AFGHANISTAN IN 2003

The Taliban Resurface and a New Constitution Is Born

Larry P. Goodson

Abstract

The year 2003 for Afghanistan was marred by a declining security situation, as resurgent Taliban and other anti-government forces made large sections of the rural areas too dangerous for sustained reconstruction work, and powerful regional warlords continued to defy the attempts of the Kabul government to strengthen statebuilding. Recognizing the danger to its investment there, late in the year, the U.S. altered its military tactics, announced a major new reconstruction grant, and sent a new ambassador. The year ended on a high note, as Afghanistan’s Constitutional Loya Jirga promulgated a new Afghan constitution, modeled on the American document, and ratified it early in the New Year on January 4, 2004.

After the year 2002 brought battlefield defeat for Taliban and al-Qa’ida forces and a Loya Jirga (Grand Council) that confirmed Hamid Karzai’s leadership, Afghanistan entered 2003 hoping to build on those successes and make real progress on reconstruction, statebuilding, and most of all, security. Indeed, progress did occur on all fronts. But if the cup was half-full, as the year wore on, it also became clear that it was half-empty, with the bigger question being whether the cup was cracked altogether.

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The reality is that Afghanistan in 2003 continued to be shaped by the U.S. intervention there following the attacks of September 11, 2001. Progress on reconstruction, security—or the lack thereof—and the shape of the political transition occurring in the country were all by-products of the American strategy in Afghanistan. U.S. (and U.N.) insistence on a graduated political transformation under the Bonn Accords allowed the installation of an expatriate Afghan, Hamid Karzai, in the Presidential Palace, heading a government of northern minority leaders and fellow returnees, but exercising little control outside of Kabul.

Around the country, local commanders, faction leaders, and warlords held real power. Anti-regime actors also grew stronger, especially in the Pashtun-dominated southern and eastern provinces bordering Pakistan, where resurgent and neo-Taliban, anti-government warlords, and resilient al-Qa’ida fighters conducted an insurgency that grew in strength as the year wore on. Throughout the year, insurgents attacked American, coalition, and Afghan military forces, U.N. personnel and aid workers, and Afghan government officials and average citizens, inflicting hundreds of casualties. In response, the America-led coalition launched numerous counterinsurgency missions, including Operation Valiant Strike in southern Afghanistan in March 2003, Operation Mountain Resolve in eastern Afghanistan in November, and Operation Avalanche along much of the southeastern border with Pakistan in December. Despite such efforts, by autumn security had already deteriorated to the point that 13 of the country’s 32 provinces had become too dangerous for the U.N. and non-governmental organizations (NGOs) to work there, thus undermining the very delivery of reconstruction assistance needed to help strengthen the legitimacy of the Karzai government.

**Deteriorating Security amid Bumper Poppy Crops**

For the first year following Operation Enduring Freedom in Afghanistan, American and coalition forces there concentrated with single-minded dedication on a mission of pursuing al-Qa’ida and the Taliban, largely avoiding “peacekeeping” or “nationbuilding” operations. Such a limited mission against lightly armed foes allowed the Pentagon to keep a “light American footprint” in Afghanistan, limiting American forces on the ground there to 10,000 troops. A “security gap” resulted, which was filled primarily by indigenous anti-Taliban forces (now numbering about 100,000) under the command of various warlords, whom the U.S. allowed, or in some cases, assisted to return to power at the local (or sometimes regional) level. In Kabul, security was greater, owing to the presence of some 30,000 Tajik troops under the command of Defense Minister Mohammed Fahim, and also to the creation in December 2001 of the 5,000-man International Security Assistance Force
(ISAF), a multinational force whose mandate and mission were limited to the Kabul area. Essentially, the Pentagon saw Afghanistan as a theater of combat operations through much of 2002, and maintained that a new Afghan National Army (ANA) and police force would fill any security gap.

The very slow development of the ANA (with a target of 70,000 troops, which by the end of 2003 numbered less than 6,000) and the need to eliminate the warlord militias forced the Pentagon into a policy reversal; starting in December 2002, Provincial Reconstruction Teams (PRTs) were introduced into Afghanistan. PRTs are teams of 60–90 soldiers and civilians (except for the unusually large German-run PRT at Kunduz of some 450 persons) that mix security enforcement, force protection, and reconstruction work in provincial areas of operations. First deployed to Gardez on December 31, 2002, additional PRTs were established in other secondary cities and towns throughout 2003, including Bamiyan, Mazar-i-Sharif, Parwan, Herat, as well as Kunduz. Although modest in size and, to some extent, impact, they have been controversial, especially with NGOs, because of their blurring of traditional military-civilian lines. To an unprecedented degree, they mix civilian and military functions, missions, and organizations and involve the military in peace-building activities. The program began slowly, in part because the U.S. sought coalition partners to lead PRTs (the U.K., New Zealand, and Germany each have a PRT) and in part due to the distraction and drain of resources caused by Operation Iraqi Freedom for much of 2003. Also, with the exception of the PRT at Gardez, the other early PRTs were all situated in relatively pro-government, or at least, quiescent areas, thus having minimal influence on the broader security gap.

The continued erosion of security, primarily in the southern and eastern Pushtun areas, could not be addressed adequately by the PRTs and led to a growing clamor from the U.N., the Karzai government, and the aid community for an enhanced international military presence outside of Kabul. By fall, the Pentagon was ready to drop its long-standing opposition to the expansion of ISAF’s mission and mandate beyond Kabul, and U.N. Security Council Resolution 1510 on October 13 specified precisely that. With the PRT framework on which to build and under NATO command since August, there was talk of creating “ISAF islands” around the country as a pilot of that approach, on December 31, the Kunduz PRT was shifted under ISAF command. Still, by the end of 2003, only 200 additional troops had been committed by NATO. Nor had critical equipment needs been met, especially helicopters. The NATO foot-dragging may have been a casualty of trans-Atlantic politics, but the increased insecurity required action. By the end of 2003 the new American commander in Afghanistan, Lt. Gen. David Barno, announced a plan to deploy additional American-led PRTs into the heart of the Pushtun provinces, to be tied together with beefed-up maneuver elements.
Contributing to the overall deterioration of the security situation was an increase in the production and trafficking in narcotics and the criminal activity associated with it. After a major crackdown on production by the Taliban in the final year of their rule, the economic uncertainty of the post-Taliban period, coupled with the autonomous behavior of numerous local actors, led to bumper opium crops in 2002 (3,400 tons, according to U.N. estimates) and, especially, in 2003 (3,600 tons, constituting 75% of the world’s heroin). The rapid return of opium poppy growing and heroin manufacture was also a by-product of the security gap, as American soldiers simply ignored it in order to concentrate on their primary anti-terrorism mission. For 2003, it was estimated that opium-heroin provided 40% of Afghanistan’s gross domestic product (GDP); farmers can earn up to 38 times more producing opium than, say, wheat. Afghan heroin again became the major source of supply for Europe, the U.K., Russia, and Afghanistan’s neighbors, and has had a corrupting and criminalizing impact on Afghan officials, local leaders, and anti-regime actors.

A final security issue was the complex and persistent role played by factional leaders, often called warlords or jihadi commanders. On the one hand, various tribal or ethnic militias helped fill the security gap by pursuing anti-regime elements within their territory. On the other hand, warlord-led militias contributed to insecurity as well, either through rapacious behavior toward civilian populations in their areas, criminal involvement with the narcotics industry, or power struggles with rival militias. In the latter case, repeated flare-ups in Mazar-i-Sharif between the Uzbek fighters under Abdur Rashid Dostum and the Tajik militia of Atta Mohammed finally resulted in an uneasy truce and agreement to disarm in November, under intense international pressure. Forces under the control of the self-styled “Amir” of western Afghanistan, Ismael Khan, also clashed numerous times with troops of a smaller warlord in the Shindand area, and factional fighting took place in the Paktia/Paktika area, as well.

Although the factional fighting generally was not aimed at the Karzai government, and many of the factional leaders had a stabilizing influence in their areas, security sector reform was seen as a major priority throughout 2003. For the Kabul government to become legitimate, private armies would have to give way to government security forces. An ambitious Japanese-led disarmament, demobilization, and reintegration (DDR) program, called the Afghanistan New Beginnings Program and aimed at the militias, was finally begun in October, after multiple delays caused by the reluctance of Defense Minister Fahim to make his ministry more representative of the nation’s diverse ethnicity. With some 30,000 of his Tajik fighters still based in Kabul, and despite the repeated requests of the U.N. and numerous international actors to remove them, Fahim was thought by many to be the most powerful
warlord of all. His multiplicity of roles is symbolic of the multi-layered complexity of Afghanistan in 2003.

Infrastructure Reconstruction and Economic Uncertainty

Reconstruction of the country’s shattered infrastructure and transition away from a “war economy” built on narcotics, weapons, and smuggling are crucial pillars for success in Afghanistan. Progress during 2003 was mixed, with security threats undermining aid efforts in some provinces and lack of funding imperiling entire assistance sectors. On the positive side, 2003 began with the completion of a transition to a new currency, and was capped with the opening of the newly paved Kabul-to-Kandahar road. In between, a national development plan was introduced, and an assertive Finance Minister Ashraf Ghani pushed international donors to focus reconstruction aid through the Afghan government, in order to develop institutional capacity there.

Nowhere was the “cup half-full or half-empty” debate more pronounced than in reconstruction. Many donors and aid providers maintained that, given the circumstances prevailing in Afghanistan, enormous progress was being made. Years of neglect and war damage had crippled what in the 1970s was already one of the world’s poorest countries, with an economy based on subsistence agriculture and foreign aid. Over 20 years of continuous war brought on severe donor fatigue among the international community and exhausted NGOs, and left Afghanistan with little capacity for redevelopment. Immediately following the fall of the Taliban, an influx of more than two million returning Afghan refugees caused diversion of initial reconstruction aid to relief and resettlement, with over 50% of all aid still going to humanitarian assistance through the middle of 2003.

Aid targets for Afghanistan grew out of a needs assessment conducted by the U.N. Development Program, the World Bank, and the Asian Development Bank over the winter of 2001–02, and also informed the initial donors’ conference in Tokyo in January 2002. Some $2.1 billion was pledged there for Afghanistan’s first year, based on projected needs of $11.4 billion–$18.1 billion over 10 years. Although the U.S. effort in this area was marred by the Bush administration’s failure to include any aid money at all for Afghanistan in its FY 2004 budget (made up for by face-saving supplemental appropriation requests later in 2003), in general, the U.S. led an international aid effort that met initial targets (with nearly $2 billion disbursed by mid-2003) and picked up momentum in the second half of the year, culminating in the $1.6 billion November appropriation as a part of the massive $87 billion spending bill for Iraq and Afghanistan. A very active U.S. Agency for International Development (AID) program in Afghanistan concentrated on eight sectors—agriculture, economic growth, education, governance, health care, infrastruc-
ture, media, and women—with some notable successes, such as the increase of wheat production by 69% during the year.

On the other hand, the Afghan government and some NGOs have argued that aid has been too little and too “project-driven” to stabilize Afghanistan. At the Afghan High-Level Strategic Forum in Brussels in March, Finance Minister Ghani argued that his country needed almost twice as much aid as had been estimated ($15 billion to $20 billion over the next five years) in order to avoid becoming either a narco-mafia state or a failed state that continued to be chronically dependent on the international community. Moreover, when compared to other recent post-conflict reconstruction cases, such as Bosnia, Rwanda, or East Timor (all with far less infrastructure destruction), pledged aid to Afghanistan averaged five to six times less than disbursed aid in the other cases. Further slowing progress was the complication of starting up a major aid program in a country still suffering from high insecurity and overwhelming humanitarian needs, with the Iraq drama siphoning off substantial resources and attention.

Thus, by mid-2003, only $191 million had been spent on completed reconstruction projects, out of $2.1 billion disbursed during that period, with the bulk of initial expenditures going for expensive expatriate consultants and employees and startup overhead and administrative costs. Afghanistan’s efforts to develop institutional capacity through trust funds that it controlled were undermined by persistent donor unwillingness to earmark aid for those funds. Thus, during the year, various tangible things were constructed, like roads or buildings, but little money ended up in Afghan hands and few continuing jobs for Afghans were created. The big aid push by the U.S. at the end of 2003 reflected the growing sense of concern by the world community that Afghanistan was slipping into failed-state status once again; with a dysfunctional economy that has little structural foundation for export production and most workers in the agricultural sector, many Afghans could not afford to abandon the war economy sectors of opium-heroin production and smuggling.

Transition to Democracy?
Creating good governance in Afghanistan and reversing state failure there were priorities following the fall of the Taliban in Fall 2001. The Bonn Accords, brokered at U.S./U.N.-sponsored meetings of anti-Taliban Afghans in Germany in December 2001, provided the process with which to make a transition to stable government. The Bonn Process began with a selected group of anti-Taliban Afghans who governed as the Interim Authority from January 2002 to June 2002, followed by an 18-month Transitional Administration selected at an Emergency Loya Jirga (Grand Assembly) in June 2002. Hamid Karzai became the head of the Interim Authority and then continued as presi-
dent of the Transitional Administration of Afghanistan; however, his unflatter-
ing unofficial title of “Mayor of Kabul” reflects the reality that his power
does not extend very far in a country of resurgent warlords and neo-Taliban
elements.

Under the Bonn Accords, 2003 was to be a year of government under the
Transitional Administration, during which various commissions would work
on civil service and human rights issues and write a constitution. The most
successful of these efforts produced a draft constitution in November, in time
for the convening of a Constitutional Loya Jirga in December, which, in a
spirited and contentious debate, ratified a new Afghan constitution in early
January 2004. If national elections now occur on schedule in the summer of
2004, the graduated transition to constitutional government laid out in the
Bonn Accords will have been completed.

The new Constitution provides for a powerful presidency, which Karzai
insisted upon, arguing that the alternative model of a strong parliamentary
system with a prime minister might lead to a return to the internecine vio-
ence of the 1992–95 period, when factions headed by then-President
Burhanuddin Rabbani and then-Prime Minister Gulbuddin Hekmatyar de-
stroyed Kabul fighting each other. The president will have substantial execu-
tive powers, similar to those of the American president, such as the ability to
veto legislation and to appoint ministers and Supreme Court judges, subject
to the approval of the lower house of the National Assembly. Afghanistan
will have a bicameral legislature, with a directly elected lower house, the
Wolesi Jirga, or House of the People, of 250 members, and a smaller, indi-
rectly elected and appointed upper house, the Meshrano Jirga, or House of
Elders. The president will have the authority to appoint one-third of the
Meshrano Jirga; one-half of those appointees must be women, meaning that
at least one-sixth of the upper house will comprise women.

Other major issues of contention at the Constitutional Loya Jirga included
the role of Islam in Afghanistan and the representation of Afghanistan’s mul-
tiple ethno-religious groups. Article Two states that “the religion of the state
of the Islamic Republic of Afghanistan is the sacred religion of Islam,” but
also that “followers of other religions are free to exercise their faith and per-
form their religious rites within the limits of the provisions of law.” The
great struggle between conservative clerics and more moderate elements
within Afghan society will not be settled in this Constitution but in its subse-
quently interpretation. As for the different ethnic groups, Pushto and Dari were
made official languages, but six other languages were also designated as official
in the areas where a majority of the population speaks them. Again, how
well this compromise will work in practice is yet to be determined.

On balance, Afghanistan has just passed an excellent constitution that
could, if implemented and enforced, provide the foundation for stable, demo-
cratic government there. Jeopardizing this success story are the immediate security threats posed by the neo-Taliban, al-Qaeda, Hizb-i-Islami (Gulbudin Hekmatyar faction), and drug mafias. However, a more significant underlying problem is the decision to reconstruct Afghanistan’s government on a U.N. formula proposed during the 1990s, known as “broad-based government.” This formula acknowledges the traditional ethnic-linguistic-religious fragmentation of Afghan society that had crystallized in the latter days of the Taliban period. The Taliban were drawn heavily from the Pushtun ethnicity, Afghanistan’s largest group and traditional rulers, located in the south and east and straddling the porous border with Pakistan. The anti-Taliban forces were primarily an on-again-off-again alliance of minority ethnic groups based in the center and north of the country, especially the Hazara, Tajik, and Uzbek. The Bonn Process produced a government that, although headed by Karzai, who is a leading Pushtun, nonetheless is drawn heavily from northern minority ethnic leaders, thus alienating many Pushtun tribesmen.

Moreover, the formula for rebuilding the state has been weighted toward creating a strong central government, even as the light American military footprint opened the door for warlords to return and entrench themselves in the provinces. In a country that traditionally had a weak state and strong society, a push for a strongly centralized government means an inevitable showdown with the powerful warlords. Indeed, Afghanistan’s politics in 2003 demonstrated that such a showdown was already underway.

In Herat, Ismael Khan claims to be the amir of Afghanistan’s five western provinces, and controls a 30,000-man militia and lucrative customs posts on the borders with Iran and Turkmenistan. After repeated attempts, Karzai got Ismael Khan to turn over some $20 million in customs duties to the cash-strapped central government in June. Then, in an August shuffle, Khan was forced to step down as provincial military commander, under a rule that an individual could not hold a civil and a military position simultaneously—he continues as governor of Herat. Ismael Khan has thus far resisted a December order to demobilize his militia, claiming that it is already part of the Afghan National Army.

In August, Karzai also changed three provincial governors and fired or transferred 20 provincial or district security chiefs. Most notably, Kandahar Governor Gul Agha Sherzai was called to Kabul, where he traded jobs with Minister of Urban Development Yusuf Pashtoon. A similar attempt to get the powerful northern warlords Abdur Rashid Dostum and Atta Mohammed to take posts in Kabul and allow their militias to be demobilized has yet to bear fruit, but after renewed sharp fighting in October between the two forces, a ceasefire—to include disarmament—was reached in November. Also, as noted earlier, Defense Minister Fahim’s Shura-yi Nazar (Council of the North) militia is caught squarely in the crosshairs of the DDR program, as
well. Other important transitions included the appointment of Afghan-American Ahmed Ali Jalali to the key post of Interior Minister in January, the accidental death in a plane crash of Mines and Industry Minister Joma Mohammad Mohammadi in February, arrival of new U.S. Ambassador Zalmay Khalilzad in November, and the retirement of U.N. Special Representative Lakhdar Brahimi at the end of December.

For Afghanistan in 2004 to build on the progress made at the Constitu
tional Loya Jirga at the end of 2003, its neighbors may ultimately be the key. Despite pledges of non-interference in Afghanistan’s internal affairs, regional geopolitical rivalries are still hotly contested there, with Iran supporting Is
tael Khan in the west, Russia funneling military aid to Mohammed Fahim in the northeast, India strengthening its trade ties with Kabul, and Pakistan continuing to allow Taliban and al-Qa’ida to cross its borders in Afghanistan’s east and south. Anti-Pakistani demonstrations turned violent with the sacking of the Pakistani embassy in Kabul in July; these were followed by alleged Pakistani border incursions into Afghan territory, causing Afghanistan, Paki
stan, and the U.S. to form a Tripartite Commission to better coordinate opera
tions and situations along the border. Pakistan continues to be uneasy about growing Indian commercial and intelligence activity in Afghanistan, how
ever, and all Afghan political players, whether they are part of the central government, a regional warlord, or an anti-government spoiler, enjoy the sup
port of outside actors. The “Great Game” of the 19th century has returned to Afghanistan in the 21st. The question is whether the U.S. can win this ver
sion of the game and help Hamid Karzai’s government bring security, recon
struction, and democracy to Afghanistan in 2004.