greater coherence between politics and aid, DPA played a leading role in establishing the SFA, spending some of its own resources in getting it off the ground. Brahimi's appointment preceded by a few months the beginning of the SFA negotiations in October 1997. As outlined above, the political mission gained greater institutional depth. The creation of the CAU, for example, took place a few months after the formal launch of the SFA in September 1998, to which both political and aid wings were committed. In many respects, the SFA and the growing depth of the political mission within Afghanistan have emerged together.

The SFA embodies the possibility of greater coherence between aid, politics and human rights. However, among the UN agencies in Islamabad and Kabul the review team found that 'coherence' was a contested terrain of distinct institutional dynamics and contrasting positions. Indeed, rather than informing and being informed by each other, significant and well-known levels of distrust and

antagonism were evident. Despite the SFA, the negative views of the mid 1990s regarding UNSMA were still current within the aid community. Indeed, the growing visibility of the political mission, if anything, has deepened such criticism. DPA, for example, is held to be unaccountable and a law unto itself. There is no overlap between the political 6+2 forum and the aid-based ASG. Furthermore, UNSMA is not a team player and does not share information ("…rather than coherence there is a wall between political and humanitarian action"). As before, UNSMA continues to fail to understand community-led peace building and only equates peace with a cease-fire ("…it does not understand that peace is a process that permeates throughout society"). It still only engages with warlords and needs to broaden the peace process, for example, by addressing the criminal economy. In this respect, DPA provides no analysis and the peace process continues to be a missing pillar within the SFA.

From its side of the wall, aware of these criticisms, the current political mission has its own counter-interpretation. Basically, they believe that the humanitarian wing quickly came to the conclusion that it was not in its best interests to be closely associated with the political mission. It has actively sought to keep its distance. Rather than UNSMA keeping things to themselves, it is the aid community that never asks or seeks to involve the CAU in its projects. UNCO just wants to accommodate the Taliban, and the activity of the political mission, including CAU work on human rights, tends to put the aid community on the spot ("…UNCO just wants to be liked by the Taliban"). Although the aid side of the UN has more personnel on the ground than the political mission, UNCO does not pass on sensitive human rights information. Aid agencies claim success simply by delivering some tangible commodity like food aid; in politics you never succeed until you succeed.

Neither the political mission nor the aid community would claim that they are entirely blameless for the existence of this division. There are personality clashes and, at the same time, a fair measure of ignorance regarding what each wing does. Much of this is not the result of unreasonable or unwarranted concealment but often the failure to use the information already available. Such things aside however, there are two main ways that one can interpret the divide. The first, which is in keeping with the philosophy of the SFA, is to see it

as a continuing problem of poor co-ordination and institutional disconnect. The remedy is, essentially, more of the same. The other viewpoint, however, is to regard it as a systemic problem arising from two intrinsically different approaches to the Afghan crisis. This tends to call into question the whole SFA framework.

From an institutional perspective, the absence of a regular UNSMA convened heads of agency meeting is noticeable. At the same time, other than the US and Russia being members of the 6+2 and ASG meetings, there is little institutional overlap between these organisations. Politics and aid are also funded differently. The former largely depends on block grants and answers to the Security Council in the form of regular reports. The aid community, however, relies on project funding that is raised annually through the CAP process. If aid agencies are to compete successfully for donor funding they are under constant pressure to demonstrate 'success'. UNSMA also reports to DPA and is mandated by Security Council resolutions. UNCO, however, and the agencies that comprise the UN's aid presence have their own separate lines of command.

While these factors do not help, the view of the review team is that the division between politics and aid in Afghanistan is essentially systemic, rather than the result of personal differences, lack of administrative structures, or institutional disconnect. This is important since it suggests that the division cannot be simply 'co-ordinated' or 'connected' away. Moreover, it is a fundamental issue that only the international community can resolve. Rather than being complementary in any direct sense, 'politics' and 'aid' appear to be organically different. This can be illustrated in relation to UNSMA's views on the nature of the Taliban and, consequently, the role of aid.

4.5   UNSMA and the Role of Aid

The official parameters of the political mission have remained that of seeking a negotiated settlement between elites leading to a broad-based government, but the emphasis, components and direction have altered over time. For example, as a complement to seeking a cease-fire, through the 6+2 Brahimi made attempts to limit the external involvement by some neighbouring powers, especially, the supply of arms by Pakistan, Iran and Russia (see HRW 2001). By 1999, UNSMA had established a three-track approach consisting of:

- a Central Track - involving negotiations with the warring parties.

- a Parallel Track - involving non-UN peace initiatives especially the Loya Jirga process among the Afghan diaspora and,
- an External Track - comprising the regional 6+2 forum.

While this general strategy remains in effect, there has been an evolution of UNSMA thinking. This has been informed by the presence of CAOs within Afghanistan and centres on the appropriate role of aid. This thinking tends to conflict with UNCO's moves to deepen the security and peace-building role of the aid programme.

4.5.1   From Failed State to Rogue State?

Unlike the aid community, which derives a certain utility from seeing Afghanistan as a failed state in the throes of a crisis of governance, UNSMA has been mandated to facilitate negotiations between the Taliban and other warring parties. In other words, from the outset, it has engaged the Taliban as a cohesive political force. UNSMA began from the premise that the Taliban were a social and reforming movement. In the anarchy of the mid 1990s, following the capture of Kabul, the Taliban took over a failed state apparatus. Mullah Omar was declared as Commander of the Faithful, and the country was renamed the Islamic Emirate of Afghanistan (IEA). The assumption within UNSMA was that the Taliban would keep the limited state infrastructure they had inherited and, albeit from a fundamentalist perspective, would build upon it. This assumption is reflected, for example, in the May 2000 Report on the Administrative and Judicial Structures of Afghanistan (UNSMA 2000). Contrary to the failed state imagery in much of the SFA documentation, this report, based upon information gathered by CAOs, attempts to chart the administrative structure of the IEA, including its tax system, judicial arrangements, courts and legal system.

During the course of 2000, this reforming view of the Taliban began to change. While the Taliban have remained a cohesive force, a new centralising and expansionist tendency has emerged since they took Kabul in 1996. Until that period, the Taliban had a relatively limited agenda of restoring law and order. Rather than building on the existing state, they either deliberately eroded or side-stepped much

of the inherited public administration. Authority is concentrated in the hands of Mullah Omar and, in effect, Kandahar is now the capital of Afghanistan rather than Kabul. Within those aspects of public administration that the Taliban have little use for, like an independent police force, employees have been laid off. At the same time, useful state institutions like the military, intelligence and commercial agencies have been maintained. Rather than a failed state, UNSMA's present view could perhaps be represented in terms of Afghanistan under the Taliban constituting a 'rogue state': an internally ruthless and totalitarian political entity with external destabilising links with opposition and terrorist groups on a region-wide basis.

While the official mandate of UNSMA remains that of seeking an elite-based negotiated settlement, informally a widespread and cross-cutting view that takes in the opinion of some donors and aid personnel is that the Taliban cannot be reformed; indeed, the international community should not seek to do so. At best, all that will happen is that a totalitarian and destabilising regime will be 'normalised'. Moreover, the Taliban will never accept to be democratically tested by the Afghan people. Neither will the majority of refugees return unless there is a change of regime. Rather than a negotiated settlement, the likely future for Afghanistan is one of dissent and insurrection.

UNSMA's view of the role of aid follows on from this analysis. Again, in concert with a number of donor representatives, UNSMA would like to see international aid limited, at most, to basic humanitarian assistance. This would help to enhance the influence of a reconstruction package that the international community should establish, but has yet to be formed. Minimal humanitarian assistance coupled with the availability of a generous reconstruction grant is thought capable of exerting a positive influence on political dynamics within Afghanistan.

UNSMA's view of the role of aid conflicts with attempts by aid agencies to develop their claimed security and peace-building role. Here, as envisaged in the Next Steps and Three Pillars documents, by creating a multileveled framework of sticks and carrots, aid can help reform the Taliban and build constituencies for peace. Opinion within UNSMA, however, questions whether the Taliban can be reformed and the effectiveness of aid as a peace-building tool. Reflecting the structural divide, one

NGO informant who supported the securitisation position, argued that rights-based programming (still in its infancy in Afghanistan and related to the attempt to develop principled engagement) is the direct opposite of reducing aid to basic humanitarian assistance. By reducing aid "...you are removing the right to health." Thus, while the SFA framework assumes complementarity, on the role of aid there is an intrinsic and conflicting difference between 'politics' and 'aid' in Afghanistan. The ramifications of this difference can be traced at many different levels of international engagement, including among and within donor governments themselves.

4.6 Operational Differences between Politics and Aid

It should be stressed that what one could call the 'political' and 'aid' views do not fall neatly within respective institutional boundaries. While a certain concentration exists in these institutions, the views themselves are cross-cutting, not only drawing supporters from opposite wings but the difference itself is also reproduced among donors and NGOs.

4.6.1 Aid and Accommodation

It is widely mooted among aid agencies working in Afghanistan that the Taliban have an effective local intelligence network monitoring their activities. This network has several interconnecting levels. By its nature, through the extended family system, Afghan society itself is characterised by informal information flows and networks. More specifically, it is alleged, for example, that the intelligence service maintains separate dossiers on prominent members of the aid community. Some national agency staff are also thought to be sympathisers. At the same time, the Taliban regularly pressure national staff, drivers, translators, and so on, for information about aid activities. Community organisations set up by aid agencies are also infiltrated by Taliban supporters and agents. It is claimed, for example, that the Taliban are aware of the UN system of DSA payments to staff and other station allowances and use this information to manipulate visa allocations. While it was impossible for the review team to verify such claims, the perception of the aid community as a leaking bucket as far as information is concerned is widespread. According to one informant the "...Taliban know more about the UN than we do about the Taliban."

The aid community is fully aware of Taliban infiltration. However in line with developmental

thinking, infiltration has been given a positive spin and rationalised as a development opportunity. According to one donor interviewed, the Habitat programme, for example, by its community nature cannot exist unconnected from local power structures. In this situation "...if a Taliban official approached you and wanted to be involved, why not? If they accept the bottom line they should be involved." UNDP is also aware that the Taliban have infiltrated its projects. However, according to one official "...this may not be a bad thing". For example, if a Mullah insisted on being part of a community forum, as long as he follows the accepted procedures, this is not a problem. After all, "...a Mullah is part of the community as well." In a similar vein one senior UNOCHA official told the review team that he would not object if the Taliban were a member of the donor-based ASG. The logic of such views is essentially developmental. That is, through the rationality of aid, engagement has a socialising effect. As already argued, the view of aid as a security tool tends to reduce the Taliban and Afghan society to a mechanical object that can be mollified and shaped through rational engagement.

The relatively relaxed attitude to infiltration is also reflected in relation to the security of national staff, with some CAOs feeling that UNCO is lax in this respect. At the same time, the UN aid community regularly contracts NGOs to implement programmes. Such agencies, however, are not part of the UN's contingency planning in the event of the need to evacuate staff. It should be pointed out, however, that such issues attract accusations from both sides.

4.6.2   The Distancing of Aid and Politics

The role of UNSMA, especially, the human rights monitoring of the CAU, is widely seen as problematic within the aid community. This is despite the fact that only a handful of CAOs are involved compared to the hundreds of aid workers operating in Afghanistan. According to UNSMA, from the moment the CAU was established, it has been subject to constant criticism and distancing. According to an informed NGO, the possibility of rights-based programming is undermined by the current activities to monitor the abuse of political and civil rights. The reason being that, rather than leading to effective investigation and identification of the guilty parties, such activity tends to result in unhelpful calls for aid to be reduced to basic humanitarian assistance. Many aid agencies also find CAU attempts to collect

sensitive information a threat to their own activities. In the view of one NGO informant, "...UNSMA claims to be the eyes and ears of the Secretary General, but what eyes and what ears? Is this an intelligence system? We have been asked to co-operate but many agencies refuse to meet them." By its nature, it is dangerous to share information on human rights abuse indiscriminately. This is very different to the developmental 'transparency' aspired to by aid agencies. While this has led to claims that UNSMA is not a team player, one has to consider whether like is being traded and compared with like. For many in the aid community, UNSMA is seen as a sort of spy for the international community. As for the political mission, as well as a number of other commentators, the aid programme is regarded as essentially accommodationist and infiltrated by the Taliban. These contrasts and perceived threats have led to various moves by the aid community to distance itself from the political mission. For example, in order not to compromise the impartiality of humanitarian agencies, under current rules CAOs within Afghanistan are not allowed to journey together with humanitarian agencies on the same official travel request. According to a UNOCHA official, "...the SFA does not mean we have to abolish the distance between the pillars. In fact, if they are not clearly separated it muddies the waters with the authorities." As for UNDP, it has yet to see what sort of linkage could exist between itself and UNSMA. While UNSMA "...would have an advantage in linking with us, given the risks of collaboration, I'm not sure how we would benefit."

4.6.3   Querying Aid and Peace-Building

Contrary to the opinion within UNCO/UNDP, there are a set of different views among agencies working in Afghanistan that tend to query the socialising and securitising effects of aid. The essence of these views is that the Taliban are beyond reform and, within a totalitarian environment, the contribution of aid to peace is negligible. According to one widely held viewpoint, the Taliban are willing to let community-based programmes proceed as long as they remain small and limited. As soon as a project makes any headway, however, it is either closed or subverted. There are also a number of examples of community repression. For example, in February 1999 in Bamyan province, the Taliban massacred 29 members of a recently established community forum under the Habitat programme. It is claimed that the Taliban are generally becoming increasingly repressive towards civil society in the

areas they control as a result of the weakening of the ethnic reciprocity that characterised Afghan society historically. In most cases, moreover, the commanders involved in such repression are known. The success of the Taliban in cultivating foreign backing is argued to have allowed this weakening to take place. In this context, rather than aid-supported peace constituencies emerging which link together and isolate the warring factions - especially when such communities are infiltrated by the Taliban - future change in Afghanistan is more likely to be conspiratorial, insurrectionary and violent.

In many respects, the Taliban and the current aid programme have grown together. In 1994, within a few months of their emergence, the Taliban were being engaged by aid agencies. Seven years of almost continuous engagement have followed. For the last five years the Taliban have enjoyed what amounts to de facto recognition with the emergence of formal project agreements, the signing of an MoU, the SFA and regular diplomatic norms being followed. This history of aid engagement, however, is seen by some as producing very little. During this time, the Taliban have been given a relatively easy ride by the international community. The sanctions imposed, given post-Iraq concerns, have been designed not to harm ordinary Afghans. The outcome, however, is that they have had a limited impact. In the meantime, the Taliban have become host to extremist and terrorist groups from around the region, civilian abuse is increasing and "...the Taliban are now in version 10 of why they cannot educate women." In such circumstances, aid engagement under such totalitarian conditions has little to show for its efforts.

4.7 A Divided International 'Community'

It should be stressed that the differing approaches and concerns between the UN's political and aid wings in Afghanistan are much wider than these institutions. In terms of subscription, not only do these views cut across agencies, blurring unequivocal institutional demarcation, they also reflect divisions within the wider donor and international community. While this review has described aspects of the politics versus aid distinction in relation to the SFA, this is only a reflection of the raft of differences, unresolved issues and conflicts of opinion that define what we tend to call the international 'community'. The division between aid and politics at the level of the SFA are replicated in most donor governments and Foreign Ministries. Not only do different

governments take different positions, the division is often reflected within the same government; that is, with political and aid departments taking divergent views. As one DPA official put it "...if you take a long view over the last ten years politics and aid have come together. However, if you take a short view of the last two years, then there has been a tremendous resistance."

Although it has a diplomatic gloss of unity, the ASG is fragmented and divided on issues of 'politics' and 'aid'. The active donors divide between a "development/humanitarian group" and a "politically orientated group". According to one informant "...these groups usually want to discuss different things." They reflect and support the divergent positions that have been outlined above in relation to the aid and political components of the SFA. This makes it difficult to form a consensus, especially when a common position has to be conveyed to the Taliban. The ASG has generally maintained a common position on those occasions when it has been necessary. However, it is reported to be a hard balancing act to maintain. Of some importance in this respect, is the particular leaning of the donor that chairs the ASG.

At the same time, while the review has talked in terms of the UN's 'aid community', this is a short-hand for the UN's aid bodies active in Afghanistan. It does not imply that agencies such as UNDP, UNHCR or WFP are united in their views and perceptions. There are marked differences, for example, between the UNHCR and the rest of the UN agencies. At least one commentator was dismayed at the mixed messages coming from the UN aid agencies at the recent June ASG in Islamabad. Such differences go beyond the politics/aid divide. One cannot help but agree with Paula Newberg who, reflecting on the institutional compromises that went into the creation of the SFA, thought that the eventual framework was a substitute "...for a housecleaning that has yet to be done" (Newberg 1999: 24). This housecleaning, however, is not just at the level of the UN. It relates to a full and frank debate within the international community about what exactly its policy is towards Afghanistan.

4.8 The Fracturing of the Strategic Framework

Rather than a distinct programme, the SFA contains a set of possibilities for making the relationship between politics and aid more 'coherent'. The nature of this coherence, however, is based upon

a number of implicit assumptions. One of these is that by simply sharing the common denominator of a wish for peace – something the Taliban would argue they also share – they are somehow complementary. The problem, therefore, is a managerial one of removing institutional 'disconnects' and finding the right co-ordination mechanism. However, having a wish for peace, an aim even sworn enemies frequently share, is hardly a rigorous basis for the assessment of complementarity. The above analysis suggests that 'politics' and 'aid' display intrinsically different and even conflicting views on the nature of the Taliban, the place of human rights, and the role of aid in Afghanistan.

Another assumption that led to the founding of the SFA was that one was dealing within an undifferentiated reality.

> ...neither aid recipients nor de facto authorities distinguish among international interlocutors, except to the extent that a bit of manipulation may secure a bit of leverage. In this equation - aid is aid is aid - the UN, bilateral donors, NGOs, political negotiators and external spoilers are all part of one big pot of outside money and favour. When one assistance provider suspends its aid, all are affected; when one provider or agency collaborates with de facto authorities while others do not, all suffer. And when the aid and political branches of the United Nations do not appear to act in tandem, both endeavours suffer (Newberg 1999: 20).

In other words, for some, the logic of the SFA derives from the belief that the Taliban do not distinguish between the different components of international engagement, including the political and aid wings of the UN. In this undifferentiated environment, whatever one player does affects all the rest. There are several problems with this concept. Aid and politics are not complementary in the sense of being basically similar and comparable, they have intrinsically different approaches to the crisis in Afghanistan. Moreover, in an environment where information knows no boundaries, over the course of the last couple of years, the constant criticism and distancing between UNSMA and UNCO has taken its toll. The December 2000 sanctions, and the response of the Taliban, have shattered the illusion of an undifferentiated environment. The one-sided nature of the sanctions themselves has undermined the impartiality of the UN generally. For this reason, there was widespread briefing against their planned imposition by the international community and from within the UN, including UNSMA. According to at least one engaged donor however, the decision of UNCO to publicly criticise the decision of the Security Council simply confirmed to the Taliban that "...UNCO are the good guys and UNSMA are the bad guys". The retaliatory restriction of UNSMA activities shows a clear ability and willingness of the Taliban to distinguish between 'politics' and 'aid' and act accordingly.

Rather than politics and aid being complementary, they present different approaches and instrumentalities. Not only do the Taliban distinguish between them, they have shown themselves to be adept and proactive in their manipulation. The SFA has done little to resolve these issues. Indeed, its founding assumptions now look decidedly weak. The issues concerned are not primarily managerial or organisational in nature. Rather than a failing of the UN in Afghanistan, the relationship between aid and politics represents a major unresolved and inadequately analysed issue between donor governments. Until the international community has resolved the conflict between politics and aid and, especially, decided which courses it wants to take and backs it accordingly, the situation is unlikely to improve.

5. The Assistance Programme and the Strategic Framework

The first purpose of the SFA is to promote the transition to peace in Afghanistan by improving the coherence between the UN's political interventions and international assistance activities. The second objective is to "promote greater effectiveness and coherence in the international assistance programme" (UN 1998a: 1). This second objective is argued to be necessary to achieve the first, both because a more coherent assistance programme would contribute to peace more effectively and because the fragmentation of state and society means "a more structured, coherent, coordinated and principled approach is required" (UN 1998a: 6)[2]. In addition, the securitisation of aid (see 2.2) is seen to demand complex, multi-level, and long-term aid interventions. This requires greater coherence between aid actors as much as between aid and politics. In considering the relationship of the SFA to the aid programme it is thus important to bear in mind the distinction between improving co-ordination, a goal few would object to, and the qualitatively different level of inter-agency cooperation that is seen to be required for aid to play a security and peace-building role, a much more controversial agenda.

The SFA outlines five "key objectives" for the assistance programme and these are held to be those "best suited to advance the logic of peace" (UN 1998a: 5):

• the alleviation of human suffering

• the protection and advancement of human rights, with particular emphasis on gender

• the provision of basic social services

• the empowerment of Afghans, both women and men, to build sustainable livelihoods; and

• the return of refugees from neighbouring countries.

These objectives also form the core of the PCP and thus the CAP. This review is not a review of the PCP, however where the SFA ends and the PCP begins is hard to determine, particularly as most interviewees understood the SFA as an exercise in aid co-ordination rather than an attempt to bring coherence to aid and politics. Thus no attempt was made to evaluate how far these five objectives have been achieved. Instead, how the SFA has affected the assistance programme will be examined here through two areas of aid implementation that are explicitly dealt with in the SFA:

• The architecture of planning and funding

• Principled engagement with the authorities

5.1 The Architecture of Funding and Planning

5.1.1 The Blueprint

The implication of the SFA for the assistance programme is a move from a local, project, agency and sectoral basis for planning, co-ordination and funding towards a national-level, common programme, based on a broader, thematic approach. The production and implementation of what is, in effect, a kind a national plan was seen to require considerable changes to the architecture of the assistance community in Afghanistan and to the way in which it conducted its planning and co-ordination; 'business as usual' was no longer acceptable. The SFA also had considerable implications for donors, and for their relationship with agencies and the projects they fund.

The task of bringing the order implied by the SFA to the loosely co-ordinated and independent collection of agencies working in Afghanistan is considerable. The SFA and the Afghanistan programme generally is notable for the number of structural innovations it has pioneered in this attempt and thus the various acronyms it has produced. Many of these were proposed in the SFA itself, others have been developed alongside it or since. The most significant will be examined here. Though not all those listed below were explicitly contained in the SFA, they are closely interrelated and need to be examined as part of a whole. The relevant elements of the structure are:

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2 This view was also a conclusion of the London ASG: 'it is essential that strong links are maintained between the peace process and those providing humanitarian assistance. The common programming approach provides a mechanism for the two approaches to be linked'.

- The Afghanistan Task Force (ATF). This was to be a headquarters level Task Force to 'maximise the coherence' (UN 1998a: 8). Chaired by the Deputy Secretary-General (in other words someone more senior than the heads of agency), it would be attended by UN assistance and political actors and other agencies.

- A common fund. In the first drafts of the SFA a common fund was proposed. The idea was a mechanism into which donors would put money for Afghanistan, and from which individual projects would then be funded, thus breaking the link between donor and project and allowing the field to determine priorities.

- The Afghan Support Group. The ASG is an informal group of donor states established after the 1997 Ashkabad forum. It is not formally part of the SFA but has evolved to be a key part of the overall architecture. It is meant to produce donor consensus and greater support. It played a key role in forcing the reluctant UN agencies to accept the SFA at the London meeting of the ASG in 1998 (though the arm-twisting that went on is not reflected in the official minutes).

- The Afghan Programming Body. Proposed in the SFA as the Afghan Programme Board, the APB is based in Islamabad and is comprised of representatives of all the relevant actors, aid and political, and is chaired by the current chair of the ASG. The APB is meant to provide overall policy guidance to the common programme, sort out differences of approach, organise the division of labour etc.

- The Principled Common Programme. This originated out of the Ashkabad forum rather the SFA, as the two processes have converged the PCP has become in effect the assistance pillar of the SFA.

- Thematic Groups. In an attempt to get beyond sector-based programming, five thematic groups, one for each of the key objectives of the SFA, were formed in Islamabad[3]. They are meant to 'translate the strategic objectives of the Strategic Framework into sets of coherent cross-cutting programme priorities and periodically review their effectiveness' (UN/NGOs, 1999: 1).

- Regional Coordinating Bodies (RCB). These were intended to replicate the APB at the regional level within Afghanistan, and so ensure the links between the actual programmes and the APB. RCBs have been formed in five locations covering the country.

- The CAP. A pre-existing UN tool for the co-ordination of fundraising, the CAP in Afghanistan has become the repository for the improved national-level planning and common programming. In a key development, donors at the London ASG agreed that they would only fund projects that were in the CAP.

- The Strategic Monitoring Unit. Finally, the SMU, the body responsible for commissioning this study, was intended to monitor the progress of the overall strategy and agreed principles.

5.1.2   The Architecture in Practice

This architecture is still evolving, the RCBs for example are still relatively new, and so it may be premature to offer definitive statements. However, overall, for almost all the elements of the architecture, it is notable how the atomistic and centrifugal tendencies of the aid system have tended to dominate at the expense of the centralising and coherent approach of the SFA:

- The headquarters Afghan Task Force has met only once.

- The proposed common fund was rejected by UN agencies and some donors even before the SFA was finalised as it was too threatening to agency independence.

- Thus Common Programming replaced a Common Programme. There are a few examples of joint agency initiatives, the work on food security in Bamyan and the Azro Tezin[4] initiative for example. The review was unable to visit these areas, but overall they are the exception rather than the rule. Most agencies

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3 The 5 Thematic Groups are: Alleviation of Human Suffering, Advancement of Human Rights, Provision of Basic Social Services, Empowerment of Afghans to Build Sustainable Livelihoods, and Return of Refugees.
4 A joint agency integrated group repatriation programme led by UNHCR.

are resistant to the idea of subsuming their identity, and so distinct fundraising ability, in larger programme initiatives.

- The most common complaint about the APB is that it is a talking shop rather than a policy body. The recent formation of a standing committee may improve this. But with such a large number of participants (all donors insist on being present), no common programme and both donors and agencies making their own policy individually, it is hard to see what else it could be. As one donor official put it "the APB cannot make decisions, we can't make decisions on policy, that can only be done by our HQ. So we want discussions on practical matters."

- The Thematic Groups have functioned variably, with some existing more on paper, or at best in Islamabad, rather than in reality. The 'key objectives' they are based on have been drawn so broadly as to accommodate just about any project an agency would like to do, and so do not serve to prioritise or constrain possibilities. "It is hard to come up with projects that do not fit into it, it is so broad", as one NGO head put it. Similarly, as the output of the groups is not linked to funding in anyway, compliance is optional "if we don't like the strategy the group comes up with we will do our own thing". The basic social services group has been split back up into a series of sectors, in effect reinstating the old-style, sector-based co-ordination that went before.

- The performance of the RCBs is similarly patchy, depending on personalities rather than structures. They appear to function as the normal, regional aid co-ordination structures that would be expected in similar contexts elsewhere rather than as regional developers of a nationally coherent approach. Some have been actively undermined by agencies opposed to the SFA.

- The CAP has, by common consent, improved and is a more coherent and well thought through document than before. But even its most enthusiastic proponents would hesitate to say it represented the kind of coherent assistance strategy demanded by the SFA. For example, it lacks well-defined goals. Perhaps more importantly, donors continue to pay lip service to the CAP but to fund outside it, "no one dares

to say that they do not use the appeal" according to one donor. Donors even ask NGOs to put projects they fund into the CAP so that the UN will not castigate them for funding outside it.

- It took two years to establish the SMU, and its role has emerged much more as a kind of support role to the agencies than as the independent monitor originally envisioned, this report not withstanding.

This architecture and the process of developing it have certainly produced a level of interaction between agencies, and between agencies and donors that is unusually high. There are a number of examples of inter-agency collaboration that participants are generally positive about, such as the recent work on food security. However, the implications of the securitisation of aid are not just more than above-average levels of co-ordination. They are a qualitative shift in the management of aid of a kind that, so far at least, the agencies and donors that make up the aid system in Afghanistan have collectively resisted. To date, there has been a triumph of project over plan and agency over agenda, in fact there is a danger of the re-emergence of the very 'business as usual' the SFA was meant to leave behind.

5.1.3 Implementation and Legitimation: Substitute Governance in a Failed State

The reasons for this resilience of the project approach are important for the possibility, and more importantly the desirability, of achieving coherence, and thus for the use of the aid system as a strategic tool. Perhaps the primary external reason is the absence of any legitimate Afghan structure through which the national approach of the SFA could be legitimated or implemented. In terms of the SFA's 'failed state' analysis, the UN-led aid system has been legitimated as a kind of substitute government. This though is not considered to be enough, and the failure to legitimate the SFA, or to develop an 'Afghan voice', is regularly bemoaned, and the intention to do better ritually repeated, at most of the set-piece meetings since the SFA began. In practice of course, the agencies are not working in the vacuum implied by the idea of a failed state but confront on a daily basis a 'presumptive authority' that not only controls most of the country but is bent on controlling the actions of the agencies in a number of different, and often, unacceptable ways. Agencies compelled to do national level interventions, notably the UNICEF

and WHO run EPI, do in fact have the closest relationship with the authorities.

This authority however cannot provide legitimation or implementation as not only is it running a so called 'failed state' without international recognition, but it also lacks the support of many Afghans and denies many UN principles. Yet it stubbornly runs the country nevertheless. Any serious attempt to legitimate the SFA with Afghans would inevitably cause a confrontation with the Taliban, they would (rightly) perceive it as a challenge to their own legitimacy. Faced with this inability to legitimise or implement a national approach the local-level, project-based approach makes sense. It enables an agency to at least keep working with some degree of contact with the beneficiaries it is serving. The problem of legitimacy is addressed through the humanitarian imperative and, increasingly, the language of rights rather than the representative structures an approach such as the SFA requires.

5.1.4   The Triumph of the Project

There are also, however, powerful internal reasons. Perhaps the most important is the continued primacy of the donor/agency/project relationship in the 'political economy' of the aid system. Despite the architectural reforms of the SFA, this relationship remains the key dynamic in the system. Agencies plan, and donors fund, at the level of project and both agencies and donors continue to see the project as the primary level and form of intervention. Much staff recruitment, procurement, and reporting too is still project-based. Thus agencies plan projects with little reference to the PCP, thematic groups or RCBs or even the CAP. Rather they look to internally developed priorities and what donors will fund. In fact, the impression given to the team was that this tendency has increased recently. The initial enthusiasm and good will towards the SFA, particularly amongst NGOs, has cooled as the donors were not seen to come up with the money that the NGOs thought would be the pay off for their involvement in the process. However, regardless of the enthusiasm of individual agency staff for the SFA, for many agencies, whether or not their projects are in the CAP has had little impact on whether they are funded or not. Getting funding still depends primarily on the agency/donor relationship, not whether or not a project is in the CAP, "the money we got was not because we had projects in the appeal but because we went round the donors. This year not a single donor has asked if the project is

in the appeal" according to one NGO head. Again, this serves to undermine the coherence implied by the SFA approach.

Correspondingly, donor funding decisions are on projects, not overall programmes or policies. Donor priorities indeed often seem hard to square with the priorities identified in the CAP - they seem to be determined by a range of criteria of which the CAP is but one. Donor decisions are based on HQ determined priorities, NGO nationality, bureaucratic definitions, length of funding of a project, personal knowledge of the agency and project. Thus, despite a commitment to the contrary made at the London ASG, donors continue to fund outside the CAP. An element of this is necessary given unexpected events and short planning horizons, "we have projects we want money for that we have not planned yet". But donor connections to projects or agencies they have funded for many years can also take priority over the CAP. The priority list drawn up by a poll of donors under the Swiss chair for instance, and the donor technical groups set up to coordinate their work based on this poll, has only a passing resemblance to the 5 key objectives in the SFA and thematic groups. Donors also prefer to work at the level of the project rather than national policy, thus the formation of the donor technical groups, the individual funding decisions and the donor 'project trip'.

This growing donor involvement at the project level is part of a general trend towards the bilateralisation of aid (Macrae and Leader, 2000). It has been motivated in part by concerns about accountability and in part by ensuring greater 'coherence' between aid and political goals. In Afghanistan it is represented by the ASG and its technical groups (the chair of the ASG also chairs the APB). With 'policy' being determined at HQ level, donors representatives in Islamabad are left with little to engage with but projects.

However, the formal unity of the ASG masks the fact that there is in fact substantial disagreement amongst some donors about overall policy to Afghanistan, over for instance, whether longer-term, more developmental work should be funded, or the extent to which the authorities should be engaged by agencies. This in turn reflects a lack of consensus on the larger question of whether the Taliban should be isolated or engaged. And as noted already, even within the same donor government, there can be contradictions between humanitarian and foreign

policy goals. In the context of this lack of consensus on how to deal with the Taliban, the project level becomes the lowest common denominator of agreement, anything more substantial, or indeed strategic, would raise and expose unacceptable levels of division amongst donors.

Despite, or perhaps because of, these various tensions, there is a striking continuity in many project interventions funded, often by the same donors. The Swedish Committee for Afghanistan schools funded by the Swedish government, for example, have been going on for a decade. Similarly many health interventions continue without change despite the change of project (and donor) staff. This triumph of the short-term (though endlessly repeated) localised project is not necessarily negative. Many such projects achieve a substantial humanitarian impact. The project-level approach may, given the absence of a legitimate national authority, be all that can be accomplished by aid actors in Afghanistan. However, it does run counter to the longer-term, national programme level approach to intervention intended to advance the logic of peace called for by the SFA, and more generally implicit in the idea of coherence. Donors, and a number of agencies, appear to simultaneously want the aid system to be a strategic tool for peace, but yet are unwilling to give up the institutional and financial advantages that such an approach requires. While donors remain unco-ordinated, bilateralisation will only serve to increase this tension.

5.2   Principled Engagement with the Authorities

The SFA sets out a set of 7 principles intended to guide the actions of UN political and assistance actors, and 'ideally of all external actors' (UN 1998a: 3). (What relevance they have to political actors in areas of activity not directly linked to assistance is unclear as all the principles relate explicitly to assistance.) This section will examine how aid actors have interpreted and operationalised these principles in their work, particularly their engagement with the authorities.

As with the SFA itself, knowledge of the seven principles amongst aid workers is very patchy indeed. This ignorance is perhaps unsurprising given the sheer number of principles around. Apart from general 'humanitarian principles', there are principles in the ECHA guidelines, principles in the PCP (which are different to those in the SFA), and also in the recently produced Humanitarian Operational Requirements. Individual organisations too sometimes have their own principles, most famously the Red Cross, but other organisations also have statements that look and behave like principles. Staff confronted with numerous and conflicting sets of principles are unlikely to invest much time in internalising them or using them in day-to-day decision making, they naturally look to their organisations' mandates rather than the SFA. Principles, like money, lose value through excessive production.

Perhaps because of the number of principles, they inevitably conflict. The principles of the SFA are intended to simultaneously regulate the behaviour of the Taliban, through guiding the provision or withholding of aid, and to guide engagement by agencies in the provision of life-saving assistance, to which "political, operational and other conditionalities must be subordinated" (UN 1998a: 4). This dual role for aid of both regulation and life-saving produces considerable conflict and tension when confronted by a violation of principles by the Taliban. The provision of aid necessarily requires some engagement between agencies and the Taliban. The 'classical' understanding of the purposes of engagement are confined to promoting the interests of victims of conflict under International Humanitarian Law while minimising any benefits to the belligerents such engagement might bring. Responsibility for the welfare of the people under their control lies squarely with the authorities. The principles of the SFA however, and the notion of the substitute state, expand the responsibility of agencies and thus of their engagement; agencies are now held, and hold themselves, responsible for a much wider set of responsibilities, including altering the behaviour of the Taliban, a much more political task. This, however, for reasons explored above, has proven next to impossible, which leaves agencies in a dilemma of whether to stay engaged at all or to withdraw in the face of Taliban intransigence. Thus engagement that was acceptable under the 'classical' set of principles becomes 'accommodation' under the SFA. ICRC, for example, working under the classical set of principles, has close links with the authorities in a number of areas but is not accused of being accommodationist.

The UN wants to assert that "The authorities must clearly understand that principles are non-negotiable" (UNCO 2000a: 2), yet principles such as non-discrimination in the provision of aid (principle 2 of the SFA) are routinely breached by the authorities

not only in terms of gender but access to minorities such as the Hazara. Should boys be educated if there is no access to girls? Should one group be fed if access is denied to another? Should a project be suspended if the authorities, as they do regularly, insist on the employment of their staff? Many of the day-to-day questions over principle are made worse by the tension between this regulatory role and the humanitarian imperative.

This tension is reinforced by, and reinforces, the institutional confusion of separate mandates. The so-called 'one voice' policy was intended to produce unanimity over issues of principle. The failure of the SFA to produce such unanimity over its most recent test, the Edict on the employment of women, has already been commented on in 4.3. Another example is the engagement of agencies with what remains of the administrative structures. WFP, for example, will not allow its food to be used to pay incentives for government staff, UNICEF though pays incentives for EPI programmes, WHO too works through government health structures. In effect, mandate and HQ policy determine the approach taken as much as, if not more than, the SFA.

Perhaps unsurprisingly, given the lack of clarity over what a 'principled approach' is, little systematic effort has been made by agencies to monitor and report on the extent to which they are able to uphold the principles in the SFA. The Edict Task-Force was perhaps the most serious attempt, but the report commissioned by the Task-Force (Fielden and Azerbaijani-Moghadam, 2001) was not endorsed by the agencies, again unsurprising given their different institutional interpretations of what being principled means. Indeed, until there is clarity over what a principled approach is it would be hard to conduct such an exercise. Similarly, this review, much like an evaluator faced with evaluating a programme for which no impact indicators have been gathered, cannot make any definitive statements of the extent to which the principles of the SFA have been followed by the agencies, given their lack of attention to them.

This is by no means to argue that agencies have been unconcerned with principles. On the contrary, the level of debate about issues of principle in Afghanistan is high, both within agencies and between agencies. The Taliban can at least be thanked for that. And most agencies will subscribe to at least some of the principles through internal documents and procedures. Rather, the type of

inter-agency policy on principles represented by the SFA has little impact on agency decision-making, what dominates decisions about issues of principle is internal agency mandates and procedures, not the SFA.

This lack of co-ordination on principles is reflected in the ASG as well, again illustrating the lack of consensus amongst donor states about how to deal with the Taliban: engage or isolate. It is no accident that the UN agency which takes the toughest stance on engagement with the Taliban, WFP, gets most of it food from the US. Likewise agencies more prepared to engage and deal with the Taliban can go to other donors with a less isolationist stance.

5.3   Conclusions

As the authors of the SFA acknowledged, a coherent assistance programme that would contribute to the overall peace-building objectives of the UN required a "quantum leap in the way in which external assistance actors operate in Afghanistan" (UN 1998a: 5). The implications of such an approach are considerable in terms of unifying both the operation of the aid system and its engagement with the presumptive authorities, in other words developing a machinery which is simultaneously capable of fulfilling a strategic peace-building role and performing a short-term, life-saving function.

It would appear however, that the diverse political, assistance, and institutional agendas of both agencies and donors have prevented, or at least severely constrained, the level of policy coherence that the SFA assumed and required. This can be seen by the way in which these agendas have dominated the evolution of the various elements that make up the architecture of the SFA, and in the resilience of the local, short-term, project-level intervention that characterises most work in Afghanistan. It can also be seen in the resistance to co-ordination over issues of engagement, again by both donors and agencies. The UN agencies have been notably resistant, yet the UN can hardly expect to lead a co-ordinated effort if the UN agencies cannot coordinate between themselves. While much of the reason for this lies in the institutional agendas of agencies, donors bear perhaps the ultimate responsibility. Through the idea of coherence and aid playing a conflict resolution role, political actors have simultaneously delegated responsibility for making the Taliban more respectable to the aid system (political actors have not accepted the need for coherence themselves)

and undermined their chances of doing so by their funding practices and insistence on their engagement at the project level.

During the research for this section, in both the literature and the interviews there was a constant refrain regarding the SFA about the need to "make it a reality", this was both an aspiration for supporters and a criticism for opponents. However, the reality of an assistance programme that was both internally coherent and part of strategic attempt to build peace in Afghanistan appears to have been too much to swallow for the agencies and donors that make up the assistance community in Afghanistan.

Even supposing a greater degree of organisational integration amongst aid actors to something approaching a common programme, it is debatable as to whether or not aid could be the kind of strategic tool required by the SFA. It may be that it is necessary for life-saving action in conflict, or in an environment controlled by a hostile authority, to be localised and short-term. Both the legitimacy and the implementing structures to do more than this do not exist. A unified aid system that attempted to engage with such an authority at a strategic level would probably either have to stop working for lack of cooperation, or face systematic manipulation on a scale far greater than that experienced so far.

6.   Human Rights and the Strategic Framework

As a conceptual framework for providing coherence to the assistance programme in Afghanistan, the Strategic Framework has so far failed to overcome institutional obstacles that have worked against that objective. These problems are particularly acute in the area of human rights. The problem is not with the document, which lays out objectives around which there is general consensus. By the same token, most of the individuals who occupy positions crucial to the promotion of human rights appear to be sincerely committed to the effort. The problem has been with the efforts undertaken to implement human rights principles in a culture of institutional relationships that is not equipped to reconcile competing priorities. Though the Office of the High Commissioner for Human Rights (OHCHR) was left out of the original SFA, its lack of involvement on Afghanistan and failure to address the problem of impunity has undermined efforts to advance human rights protection in the field.

The place that human rights has in the Strategic Framework is the subject of some debate. While later documents (UNCO 2000a) grant it the status of a 'third' pillar, it seems clear that that designation was conceived some years after the SFA was adopted. Instead, the earlier documents incorporate human rights into the seven principles of the SFA. It could be said that principle 3, which states that international assistance "cannot be subjected to any form of discrimination, including of gender;" provides the rationale for much of the 'rights-based programming' that the assistance community in Afghanistan has taken on in recent years, explicitly in response to the Taliban. While such efforts have begun to have an impact on the way agencies think about their own programmes, 'rights-based programming' can have little effect on structural discrimination in the absence of other political efforts in the areas of protection and accountability.

However, aid agencies remain in disagreement about whether they have any role at all in such efforts. This gets to the heart of the dilemma over principle 5 of the SFA, which explicitly calls for institution and capacity-building activities to advance human rights while not providing support to "any presumptive state authority which does not fully subscribe to the principles contained in the founding instruments of the United Nations." (UN 1998a: 4).

One of the five strategic objectives of the SFA is to increase the UN's capacity to "engage all Afghan parties through dialogue and advocacy initiatives to ensure they understand, promote and respect human rights and international humanitarian law" and to "ensure that issues of gender discrimination are addressed and resolved" (Ibid.). But to do "institution and capacity building" necessarily entails working with some local authority. Clearly the Taliban "do not fully subscribe to" UN principles; nor did the factions aligned with the United Front when they controlled more of the country. Some on the assistance side would argue that one must work with such authorities in order to be able to address pressing humanitarian concerns, or work around them to "empower" local communities. But if the UN and donor countries involved on the assistance side are not simultaneously backing efforts to expose and condemn human rights violations and hold those responsible accountable, neither strategy is going to work. In the case of the former, the humanitarian community has learned from its experience with the Taliban that even limited engagement has only resulted in the shrinking of available humanitarian 'space'. In the latter case, humanitarians must weigh carefully the risks to local communities of any effort that could be seen as supporting resistance, if there is no concomitant political effort that would deter authorities of any movement/faction from crushing such efforts.

This is not to say that there is not a division of responsibility among the humanitarian, developmental and political agencies with respect to human rights. But aid cannot function as a part of "peace-building" if there is no political investment in the same. It is worth noting that some aid agencies recognize that it is within their mandate to condemn violations of international humanitarian law that have an impact on non-combatants, such as indiscriminate bombing. However, the kind of "protection" work that follows—ensuring shelter and other assistance for those affected—offers no real protection from further abuse if it is not linked to any international effort to hold the perpetrators to account.

Whether or not human rights is accepted as a third pillar, the fact that human rights is part of the SFA is not disputed. The problem is in part one of definition. If assistance is at heart a human rights problem (Newberg 1999: 16) then addressing the relevant violations is the only way to ensure that the assistance that is needed reaches those who need it. What remains a matter of controversy - and considerable tension in some cases - is defining the relevant agencies' obligations to promote human

rights. As Kenny points out, even at HQ level, not all of the UN agencies necessarily see human rights as integral to their mandate (Kenny 2000: xv-xvi). While there may be rhetorical acceptance that human rights is part of what 'we' do, and consensus on the need to advance human rights, there is little agreement on who among 'us' should be the ones doing it, and certainly no consensus on how to.

The development of the SFA follows other reform efforts within the UN, including the explicit promotion of human rights as part of the stated policy of the component parts of the organisation. In 1997, Secretary-General Kofi Annan announced the Programme of Reform, which stated that:

> Human Rights are integral to the promotion of peace and security, economic prosperity, and social equity. [the] issue of human rights has been designated as cutting across each of the substantive fields of the secretariat's work programme (peace and security; economic and social affairs; development cooperation; and humanitarian affairs). A major task for the UN, therefore is to enhance its human rights programme and fully integrate it into the broad range of the UN's activities (cited in Kenny 2000: 3).

The operational guidelines for the implementation of the SFA in the field were developed through a separate initiative that came to be called Principled Common Programming (PCP). The human rights component of the "principled" part of PCP called for assistance to be "in pursuit of " the basic principles contained in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and "all UN human rights covenants and conventions." A more specific principle required that assistance "work to address structural discrimination" and to ensure that it is "not created nor perpetuated" in the provision of assistance. In its most ambitious proposal, the PCP was to ensure that all those who participated in the assistance programme be "protected from the arbitrary use of force" (Witschi-Cestari 1998: 5-6). However, many respondents for this study, particularly among NGOs, reported that while PCP was still a live issue for them, the SFA had generally been seen as HQ-driven and not particularly relevant to their work (though many were concerned about the implications of the SFA when it was first agreed to).

The fundamental principles that are more or less common to both remain the subject of an often highly charged debate within the assistance community about how best to deliver aid to Afghans without making dangerous compromises on its neutrality, impartiality and commitment to human rights standards. As one respondent observed, "There is diffuse pressure to keep up "principles" – but we are never able to say what they are. Nevertheless, the exchange has forced actors to think and formulate positions. Without that there would be greater temptation to be more friendly with the authorities." But serious questions remain: Does building consensus within the assistance community on the question of principles mean seeking the lowest common denominator whenever there is a crisis? What is the balance between pragmatism and principles? Is the assistance community any further along in figuring out how to respond to interference or abuse by local authorities than it was five years ago? Does it respond only when there is an immediate threat to the continuation of programs and not when it affects Afghan civilians otherwise? Is protecting programs seen as protecting human rights?

6.1 Limits of the Strategic Framework for Afghanistan

The SFA as originally conceived was predicated on the assumption (based on conditions obtaining in 1997) that the assistance community was going to continue to struggle with competing 'presumptive authorities' while trying to provide basic services lacking because of the absence of a functional state. The terms of the SFA refer only to Afghanistan, and not the region - even Pakistan - in large part because donors had redirected funding to programmes inside the country and had virtually ceased funding for refugees on the grounds that they did not want to contribute to a 'pull factor.' One consequence of this has been that tens of thousands of new refugees who have fled fighting, and those already in Pakistan who are facing worsening conditions there fall outside the SFA altogether.

At about the same time that the SFA was adopted, the United Nations established the 6+2 contact group made up of Afghanistan's immediate neighbours plus Russia and the US with the aim of promoting a peaceful solution to the conflict. Meetings of the 6+2 are convened by DPA with the SRSG, the head of UNSMA, presiding. Despite this development, a continuing problem for the promotion and protection of human rights in Afghanistan has been the failure on the part of the

Security Council, leading member states, and the UN political bureaucracy, to assume responsibility for addressing the conflict itself and the culture of impunity it has engendered. Renewed interest on the part of the Secretary-General to find new ways to foster a peace process may offer some opportunities to garner member state support for such an effort. For its part, the office of the UN High Commissioner for Human Rights (UNHCHR) has until now abdicated its responsibility for promoting accountability in Afghanistan through its failures to conduct thorough investigations (see section 6.7). Finally, some on the assistance side have taken on an approach that promotes the crucial rights to food, livelihood and education but that side-steps many of the more sensitive civil and political rights concerns that are ultimately vital to the pursuit of the former.

While the assistance community may be correct in assuming that the Taliban (and the UF for that matter) will not commit resources for the welfare of the civilian population so long as the war continues, the notion that 'engagement through assistance' could transform the Taliban in time is a dangerous one. Seven years into a policy of de facto engagement, the only perceptible change in the leadership of the Taliban movement is increased authoritarian control and greater hostility toward the assistance mission. As one respondent noted, "..it may be possible to beautify the Taliban, but not to reform it".

6.2 Background to the Human Rights Debate in Afghanistan

Efforts by the international community to monitor human rights concerns in Afghanistan and intervene to curb serious violations have largely followed the trajectories of Afghanistan's wars. In the first phase, the revolution of 1978 launched a campaign of terror and repression that included the systematic execution of tens of thousands. The Soviet invasion and the installation of a Soviet-backed government followed, prompting some five million to leave the country as refugees. From the outset, humanitarian agencies that established themselves among the refugee communities in Pakistan became part of the political dynamic; with the exception of the ICRC and a few others, none engaged in cross-border relief efforts. Human rights documentation by Western groups highlighted abuses by Afghan communist and Soviet forces, particularly the massive use of Soviet firepower in indiscriminate attacks and the repressive control the Soviet-backed government

exercised in cities like Kabul. The documentation became part of the 'just war' rhetoric of the Cold War battleground. It was not until the late 1980s, when it became clear that the Soviet forces would ultimately withdraw, that attention shifted to the practices of the mujahidin groups. By 1991, a few Western human rights groups, as well as local organisations, were documenting abuses by groups that had long been favoured by Pakistan to receive the bulk of CIA-supplied weaponry. These abuses included assassinations of Afghans who supported the former king, Zahir Shah, or who were critical of the Islamist groups, and attacks on NGOs who supported education and work programs for women (HRW 1991). But UN member states involved in end-game negotiations over a transitional process, particularly the US and Pakistan, paid little attention to these reports. Human rights was not a consideration for those involved in negotiating the transition.

In the aftermath of the debacle of March-April 1992, the political side of the UN suspended serious efforts aimed at fostering a peace process. The failure of the transitional process and the chaos of the civil war that followed the collapse of the communist government unfortunately also deterred international human rights groups from serious monitoring and documentation even though the period 1992-1995 was marked by egregious breaches of international law amounting to war crimes, including massive rape and systematic summary executions. That lapse, and the selectivity in approach that it implied, has continued to undermine efforts to stigmatise the Taliban for their human rights record. The lack of international scrutiny during this period has raised questions about the impartiality of human rights standards as they have been applied in Afghanistan. The lack of security also seriously impeded the efforts of humanitarian groups to reach populations in need. Most efforts aimed at securing 'humanitarian space' amounted to little more than paying protection money to an assortment of commanders. This was Afghanistan as a truly 'failed state.'

The advent of the Taliban provoked a mixed response from the humanitarian community. Because they imposed a degree of order throughout much of the country that had been absent in the period of 'commander rule' the Taliban appeared to hold out the possibility of extending humanitarian assistance to areas that had been inaccessible, while simultaneously closing down humanitarian programs elsewhere. The first restrictions on women met with few protests. Human rights came to the fore when

the Taliban won Herat in 1995 and especially when they came to power in Kabul in September 1996. Then, apparently because it was taking place in Kabul, the Taliban's discriminatory policies toward women, particularly the closure of girls' schools, restrictions on women's employment and, somewhat later, restrictions on women's access to health care, galvanised international attention.

In interviews for this study, respondents who were asked about human rights often assumed that the question concerned women. One obvious reason is that the policies affecting women have a direct impact on humanitarian programmes. These programmes have employed women, provided health care to women and provided education for women and girls. Unlike other abuses, such as discrimination against religious and ethnic minorities, gender discrimination is codified, making it simultaneously easier and more difficult to address. More important is the fact that for Afghanistan, questions concerning women—who has say over their role in society—have always been at the heart of political power struggles. The Taliban see women as a potential source of resistance. As one respondent pointed out:

> The essence of the fight with aid agencies over the role of women is basically, 'Who runs Afghanistan?'

The SFA itself, in a summary paragraph describing the human rights situation, highlights gender discrimination first, followed by food shortage, lack of access to education and health care for all, and the threat of landmines. Civil and political rights concerns, as such, fall outside the mandate of the assistance mission, so none are explicitly mentioned other than discrimination on the basis of gender. Although denial of other basic civil rights - freedom of association, participation in choosing a government, freedom from arbitrary arrest, torture and summary execution - has characterised Taliban rule (and that of their predecessors), none has attracted the same degree of attention from donors and actors on the ground.

In fact, the attention by donor representatives, the media and international human rights groups to the question of discrimination against women has provoked something of a backlash from many NGOs working in Afghanistan, who saw many of the reports as selective, reflecting the experience of a small, mostly urbanised segment of the population, and the data skewed toward a preordained result. At

another level, the same battle is waged in the field every time the Taliban issue a new edict (or decide to enforce an old one). Those arguing for a low-key, wait-and-see, 'bob-and-weave' strategy are almost invariably NGOs with programmes in the field. Those arguing for a line-in-the-sand approach are usually not field-based but often represent their agency heads based outside the region altogether. The former accuse the latter of forgetting the humanitarian imperative, and of ignoring regional variations in the implementation of the edicts that make progress in the field possible. The latter accuse the former of being accommodationist and of undermining human rights. In the seven years since discussions began between the Taliban and the humanitarians on the issue, little has happened to bring the two far ends of the continuum any closer together. The report on the responses to the July 2000 edict on women, described in section 6.3 below, is one example of this stalemate.

This review is not the first to examine whether efforts to ensure that assistance follows a principled approach has had practical effect. Others have pointed out that since the Taliban took control of Herat, and later Kabul, assistance organisations have adopted various approaches to restrictions on women, and these variations have become the source of considerable friction. "[W]ithin the assistance community, a division appeared to emerge between practices that challenged Taliban restrictions, those that accommodated them, and those that seemed to ignore them" (Newberg 1998: 5). In June 1997, the UN Emergency Committee on Humanitarian Affairs (ECHA) promulgated guidelines for a "principle-centered approach to gender issues" that was meant to provide a basis for trying to resolve the inconsistencies that had plagued the assistance mission. But the divisions have persisted, in large part because "the principle-centered approach provides a focus for UN consideration, but it does not prescribe a consistent set of actions" (Ibid.).

The November 1997 mission led by the Secretary-General's Special Advisor on Gender Issues and the Advancement of Women attempted to address the problem of the practical application of the guidelines. In its report, the mission recommended "a field-oriented application" of the principled approach, emphasising practicality and flexibility in responding "imaginatively to opportunities and challenges." For the organisations themselves, it called for mandatory gender training, gender mainstreaming in assistance programmes, and a six-month

evaluation process to track progress on gender issues. In the middle of a debate about 'principled' engagement, it called for UN agencies to assist authorities in developing sectoral plans and establishing joint technical committees. It also called for the appointment of both a Gender Adviser at the D-1 level in the office of the Resident Coordinator, and a Human Rights Adviser who would work "in close collaboration" with the Gender Adviser (UN 1997:15-16). However, little thought appears to have been given to how these two positions would relate to one another, or how to conceive of women's rights as part of an overall human rights strategy (see below).

In the aftermath of the Gender Mission report, balancing the 'pragmatic' with the 'principled' has continued to be a dilemma for the UN Coordinator's office. At a November 2000 ECHA meeting, the Coordinator responded to questions about the implementation of the ECHA guidelines by stating that:

> Decisions to take a firm stand were rarely clear-cut…and the level of risk to the overall operations had to be judged. Regarding the June 1997 policy guidelines, the Country Team was far from being able to comply with all the guidelines given the situation in the country, but was trying to adhere to them as much as possible (UNCO 2000b: 5).

A background paper prepared for the meeting described the UN Country Team as "regularly reassessing where it stands on the sliding scale between principles and pragmatism" (UNCO 2000: 2). A February 1999 paper on "Next Steps" pushed for greater flexibility to interpret the SFA to permit more development and capacity-building programs, and hence more interaction with "presumptive authorities" on the basis that the "collapse of institutions of the state" and the "human rights crisis" engendered by the war and the policies of those same "presumptive authorities" (UNCO 1999: 2). In this regard, the paper queried the applicability of some of the SFA's principles, including the distinction between "life-saving" and "development." It pleaded for the adoption of a "language of rights" that would include "the entire range of rights that are being denied to the Afghan population", food, health, education, sustainable livelihoods and "the right to receive humanitarian and development assistance" (Ibid.: 2-3, emphasis added). The wording appears to suggest, if not a hierarchy of

rights, (with civil and political to be pursued perhaps at some point in the future), then a division of responsibility. Using the language of rights, the assistance community has turned tables on those from the political side who would impose conditionalities on the delivery of "developmental" or "capacity-building" assistance. By arguing that such programmes protect Afghans' rights to livelihood, health care etc., it has used one principle of the SFA to trump another and rationalise continued engagement with the authorities to further, or establish, capacity-building.

But there is a danger in such an approach. In the absence of any linked protection activities, capacity-building programmes aimed at fostering or 'empowering' civil society may engender new risks for an already vulnerable community. If advancing the right to health care, education etc. is not seen as part of an overall strategy for identifying ways to advance rights of association and participation and free expression, and pursue accountability in the face of a totalitarian police regime, then programmes aimed at strengthening civil society may do precisely the opposite. The review team was provided with an example of UN-fostered 'civil society' being eliminated in a massacre because of the threat the members posed to local and central authorities. It would be tragic, however, if 'civil society' programs in Afghanistan were suspended as a security precaution. These are among the most potentially transforming of all the assistance programs in place. The answer lies in tying serious steps toward accountability with an expanded monitoring presence in vulnerable areas, and ensuring that all those associated with such programs, including temporary or contract workers, enjoy the full protection of the UN should security conditions deteriorate.

6.3   The July 2000 decree

The response to the July 2000 decree (firman) by the Taliban prohibiting Afghan women from working for international aid agencies provides some insight into the working of principles in the face of a human rights crisis. According to the UN Coordinator's discussion paper for the ECHA meeting in November 2000, "[t]he firman has led to considerable soul-searching in the aid community on how best to respond. Understandably, positions ranged from pragmatic and "business as usual" (mainly the NGOs) to more principled if not confrontational (mainly the UN agencies)" (UNCO 2000b:4). A task force

was established "to more fully understand the context of the firman and its actual impact". The task force was then to become a standing task force on terms of engagement (Ibid).

The report of the task force recapitulates many of the long-standing problems of reconciling the various perspectives of the array of assistance agencies involved in order to achieve consensus on a strategy that is at once 'pragmatic' and 'principled'. In the end the result seems only to have further polarised the two camps. The report describes some of the controversy engendered by the attempt to reach consensus on a response, but its conclusions place it squarely on the side of engagement, even if that requires altering the SFA's basic principles. The report notes that many NGOs had not "defined a 'bottom line' at which point they feel it is necessary for them to disengage from the Afghan context" (Fielden and Azerbaijani-Moghadam: 7). Others interviewed commented that the absence of a "bottom line" leaves an organisation unable to commit to any principled position. But for many, the possibility of being able to continue work with 'moderate Taliban' (and possibly influence them) and the widespread belief that attending to survival needs takes priority meant that they resisted any calls for a more confrontational approach (Ibid: 7-8); "Related to this is the perception by some NGOs that it is more important to prioritise "concrete" livelihood issues related to family needs over more 'abstract' notions of gender equity" (Ibid: 8). The report argues against disengagement (which appears to be the only response under discussion) on the grounds that it ultimately harms the very population assistance programs are meant to help. The report also entertains the possibility that the Taliban may be evolving into a more organised authority and therefore, that the conditions that inspired the SFA - a motley array of presumptive authorities in a failed state - may no longer obtain, and that therefore, continued engagement even in the face of clear violations of the SFA's principles is warranted.

Not surprisingly, the report was not accepted by all in the assistance community. Some refused to endorse it, arguing that there had to be more that the assistance community - and the international community as a whole - could do. Some violated the 'one-voice' policy in articulating their objections to the report. A number of respondents noted that the fixation on disengagement means that other, potentially effective advocacy tools are overlooked, including using vernacular radio services (such as the BBC) and other tools to communicate the assistance community's concerns to Afghans. Others have noted that blanket disengagement on matters of principle is blind to the fact that discriminatory policies may be highly localised. In an earlier example, when the Taliban took Herat and banned girls education, UNICEF suspended its support for schools throughout Taliban-controlled Afghanistan, but "this decision was based only on the conditions in the cities of Quandahar and Herat; they forgot the rest of the country" (Fange, 1999). One of the most important criticisms of the process was the lack of any follow-through. In the end, most organisations adopted their own strategies for responding to the restrictions, whether or not they fitted with any interpretation of principle. But the experience left those involved bitterly divided over whether 'coherence' in a moment of crisis is even a possibility. In the aftermath, the adoption of the Humanitarian Operating Requirements has been criticised as far too minimal.

6.4 Human Rights and Principled Programming: UNCO

The bodies nominally responsible for human rights work are the offices of the Human Rights Adviser and Gender Adviser (now pending reorganisation and reappointment); the Civil Affairs Unit of UNSMA, the United Nations High Commissioner for Human Rights (UNHCHR), the Special Rapporteur for Human Rights in Afghanistan, UNHCR, UNICEF and CDAP. Among these, responsibility for human rights programming, protection and monitoring is diffuse, with few agreed-on guidelines for pooling information and developing complementary strategies. Staff from the UN agencies based in Pakistan meet together with NGOs and donors as part of the Consultative Group on Human Rights, a subgroup of the Thematic Group on human rights, where some such information is shared and discussed.

6.4.1 The Human Rights Adviser

In 1999 the Office of the UN Coordinator for Afghanistan (UNCO), together with the UNHCHR, established the office of the Human Rights Adviser (HRA) for the UN mission in Afghanistan. Establishing human rights and gender rights capacity within the UN field presence had been under discussion at least since 1997; the mandate of such an office and where it would be situated were matters of some contention.

A Human Rights Strategy Paper prepared in October/November 1998 following a consultation that included NGOs, UN and donor representatives stated that "the international community lacks a consistent and coherent response to the deteriorating overall human rights picture, as well as to alleged and recorded human rights violations. This seriously limits any progress that might be made to address the root as well as immediate causes of systematic and arbitrary human rights abuse." The paper underscored that it was difficult to promote the universality of human rights if violations were not denounced "irrespective of the victims and perpetrators" (UNCO 1998: 3). The paper was produced in the aftermath of the August 1998 take-over of Mazar-i Sharif and the massacre of civilians by Taliban forces. The massacre galvanised many to look more critically at what the UN, in both its assistance and political capacities, was doing to address human rights concerns in Afghanistan. Also under discussion at this time was whether the UN, through the UNHCHR, could tackle the problem of impunity. The UNHCHR's failure to investigate the 1997 massacre of Taliban prisoners by the UF was largely seen as contributing to the problem identified in the strategy paper of selectivity in the international response to human rights violations.

The strategy paper recommended that the international community adopt a two-pronged approach that would include both the mainstreaming of human rights in the assistance programme and a separate "human rights specific" programme to "monitor and appraise the human rights situation and intervene in cases of abuses in a systematic and consistent manner." While the Civil Affairs Unit of UNSMA (the establishment of which was running on a somewhat parallel track) ultimately took on some of the characteristics of the latter approach, the Human Rights Adviser adopted most of the former.

Although the adviser functions as the field representative for the UNHCHR, the adviser relates principally to the assistance community. The office has had contentious relations with other human rights entities - a problem related in part to the definition of human rights being employed by the different actors and in part to interagency mandate conflicts. The HRA office is situated in UNCO; the adviser reports to the Coordinator. The adviser's "primary task is to help assistance agencies address human rights concerns [through] the creation of consultative mechanisms to facilitate a dialogue

and joint action on human rights, the development of a training programme tailored to the needs of aid personnel in Afghanistan, [and] policy development particularly in relation to groups working with war affected communities" (UNHCHR). The adviser also chairs the consultative group on human rights. Through the activities of the Human Rights Adviser, human rights has been taken on as a programming function, as building human rights awareness among various actors rather than documenting abuses, as training rather than monitoring. The HRA office also has an advocacy function, raising concerns about human rights to NY HQ and the OHCHR.

One of the original priority tasks for the position, reiterated by the Thematic Group in its programme priorities for 2001, was to develop an "objective and comprehensive profile of the human rights situation in Afghanistan in order to promote coherence between different human rights initiatives at the national and international level" (TGHR 2000). This assessment has not yet been carried out, in part because, as one respondent noted, programming and documentation are two separate jobs, only one of which has been funded to date. A new position or project is under discussion that would be responsible for this and other kinds of documentation.

While there appears to be consensus on the need to carry out this kind of "needs assessment" on human rights, what exactly this would cover varies according to the perspective of the agency involved. According to the minutes of a recent meeting of the Thematic Group on Human Rights, the planned assessment would be designed to focus on rights issues that fit within the assistance mandate and to "balance" inaccurate reporting by international organizations and the UN Special Rapporteurs (Ibid.). Others interviewed by the review team regretted that there was not more attention to assessing available information of egregious civil and political rights violations.

6.4.2   The Gender Adviser

Unfortunately, the review team was unable to meet with the Gender Adviser as funding for the office had ended. Until then, the office of the Gender Advisor was also located in UNCO. The funding for the office was apparently withdrawn out of concern that the office was not fully integrated into programming and because of institutional problems related to the separate mandates of the Gender Adviser and Human Rights Adviser. From the outset,

the two offices were funded separately in an arrangement that reflected donor interests and agency control rather than 'coherence,' and helped fuel inter-agency tensions. In fact the arrangement reveals a fundamental lack of understanding about human rights and the need to ensure that gender rights are understood as part of an overall human rights portfolio. Although other steps would need to be taken to address other problems of co-ordination, the Gender Adviser position should be funded as part of a Human Rights unit that would be accountable to the UNHCHR.

Gender 'mainstreaming' was mandated in the report of the interagency mission. It has received mixed reviews on the ground, with many arguing that, while promising, it is too soon to evaluate the impact. However, the report of the TETF argues that little has been done to "translate [the mandate] into practical, on-the-ground implementation strategies. This reflects the overall weakness, to date, of efforts to operationalise "gender mainstreaming," and an absence of apt leadership, co-ordination, co-operation, and information sharing on gender issues" (Fielden and Azerbaijani-Moghadam 2001: 7).

6.5   UNSMA and Human Rights: The Civil Affairs Unit

The principal entity responsible for human rights concerns within UNSMA is the Civil Affairs Unit. The background to the formation of the CAU has already been discussed (see 4.3) together with the fact that at the time of writing, following Taliban insistence, with the exception of Civil Affairs Officers in Kabul and Faizabad, all CAO's had been re-posted to Pakistan.

Regarding the monitoring of human rights, the CAU suffered from poor management in its first years. The first CAOs were deployed in 1999 when UNSMA's presence was very weak. SRSG Brahimi had left and Francesc Vendrell had not yet been appointed. The staff who were available in Islamabad did not ensure that the monitors established a cooperative relationship with their counterparts on the assistance side. However, the mistrust on the part of the assistance side toward the CAU preceded their deployment and has been disproportionate to any specific operational problems.

The CAU has had problems recruiting qualified monitors. UNSMA is prohibited from hiring staff for the monitor positions from any of the countries in the 6+2 contact group, as well as several other countries that have political interests in Afghanistan. It has been difficult for the CAU to attract staff with relevant language skills, the lack of which puts the monitors at a disadvantage and raises security concerns regarding local translators. Most important, while some of the monitors demonstrate competence in the field, others appear to have a poor grasp of how to go about their work. Although the work of the monitors is not limited to human rights, they could benefit from training, not in human rights standards, but specifically in human rights fact-finding technique.

Some specific complaints about the CAU from the assistance side and the review team's assessment of them:

The CAU does not share information. This has become one of the most divisive issues fueling the tension between UNCO and UNSMA. There are two parts to this concern. The first is identifying what kind of information is being discussed and how much of it ought to be shared. The second is determining appropriate mechanisms for disseminating that information to selected recipients. Regarding the first: It has been argued that not all information can be shared; coherence and co-ordination between the political and the assistance side does not mean an overlap of function. Just as the military side of UNSMA is not meant to share its information to any but a select group, it may be reasonable to expect the CAU to have information of a sensitive nature that cannot be widely shared. It is also essential to take into account the context in which the monitors are working. The review team was informed that, in fact, staff members of the CAU and UNCO cooperate in this area far better at the field level than they do in Islamabad, which suggests that the controversy surrounding this issue has far more to do with personalities and interagency power struggles than tactical considerations about advancing human rights. Nevertheless, establishing guidelines on what kind of information could be shared and among which offices might alleviate tension in this area, and might curb the propensity of some staff to engage in unfounded accusations that could jeopardize the work and security of the CAOs.

Lack of a clear mandate or terms of reference. According to UNSMA officials, the CAOs are meant to focus on maintaining contact with the local authorities, ensuring collaboration with, and getting data from, the assistance community, collecting data on civil society, assessing specific human rights needs, particularly basic human and civil rights, governance and administrative issues, the judiciary and peace, and acting—by their presence—as a deterrent against serious human rights violations. According to many on the assistance side, the monitors have been positioned in cities around the country with no clear idea about what it is they were supposed to do. In interviews with the review team, the CAUs appeared to have a grasp of their responsibilities as defined. However, the successful performance of any of these broadly-defined 'tasks' depends entirely on the quality of the personnel involved and their operational savvy in the field. In addition, they could be involved more directly in 'good governance' training with local authorities and other hands-on interventions at the local level, particularly in non-Taliban areas.

Inability to post CAOs in most vulnerable areas. Although the last item in the CAO's job description states that the presence of the monitors could deter serious abuses, this should be treated with caution. No CAOs have been permitted in or near areas closed or restricted for security reasons, including conflict areas. This includes areas that have been the most vulnerable for serious abuses, including repeated massacres. Given that UN personnel are evacuated when security conditions deteriorate to a certain point, it does little to enhance the credibility of UNSMA to maintain that the monitors are in a position to prevent massacres. If the CAOs are able to return to Taliban-controlled areas, the only possible way of putting teeth into that part of the CAU would be for UNSECORD to make due arrangements for the CAOs' security so that they can be deputed into any zone where the incumbent local authorities agree to work with them.

6.6   Refugee Protection

The SFA does not deal implicitly or explicitly with assistance questions arising from a continuing refugee outflow from Afghanistan, the human rights concerns of this population, or the political implications for engagement not only with Afghan authorities but regional authorities in Pakistan, Iran, and Tajikistan. Why refugees (and the assistance/human rights/political implications of this population) were

not part of the SFA has to do with the political analysis driving donor decisions at the time: the need to fund programs inside Afghanistan, the need to eliminate the 'pull' factor of refugee assistance and, as one respondent put it, the persistent but baseless view that one day all the refugees would go home. Since then, the lack of any viable peace process or serious effort at the international level on accountability has severely limited the capacity for human rights protection inside Afghanistan.

At this writing, UNHCR is in the throes of a crisis that has become a constant for the agency's work: pressure from Pakistan (and before that from Iran) has made living conditions, particularly for new refugees, untenable; at the same time, conditions inside Afghanistan have deteriorated to such an extent that many more people have been fleeing (or joining the ranks of IDPs inside the country). Chronically short of funds and severely short-staffed on the protection side, UNHCR has very little capacity to evaluate the conditions of return - in terms of human rights protection - for most Afghans who decide to go back, particularly in the area of forced recruitment.

In Pakistan, UNHCR has failed to enforce its own protection mandate for Afghans who have been threatened, detained, and in an increasing number of cases deported by Pakistani authorities. Capacity has been part of the problem: until recently it had only one protection officer for the refugee camps; a second was meant to be added in mid-2001. But respondents also noted with concern the influence of locally-hired staff on decisions regarding interventions on cases of reported abuse. The most serious problem however has been the unwillingness of UNHCR to be sufficiently forceful with Pakistani authorities about reported rights violations.

Some NGOs with assistance programmes for refugees have initiated community-organising projects to assist refugees in gaining awareness of their rights and the means available to defend them. UNHCR might consider working with such groups to establish similar, complementary programmes.

6.7   The Office of the High Commissioner for Human Rights

The United Nations High Commissioner for Human Rights (UNHCHR) was undergoing its own reform - as part of the larger UN reform - at about the time the SFA was adopted. Up until then, the office had

little involvement with Afghanistan. The SFA makes no mention of the UNHCHR.

Since then, the UNHCHR has established a poor record on advancing respect for human rights in Afghanistan. Until very recently the office's only involvement in Afghanistan was:

1. conducting an investigation into two massacres that took place in Mazar-i-Sharif in 1997 and 1998.

2. providing support to the Special Rapporteur on Afghanistan (and other thematic rapporteurs covering issues in the country); and

3. as of 1999, fielding the office of the Human Rights Adviser (discussed above).

Beginning in late 1997, the UNHCHR was asked to undertake an investigation into the massacre of at least 3,000 Taliban prisoners by forces allied with the United Front. The UNHCHR sent out two preliminary field missions to assess what would be required for a full investigation, but was unwilling to move forward on it despite the availability of considerable forensic evidence and access to the area. The reasons for the inaction are not entirely clear to the review team, but the result was that UNHCHR squandered an important - and rare - opportunity (and, not inconsequentially, confirmed in the eyes of the Taliban authorities the partisan nature of the UN). The UNHCHR failed to act promptly again after the subsequent massacre in Mazar-i-Sharif of more than 2,000 civilians by the Taliban in August 1998. After concerted pressure from DPA and independent human rights groups, the UNHCHR finally undertook an investigation into both massacres in 1999. However, the report failed to make use of existing evidence to identify perpetrators and describe chains of command. Instead it was a timid recapitulation of events with no attempt to establish accountability. That has been the extent of UN efforts on accountability in Afghanistan; numerous other, recent examples of massacres and other abuses have seldom rated this level of attention.

While not holding the UNHCHR entirely responsible, the magnitude of the consequences of the Mazar failure should not be downplayed. Respondents have argued that impunity for the first massacre in Mazar contributed to the second massacre, which was carried out partly in retaliation. Impunity for the second has contributed to subsequent killings. The fault is not with the UNHCHR alone, of course.

There has been no interest on the part of states ostensibly committed to a peace settlement to see the links between ending impunity and achieving peace. That could change: growing interest in the possibilities for global accountability - inspired by the Pinochet and Milosevic examples - has helped spur new interest in the prospect for some such process in Afghanistan. Following the massacre in Yakaolang in January 2001, there were renewed calls for the OHCHR to take action. In response, the OHCHR sent two missions to Afghanistan to document the incident in full. The missions were to be followed by expert consultations to determine how this incident and the larger problem of impunity could be addressed. Although it remains unclear where this process will lead, such efforts should be pursued with vigour.

6.8   The Special Rapporteur(s)

The Special Rapporteurs (SR) function as independent bodies. Appointed by the UN Commission on Human Rights, they report to the commission directly. The UNHCHR has no authority to influence or review reports by the SRs. Staff of the UNHCHR provide support in accompanying SRs on mission, facilitating other meetings, and ensuring the SRs have all available information.

The UN Commission on Human Rights has appointed a SR on human rights in Afghanistan every year since 1984. Not surprisingly, the competence and interest of the individuals involved has varied; some were notable for their complete lack of engagement on the issues at hand. In the period since the SFA was adopted, the UNHCR appointed the current SR, an individual of considerable talent and experience in human rights.

Concerns have been expressed, however, about the accuracy of some of the information included in the SR's reports. This concern cannot be separated from the larger problem of establishing a way to collect reliable documentation and analysis of specific human rights concerns inside Afghanistan. In the absence of that it is virtually impossible to cross-check conflicting reports about in-country conditions. The SR has expressed his interest that such a study be carried out; this might be done in connection with other efforts under discussion to improve documentation of human rights violations. Given the SR's time constraints, it would be useful to establish a regular line of communication between the documentation work and the SR.

7. Conclusions and Recommendations

The main finding of this review is that the SFA has not yet achieved the objective of coherence between political, human rights and assistance interventions. Though an imaginative and valuable attempt to deal with a serious problem, there are systemic problems and analytical contradictions, both in the SFA framework and among the agencies involved, which have undermined its goals. This review has attempted to examine these tensions in the hope of contributing to further debate and reform.

- Rather than a 'failed state', the situation in Afghanistan, is better seen as an 'emerging political complex', an adaptive system that relies on multiple links to local and global networks and in which new, if often illiberal, forms of economic development and political control and legitimacy are evolving. This has posed a series of problems - humanitarian, economic and political - for both regional and Western governments that have few obvious solutions. The outlines of these developments are clearer now than when the SFA was first developed, but the SFA has not adjusted its conceptual foundations to accommodate this.

- By the time of the take-over of Kabul by the Taliban in 1996, the UN's political and humanitarian work in Afghanistan was in crisis. As in many other parts of the world, the UN was struggling with how to deal with the problem of massive humanitarian need in 'failed states'. The emerging policy orthodoxy became the importance of promoting 'coherence' between political and assistance strategies in the interests of peace. Delivering on coherence has required considerable managerial reform and increasingly centralised systems of aid management.

- The SFA is a well-developed (and documented) example of this new policy orthodoxy. Complementing politics and assistance, human rights was later also to become a 'pillar' of the SFA.

- A distinction can be made between the traditional elite-based political mediation of DPA and what could be called the 'securitisation' of aid, developed by UN aid agencies within the context of the SFA. That is, the idea that aid has a role in contributing to security concerns. Securitisation in Afghanistan is pursued through two main avenues: building peace from below with local communities, and attempting to moderate the Taliban through 'principled engagement'. The SFA has been unable to bridge the gap between what are two essentially different conceptions of security and how it is to be achieved.

- Much of the aid programme in Afghanistan is underpinned by the idea of the 'failed state'. It tends to justify and create the possibility of aid playing a security role. In a failed state the aid programme is transformed into a series of technologies that promise to rejoin what has been fragmented, rebuild that which has collapsed and refill the void: where the state has failed, aid can succeed. At the same time, it problematises the diplomatic mediation and alliance strategies of the UN's political mission UNSMA. For the purposes of peace-making, a failed and criminalised state does not provide acceptable political interlocutors; the only legitimate activity is to build a non-elite politics from below. It also justifies the idea of the UN system acting as a 'surrogate government', despite having to sign an MoU with the rulers of this 'failed state'.

- The ability of aid to play a conflict resolution social reconstruction role remains, at best, a possibility. While the theory exists, in practice performance in Afghanistan has remained elusive as the incentive and disincentive powers of aid are limited. Promoting community forms of governance in a totalitarian environment means, in effect, the UN is encouraging a political opposition. While reflecting much development thinking, aside from the ethics and protection issues involved, it is questionable that an under-resourced and fragmented aid effort can achieve this. Similarly, expecting to be able to moderate the Taliban through the incentives/ disincentives of aid is unrealistic and misjudges the nature of the Taliban.

The workings of the SFA in practice demonstrate these problems and contradictions:

- In terms of the politics/aid relationship, the relationship in the field is characterised by division and animosity not unity. The workings of UNSMA and the aid agencies differ in many ways; UNSMA sees the Taliban more as a rogue state than a failed state, it thus wants to restrict development aid not increase it; it regards much information it collects as confidential and has

no pretensions to transparency, UNSMA is not 'project funded' and reports to the Security Council. The Taliban themselves distinguish between aid and politics, and through the closing of the UNSMA offices, have penalised the latter, though this does not seem to concern many aid actors. The international community too is fragmented on key questions such as isolation versus engagement. These differences are structural and cannot be managed or coordinated away.

• In terms of human rights, as a conceptual framework for providing coherence to the assistance programme in Afghanistan, the Strategic Framework has so far failed to overcome institutional obstacles that have worked against that objective. The problem is not so much with individuals or the objectives, human rights are accepted by most to be an integral part of the SFA. The problem has been with the efforts undertaken to implement human rights principles in a culture of institutional relationships that is not equipped to reconcile competing priorities. The Office of the High Commissioner for Human Rights (OHCHR) was left out of the original SFA and its lack of involvement on Afghanistan and failure to address the problem of impunity has undermined efforts to advance human rights protection in the field.

• A key problem that the SFA has been unable to address is the culture of impunity, an issue neither the Security Council nor the OHCHR have begun to tackle with the seriousness it deserves. (The Special Rapporteur has supported investigations into war crimes and urged further action). In the absence of serious political attention to impunity, and very little commitment to protection concerns both inside Afghanistan and in Pakistan, assistance actors are acting alone in trying to address some political/civil rights concerns along with economic and social rights. While there are exceptions, the UN has tended to pursue an incomplete rights agenda favouring economic and social rights above others. However, changing the Taliban's approach to rights issues has proved so far to be almost impossible for agencies. Addressing human rights in a more coherent manner has not been helped by the poor relations between UNCO and the CAO's. Another concern is the lack of attention to refugee protection, an issue not explicitly addressed in the SFA.

• In terms of assistance, the ambitions of the PCP, i.e. a more co-ordinated aid programme, need to be distinguished from those of the SFA, the attempt to securitise aid and integrate it with political goals. Whereas the SFA needs rethinking, pending proper evaluation the review is inclined to believe that the PCP should be encouraged. However, in the assistance community too it would appear that the diverse political, assistance, and institutional agendas of both agencies and donors have prevented, or at least severely constrained, the level of policy coherence that the SFA assumed and required. This can be seen by the way in which these agendas have dominated the evolution of the various elements that make up the architecture of the SFA and in the resilience of the local, short-term, project-level intervention that characterises most work in Afghanistan. It can also be seen in the resistance to co-ordination over issues of engagement, again by both donors and agencies. The UN agencies have been notably resistant, yet the UN can hardly expect to lead a co-ordinated effort if the UN agencies cannot coordinate between themselves. While much of the reason for this lies in the institutional agendas of agencies, donors bear perhaps the ultimate responsibility. Through the idea of coherence and the securitisation of aid, political actors have simultaneously delegated responsibility for making the Taliban more respectable to the aid system (political actors have not accepted the need for coherence themselves) and undermined their chances of doing so by their funding practices and insistence on their engagement at the project level.

• Rather than politics and aid being complementary, they present different approaches and instrumentalities. Not only do the Taliban distinguish between them, they have shown themselves to be adept and proactive in their manipulation. The SFA has done little to resolve these issues. Indeed, its founding assumptions about the conflict and state in Afghanistan now look decidedly weak. The SFA has been plagued by institutional rivalries and jealousies that have done much to discredit what was an imaginative and bold initiative. However, the reasons for its failure are not

primarily managerial or organisational in nature. Rather than a failing of the UN in Afghanistan, the relationship between aid and politics represents a major unresolved and inadequately analysed issue between donor governments. Until the international community has resolved the conflict between politics and aid and, especially, decided which courses it wants to take and backs it accordingly, the situation is unlikely to improve.

Recommendations

The recommendations are divided into 'general' and 'specific' recommendations. The former, address the more fundamental questions raised in the review and extend beyond Afghanistan. They are thematic in tone and address broad areas of concern. The latter are directed at more immediate improvements.

General Recommendations

1. The differing conceptions of 'politics', 'assistance' and 'rights' do not only exist within the UN system but also permeate the international community. A serious debate is required among donor governments and aid agencies around these issues in order to establish appropriate roles, responsibilities and interconnections between such modalities in zones of instability. Such a debate needs to include a number of key areas including:

   • In relation to regimes such as the Taliban, the limitations of the failed state motif should be fully examined with the intention of developing a more transregional, adaptive and networked understanding of the entities involved. At the same time, effective ways of addressing such non-territorial networked systems should be explored.

   • The role of politics and diplomacy in the context of the new forms of instability need more examination.

   • The limitations and consequences of attempting to use aid as a tool of conflict resolution and social reconstruction should be fully explored and understood.

   • A comparative examination of attempts to achieve coherence in a variety of locations (conflict, post-conflict, etc) should be

undertaken to gauge the effect of such differences.

2. While also affecting donor governments, DPA needs to adapt its activities to take account of quasi- and non-state actors. This includes developing an expertise in addressing criminal, parallel and terrorist networks.

3. Donor governments need to establish more effective ways of developing and sustaining a political consensus and momentum in relation to such countries as Afghanistan.

4. In countries like Afghanistan, rather than trying to use aid to play a security role, it may be more effective to concentrate on delivering impartial, effective and accountable humanitarian assistance in the context of an international community that is fully engaged in the pursuit of peace and stability.

5. Serious attention needs to be given to establishing mechanisms to reconnect civil/political rights with social/economic rights. At the same time, such machinery should not jeopardise any humanitarian actions.

Specific Recommendations

6. The OHCHR should undertake a comprehensive review of the human rights situation in Afghanistan with the aim of establishing an on-going mechanism for documenting and analysing developments. Such a mechanism would be complementary to the work of the Special Rapporteur. Attention should be directed to establishing a regular line of communication between such a documenting mechanism and the SR.

7. In order to encourage the move from local project to broader programme level interventions:

   • The UN, and its donors, should reconsider the idea of a common fund for at least some UN activities;

   • As a counterpart to this there should be improved UN planning;

   • The UN should develop a series of common goals and targets as opposed to a series of agency plans.

- The monitoring role of the SMU needs to be reconfirmed. [Donor governments should in effect pool and delegate their accountability concerns to the SMU rather than undertake bilateral reviews of aid effectiveness].

8. In order to strengthen the human rights work of UNCO and UNSMA:

- The Human Rights Adviser and the Gender Adviser in UNCO should be joined as part of a human rights unit with responsibility for developing complementary strategies in the areas of programming, training and protection.

- CAU and UNCO should develop guidelines for sharing information and analysis and developing responses to specific human rights issues.

- The CAU should train the CAOs in human rights methodology, fact-finding and interviewing techniques.

- UNSMA should negotiate with UNSECOORD arrangements for posting or allowing regular visits by CAOs to vulnerable areas, if conditions are such that local authorities agree to work with the CAOs.

9. Co-ordination among those involved in assistance, political negotiations and human rights must take into account the regional dimensions of the refugee crisis. The UN and donors must undertake serious advocacy efforts to enhance protection for both refugees and returnees.

Interview List

Islamabad

Sippi Azerbaijani, IRC/WC, 21.05.01
Pippa Bradford, WFP, 15.06.01
Allen Brimlow, UNSECOORD, 18.05.01
William Byrd, World Bank, 24.05.01
Umar Daudzai, UNDP, 15.05.01
Eric de Mull, UNOCHA, 15.05.01
Antonio Donini, UNOCHA, 15/16.05.01
Anders Fange, SCA, 21.05.01
Ann Freckelton, DFID, 15/16.05.01
Rudi Hager, Embassy of Switzerland, 21.05.01
Tom Hushek, US Embassy, 14/17.05.01
Dag Juhlin-Danfelt, Embassy of Sweden, by email
Chris Kaye, UNOCHA, 16.05.01
Katharina Lumpp, UNHCR, 16/18.05.01
Freda Mackay, UNSMA, 16.05.01
Norah Niland, UNHCHR/UNOCHA, 17/18.05.01
Knut Ostby, UNDP, 16.05.01
Mette Petersen, European Union, 25.05.01
Nilofar Pourzand, UNICEF, 15.05.01
Helen Quentrec, ECHO, 18.05.01
Samantha Reynolds, Habitat, 17.05.01
Thomas Ruttig, UNSMA, 21.05.01
Eckart Schiewek, UNSMA, 20/21.05.01
Micheal Semple, UNRCO, 19.05.01
Micheal Semple, and Mervyn Patterson, UN RCOs 25.05.01
Andreas Serrano, UNSMA, 16.05.01
Peter Tejler, Embassy of Sweden, 18.05.01
Francesc Vendrell, UNSMA, 21.05.01
Andrew Wilder, SCF US, 15/17.05.01

Members of Human Rights Consultative Group at meeting 25.05.01

Kabul

Haneef Atmar, IRC, 22.05.01
Eliane Duthoit, UNRCO, 22.05.01
Aydemir Erman, Embassy of Turkey, 22.05.01
Abdel Hannafi, Ministry of Education, 23.05.01
Dr Marilynn Johnston, Medair, 23.05.01
Raz Mohammed, UN DRCO, 23.05.01
Pakistan Embassy, 23.05.01
Najla Sammakia, UNSMA, 22.05.01
Alhaj Sher Mohammed Abbas Stanikzai, Ministry of Public Health, 22.05.01
Abdul Rahman Zahid, Ministry of Foreign Affairs, 22.05.01

Mazar

Mahbub ul Alam, WFP, 20.05.01
Dr. Ghulam Rahim Awab, WHO, 20.05.01
Farhana Faruqi, UNRCO, 19.05.01
Habitat, 19.05.01
Olivier Martin, ICRC, 19.05.01
Pango Mashimango, UNSECOORD, 19.05.01
MSF, 17.05.01
Mahboob Shareef, UNICEF, 20.05.01
Syed Mizan Siddiqi, SCF US, 20.05.01
UNHCR, 20.05.01

Faizabad
ICRC, 22.05.01
Mercy Corps, 23.05.01
NCA, 22.05.01
Mervyn Patterson, UNRCO 22/23.05.01,
Daniel Riggio, UNSMA, 23.05.01
Miki Terasawa, WFP, 22.05.01

Washington DC
Paula Newberg, 07.06.01

New York
Rick Hooper, DPA, 12.07.01
Michael Keating, UNDP, by telephone
Kevin Kennedy and Steven Gleason, OCHA, 11.07.01
John Renninger, DPA, 12.07.01
Barnett Rubin, 12.07.01

Geneva
Olivier Durr, ICRC
Martin Griffiths, HDC
Dr. Kamal Hossain, Special Rapporteur (by phone)
Merete Johannson and Imran Akhtar OCHA
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Bela Kapur, OHCHR
Zdzislaw Kedzia, OHCHR
Christophe Luedi, ICRC, by email
Monique Malha, UNHCR
Ewen McLeod, consultant to UNHCR
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Appendix One:
ToR for Strategic Framework Review

Purpose
To assess the extent to which the SF has been useful in improving the effectiveness of the assistance programme in Afghanistan and in making progress towards building peace and, based on this analysis, to recommend any necessary changes.

Background
The SF was developed as a response to the perceived inability of the UN to mount coherent and effective responses to the problems of countries in, or recovering from, situations of long-term conflict and breakdown of governance. It was intended to provide 'a common conceptual tool to identify, analyse and prioritise key issues and activities on the basis of shared principles and objectives'[5].

These were situations where politics and principles were often at loggerheads with each other and where conflicting priorities often undermined the effectiveness of the UN's response. The context was CCPOQ (a sub body of ACC) and the originator was DPA. The approach was then endorsed by ACC. Initially it was thought to test the concept in Mozambique and another African country; the decision to try it out in Afghanistan came later. This review, therefore, has a much wider relevance than the Afghan context: it seeks to answer the question of whether the SF is a best way to bring coherence, unity and effectiveness in how the UN tackles intractable conflict situations, wherever they may occur. Even if there are operational problems, is this approach the right way forward? What are the costs and benefits to the other humanitarian, human rights and political players in these situations? Does it work better than other approaches (e.g. separation between humanitarian, HR and political players)? To make these judgements it will be necessary to reflect on the experience of the UN's operation in other countries facing similar problems, such places as Rwanda, Sudan and Somalia, as well as to review in detail the operation of the SF in relation to Afghanistan.

The formulation of the Strategic Framework suggests that there should be a set of synergistic relationships between the assistance, political and human rights strategies, and that these relationships should provide the framework within which decisions are made by actors from all three communities of interest. Greater synergy, it is argued, should deliver both a more effective assistance programme and a greater chance of peace. Seven principles were articulated which

were meant to guide the activities of UN assistance and political actors and, ideally, external actors in Afghanistan. The framework was intended as something that would directly involve HQ decision making by the departments responsible for each of the three pillars and overall responsibility rests with the Deputy Secretary General. The ACC also stressed the importance of partnerships, of participation by donors, international organisations and NGOs on the one hand, and on the other of the need for ownership of reconciliation and recovery by the authorities and affected populations.

Inevitably there have been tensions around the process, with agencies fearing that such a framework could compromise both their independence of action and their impartiality. There are those who have argued that the links envisaged do not take sufficient cognisance of the different mandates of the various actors. These tensions have occurred not just in the UN but also in the wider assistance community, who have feared the consequences of being seen to be part of a political process they might not agree with and over which they have no control. Also, perhaps because of the headquarters nature of the framework, there has been a relative lack of understanding of SF amongst many agencies at a more operational level.

Finally, since the SF was first envisaged there has been a change in the political context of Afghanistan. The Taliban have taken over most of the country and their shelter of Osama bin Laden, and resulting perceived support for international terrorism, has made them an unacceptable state to many, particularly the US and Russia. This has altered the political strategies of major players, has resulted in UN sanctions against the Taliban, and has inevitably had an impact on the humanitarian assistance endeavour.

Four years have passed since the SF came into existence and much has changed, yet Afghanistan still remains a country with a seemingly intractable conflict and is more poverty stricken than ever. The time seems right to review what we have been able to achieve and what we have learnt.

Scope of study
The study will work on two levels, reviewing both the concept of the SF and the practical application of it. Is the model the right one for the situation we now find ourselves in? To what extent do people

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5   Strategic Framework for Afghanistan, 21st August, 1998.

actually use it? Where there have been obstacles, can these be overcome or are they so fundamental as to require a shift of basic strategy? Links should be made to work undertaken in other long-term conflict countries.

Because the SF has wider relevance than just Afghanistan, the review team will need to engage with key players in Geneva, New York and donor capitals as well as in Afghanistan and Pakistan. It will also need to make contact with a number of individuals who are no longer working in the area but who were key to the development of the SF concepts and to attempts to put it into practice.

The review will be followed by a linked study which looks in more detail at the assistance programme part of the SF and the extent to which it has been able to meet its objectives.

Objectives
• To review the appropriateness of the concept of the SF in the light of the current situation, both inside the country and in terms of the international response towards it, political and humanitarian.

• To assess the extent to which the SF has been used as a framework to guide the formulation of agency strategy and actions.

• To assess the extent to which it has been possible to adhere to the seven principles of the SF, and where it has not been possible to investigate the reasons why.

• To come up with specific recommendations as to what changes need to be made to the way in which the UN (and its donors) operates in order to deliver to the original objective of a more coherent and effective response.

Key Questions
• Is attempting to get greater synergy between humanitarian assistance and the political strategy the best way forward in the current situation?

• Is positing human rights as a 'third pillar' the best way of conceptualising our work in this area, or does this need revision?

• What impact has the SF had on relationships between the assistance strategy, the political strategy and human rights; to what extent has been possible to get synergy between them?

• Where there have been obstacles to synergy, why has that been and to what extent it is possible to make progress on overcoming these obstacles?

• What understanding of the SF do agency heads, donors and other key actors have and to what the extent does it form a framework for their work?

• To what extent has it been possible to put the principles into practice, and where it has not what have been the obstacles?

• What does this analysis say to us about future frameworks and strategy?

Approach
The approach should combine analytical rigour with a commitment to finding the best way forward in terms of the international community's response to the problems of countries such as Afghanistan. The aim is not to lay blame but to analyse both successes and failures with the intent of moving this endeavour forward - what that means in terms of changes is up to the consultants to determine in the course of their review. The consultants should be sensitive to the varying viewpoints of the different actors, be independent from the main stakeholders in the process and approach the study free from prior judgements. The review should be balanced in terms of the attention it gives to the three pillars of the framework and to the viewpoints of the different players. Whilst the core research should be done as much as possible by face to face interviews, telephone interviews or email will be needed for a number of key players who are in locations not easily accessible to the review team. Although the focus of the review is Afghanistan, a comparative approach should be used which considers the experience of the SF in relation to other approaches adopted by the UN in similar situations elsewhere in the world. It is not suggested this is done by primary research but by use of existing studies and of the consultants own prior knowledge and experience.

Consideration should be given by the review team as to what processes will be needed to gain commitment from key players to the changes they recommend. The consultants should be prepared to work with the director of the SMU and with key actors in the UN system to ensure that their report does not just become paper on shelves. A workshop (or 2, 1 in Islamabad, 1 NY?) should be held to discuss the findings of the review with key informants/stakeholders prior to the publication of the final report..0

Outputs
A report (electronic and hard copy) of findings and recommendations.

Address: