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# POST-CONFLICT RECONSTRUCTION: THE UNITED NATIONS' INVOLVEMENT IN AFGHANISTAN

*"If there's a war rages afar, shall I stop my ear  
Or shall I sit up and listen in shame?  
Shall I stop my nose or breathe and breathe  
The smothering smoke of troubled air?"*

-Yu Kwang Chung  
*If There's a War Rages Afar*

## I. INTRODUCTION

International concern for Afghanistan's political situation had almost disappeared prior to the attacks on the United States on September 11th.<sup>1</sup> However, since the attacks on the United States and the ensuing war against terrorism, international attention has once again returned to Afghanistan. A few weeks after the United States and its coalition partners toppled the Taliban in late 2001, the United Nations ("UN") responded with a promise for a quick start to the task of reconstructing Afghanistan.<sup>2</sup>

Rebuilding Afghanistan will be an immense challenge to the international community, requiring broad support, resources and political commitment. The vast scope of the crisis, the devastation, and the ongoing war against terrorism makes the task of reconstruction a difficult one. Decades of war, factional fighting, neglect by

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<sup>1</sup> Soon after Soviet withdrawal in 1989, the United States and its western allies abandoned war-torn Afghanistan. The United Nations' efforts toward a transitional government suffered from a lack of commitment by Afghanistan's neighbors and the international community. Thus, the political power struggle was left among the various mujahiddin factions, until finally the Taliban declared itself government of Afghanistan in 1996. See Global Policy Forum, *Wretched Afghanistan* (Sept. 21, 2001), available at <http://www.globalpolicy.org/wtc/analysis/0921rashid.htm>.

<sup>2</sup> Talks assessing Afghanistan's most pressing post-war needs, such as agriculture, water, education, and mine clearance were hosted by the United States and Japan. Representatives from 21 countries, the World Bank, the European Union and the Islamic Development Bank joined in the commitment to rebuild Afghanistan. BBC News, *Nations Unite to Rebuild Afghanistan* (Nov. 21, 2001), at [http://news.bbc.co.uk/1/hi/world/south\\_asia/1667576.stm](http://news.bbc.co.uk/1/hi/world/south_asia/1667576.stm).

the West, and fanatical rule have all left Afghanistan without adequate roads, electricity, schools and hospitals.<sup>3</sup> In addition to the human made crisis, natural disasters have contributed to the pain and suffering. Currently, Afghanistan is suffering from its worst drought in thirty years, causing a disastrous famine and forcing millions of Afghans to leave their homes.<sup>4</sup> Twenty-three years of war combined with a devastating drought has destroyed almost all social, physical, and economic life in Afghanistan.

In response, international aid donors have promised 4.5 billion dollars (U.S.) to rebuild the nation.<sup>5</sup> Foreign nations and organizations pledged economic aid to those areas that require the most immediate attention. International aid is to focus on basic services in health and education, the return and reparation of refugees and internally displaced populations,<sup>6</sup> the enhancing of national and local governance, the rebuilding of a national security force and the discouragement of human rights abuses.<sup>7</sup>

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<sup>3</sup> David Chazan, *Spending the Billions*, BBC NEWS ONLINE, Jan. 22, 2002, at [http://news.bbc.co.uk/1/low/world/south\\_asia/1761731.stm](http://news.bbc.co.uk/1/low/world/south_asia/1761731.stm).

<sup>4</sup> Catholic Agency for Overseas Development, *Update on Afghanistan* (Jan. 2003), at <http://www.cafod.org.uk/afghanistan/afghanistanupdate200301.shtml>.

<sup>5</sup> As of the year 2002 the following nations and organizations made pledges to rebuild Afghanistan (U.S. dollars): Japan – \$500 million by the year 2004, World Bank – \$500 million, Asian Development Bank – \$500 million, the European Union – \$495 million, Germany – \$362 million over four years, United States – \$297 million, United Kingdom – \$288 million over five years and Saudi Arabia – \$220 million over three years. Chazan, *supra* note 3.

<sup>6</sup> As of 2001, some 4.5 million Afghans were living as refugees in other countries. The majority found refuge in Iran (2.4 million) and Pakistan (2.2 million). Some 30,000 others were in other countries within the region such as Tajikistan and India. Once U.S. military action began in Afghanistan in Fall 2001, hundreds of thousands of Afghans fled their home. U.S. Committee for Refugees, *World Wide Refugee Information: Country Report: Afghanistan* (2002), at <http://www.refugees.org/world/countryrpt/scasia/afghanistan.htm> (last visited May 15, 2003).

<sup>7</sup> Women and girls were subjected to rape, kidnapping, and forced marriage. In addition, the Taliban imposed strict dress codes and prohibited women and girls from working outside the home or attending school. Furthermore, units of the Northern Alliance, local commanders, and rogue individuals were responsible for political killings, abductions, kidnappings for ransom, torture, rape, arbitrary detention, and looting. Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, *1999 Country Reports on Human Rights Practices* (Feb. 25, 2000), at [http://www.state.gov/www/global/human\\_rights/1999\\_hrp\\_report/afghanis.html](http://www.state.gov/www/global/human_rights/1999_hrp_report/afghanis.html).

## II. INTERNATIONAL COOPERATION

Since the collapse of the Taliban, the U.N. has taken an active role in ensuring the establishment of a permanent broad-based government in Afghanistan. The U.N. has fashioned several binding resolutions addressing the most pressing issues relating to the reconstruction of Afghanistan. In addition, the U.N. and other international governmental and non-governmental organizations have sponsored talks between members of Afghanistan's interim government and those nations supporting and participating in the rebuilding of Afghanistan.

A. *U.N. Security Council Resolution 1378*

In November 2001, the United Nations Security Council ("Security Council") unanimously adopted Resolution 1378 endorsing the U.N. effort to help the Afghan people establish a new government.<sup>8</sup> Resolution 1378 was the first Security Council resolution to reiterate the U.N.'s efforts in the reconstruction of Afghanistan since September 11th. The Resolution expressed the need for immediate efforts of the Afghan people to establish a new "broad-based, multi-ethnic" and transitional administration.<sup>9</sup> In addition, the Resolution called upon Afghan forces to refrain from acts of reprisal and to adhere strictly to human rights and international humanitarian laws.<sup>10</sup> Furthermore, it called on Member States to provide urgent humanitarian assistance, funding to reconstruction and rehabilitation projects, and support in implementing the interim administration and the ensuing government.<sup>11</sup>

B. *Bonn Agreement & U.N. Security Council Resolution 1383*

Shortly following Resolution 1378, the U.N. sponsored talks in Bonn, Germany, and reached an agreement for Afghanistan's political framework.<sup>12</sup> December 5, 2001 marked a new beginning for Afghanistan. The Bonn Agreement and the subsequent Security

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<sup>8</sup> S.C. Res. 1378, U.N. SCOR, 56th Sess., U.N. Doc. S/RES/1378 (2001).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions (Dec. 5, 2000), at <http://www.uno.de/frieden/afghanistan/talks/agreement.htm> [hereinafter Bonn Agreement].

Council Resolution 1383<sup>13</sup> reaffirmed the U.N. and Afghan peoples' determination to "end the tragic conflict in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights."<sup>14</sup> After laborious negotiations between Afghan military commanders, expatriate Afghans, and representatives of the exiled monarch, Mohammed Zahir Shah, an agreement was reached.

The Bonn Agreement established an interim administration agreement, the creation of a new Constitution, and elections in 2004.<sup>15</sup> The Bonn Agreement lays out several procedures through which power will be exercised and then transferred over time to a fully representative government. It provides for the sovereignty of Afghanistan to reside first in the Afghanistan Interim Authority ("AIA"), succeeded by the Afghanistan Transitional Authority ("ATA"), and then ultimately by the newly established and stabilized Government of Afghanistan.<sup>16</sup>

The Bonn Agreement appointed a chairman for the AIA and set out rules for the functioning and composition of its membership.<sup>17</sup> It clarified the status and objective of the Afghanistan Constitution and all existing laws and regulations and requested the Security Council to authorize a U.N. mandated force to assist in the maintenance of security for Kabul and its surrounding areas.<sup>18</sup> Furthermore, the Bonn Agreement provided for the establishment of five special entities that will make available a long term and sustainable governance. The entities established were: a Special Independent Commission for the Convening of the Emergency Loya Jirga<sup>19</sup>

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<sup>13</sup> S.C. Res. 1383, U.N. SCOR, 56th Sess., U.N. Doc. S/RES/1383 (2001). Resolution 1383 endorsed the accord reached among Afghan factions in Bonn on December 5, 2001 expressing the UN's support of the interim institutions established in the Bonn Agreement. In addition, Resolution 1383 expressly reaffirms Resolution 1378.

<sup>14</sup> *Id.*; see also Bonn Agreement, *supra* note 12.

<sup>15</sup> See Bonn Agreement, *supra* note 12. (Interim authority was established on Dec. 22, 2001).

<sup>16</sup> Deputy Press Secretary Joji Hisaeda, *Press Conference 14 June 2002*, at <http://www.mofa.go.jp/announse/press/2002/2/6/0614.html>. On June 13, 2002, Mr. Hamid Karzai was elected head of state of the Afghanistan Transitional Authority. *Id.*

<sup>17</sup> See Bonn Agreement, *supra* note 12.

<sup>18</sup> *Id.*

<sup>19</sup> Afghanistan Research & Evaluation Unit, *The A to Z Guide to Afghanistan Assistance*, at [http://www.areu.org.pk/a\\_to\\_z/terms/loya\\_jirga.html](http://www.areu.org.pk/a_to_z/terms/loya_jirga.html). The Loya Jirga is a traditional Afghan mechanism used to solicit opinion and build consensus

("Loya Jirga Commission"); a Civil Service Commission; a Human Rights Commission; a Judicial Commission; and a Constitutional Commission.<sup>20</sup>

The Loya Jirga Commission is comprised of twenty-one Afghans who specialize in constitutional and customary law.<sup>21</sup> This commission is charged with assembling Afghan tribal leaders and representatives to form the Loya Jirga that will in turn select a government to rule Afghanistan.<sup>22</sup> Obligations include specifying (i) criteria for allocating seats to the settled and nomadic population residing in the country; (ii) criteria for allocation of seats to the Afghan refugees living in Iran, Pakistan and elsewhere, and Afghans from the diaspora; and (iii) criteria for inclusion of civil society organizations and prominent individuals, including Islamic scholars, intellectuals, and traders, both within the country and in the diaspora.<sup>23</sup> Additionally, the Loya Jirga Commission will publish and disseminate the rules and procedures for the convening of the Emergency Loya Jirga ("Grand Council") and adopt and implement measures for monitoring the process of the nomination of individuals to the Grand Council.<sup>24</sup>

The objective of the Civil Service Commission is to assist the ATA in regulating and reforming the civil service administration in Afghanistan. Responsibilities include the recruitment, compensation and training of its staff, the establishment of standards for working conditions and the creation of links to other relevant agencies of the Government and active engagement in providing policy advice, options and strategies to the government.<sup>25</sup>

The Human Rights Commission is charged with monitoring human rights throughout the country, investigating claims of human rights abuses, and building national human rights facilities and institutions. In addition, it will establish a regional network across Afghanistan and conduct a national program of human rights

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on national issues, or to resolve disputes. Traditionally, Loya Jirgas bring together tribal chiefs, intellectuals and religious leaders. *Id.*

<sup>20</sup> United Nations Development Programme, *Support to Key National Commission*, at [http://www.undp.org/afghanistan/projects/commission\\_mar.html](http://www.undp.org/afghanistan/projects/commission_mar.html) (on file with the New York Law School Journal of Human Rights).

<sup>21</sup> PBS, *Afghanistan Moves Closer to Loya Jirga* (Jan. 25, 2002), at [www.pbs.org/newshour/updates/january02/afghan\\_1-25.html](http://www.pbs.org/newshour/updates/january02/afghan_1-25.html).

<sup>22</sup> *Id.*

<sup>23</sup> See Bonn Agreement, *supra* note 12.

<sup>24</sup> *Id.*

<sup>25</sup> United Nations Development Programme, *supra* note 20.

education.<sup>26</sup> Furthermore, this commission will work on issues related to human rights monitoring and transitional justice options.<sup>27</sup>

The purpose of the Judicial Commission is “to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions,” as outlined in the Bonn Agreement.<sup>28</sup> It will implement a law reform program that is charged with compiling, publishing, and distributing all laws and recommending draft legislation to the AIA for the proper administration of justice in Afghanistan.<sup>29</sup> The Judicial Commission is also required to select and train judges, prosecutors, lawyers, and law enforcement officials in Afghanistan.<sup>30</sup>

Finally, a Constitutional Commission (“Constitutional Loya Jirga”) is to be convened within 18 months of the establishment of the ATA.<sup>31</sup> To assist in this process, the Bonn Agreement called for the Constitutional Loya Jirga to clarify the status of the Afghanistan constitution and all existing laws and regulations and prepare the proposed constitution.<sup>32</sup>

### C. Tokyo Conference

The International Conference of Reconstruction Assistance to Afghanistan reaffirmed the terms within the Bonn Agreement.<sup>33</sup> On January 21-22, 2002, with the participation of Japan, the United States, the European Union and Saudi Arabia, the AIA restated its efforts of reconciliation, reconstruction, and development of Afghanistan.<sup>34</sup> In addition, experts from the international community discussed military demobilization, military and police training, demining, and counter-narcotics issues.<sup>35</sup>

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> See Bonn Agreement, *supra* note 12.

<sup>29</sup> Afghanistan Research & Evaluation Unit, *supra* note 19.

<sup>30</sup> See United Nations Development Programme, *supra* note 20.

<sup>31</sup> Jurist Legal Intelligence, *World Law: Afghanistan*, at <http://www.jurist.law.pitt.edu/world/afghanistan.htm> (last visited May 15, 2003). Afghanistan has five prior Constitutions: 1923, 1963, 1976, 1987 and 1990. *Id.*

<sup>32</sup> See United Nations Development Programme, *supra* note 20.

<sup>33</sup> See Consulate General of Japan in New York, *Japan Info: Tokyo Hosts International Conference on Reconstruction Assistance to Afghanistan* (Feb./Mar. 2002), available at [www.cgj.org/en/c/vol\\_09-5/title\\_02.html](http://www.cgj.org/en/c/vol_09-5/title_02.html).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* Members from 61 foreign nations and 21 international organizations participated in the Tokyo Conference. *Id.*

At the Conference, the AIA identified several key priority areas for the reconstruction of Afghanistan: enhancing the administrative capacity; providing adequate education, especially for girls; offering sufficient health and sanitation facilities; creating an infrastructure of roads, electricity and telecommunications; reconstructing the economic and agricultural system, including creating a new currency; developing food security and water management; and revitalizing the irrigation system.<sup>36</sup>

Overall, the Tokyo Conference stressed the pivotal role the U.N. and other international governmental and non-governmental organizations will play in the reconstruction of Afghanistan, meanwhile resting the primary responsibility on the AIA. The international community concurred and expressed its determination to continue providing support and coordinating with the AIA and the people of Afghanistan.

### III. ONE YEAR LATER

One year after Bonn and Tokyo, there seems to be considerable ground for optimism. Since the agreements made at the Bonn and Tokyo Conferences an independent government has been established and the elected head of state, Hamid Karzai, leads the country. Additionally, the government has made tremendous progress in the areas of agriculture, education, health and nutrition, and human rights. Since Bonn and Tokyo, Afghanistan has re-emerged as a sovereign state and is consolidating its position with the family of nations.<sup>37</sup>

However, despite the significant progress that has been made thus far, certain key goals set forth in the Bonn and Tokyo Agreements are now faltering. The resurgence of warlords and the persistence of insurgency activities by the remnants of the Taliban and Al Qaeda have fostered insecurity and obstructed the reconstruction process.<sup>38</sup> Warlords now represent the primary threat to peace and stability in the country and are to blame for sabotaging the goals of

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<sup>36</sup> *Id.*

<sup>37</sup> Javier Solana, European Union High Representative for the Common Foreign and Security Policy, *Summary of the Intervention, II Petersberg Ministerial Conference on Afghanistan* (Dec. 2, 2002), available at <http://ue.eu.int/pressdata/EN/discours/73449.pdf>.

<sup>38</sup> Mark Sedra, *Afghanistan: Between War and Reconstruction: Where Do We Go From Here?*, *Special Report*, FOREIGN POLICY IN FOCUS, Mar. 2003, at [http://www.foreignpolicy-infocus.org/papers/03\\_afghan/index\\_body.html](http://www.foreignpolicy-infocus.org/papers/03_afghan/index_body.html).



the Bonn and Tokyo Agreements.<sup>39</sup> Thus, activities of the warlords make it difficult for international aid to reach those areas in Afghanistan that are in most dire need of assistance.

#### A. Agriculture

Agricultural production within Afghanistan has increased by an estimated 82 percent since 2001.<sup>40</sup> With international assistance, Afghanistan was able to distribute seed and fertilizer resulting in an estimated additional income of 69 dollars (U.S.) per household.<sup>41</sup> The distribution was a key step in rebuilding Afghanistan's ability to feed itself and reduce dependence upon international food aid.

Notwithstanding some progress within the agricultural sector, Afghanistan is still highly dependent upon the international community. Nearly 6 million Afghans remain vulnerable to food insecurity and continue to seek food assistance.<sup>42</sup> Further effort must be made before Afghanistan is to achieve its once-thriving farming sector and move away from its dependency on international food aid programs.<sup>43</sup> One fundamental reason Afghanistan has not yet realized its agricultural goal is that any progress thus far made has been limited to Kabul and its surrounding areas.<sup>44</sup> Assistance in agriculture has been limited to Kabul and its environs largely because the security situation in much of the country prevents any signifi-

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<sup>39</sup> Human Rights Watch, *HRW World Report 2001, Afghanistan's Bonn Agreement One Year Later, A Catalog of Missed Opportunities* (Dec. 5, 2002), available at <http://www.hrw.org/backgrounder/asia/afghanistan/bonn1yr-bck.htm>; see also Human Rights Watch, *HRW Documents on Afghanistan, Afghanistan's Bonn Agreement One Year Later, A Catalog of Missed Opportunities* Dec. 5, 2002, available at <http://www.hrw.org/press/2002/12/afghan1205.htm>.

<sup>40</sup> Food and Agriculture Organization, U.S. Department of State, *UN Agencies Say: Crops Improve in Afghanistan, but 6 million People Still Need Food Aid* (Aug. 16, 2002), available at <http://usinfo.state.gov/regional/nea/sasia/afghan/text/0816food.htm>.

<sup>41</sup> USAID, *Rebuilding Afghanistan – Progress Update* (Jan. 9, 2003), at <http://www.usaid.gov/afghanistan/progress01.html>. In the fall of 2002 USAID distributed nearly 6,000 metric tons of wheat seed and fertilizer to the Afghan government. *Id.*

<sup>42</sup> Food and Agriculture Organization, *supra* note 40.

<sup>43</sup> Development Gateway, *Afghanistan Reconstruction: One Year Later*, at <http://www.developmentgateway.org/download/163273/oneyear.htm> (last visited May 15, 2003).

<sup>44</sup> The Humpty Dumpty Institute, Tenth Congressional Delegation to United Nations Headquarters, Senior Congressional Staff Delegation, October 24-25 2002, at [http://www.humptydumpty.net/html/publications/summaries/sum\\_congdel\\_6.html](http://www.humptydumpty.net/html/publications/summaries/sum_congdel_6.html).

cant presence of humanitarian workers.<sup>45</sup> The majority of agricultural areas in rural Afghanistan have been overlooked and little progress has been made in those areas.<sup>46</sup>

### B. Education

As part of the overall effort to ensure that all international action addresses Afghan priorities, an education program was established.<sup>47</sup> This was led by the Ministries of Education, Higher Education, Labour and Social Welfare and supported by the United Nations Children's Fund ("UNICEF"), the United Nations Educational, Scientific and Cultural Organization ("UNESCO") and non-governmental organizations.<sup>48</sup>

Main progress so far has included the launch of a back-to-school campaign, which aimed to provide basic educational supplies (such as textbooks), student kits, and blackboards to 1.78 million children at 4,500 schools.<sup>49</sup> In 2002, nearly twice the expected number of children returned to schools. In further effort to rehabilitate education, the government provided 8,500 tents to ensure adequate learning spaces, commenced the rebuilding of 500 damaged schools and provided water and sanitation facilities to 1,000 others.<sup>50</sup>

Despite significant progress made within the education sector, higher and professional education is not given much priority. The government has only minimally assisted higher education. The government has supported the higher education sector by providing the University of Kabul with campus Internet facilities and information centers to raise the awareness of the importance of education.<sup>51</sup> However, Afghanistan's five universities continue to struggle with problems of high demand.<sup>52</sup> The nation is dealing with the problem of having too many students competing for very few spots. Currently, there are 40,000 prospective students competing for only 11,500 places within the nation's universities.<sup>53</sup>

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<sup>45</sup> *Id.*

<sup>46</sup> See Development Gateway, *supra* note 43.

<sup>47</sup> United Nations Assistance Mission in Afghanistan, *Fact Sheet: Educational and Vocational Training* (Jan. 2003), available at <http://www.un.org/News/dh/latest/afghan/educ-voc-fact-sheet.pdf>.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> See Development Gateway, *supra* note 43.

<sup>53</sup> *Id.*

*C. Health and Nutrition*

In the year 2002, the Ministry of Public Health formulated a national public health care policy with technical working groups for specific areas, including HIV/AIDS, nutrition, safe motherhood, and immunization.<sup>54</sup> Hospitals and other health facilities throughout the country have also been refurbished with new water and sanitation facilities and supplied with new equipment and drugs.<sup>55</sup>

In the area of nutrition, Afghanistan has made enormous progress. In conjunction with UNICEF, the World Food Programme and several non-governmental organizations, the government has supported feeding programs to more than 320,000 children through 174 feeding centers and 3,000 metric tons of food.<sup>56</sup> In addition, polio immunization posts were established, vitamin A supplements were distributed and measles and tuberculosis vaccinations reached more than nine million children.<sup>57</sup>

Although major progress within the health and nutrition sector has taken place, much of the population continues to suffer from a lack of adequate health care. Many continue to have no access to clean water and basic sanitation and electricity. More gravely, Afghanistan compares the lowest in health and nutrition to all other low-income countries.<sup>58</sup> Life expectancy at birth is forty-four years, compared to fifty-nine in other least developed nations.<sup>59</sup> Additionally, more Afghan women are dying from childbirth than any other nation.<sup>60</sup>

*D. Refugees and Internally-Displaced Persons*

The assistance to refugees and internally-displaced persons has been supervised by the Ministry of Refugees and Repatriation and supported by the United Nations High Commissioner for Refugees ("UNHCR"), the International Organization of Migration ("IOM"), UNICEF, WFP, the World Health Organization

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<sup>54</sup> ReliefWeb: *UNAMA Fact Sheet: Health and Nutrition* (Jan. 30, 2003), at <http://www.reliefweb.int/w/rwb.nsf/s/C209F8EBC106FF74C1256CBE00544FB5>.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> See Development Gateway, *supra* note 43.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

("WHO"), and a number of other national and international non-governmental organizations.<sup>61</sup>

In 2002, nearly 1.8 million Afghan refugees returned from Pakistan and Iran, exceeding all return projections.<sup>62</sup> In addition, the UNHCR has constructed more than 40,000 shelters in areas of return that has benefited more than 300,000 people in the year 2002 alone.<sup>63</sup> Furthermore, 48,000 tons of food aid, 310,000 return packages and over 35 million (U.S.) in travel grants to returning families have been distributed.<sup>64</sup> With international aid, a new legal framework and monitoring network have been established to protect the rights of returnees.<sup>65</sup>

The U.N. directed aid to create habitable conditions not only for refugees, but also for internally-displaced persons. So far, the UNHCR and other agencies have assisted over 250,000 displaced Afghans while another 200,000 have returned home on their own.<sup>66</sup>

Despite unprecedented progress in the area of refugees and internally-displaced persons, many more Afghans continue to leave the nation due to the severe drought and the ethnic tensions that persist. Most issues facing refugees and the displaced cannot be solved by humanitarian agencies alone, but rather must be solved internally. The Afghan government must create relief methods to bring their nationals home.

### *E. Human Rights*

Afghanistan has habitually been placed in the spotlight for its systematic human rights abuses, particularly throughout the rule of the Taliban regime. The Taliban inflicted ruthless and unimaginable punishment, such as public executions, floggings, and amputations

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<sup>61</sup> ReliefWeb, *UNAMA Fact Sheet: Refugee-IDP Return and Reintegration* (Jan. 30, 2003), at <http://www.reliefweb.int/w/rwb.nsf/s/0B62A9CB133B9389C1256CBE0054A8FD> [hereinafter *Return and Reintegration*].

<sup>62</sup> The estimated return for 2002 was only 800,000. The real return rate exceeded the projection by one million. United Nations High Commissioner for Refugees, *Afghanistan Humanitarian Update No. 67* (Jan. 3, 2003), at <http://www.ncadc.org.uk/letters/newszine30/afghanistan.html>.

<sup>63</sup> *Id.*

<sup>64</sup> *Return and Reintegration*, *supra* note 61.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

on local civilians who violated their draconian laws.<sup>67</sup> In particular, the Taliban discriminated against women—relentlessly restricting their movement, behavior, and dress. Women and girls were required to wear garments covering their entire bodies (including their faces) and were not permitted to work outside the home. Girls over eight-years-old were prohibited from attending school.

Most U.N. led efforts to relieve the Afghans of such abuses were revitalized in November 2001. In that same year, the United Nations Commission on Human Rights supported Resolution 2000/13 noting the severe human rights abuses that existed within the nation.<sup>68</sup> The Resolution focused on the mass killings of certain ethnic groups and the destruction of villages and homes.<sup>69</sup> The Resolution called for an immediate end to the supply of arms and other military support to all parties involved in the conflict.<sup>70</sup>

Although the humanitarian status of Afghans has improved somewhat, several human rights organizations find that the Afghan government and international supporters have missed key opportunities to improve human rights.<sup>71</sup>

First, little progress has been made in establishing better security and protection of human rights outside of the capital. As with most of the persisting problems in Afghanistan, international aid remains “Kabul-centric,” while all other areas of the nation have been neglected.<sup>72</sup>

Second, the continuing power of Afghan warlords remains a deterrent to any chance of resolving human rights abuses.<sup>73</sup> Many regional and local military commanders continue to receive arms, money and political support from foreign nations that assist those who systematically violate the human rights of millions of Afghans.<sup>74</sup>

The latest report by Human Rights Watch notes that women’s and girls’ rights have improved since the fall of the Taliban with

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<sup>67</sup> David Treyster, *The Taliban May No Longer Control Afghanistan, but Their Persecution of Religious Minorities Will Forever Remain a Stain on Global History*, 18 N.Y.L. SCH. J. HUM. RTS. 527, 527 (2002).

<sup>68</sup> Human Rights Watch, *World Report 2002, Afghanistan*, at [www.hrw.org/wr2k2/asia1.html](http://www.hrw.org/wr2k2/asia1.html) (last visited May 15, 2003).

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> See Human Rights Watch, *HRW World Report 2001*, *supra* note 39.

<sup>72</sup> See Humpty Dumpty Institute, *supra* note 44.

<sup>73</sup> *Id.*

<sup>74</sup> See Human Rights Watch, *HRW World Report 2001*, *supra* note 39.

many women and girls returning to work and school.<sup>75</sup> However, the advances are tempered by growing government repression of social and political life. In addition, remnants of the Taliban attitude towards women still remain. In some areas, the problems for women and girls are growing worse. Women and girls are still being abused, harassed, and threatened.<sup>76</sup> There have been reports that at least five different girls' schools have been set on fire or destroyed by rocket attacks.<sup>77</sup>

Overall, the human rights situation within Afghanistan remains poor. In most areas, the Afghan people continue to suffer from the same repressive policies as they did under the Taliban. If change is to come to Afghanistan, the Afghan people, government and international actors must refuse to accept oppression as part of their culture.

#### IV. CONCLUSION

With newly acquired political stability, there is some hope of rebuilding a destroyed nation. As if the remnants of war do not pose enough challenges, Afghanistan faces severe droughts and famine. However, with the aid of the U.N. and other international and non-governmental organizations, there is reason for hope. Foreign nations have been working together with the newly established Afghan government to rebuild the most fundamental areas, such as agriculture, education, health and nutrition, refugees and internally-displaced persons, and human rights. Despite some failures and missed opportunities, the Afghan government, with the aid of the international community, has made unprecedented progress in certain key areas. The task indeed remains huge, but with the return of its people, Afghanistan has hope for the future.

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<sup>75</sup> Human Rights Watch, *Afghanistan: Women Still Not "Liberated": Police Abuse, Forced Chastity Tests, and Taliban-Era Restrictions in Herat* (Dec. 17, 2002), at <http://www.hrw.org/press/2002/12/herat1217.htm>.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

