Chapter: 3

International Initiatives: A Case Study of Geneva Accords and Bonn Agreement

Introduction

Democratic authority institutionalization should remain at the centre of peace building strategy, because it facilitates the conditions necessary to mediate competing domestic interests and to address root causes of a conflict peacefully.\(^{196}\)

Richard J. Ponzio in his article Transforming Political Authority: UN Democratic Peace building in Afghanistan argued in favour of building democratic institutions to resolve conflict peacefully. Human Development Report 2002: Deepening Democracy in a Fragmented World emphasised that the stable and democratic governing institutions are necessary for consolidating peace in fragile states.\(^{197}\) Institutions play a significant role in conflict resolution and peace building. But building of institutions requires impartiality, transparency, accountability, mediation and negotiation by the international or regional community to contribute in State building.

The event of 17 July, 1973 when Daoud, in response to the unpopular reforms under New Democracy, master-minded the bloodless coup on Zahir Shah which proved to be a game changer in Afghanistan’s politics. Daoud after its arrival on the national stage wanted to reduce the presence of communists and this angered the Soviet Union who then sent a ‘limited military contingent’ on 27 April, 1978 to eliminate Daoud and his entire family.\(^{198}\) Soviet invasion costed very dearly to Afghanistan which was already one of the poorest countries in the world. The invasion left the country in tatters. Official estimates of Afghan civilian deaths stood at 850,000 to 1,500,000.\(^{199}\) 5-10 million fled to Pakistan and Iran and 2 million were displaced.


\(^{198}\) For more Details on culmination of Soviet Invasion, Refer: Chapter 2.

In 1980s, half of all refugees in the world were Afghans. 1.2 million Afghans were disabled and 3 million were maimed and wounded. Irrigation systems which are important to Afghanistan’s arid climate were destroyed in bombing and strafing. Population of Kandahar, second largest city of Afghanistan, was reduced from 200,000 to 25,000 due to carpet bombing and bulldozing by Soviet and Afghan communist forces in 1987. Planting of land mines caused great deal of damage to civilians. Afghanistan ranked 170 out of 174 in UNDP’s Human Development Index due to the prolonged conflict. It had the lowest life expectancy at 42 years, literacy rate of 24% and highest Infant Mortality Rate of 168 per 1000 births in 1986-87. Basic necessities of life were unavailable. Only 9% had access to safe drinking water. Geneva Accords were signed to bandage the ‘bleeding wound’. But the conflict continued in the form of civil war and the Taliban rule further isolated the country from progress and development. And then came September 11, 2001 when the twin towers came crashing down and along with it the hopes and aspirations of Afghans to live a peaceful life. Turbulence encompassed the country once again. And on October 7, 2001 America marched its troops in Afghanistan with the objective to destroy the terrorist bases in the country. 13 years of protracted war brought further agony and despair to Afghans. Afghanistan is again at the ladder of lowest Human Development Index. It stands at 175 amongst 187 countries in the 2013 Human Development Report. Life Expectancy is at 49.1. Human Development Index has increased marginally from 0.209 in 1980 to 0.374 in 2012. UN initiated Bonn agreement was signed in 2002 to resolve the ongoing conflict and help in peace building. But not much break through has been achieved. Olivier P. Richmond

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204 Ibid

has placed great significance in liberal peace building and is also highlighting peace as governance model for the holistic and inclusive development. But before embarking upon liberal peace building and emancipatory peace, it is important for the international, State and non-State actors to converge and outline the fundamental ideas and principles on which conflict resolution and peace building will occur. In this chapter, regional and international initiatives, I will be discussing the two very important agreements, namely Geneva Accords and Bonn Agreement which crafted the destiny of Afghanistan. Before that, let us talk about peace making.

**Peace Processes**

Diplomacy is a continuation of war by other means. UN defines Peace Making as an action to bring hostile parties to an agreement, essentially through peaceful means of negotiation, mediation, conciliation, arbitration or through international law provided by international courts. It is an extension of parties own effort to manage their own conflict. John Darby and Roger Mac Ginty define peace processes as peace initiatives involving the main antagonists in a protracted conflict. They can be formal or informal, public or private, or subject to popular endorsement or restricted to elite level engagement. They can be sponsored by United Nations or external parties or internal parties. Darby and Ginty acknowledge that most peace processes are fragile and they are bound to fail sooner than later. In 2000, they suggested five criteria for successful implementation of peace accord: protagonists should be willing to negotiate in good faith, key actors to be included in the process, negotiations address key issues in dispute, force is not used to achieve disputes, and negotiations are committed to sustained process. And besides these criteria, pre-negotiations contacts may be used, constitutional and political outcomes at the

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206 Ibid
207 For more Details, Refer: Chapter 1.
208 Zhou Enlai quoted in Saturday Evening Post, March 27, 1954.
210 Ibid
outset is not necessary but is important in the long run to complete the peace process.

John Campbell says that peace processes happen when the time is ripe. ‘You have to do the right thing at the right time’.\textsuperscript{211} Henry Kissinger supported Campbell by saying that ‘stalemate is the most propitious condition for settlement’.\textsuperscript{212} Mutually Hurting Stalemate (MHS) is a concept when the warring parties are neither winning nor ready to surrender but the costs of the sustained war is hurting them economically, socially and psychologically. At this point, the situation is ripe for the mediation and negotiation. But Zartman says that it is only a condition necessary but not sufficient for the initiation of negotiations. It is not self fulfilling or self implementing. Opportunities must be seized by the mediator or directly by the parties to reach a conclusion. They have to make use of predictions to find elements necessary for productive inauguration of negotiations.\textsuperscript{213} Stedman and Lieberfield believe that the presence of strong leadership recognized as representative of each party and that can deliver compliance to the agreement is necessary for the mediation or negotiation to be successful.\textsuperscript{214} Itamar Rabinovich appreciates the usefulness of the concept but criticizes as less valuable at operational level.\textsuperscript{215} Firstly, there may be hurting stalemate situations when increasing pain increases resistance. John Darby and Roger MacGinty opines that reinforcement is the normal response to opposition: ‘don’t give up without a fight’, ‘no gain without pain’, ‘hold the course, whatever the cost’, ‘when the going gets tough, the tough gets going’, and ‘if at first you don’t succeed, try, try again’.\textsuperscript{216} Secondly, MHS is dependent on conflict. The concept itself rules out any pre-emptive conflict resolution and preventive diplomacy. Even Lederach associates Zartman’s ‘ripeness’ with rear view mirror. He also


\textsuperscript{214}Ibid

\textsuperscript{215}Ibid P: 23.

\textsuperscript{216}Ibid P: 24.
says that ripeness is in the eye of beholder. Thirdly, Darby and Ginty say that ripeness can be a fleeting opportunity which if missed can be a lost opportunity. Fourthly, MHS is concerned with the initiation of negotiation but does not talk about the successful conclusion of it. Lederach gives alternative ways for peace making to happen. One, Cultivation of long term relationships which implies deep respect for and connection to the context is critical for sustaining a change process that is moving from deadly conflict to increased justice and peace.\textsuperscript{217} Two, naivety - the art of possible is an art which seeks a way to reach towards a deeper source of what is possible and needed to keep a constructive change process alive and healthy.\textsuperscript{218} Following are listed the benefits and disadvantages of having a peace agreement:

**Benefits of Peace Agreement**

Bernard Mayer in ‘Staying with Conflict’ lists benefits and disadvantages of a peace agreement.

Benefits of a Peace Agreement are:

a. **Containing Conflict**

Agreements lay down behavioural guidelines for disputants which aid in preventing the sustenance or escalation of conflicts.

b. **Focus the conflict**

When certain parts of conflicts have been addressed, the actors can focus on the other important areas of conflict.

c. **Creating new Platforms or Processes for Conflict**

Conflict Management offers opportunities to focus on more productive conflict process or arena.

d. **Establish relationships and promote dialogue**

Sometimes, it is more important to engage the disputants in dialogue which helps in

\textsuperscript{217}Ibid P: 34.

\textsuperscript{218}Ibid P: 37.
establishing relations rather than to have an accord.

e. Create a new conflict frame

During the process of creating an agreement, the fundamental conflict may be redefined. This is also known as conflict transformation. It might happen in some circumstances that conflict may have been diverted from real issues or the real issues might never have been thought/discussed over. The process helps in surfacing the real issue and redefining conflict.

f. Protect Rights

The formation of an agreement might not reduce/contain tensions but it might help in protecting rights of vulnerable and marginalized sections of society.

g. Deal with immediate problems that demand attention

An agreement deals with immediate problem that is causing unrest and conflict

h. Reflect and memorialize progress

Agreement is a measure of the progress achieved in a conflictual society. It shows the consensus or the dissent amongst disputants and to rework on it further.

Disadvantages of a Peace Agreement

a. Sap energy

Drawing up a peace agreement is an energy intensive process and exhausts the actors involved.

b. Disempower Disputants

Focusing on long term agreements can isolate the disputants and shift the attention from the main concern.

c. Cloud the essential issue

Agreements do help in crystallizing an issue but it obfuscates or sweeps the real concern.

d. Damage relationships
An agreement where on one side builds relations also facilitates in damaging relations because a party might be coerced in an agreement or the terms of the agreement might be biased or partial to the other side. It can also set up long term expectations which when unfulfilled can mar the relations.

e. **Encourage destructive behaviour**

“You don’t make peace with friends. You make it with unsavory enemies.” Yitzhak Rabin once said negotiating with terrorists. An agreement engages with parties who have been part of conflict or instigated conflicts to extract their interests.

**Geneva Accords**

Continuity in foreign policy has nothing in common with a simple repetition of what has been done; especially in tackling the problems that have piled up…there is a need for an orientation of dialogue and mutual negotiation rather than confrontation. 219

With this ostentatious reasoning, Gorbachev wanted to band aid the ‘bleeding wound’ of Afghanistan. Matin-ur-Rehman Murtaza explains the fundamental issues in ‘Afghanistan problem’ to stable peace and restoration of Afghanistan’s sovereignty, independence and Islamic status. He adds that that “it is with reference to this problem that effectiveness and practical utility of the Geneva Accords are to be examined” 220.

UN launched the Geneva process in 1981 and the talks formally started on 16 June, 1982 which culminated to Geneva Accords on 14 April, 1988. The Accords were signed between Afghanistan and Pakistan under the auspices of United Nations. And USSR and Washington adopted the role of observer status.

**From Confrontation to Cooperation: Reasons behind Geneva Accords**

The Geneva Accord is another major significant development in the history of international relations, indicating a subtle shift in superpower’s stance from confrontation to cooperation. 221

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From ‘The Great Game’ in Afghanistan, it became a ‘The Dirty Game’ with two superpowers fighting to attain influence in the region. Ten years of long Soviet ‘limited military contingent’ presence was finally to be ended with the Geneva Accords. But what are the reasons for this turn around? In this section, we will deal with why the superpowers decided to abandon Afghanistan?

a. **Realist policy of US**

US involvement in Afghanistan was solely based on realistic intentions. Initially, Washington along with Islamabad benefitted from Soviet’s intervention. United States portrayed herself as a global leader and started criticizing Soviet Union on international forum. USA projected USSR as a militant aggressive power who has breached sovereignty and territorial integrity of a country. Mehrunnisa Ali says that Washington relished diminishing Soviet image in the Third World, particularly in the Muslim countries, on account of its military action in Afghanistan.\(^{222}\) President Reagan described USSR as an ‘evil empire’.\(^{223}\) The loss of Soviet men, money and prestige added to US’s happiness. Ali further adds that since the intervention has helped Washington to make out a case against Moscow in the comity of nations, it was in no haste to expedite the process of settlement.\(^{224}\) But this policy of laughing at somebody’s fall could not sustain for long. Reagan got mired in his international dealings which affected the image of United States. The ruling of International Court of Justice against US intervention in Nicaragua, Salvador's refusal to accept US commandos to provide training to the Contras in El Salvador and Panama, and the US Congress refusal in February 1988 to approve fresh military supplies for the Contras were political setbacks for the Reagan administration. Moreover, Reagan administration was exposed for secretly dealing with Iran in context of negotiating the release of American hostages in Lebanon in exchange for arms and spare parts and reported diversion of Iranian money paid for the purchase of arms to the Contras caused uproar inside and outside the Congress.\(^{225}\) President Reagan's National

\(^{222}\) Ibid P: 108.

\(^{223}\) Ibid P: 112.

\(^{224}\) Ibid

\(^{225}\) Ibid
Security Adviser, Poindexter was made to resign and a staff official, Oliver North was dismissed who had organized the arms deliveries to Iran. United States also has to face severe criticism for its support to racial regime in South Africa. Therefore, the settlement of long drawn war in Afghanistan would have given the much required fodder to improve the image of United States.

Another issue which was vexing United States was the growing insecurity to the Western shipping in the Gulf and Iran-Iraq’s threat to the Western oil supply lines. Mehrunnisa Ali says

President Reagan could not penalise Teheran economically by enforcing an embargo against that country. Any resolution in the Security Council in this regard was likely to be vetoed by the Soviet Union. By letting the Soviet Union to withdraw honorably from Afghanistan, Washington perhaps hoped to minimise the chances of Soviet intervention in the Gulf in the event of a US show of strength or use of force against Iran. It is significant that four days after the signing of Geneva accords, the US navy destroyed Iran's oil platform and struck six Iranian civilian planes, killing all 290 persons on board. The United States, however, admitted that this incident was a mistake. Moscow denounced the incidents but took no concrete measures to checkmate the US designs in the Gulf.

Pakistan was also one of the factors responsible for change in US’s attitude. The influx of refugees was burdening the already poor economy of Pakistan. Teeming refugees were making a serious political, social and economic impact on Pakistan. The increasing incidents of sabotage in Pakistan by the agents of Khad, frequent bombing of Pakistan territory by Afghan planes, and involvement of some Afghan refugees in drug trafficking and gun running in the country were matters of grave concern.226 Pressure was mounting on General Zia to find a quick solution to the problem of Afghanistan.

b. **Détente in Sino-USSR relations**

The political scenario in Asia was changing with improvement in China-USSR relations. China’s modernization policy was looked with respect by Gorbachev. They were also cooperating in economic and nuclear energy fields. Border talks were resumed after 8 years in 1987. Chinese officials visited Mongolia for the first time in last twenty years to discuss border issue and Soviet also reciprocated by reducing troops strength on the Mongolian and Chinese border. So USA was under this impression that Soviet’s disengagement from the region will lead to diversion of aid by China to armed resistance groups in Afghanistan. And

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226Ibid P: 110.
this may also reduce influence of Sino-US strategic ties.

c. Soviet Union’s house is not in order

None has a monopoly of the truth, the two sides declare that they have no intention of imposing their notions about social development on anyone, and that both recognize socialist parties inalienable right to choose their ways of social development independently.\(^\text{227}\)

18 March, 1988 issuance of Soviet-Yugoslav declaration indicated the irrelevance of Brezhnev Doctrine in the changing international situation.

The involvement of USSR in neighbor’s trouble was costing USSR very dearly. The Russians were paying $3 million a day subsidy to finance the Vietnamese occupation of Kampuchea, and $1.8 billion a year aid to Vietnam. The Russian economic assistance to Afghanistan stood about $220 million a year.\(^\text{228}\) Despite such heavy investment of superior military power and resources in Afghanistan, the victory to Soviets was still eluding because of the consistent aid to resistance groups. Also, the revival of ethnic disturbances in Azerbaijan and Armenia perturbed Soviet authorities.

**Shortcomings in Geneva Accords**

Geneva Accords were signed on 14 April, 1988 and since then neither war has stopped, even for a single day, despite partial withdrawal of Soviet armed forces nor the conditions conducive to safe and sound repatriation of Afghan refugees has been created.\(^\text{229}\)

Zain Noorani’s words aptly sums up the post Soviet withdrawal condition in Afghanistan. The war did not abate. Instead, the fighting which till now was confined to the polygamic rivalries now got spilled to the societal level where different ethnicities fought each other for wrestling power. Taliban imposed strict Shariah law which caused serious violations of human rights. The question is why the Accords, initiated by UN, and under the observation of two superpowers USA and USSR failed? The reasons are many. Matir-ur-Rahman Murtaza says that “neither the real parties at war were correctly identified and made to sit across the negotiation table nor a complete and total solution to the Afghanistan problem was set as a

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goal for the talks. Mohammed Ahsen Chaudhri says that “an Accord is a process not a
goal”.230 Zain Noorani complements Chaudhri and says “the accords could not be expected to
bring peace to Afghanistan by themself, but they will lead us to the achievement of our
goals”.231 To quote A.S. Abraham, an Indian analyst “…altogether the Soviet offer to leave
Afghanistan is not so much an end of an 8 year old conflict as only the beginning of an
end”.232 Therefore, to presume that Afghanistan’s conflict will end with the signing of an
agreement was a wrong notion.

Secondly, we will now be critically analyzing the objectives set in the Accords.

a. Bilateral agreement between Pakistan and Afghanistan on the principle of mutual
relations, in particular on non-interference and non-intervention. Matin-ur-Rahman Murtaza
criticizes that it looks more like an accord of non-interference rather than a peace treaty.233 It
further implies that it is a protocol agreed upon by two neighboring countries to harmonize
strained relations and to respect each other’s sovereignty with a clear understanding that they
will not a. interfere in each other’s affairs b. will not challenge each other’s political
system.234 Most importantly, the accord was signed between Afghanistan and Pakistan which
gives a distorted picture of reality. The conflict emerged due to the invasion of Soviet in
Afghanistan. But the reality was obscured so as to salvage a superpower’s image.

Ironic though it may sound, the Soviet Union, a major party to the conflict, has been given the status of a
guarantor to the Geneva Accords. A question arises that if the Soviet Union can be a guarantor in this dispute
then what was the dispute? As is well known, dispute arose on the induction of Soviet armed forces into
Afghanistan. The Soviet Union is the principal accused in the dispute, an invader. How the principal accused
party could be accepted as a guarantor for her own good conduct235.

Murtaza opines that an immediate ceasefire and negotiations should have been arranged

Horizon, 41(3), 1-22.
234Ibid
235Ibid
between the parties at war in Afghanistan which was overlooked and ignored.\footnote{Ibid}

The second instrument in the Geneva Accords which was not realized is the issue of phased withdrawal. The Accords had provisioned “an agreement on inter-relationships for the settlement of the situation relating to Afghanistan signed by Pakistan and Afghanistan and by the Soviet Union and the United States as guarantor-states. This instrument provided for a phased withdrawal of the foreign troops starting 15 May, 1988.”\footnote{Bokhari, H. I. (1991, November). Evolution of a Dual Negotiation Process: Afghanistan. \textit{Annals of the American Academy of Political and Social Science}, 518, P:59.} But the withdrawal of troops was not achieved. Instead, the superpowers agreed on ‘negative symmetry’. It means that the superpowers will continue to supply arms to their respective friends- the Najib Regime and the Afghan Mujahedeen. The Soviet Foreign Minister, Mr. Eduard Shevardnadze, has made it clear that the Soviets would continue to supply arms to Kabul under 1921 treaty of friendship (the first international agreement signed by Afghanistan with any nation since declaring independence in 1919). So it was more of a peace treaty for Russians and the continuation of war for Afghans. No abatement of violence and conflicts was in sight under this Accord. Murtaza comments that “the Soviet insistence on her right to continue the supply of arms to the Najib regime is a negation of the Accords”.\footnote{Noorani, Z. (1988, July ). The Geneva Accords and Afghanistan. \textit{Pakistan Horizon}, 41(3), P: 59.} He further states “the problem of Afghanistan has not yet been resolved. The only option left for the Afghans is to continue their war of liberation till a victory is achieved”\footnote{Ibid} Rossane Klass says that there was no mention of non-uniformed personnel.

It makes no mention of the thousands of other, non uniformed Soviet forces and personnel in Afghanistan- military, civilian and KGB, who control all agencies of the Afghan government. According to official Soviet and Afghan statements, these categories are in fact specifically excluded from this clause. At a news conference on April 28, the Afghan regime’s leader, Dr. Najibullah, said that even Soviet military advisers were permitted to stay under the terms of the accords, and would remain.\footnote{Klass, R. (1988). Afghanistan: The Accords. \textit{Foreign Affairs}, 66(5), P: 924.}

Also it talks about withdrawal about does not mention restoration of order and peace in Afghanistan which is the need of an hour. Secondly, the supply of arms by the two
superpowers will result in dumping of arms in the South Asian region and this will aid in providing impetus to the booming arms industries in their countries.

The third objective of recognition of the inalienable right of Afghan people to design and formulate their own socio-economic and political system without any foreign intervention was also swept under the carpet. Clause 1 of Article 2 reads:

To respect the sovereignty, political independence, territorial integrity, national unity, security and non-alignment of the other high contracting party, as well as the national identity and cultural heritage of its people.241

But a contradictory Clause 4 and 5 of Article 2 forbids the parties from raising any question with regard to socio economic and political system of each other. This implicitly implies and endorses the alignment and client status of Afghanistan. This status quo in socio economic and political system also violates other related provisions in the Geneva Accords. Firstly, the restoration of independent, non aligned and sovereign status of Afghanistan. To Afghanistan, non aligned means not being aligned to any country opposed to Islam and Islamic movements. And such concept will not be liked by superpowers, so they have continued occupying Afghanistan. Also, Soviets have penetrated deep inside the Afghan society and it was difficult to grant them an independent status. Since 1978, and especially since 1986, hundreds of agreements, treaties and protocols have been concluded between the Afghan regime and the U.S.S.R. and Eastern-bloc countries, particularly East Germany, Czechoslovakia and Bulgaria and, in the last year or so, between individual Soviet republics, cities and their Afghan counterparts. These give the Soviets and their allies total control of Afghanistan's economy, its rich natural resources, education, media and other social and political institutions. Political and economic structures are being set up to control and possibly detach the mineral-rich provinces north of the Hindu Kush ranges from the southern areas which have been so devastated by the war.242 The second provision violated is of voluntary repatriation of refugees. Since the Soviet troops are still present in Afghanistan, and the superpowers are continuing with the supply of arms and the socio economic and political system remains unquestioned, there is no hope for the situation to change. So the repatriation of refugees was a distant possibility. Rossane Klass says that though accord said that the

241 Ibid

return was voluntary but it envisaged the return to be completed within 18 months and makes no provision for refugees who may not choose to return.243 Also, majority of the refugees are farmers and villagers and the land to which they would have returned would have been a ruined and deserted wasteland. Klass also mentions

Out of 22,000 villages in pre-war Afghanistan, an estimated 15,000 have been destroyed and another 5,000 made uninhabitable. Most refugees will have no homes to return to only heaps of rubble and no money with which to reconstruct their lives. Millions of farm animals have been deliberately slaughtered. The millenia-old irrigation systems on which farming depends have been destroyed, the orchards and vineyards cut down, the fields strewn with an estimated five million mines. Water supplies, health care, educational systems, road networks all have been wiped out, especially in the belt south of Kabul.244

The fourth major point is that it does not specifically mention the formation of interim government. Najibullah controlled 20 percent of Afghanistan and Mujahedeen was occupying 80%. And since the real actors involved in the conflict including Mujahedeen were not brought to the tables of Geneva Conference, so the notion of forming an interim government seemed baseless. Najib also did not show any intention of stepping down and was banking on 80,000 KHAD personnel, secret police of Russians, to keep himself in power. Najibullah convened Loya Jirgah in 1987 was non-representative of large sections. Mujahedeen, five million Afghan refugees and people unsympathetic to Kabul regime were not represented.

Despite the shortcomings, Cordovez remarked “the documents have made very useful contributions to peace”245. Mehrunnisa Ali states that “Notwithstanding the shortcomings, the Afghan peace package would not have been possible without a prior understanding and willingness on the part of the superpowers to accommodate one another’s point of view”246. Soviet government pointed out that the dialogue in Geneva succeeded "owing to both sides’ readiness to take account of one another’s interests”.247

243Ibid P: 923.
244 Ibid
247 Ibid
5 December, 2001: Bonn Accord

Officially known as the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Governing Institutions, Bonn Agreement was an initial attempt to recreate the State in Afghanistan. Before Bonn, Afghanistan was characterized by 23 years old of ongoing military conflict. On one side was Taliban, an extreme Islamic Movement predominantly comprised of Pashtuns, an ethnic majority and the opposing side was a loose coalition of forces called United Front for the Salvation of Afghanistan, headed by Burhanuddin Rabbani. After the commencement of military action on 7 October, 2001 a power vacuum was created and the opposition led by Rabbani barged in to fill the vacuum. But they were made to undergo the Petersburg talks held in Bonn which started on 27 November, 2001 under the chairmanship of UN Secretary General’s Special Representative for Afghanistan, Lakhdar Brahimi. 1964 Constitution was made applicable till the new constitution comes into place. An interim government comprising 28 members of which two were women took over the authority from 22 December, 2001 till 21 June, 2002. Within one month of the establishment, Emergency Loya Jirga was convened to chart out the future course of action. Election of Transitional Authority was established which was to take over from 22 June, 2002. And a Constitutional Loya Jirga will be called after 18 months of Transitional Authority to draft a new constitution and organize free and fair elections.

Was Bonn a victor’s agreement?

Jake Sherman questions whether Bonn agreement was indeed a peace agreement? Instead he says,

The Bonn Agreement was not a peace agreement, nor did it provide a basis for national reconciliation. Instead, it was an agreement among victors.

To put it in Oliver P. Richmond words, Bonn agreement brought a victor’s peace. Taliban were excluded from the talks. This is in total contrast to the characteristic of peace making where the actors fighting out in the war should be brought to the negotiating table to break the Mutually Hurting Stalemate (MHS). And therefore, the agreement was bound to fail. And it did. Taliban’s exclusion is leading to its resurgence of violence. Between 2005 and 2006, suicide bombings increased by more than 400%. In January 2014, Taliban blew up the Kabul
restaurant popular with foreigners and affluent Afghans, killing Americans, Britons, UN staff and others.248

The political process for international community was a way of conferring legitimacy on the new government and for the representatives in Bonn which comprised of Islamists, modernizers, monarchists, and republicans, an instrument for advancing their own political ambitions and a vision for Afghanistan.

Emergency Loya Jirga, though provided political forum for deciding the future of country, was dominated by country’s factional leaders, particularly Islamists, as intimidation, vote buying, and political appointments marred the confidence of Afghans. United States worked behind the curtain to have her own schemes put into place. Former King Zahir Shah was asked to step down and back Karzai. United States and UNAMA ensured that military commander would be given key positions in cabinet so as to resolve the crisis peacefully rather than forcefully.249

**Framing of the Constitution** was not without foreign powers meddling. The initial draft delivered by constitutional commission was approved by United States and UN and minor changes was made by small, predominantly reformist bloc within the cabinet, led by Karzai and including several Western educated returnee ministers.250 System of checks and balances were removed from Supreme Court and Presidency, vesting too much authority to the President much to the detriment of ethnic minorities. And this too was brought by United States and UN as they believed that a strong centralized system will keep the warlords and instability accrued by factions at bay. Delay in publication of constitutional draft led to restricted circulation among people for deliberations, consultations and criticisms.

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Elections: The early organization of simultaneous elections of presidential and parliamentary has been criticized. Though the presidential elections were late by four months but it should have been further delayed so that enough time would have been provided for the disarmament and strengthening of political institutions. Also, the concept of light footprint by Joint Electoral Management Body (JEMB) led to limited presence of skilled UN international staff and more of unskilled Afghan electoral staff. This led to ‘Afghanisation’ in which the personnel were hired in large numbers at a short time frame, the operations and logistics were outsourced to the UN Office for Project Services and Private Security Firms called Global Risks.

There were cases of electoral fraud like multiple registration cards, tampering of ballot boxes, vote buying and intimidation. Past violations of human rights of military factions were not taken into account.

Though the elections came under severe scanner, elections were an impressive achievement. 8 million, almost 70 percent of registered voters, turned out to vote. Taliban threatened with violence on the Election Day but could not achieve success. Parliamentary and provincial elections were held on 18 September, 2005 leading to the inauguration of first parliament in forty years.

2009 presidential elections slackened the enthusiasm of voters towards the political process. Low voter turnout was witnessed. Election officials suggested at around 40-50% of 15 million registered voters. The preceding days and the election day were badly hit by Taliban violence. Amnesty International report says the highest level of civilian casualties since the fall of Taliban in 2002 has been registered in Afghanistan in the period around elections. Involvement of warlords was also prominent. Article 85 of the constitution mentions that person convicted of crime, including crimes against humanity, is not eligible to

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254 Afghanistan: Kandahar Bombing and NATO clinic attack, highlight increasing danger to civilians, Annual Report 2013, Amnesty International.
be a candidate. But warlords have been able to get around this clause by registering their militias as private security companies. Human Rights monitor observed that at least 70 candidates having links with illegal armed groups were on the ballot list. Drug traffickers were also found on ballot. Karzai’s vice presidential candidate Muhammad Qasim Fahim was alleged to have ties with drug trafficking.255

**Rule of Law:** Bonn agreement mandated creation of two institutions- Judicial Reform Commission (JRC) and AIHRC. JRC would manage revision of legal code, survey existing infrastructure and needs, and develop training programs. Jake Sherman says that the fundamental aspect of JRC’s work – the nature of legal system- was not resolved until the Constitutional Loya Jirga, a full year after the commission was established. JRC also clashed with Office of Attorney General, Ministry of Justice and Supreme Court, the three permanent judicial institutions. The latter were highly resistant to modernist oriented legal reform. Fazil Hadi Shinwari, who has served as Chief Justice of the Supreme Court in 2006, appointed hundreds of religious officials as judges across the country. JRC never gathered momentum and emphasis shifted to permanent institutions.256 Process also suffered due to Italy’s role as lead nation. Italy tried to modernize the Afghan judiciary without considering legal institutions in provinces and significant role of traditional institutions. Coordination with police was minimal. But despite many limitations, JRC made substantial progress. List of all laws in the country was completed, key court facilities were renovated, and several hundred judges and prosecutors were trained. New Criminal Procedure Code was completed in February 2005. AIHRC, the principal human rights body in the country gained credibility because of its outspoken criticism of violations. It has emerged as a strong national advocate for Human Rights even exceeding the authority of local NGOs operating in the country.


International Security Actors

Bonn Agreement provisioned a foreign security force to be deployed before the new Afghan security and armed forces are fully constituted and functioning.

Conscious that some time may be required for the new Afghan security and armed forces to be fully constituted and functioning, the participants in the UN Talks on Afghanistan request the United Nations Security Council to consider authorizing the early deployment to Afghanistan of a United Nations mandated force. This force will assist in the maintenance of security for Kabul and its surrounding areas. Such a force could, as appropriate, be progressively expanded to other urban centres and other areas.257

At the request of Bonn signatories, Security Council authorized ISAF, a non-UN led international security force. Though the presence stabilized the capital and reduced the risk factional violence, crime and terrorism but this security was not shared by the rest of the country. Calls for expansion of ISAF went unheeded until August 2003. ISAF troop contributing countries were cautious of sending troops into potentially insecure areas but sizeable deployments from UK, Canada, Germany and others have enlarged since 2002. But since ISAF was ill-equipped, it was also unwilling to intervene to quell factional violence. There was also no interest in proactively challenging drug traffickers. Moreover, taking on counter-insurgency role caused ISAF to be the object of resentment over increasing civilian causalities.

Disarmament, Demobilization and Reintegration

On 1 December, 2002 President Karzai signed a decree that provides the basis for the new Afghan National Army (ANA), the disarmament, demobilisation and reintegration of all factional forces and the reform of the Ministry of Defence, setting out the process for the demilitarisation of the many militia and private armies that exist.258

DDR was primarily a means to demobilise the victors- militias that filled the vacuum created by Taliban’s fall. It aimed to reduce the military support base of factional leaders so as to facilitate emergence of centrally loyal security institutions. But this process started after two years of signing of Bonn agreement. And Jake Sherman said that during this time factional commanders got considerable time to entrench themselves, to deepen patronage networks and


258UNHCR, July 2003. Update on the Situation in Afghanistan and International Protection Considerations
to gain major foothold in both licit and illicit economy. Therefore, the Bonn Agreement jeopardised whole of state building enterprise. Also, without an international or centrally loyal military force to enforce mandatory demobilisation and disarmament, the process was voluntary.259

**Afghan National Army**

Afghan Military forces were replaced by new, unified and multi ethnic Afghan National Army. Though they addressed ethnic imbalance, but they suffered from low morale due to low wages and high casualty rates.

**Afghan National Police**

Majority of police are untrained former *Jihadi* fighters who have been brought into ranks by their military commanders. Instead of dispensing justice, they are the one held most responsible for human rights violations and criminal activities. They suffer from the vices of under staffed, under equipped and poor payment of salaries.

**Conclusion**

Will Rogers once remarked,

> Take the diplomacy out of the war and things would fall flat.260

But things also fall flat when fair diplomacy is not carried out efficiently. And this is what happened in Afghanistan’s case. The agreements in Afghanistan violated the fundamental tenets of peace making. First, in both the agreements, the protagonists in the conflict were not involved. In Geneva, the blame was shifted on Pakistan and Afghanistan and the main players USSR and USA in the game became the guarantors in Geneva Accord. It’s akin to the culprits becoming the judges. And the agreement which was drafted had the entire rules of the game changed. Geneva Accords did nothing to nip in bud the forthcoming ethnic tensions. And


there’s apprehension that with the departure of NATO forces, the scramble for power will once again start and ethnic tensions will once again prevail in Afghanistan. Increasing levels of violence since 2006 and resurgence in Taliban’s criminal activity are evidence to the fragile peace in Afghanistan. Secondly, the agreements were not formed to quell the unrest or violence in the country but the agreement was formed in case of Geneva, to continuing having USSR’s influence in the country. When ethnic tensions led to the Geneva Accords, no foreign power intervened to stop the inter-ethnic killings but once again when the crimes of Islamic extremists spilled over to US then once again, Afghanistan’s sovereignty was breached and USA marched its troops and finally concluding the invasion with Bonn Agreement. With fears of ethnic tensions hovering in Afghanistan, the international community due to donor fatigue is falling to numb and insensitive to such apprehensions. I would like to correct the version of Will Rogers

Take Fair and Just Diplomacy out of war, and things would surely fall flat.