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from the Study Commission on Lessons from Afghanistan for Germany's Comprehensive International Engagement in the Future *

Interim Report of the Study Commission on Lessons from Afghanistan for Germany's Comprehensive International Engagement in the Future

* Established by Decision of 5 July 2022 in Bundestag Printed Paper 20/2570.

Foreword from the Chairperson

Ladies and gentlemen, Readers,

In 2001, when the German Bundestag adopted a motion for participation in the operation in Afghanistan, the collapse of the Soviet Union and reunification lay just a decade in the past, China was about to join the WTO and the US-dominated global order was at its zenith. In agreeing to declare a state of NATO collective defence the day after the attacks in New York City, Germany, with numerous other countries, expressed its solidarity with the United States and took part in the operation in Afghanistan alongside its partners until the withdrawal in 2021.

The attack planned and carried out by al-Qaeda was the trigger for George W. Bush's "global war on terror" and caused a change in US foreign policy that began with Afghanistan and was furthered in the subsequent years by the intervention in Iraq and military operations in Asia and the Middle East.

Although Germany rightly did not participate in all operations, it is certainly important to bring to mind the situation in the years following 2001. The attack on the Pentagon and the World Trade Center did not remain a one-off incident. Over many years, there were attacks in major European cities. Attacks in Madrid, Paris and London, as well as failed attempts in Germany and finally the terrorist attack on Breitscheidplatz in Berlin in 2016, demonstrated the threat of Islamist groups and made political action essential. The decision to be involved in Afghanistan at the United States' side for 20 years was thus not solely based on the transatlantic partnership; it was also undertaken with the aim of depriving terrorist groups of their safe havens. Added to that was the objective, once the Taliban government had been toppled, to build a democratic state.

Over the course of the 20-year operation, which is unique in German post-war history, the situation in global politics and many of the parameters have moved on. Germany's role on the international stage has changed and is still evolving. Especially given that the operation was ultimately unsuccessful, with the Taliban back in power, reviewing it and learning its lessons is of great significance to Germany's future conduct in foreign affairs.

With the cross-party establishment of the Study Commission, which is particularly constructive in nature as a result of the involvement of permanent experts, our Parliament is confronting the task, both difficult and vital, of learning from the decisions of the past in order to avoid mistakes in the future.

Considering the current state of the world, the numerous conflict hotspots and the huge potential for escalation in various regions and between various stakeholders, we have to assume that Germany will have more, rather than less, to deal with in future. Recently or soon to be ended operations, like those in Mali and Niger, also demonstrate that our tools need to be adapted if we are to make our contribution to a more peaceful and prosperous world in future.

As Europe's largest economy and an internationally respected stakeholder, we are rightly expected to engage at the diplomatic, humanitarian, development and military levels. The comprehensive or integrated approach will remain the fundamental principle of Germany's engagement in international crisis and conflict management.

The age of growing multipolarity is going to be more unstable and prone to crises. That makes it all the more important for Germany to be prepared and, learning from past experience, to position itself in alignment with its own interests and values.

In this interim report, the Study Commission is looking back on 20 years of engagement in Afghanistan. The findings from that will form the basis of the second phase, during which it will draw specific conclusions and formulate recommendations.

Michael Müller, Member of the Bundestag

Chairperson of the Study Commission on Lessons from Afghanistan for Germany's Comprehensive International Engagement in the Future

Message of thanks to the women and men of Germany's Afghanistan operation

For almost 20 years, civilian and military personnel – women and men in the Bundeswehr, the foreign service, humanitarian assistance, development cooperation and the police – supported by local staff, were working in Afghanistan for stability, security and reconstruction. Their service for the Federal Republic of Germany cost many of them their physical and mental integrity. More than a few are dealing with the consequences to this day. We owe them all a debt of gratitude for their dedication.

Each year from 2001 on, the Bundestag mandated the deployment of, in total, 93,000 military personnel to Afghanistan, who served in 76 contingents. They performed their duties at great personal risk and in extremely difficult conditions, far from their homeland and their families. For that, we owe them our thanks.

We remember the 59 German servicemen who fell or lost their lives in the performance of their duties. Afghanistan claimed more casualties than any other operation in the history of the Federal Republic. The lives of three federal police officers and three members of German aid and development organisations were also lost. We grieve too for the many casualties and the many fallen among our allies, our Afghan partners and the civilian population.

The onus is on all of us to learn from the experiences of the Afghanistan operation and draw the necessary conclusions for the future. This Study Commission intends to contribute to that endeavour.

1 Introduction

On 11 September 2001, attackers from the jihadist terrorist organisation al-Qaeda hijacked four aeroplanes and steered them into the two towers of the World Trade Center in New York City and the Pentagon in Washington, D.C.; the fourth aircraft was crashed by the passengers. The hijackers killed 2,977 people from 92 countries.

The world responded immediately. In a resolution passed on 12 September 2001, the United Nations Security Council unanimously condemned the attacks as a threat to international peace and reaffirmed the "inherent right" of all states to individual or collective self-defence. Federal Chancellor Gerhard Schröder issued a policy statement in the Bundestag that same day, assuring the United States of Germany's unlimited solidarity. He described the attacks as a declaration of war on the entire civilised world. The North Atlantic Council on 12 September 2001 declared a state of collective defence under Article 5 of the North Atlantic Treaty, on condition that the attack had originated abroad. In Congress on 20 September 2001, US President George W. Bush declared a "war on terror".

After the Taliban failed to extradite al-Qaeda terrorists, *Operation Enduring Freedom* (OEF) was launched against the Taliban regime and al-Qaeda just short of four weeks later, on 7 October 2001.

On 16 November 2001, the German Bundestag adopted a motion for the Bundeswehr to take part in the antiterrorist *Operation Enduring Freedom*. That was followed on 22 December 2001 by the motion on participation in the *International Security Assistance Force* (ISAF), a mission mandated by the United Nations on 20 December 2001 to support security and reconstruction in Afghanistan.

Not even three months later, from 27 November to 5 December 2001, the Petersberg Conference discussed security in Afghanistan and the transition to a democratically elected government. Two weeks after that, an interim government took office under Hamid Karzai.

For the German Government, the Bundestag and numerous civil-society organisations, it was clear from very early on that they would also help Afghanistan with its reconstruction.

Over a period of 20 years, Germany remained engaged through military and civilian support. Its engagement was closely integrated at the international level, by means of United Nations structures, on the basis of UN resolutions and within the framework of the NATO-led operations, in which numerous other states besides NATO members took part.

The end was marked by the withdrawal of all forces, culminating in an evacuation operation, in August 2021. The Taliban returned to power. Key strategic objectives of the international and German involvement were not fulfilled.

Against that backdrop, the German Bundestag has instituted two bodies: a Committee of Inquiry (Bundestag printed paper 20/2352) concerning itself with the period between the conclusion of the Doha Agreement on 29 February 2020 and the end of the mandate of German armed forces for evacuation on 30 September 2021 and the withdrawal from Afghanistan, and a Study Commission on the Afghanistan operation (Bundestag printed paper 20/2570).

The Study Commission, composed of Members of the Bundestag and experts, is tasked with examining all of Germany's foreign, security and development policy actions in Afghanistan between 2001 and 2021 and identifying lessons to be learned for future comprehensive engagement in foreign and security policy. What is meant by this is the dovetailing of military, police, diplomatic, development, humanitarian and economic instruments in the context of international crisis management and peace missions.

One of the tasks of the Study Commission is to create a comprehensive overview and assessment of, in particular, all German activities in Afghanistan.

In the first phase of its work, it undertook a taking stock and critical analysis. It investigated what had been done, what mistakes had been made, but also what assistance had reached the people of Afghanistan and to what extent the country's structures had been improved. From this, the Commission has drawn initial conclusions to inform Germany's future comprehensive engagement in international operations. It has produced an interim report on those findings.

In public and livestreamed hearings, numerous external experts were consulted. The recordings and minutes of those hearings are available on the Bundestag website.

In non-public hearings, the Commission analysed the operation in three topic-specific project groups. Here, the Commission's Bundestag representatives and expert members shone a light on Germany's activities in relation to security and stabilisation, civil development and peacebuilding, and state building and government structures in Afghanistan. They questioned the relevant decision-makers and responsible parties, experts and eye-witnesses, held background briefings and evaluated documents from the German Government as well as from international organisations, associations and NGOs. Above all, to ensure confidentiality for the above-mentioned experts, those hearings were not open to the public.

The Commission's ongoing work, in accordance with the Bundestag decision establishing it, will address two further topics which obstructed positive social and economic development in Afghanistan: corruption and the drug trade. The Commission has decided to request an expert report on each of these topics.

In the second phase, the Commission will relinquish its focus on Afghanistan and forge the lessons it has derived during the first phase into specific recommendations for Germany's comprehensive international engagement in the future. It will present its final report in spring 2025.

Members of the Study Commission

Chairperson Deputy Chairperson

Michael Müller (SPD) Serap Güler (CDU/CSU)

Bundestag representatives

Members Substitute members

SPD parliamentary group

Michael Müller Professor Lars Castellucci (until 21 November 2022)

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Derya Türk-Nachbaur (Group Coordinator) Sebastian Fiedler (21 November 2022 to 13 December 2023)

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Figure 1: Map of Afghanistan and the region



Source: Federal Foreign Office.1

Courtesy of the Federal Foreign Office. Notification from Federal Foreign Office: "The map, particularly the borders and place names, do not necessarily reflect the official position of the German Government. The dotted line marks the approximate route of the Line of Control between India and Pakistan. The parties have not reached agreement on the border and definitive status of the Jammu and Kashmir region."

2 Executive summary (summary of the interim report)²

In the first phase of its work, the Study Commission, in accordance with its mandate, concerned itself with Germany's almost 20-year engagement in Afghanistan and with reviewing that period. The text below summarises the key findings from the hearings and the work of the project groups as well as the expertise contributed by the members of the Commission, experts and Members of the Bundestag.

The starting point for Germany's participation in the Afghanistan operations was solidarity and a sense of security-policy allegiance with the United States following the attacks of 11 September 2001. Germany proved itself a reliable ally within its remit, contributed one of the largest numbers of troops throughout the length of the operation and assumed leadership responsibilities. German servicemen and women, police officers and civilian personnel in the foreign service, in development cooperation and in humanitarian assistance demonstrated a high degree of professionalism in the performance of the duties assigned to them.

Nevertheless, with the withdrawal and the take-over of power by the Taliban in 2021, Germany and its international partners failed at a strategic level to secure the achievements and established objectives for the long term.

Alongside the military duty of stabilising the situation and combating international terrorism, Germany pursued the aim of state-building, with institutions dedicated to the rule of law and far-reaching social transformation. The international community lacked a coherent long-term strategy, which was realistically possible to implement with the available capabilities and resources, to advance a stable Afghanistan with its own autonomous security, reliable statehood, and economic and social prospects.

Continuous, self-critical stock taking in relation to the very ambitious objectives, their feasibility and the resources they would require did not take place to a sufficient degree. Although knowledge and detailed, unvarnished situation reports were made available through various information channels, they were not systematically collated into a realistic overview.

The personnel provided, particularly civilian and police personnel, were also insufficient in relation to the scale of the state-building objective. The equipment and capabilities of the Bundeswehr were, in part, not adapted dynamically enough to the threat level in Afghanistan.

Regarding the distribution of funds, especially for projects set up at short notice, the receptiveness and capacities of Afghan partners were sometimes overestimated, to the detriment of durability. Assessments of the situation and evaluation of progress too often concentrated on the large cities, meaning that the situation in the country as a whole could not be extrapolated from them.

Although interministerial cooperation was improved over the course of the operation, strategic coordination between the ministries in Germany and on the ground was insufficient overall. Formats like the meetings of state secretaries were unable to overcome ministry-centric attitudes. At the parliamentary level too, efforts were coordinated to an insufficient degree. Control was prioritised. In debates about mandate extensions, the focus was usually on military aspects.

At the international level, finding agreement was complicated by the large number of stakeholders with sometimes competing interests, which made it difficult to set joint objectives and allocate resources in a coordinated manner.

Germany was no exception in respect of the inadequate degree of engagement with the culture, history and traditions of Afghanistan. Knowledge of the region that did exist was hardly taken into consideration, especially in the early days. For state-building, our understanding and incorporation of traditional hierarchies and social structures, regional distinctions and local power dynamics were insufficient. The newly founded Republic of Afghanistan increasingly lacked legitimacy and the capacity to assert its authority across the breadth of the country. At the same time, the growing influence of the Taliban and support for them in parts of Afghan society were underestimated, and the pursuit of political conflict resolution began too late and lacked the required consistency.

² A dissenting opinion on this section has been submitted by Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and the expert Reiner Haunreiter.

Although the operation in Afghanistan was in retrospect unsuccessful as a whole, there were partial successes which contributed to improved living standards and to progress on infrastructure and in the healthcare and education sectors before the Taliban resumed power in summer 2021. Women and girls in particular benefited from the international presence in Afghanistan during that time. Civilian and military personnel from Germany on the ground handled a difficult task with a great deal of dedication, thereby contributing to improvements in many areas for Afghan women and men.

The operation in Afghanistan was and remains the trigger to a learning process which has led to evolution and adaptation in the Bundeswehr and the participating ministries. In this interim report, the Study Commission presents an extensive review and critical analysis of the operation as a whole, on the basis of which, in the course of its ongoing work, it will draw up recommendations for the German Government and the Bundestag in respect of future operations.

2.1 Dissenting opinion of Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and the expert Reiner Haunreiter, on section 2³

On 30 June 2021, the 20-year engagement, which cost more casualties than any other Bundeswehr operation, ended with the landing of the last 264 personnel in Wunstorf.⁴ As recently as 25 March 2021, the Bundestag had voted by 432 votes to 176, with 21 abstentions, to extend the NATO operation in Afghanistan in line with the position of the German Government.⁵ The AfD parliamentary group had voted unanimously against the motion,⁶ having repeatedly advocated for ending the Afghanistan operation since it entered the Bundestag in 2017.⁷ For example, an AfD motion in Bundestag printed paper 19/27199 entitled "Germany is not being defended in the Hindu Kush – start withdrawal of German servicemen from Afghanistan without delay" was rejected by all other parliamentary groups.⁸

Making the case for the mandate extension, the then Federal Foreign Minister, Heiko Maas, said it was necessary because "we'd like to safeguard the achievements of recent years". According to the text of the mandate, the operation had led not only to "the emergence of a democratically controlled state committed to upholding universal human rights" but had also helped "reinforce women's and children's rights". It said Germany, in cooperation with other nations, had "built up an Afghan army" which conducted "95% of hazardous operations against the Taliban autonomously". Then, however, to the surprise of those in positions of responsibility at the time, things changed very quickly: it was only 14 April 2021 when the North Atlantic Council decided to end the mission. Not two months after the last German servicemen had returned, the Taliban were back in power in Afghanistan.

The motion by the parliamentary groups of the governing traffic light coalition and the CDU/CSU to set up a Study Commission on Lessons from Afghanistan for Germany's Comprehensive International Engagement in the Future was adopted on 8 July 2022. As well as reviewing the Afghanistan operation, the Commission was given the task of developing lessons for future comprehensive approaches. Thus, all the parties responsible, in various coalitions, for the 20-year, ultimately unsuccessful Afghanistan operation have also prescribed a certain direction for the evaluation to take. For instance, the question whether there would even be much promise of success in German military interventions abroad that took the comprehensive approach in future, particularly in regions outside our culture, is not even asked.¹²

Minutes of plenary proceedings 19/215, p. 27127

The content of the dissenting opinion and the citation of sources are the sole responsibility of the submitting parties.

See (in German) https://www.bundeswehr.de/de/einsaetze-bundeswehr/abgeschlossene-einsaetze-der-bundeswehr/afghanistanresolute-support/resolute-support-beendet-rueckverlegung-abgeschlossen-5101254 (retrieved on 1 February 2024)

See minutes of plenary proceedings 19/218, debate on p. 27563 et seq., result on pp. 27581-27584

See minutes of plenary proceedings 19/218, p. 27583

⁷ E.g. with the motion to "End Germany's engagement in Afghanistan" of 20 February 2019 in Bundestag printed paper 19/7937

See minutes of plenary proceedings 19/218, p. 27571

⁹ Minutes of plenary proceedings 19/215, p. 27121

Bundestag printed paper 19/26916, p. 5

The brief introduction to the Study Commission on the Bundestag website reflects what we would wish to see in this respect in its second-last sentence, but it contradicts both actual practice within the Study Commission and the mandate establishing it, in which the comprehensive approach is likewise not questioned.

See https://www.bundestag.de/en/committees/bodies/study/study_afghanistan (retrieved on 1 February 2024)

The narrative that the Bundeswehr was defending Germany in the Hindu Kush ceased to apply at the latest when the al-Qaeda structures in Afghanistan had been destroyed. The Taliban's objectives were national, at most cross-border, extending to Pakistan. They were never a terrorist organisation operating internationally that we needed to fight in Afghanistan to prevent them carrying out attacks in Germany. As former minister Joschka Fischer¹³ and former ambassador Michael Steiner¹⁴ noted in the public hearings held by the Study Commission, the focus was instead almost exclusively on proving to the United States that we were reliable allies. This also explains why the Afghanistan operation was maintained even though the objectives set out in the mandate text could never be achieved and other states, such as the Netherlands, Canada and France, withdrew early.¹⁵

In the view of the AfD parliamentary group, the outcome of this interim report cannot be, especially in light of the various public hearings, that we just need to identify one or two "tweaks" to make in future for engagements like the Afghanistan operation to be successful. State- and nation-building in areas outside our culture with the aim of extrinsically implementing a different political system, as well as replacing traditions, customs and values, has once again proven an unrealistic approach. A comprehensive approach does nonetheless make sense in the interests of better liaison and coordination between different ministries on questions of strategy. However, in the view of the AfD, as the Commission continues its work the key will be to specify in more concrete terms how that can be guaranteed. After all, even with the best comprehensive approach, states and societies outside our culture cannot simply be remodelled.

The NATO members unanimously categorised the terrorist attack of 11 September 2001 as an attack on the United States, and Germany accordingly took part in the operation in Afghanistan as a member of the Alliance fulfilling its obligation. Another important reason for Germany's involvement in Afghanistan was to compensate for not having taken part in the Iraq war. At the time, that could not be avoided. But the politically induced demand for rapid decisions came at the cost of thorough analysis of the situation in Afghanistan. And it was not until two years after the start of the operation that the SPD-Greens coalition of the time presented a first German Government Afghanistan policy paper. Yet that was not a cross-ministerial strategy clearly setting out objectives and timescales and allocating the appropriate civilian and military means. The deficit was not subsequently rectified by any German Government in 20 years.

The allies' differing objectives and interests were not adequately coordinated, and Germany did not formulate its own national interests.

Another subject that the Study Commission has not addressed, despite the stipulation in the motion establishing it that it take stock of the entire 20-year operation, is the resettlement programme for former local employees, which was introduced back in 2013.¹⁶ The Afghan Government under former President Hamid Karzai criticised it at the time as weakening the "morale of the Afghan people", saying that well-qualified skilled workers, of all people, were needed in the Islamic Republic of Afghanistan.¹⁷ Brain drain, an effect this did not just exacerbate, and above all the general immigration pressure on Germany were further heightened, moreover, when the definition of "local employees" was watered down and the applicable timeframe expanded in summer 2021 and when the federal admission programme began with 44,146 accepted applications in October 2022.¹⁸

See transcript of the 24th session of the Study Commission, 3 July 2023, (in German) https://www.bundestag.de/resource/blob/975832/c88e95ae0af1f488f04fb77911f1c418/Wortprotokoll_Anhoerung-am-03-07-2023-data.pdf (retrieved on 1 February 2024), pp. 5 and 26

See transcript of the 5th session of the Study Commission, 21 November 2022, (in German)https://www.bundestag.de/resource/blob/927700/13727d76e165d018764975944b2a965d/Wortprotokoll_21-11-2022-data.pdf (retrieved on 1 February 2024), p. 9

See (in German) https://www.nzz.ch/international/frankreich-hat-schon-frueh-am-afghanistan-einsatz-gezweifelt-ld.1642483, https://taz.de/Ende-des-Afghanistan-Mandats/!5148508/ and https://www.tageblatt.lu/nachrichten/ausland/niederlande-beginnen-abzug-aus-afghanistan-96543462/ (each retrieved on 1 February 2024)

Also jointly established by the governing coalition and the CDU/CSU during this 20th legislative term, the 1st Committee of Inquiry on Afghanistan only covers the period from 29 February 2020 (conclusion of the Doha Agreement between the United States and Afghanistan) to 30 September 2021 (end of the mandate to deploy German armed forces for the military evacuation); Bundestag printed paper 20/2352, p. 3; alternatively, see the motion previously tabled by the AfD in Bundestag printed paper 20/1867

See (in German) https://www.spiegel.de/politik/ausland/afghanistan-abzug-karzai-protestiert-gegen-asyl-fuer-bundeswehr-helfer-a-895071.html (retrieved on 1 February 2024)

See Bundestag printed paper 20/8322, p. 3

What is more, not one syllable of the mandate establishing the Commission mentions the geopolitical situation for the world and for Germany being completely altered since the start of the war in Ukraine on 24 February 2022. Under these conditions the AfD parliamentary group is more strongly focused than ever on getting back to national and alliance defence and to manning and equipping the Bundeswehr for full operational readiness. Also, given the ongoing war in Ukraine within Europe and developments in global security, a greater degree of far-sightedness would have been desirable. That is what the AfD will be pushing for during the second phase of the Commission's work.

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Assessments and lessons from the operation / Looking ahead to the second phase

Analysis and assessments were undertaken in three topic-specific project groups (security and stabilisation; civil development and peacebuilding; state-building and government structures). The outcomes of their work are presented in accordance with the following four themes, which proved in all project groups to be of central importance and in need of improvement.

- 1. Knowledge, context and analysis
- 2. Motives, objectives and strategies
- 3. Implementation, capabilities, impact, lasting effect
- 4. Oversight, monitoring and evaluation

3.1 Knowledge, context and analysis

Afghan context

Afghanistan's cultural reality, traditional hierarchies, fragmented social structures, political power dynamics and the multilayered complex of conflicting interests – such as between stakeholders in the city and those in rural areas, or between former civil-war parties (militias) – were not adequately taken into account by the German side in decision-making, especially in relation to state-building, or in operational implementation. This, in turn, hampered public approval and readiness to assume ownership on the Afghan side. The prioritisation of centralised governance exemplifies how Western preconceptions differed from deeply rooted Afghan interests and governing practice. This begins with the fact that the way Afghan society works is shaped less by state institutions than by interpersonal relationships and traditional norms; Afghans feel a bond and a duty rather to their families, tribes and ethnic or religious groups than to a nation state to which only a limited number of remits is ascribed. There have always been several centres of power in Afghanistan, with regional distinctions and indirect rule through systems of patronage. In disputes, for instance, many Afghans still ask their local councils of elders and tribal councils for mediation and face-saving arbitration instead of relying on the centralised system of criminal and civil law. While attempts were made to combine different legal cultures, they were without lasting success. The unifying role of religion was altogether insufficiently examined as well, even though many Afghans believed that a state should above all establish a political order under the precepts of Islam.

Taliban

The international community, including Germany, paid too little attention to the Taliban as part of society and a key stakeholder in conflicts, consequently underestimating their growing influence and not taking their chances of success seriously. Instead, the Taliban were initially seen as a homogeneous unit and erroneously equated with al-Qaeda and the latter's transnational jihadist orientation, which were to be fought. The increasing public approval of the Taliban in various parts of Afghan society, not only among Pashtuns but particularly among rural populations, was underestimated. Categorically excluding the Taliban hindered considerations about their inclusion in the political process and ultimately promoted the image in the eyes of many Afghans of the Taliban as the legitimate opposition to a corrupt and foreign-ruled government. At the same time, a number of former warlords occupied high positions within the government, and war crimes and crimes against humanity which had been perpetrated were not investigated. This took an additional toll on the credibility of the Afghan state and the representatives and institutions of the international community working in Afghanistan in the eyes of the Afghan people.

Available knowledge and situation assessment

At the beginning of the operation, the complex situation was underestimated in Germany and on the international stage, in part because available knowledge was not adequately utilised to, for example, compile a comprehensive situation assessment. After decades of violence, displacement and war, the country's state and economy were minimally developed and its people were fragmented in terms of politics, culture, religion and geography. Levels of education and life expectancy were low; women and minorities had hardly any rights. Within Germany's university and non-university research landscape, expertise on Afghanistan did exist, but it was not called on to a sufficient extent and therefore not enough of it fed into considerations about Germany's overall involvement.

In addition, Germany had close ties to Afghanistan, particularly in the 1960s and 70s, in the area of police and development cooperation – which were not systematically evaluated at the beginning of the operation in 2001-2002. All in all, systematic incorporation of the findings of academic research on Afghanistan into the planning process did not take place on an adequate scale. At a structural level, the required knowledge was not adequately fostered.

There was no comprehensive and integrated situation assessment in place on the basis of which strategy and measures could be adapted. The ministries relied on various sources of information, including intelligence services, military reconnaissance, local staff and NGOs. However, that information was not adequately collated on an interministerial and systematic basis into a holistic overview from which conclusions relevant to the operation could be drawn. Moreover, the gathering of information with the aid of local contacts was hampered by the fact that Germany's personnel, like those of other international stakeholders, often stayed in the country for just a few months, which made long-term knowledge management difficult.

Critical feedback

Until the end, the German Government stuck with the operation as a whole, even though the reality fell short of expectations in many respects. Right from the start, the Afghan state was unable to fulfil its core functions without international assistance. Political and economic reforms failed. The government progressively lost the preemptive trust that had been placed in it; this was part of what led large swathes of the population to turn to the Taliban. The security situation worsened appreciably and deteriorated further in 2014, when ISAF ended. Germany's ministries did pass on information gathered from Afghanistan to the civil, military and political decision-making forums, but critical feedback and warnings from the ground were not adequately taken into account within the government. No objective cross-ministry oversight of Germany's federal involvement or operation in Afghanistan took place. Nevertheless there was and still is an obligation for all departments of government operating abroad to coordinate their activities with the Federal Foreign Office. Conversely, there is no reciprocal obligation, not even in respect of information about its own activities.

Continuous and honest situation assessment is absolutely essential. This would have required not only critical feedback and a better culture of addressing mistakes within the ministries but also independent analysis and evaluations, not least in order to incorporate undesirable developments into a realistic overview.

3.2 Motives, objectives and strategies

Motives

When the US Administration saw itself obliged to take action following 11 September 2001 and NATO declared a state of collective defence, Germany did not ask itself whether to stand by the United States but how it could most effectively support the United States. Germany's assumption of partial responsibility, e.g. for security in the north of Afghanistan, does not alter the fact that, in the context of multilateral action, the United States remained in charge throughout the duration of the Afghanistan operation. A possible role for Europe remained underdeveloped. Successive German Governments did not formulate and communicate Germany's interests clearly enough. Doing so would have been essential, however, for the setting of priorities and the formulation of implementation strategies.

Strategies and objectives

Germany's involvement as a whole lacked strategic leadership and vision as well as clearly assigned responsibility and coordination. There were operational objectives within individual ministries. The identification of objectives at a national level, however, was not cohesive. No cross-ministerial overall objective at the political-strategy level had been defined. For that reason, it was not possible to discern and communicate national strategy development as a "roadmap to our goal".

The shaping of political will in the matter of Germany's Afghanistan operation was characterised by several factors:

- 1. The shortage of time to prepare for the operation presented the German Government and Parliament with major challenges. With the benefit of hindsight, perceptions of what could be achieved increasingly proved inflated and overburdened.
- 2. From August 2003 on, Germany largely operated as part of NATO and was accordingly bound by its operational objectives in military matters and law enforcement. At the same time, however, Germany was interested in not only aligning the operation with military and security-policy requirements but also grounding it in a holistic strategic and policy approach. Stabilisation served as a framing concept here, but it was understood in various ways, and the different ministries put into practice in various ways. The concept was not explained in more detail until the 2016 white paper and the 2017 Federal Government guidelines on crisis prevention ("Preventing Crises, Resolving Conflicts, Building Peace"). No crossministerial German strategy was formulated at any point while Germany was engaged in Afghanistan.
- 3. To implement objectives, Germany primarily because of limited operational capabilities and resources, but also as a result of self-imposed restrictions was dependent on its partners (especially the United States).
- 4. The comprehensive approach reflected interdependencies between the objectives of national ministries, which were mutually contingent. For example, there can be no development without security and no security without development.

As a matter of conviction, Germany from the beginning chose an ambitious path seeking a state structure intended above all to enable people to live in safety and freedom. On the international stage, Germany should from the very start have more strongly communicated its aim of helping to combat terrorism indirectly by improving living standards. A lack of clarity about objectives at the political-strategy level resulted in inconsistent communication.

Although there was consensus among the allies that Afghanistan should be supported in state-building and improving living standards and the country should be rendered capable of operating independently within a foreseeable timeframe, there was disagreement about how those objectives were to be achieved. Military action to create a secure environment and combat terrorism, and projects for civil reconstruction and the establishment of state structures, were regarded in theory as separate phases. In practice, however, they had to be implemented simultaneously and proved to be sometimes competing pursuits. Internationally, conceptions about what measures were needed for responsibility in all areas of state and society to be put into Afghan hands were variously defined. Different interests and state-building visions played an important role here. Potential points of contact that already existed within Afghan society were, in retrospect, insufficiently utilised as a strategic basis for reconstruction efforts. As a result of these mistakes, the state and the international community lost public approval.

Coordination

Objectives and strategies have to be translated into executive action at the national and international levels. Especially the cross-overs between ministries in Germany and between the various stakeholders at the international level brought the greatest challenges. On the national scale, in spite of the meetings of state secretaries, a lack of strategy and policy coordination between the ministries resulted in a variety of priorities and implementation approaches. Instructions pertaining to the operation were issued in parallel in the different ministries and were not coordinated. Although the German Government's Afghanistan policy papers rounded up developments on a cross-ministerial basis, they stayed rather vague. There was no cross-ministerial conflict analysis or cross-ministerial country strategy which would have been required for ministries to act jointly. Not were such documents developed at a later stage.

The comprehensive approach was an attempt to make it clear that not only military means and approaches were relevant to the Afghanistan engagement but also humanitarian assistance, economic support, development cooperation and security sector reform. Within the German Government, the comprehensive approach did lead, in the course of the engagement, to improved dialogue between the ministries particularly at the tactical level. However, there was no joint development of strategy and objectives. An attempt to solve the cross-over problem at the operational level was undertaken in the form of the civil-military Provincial Reconstruction Teams (PRTs). They made it possible to improve interministerial cooperation on the ground, but this did not eliminate the strategy and staffing gaps between the ministries. The PRTs did not have enough personnel from the Federal Foreign Office and the Federal Ministry of the Interior in particular.

An additional aspect is political responsibility. The lead ministry for the operation as a whole was the Federal Foreign Office. However, there was no cross-ministerial coordination able to guarantee effective and efficient treatment of resources. Especially in Berlin, ministry-centric attitudes and interests predominated.

Those circumstances were reflected at the international level, as a large number of external stakeholders were involved in Afghanistan who saw themselves, in part, as competing with one another. The variety of strategic priorities among the allies, particularly between the United States, NATO and the UN, hampered effective coordination at the international level although coordination was called for by all parties. Moreover, stakeholders can only coordinate usefully if joint objectives are in place. There was also, however, a lack of joint objectives, liaison, and balanced and adjusted use of resources between NATO and the UN.

In that context, the German Government's means of influencing matters in the face of the clout of the United States proved limited. Although Germany did seek coordination and consensus in the various formats, its own lack of coordinated cross-ministerial strategy/strategies undermined its capacity to assert its position, so that initiatives often failed to have the desired effect and generally fell short of high expectations.

3.3 Implementation, capabilities, impact, lasting effect

Implementation

Afghanistan's needs and its various stakeholders were not adequately researched and not cohesively coordinated with either German or international objectives and approaches. The failure of German and international stakeholders to understand the context resulted in the manifold interests, goals and needs of the Afghan people being inadequately reflected in the planning and implementation of civil development. The consequence of this was that the Afghans' sense of ownership remained limited.

In Germany, the military mandates and civilian overall missions were not broken down into specific and verifiable interim goals by which the degree of mission fulfilment could be measured. Effective and efficient cross-ministerial coordination was lacking at the operational level as elsewhere. As a result, the operation had no coordination of interim goals between the different departments of government.

The Afghanistan operation was in many respects a formative experience for Germany and has triggered learning processes, especially at the implementation level. Over the 20 years, above all at the level of civilian and military seconded personnel, a lot of instructive experience was gathered in the field of international crisis management.

The institutions of foreign and security policy have evolved since the beginning of Germany's engagement in Afghanistan. In the Federal Foreign Office, for example, the Directorate-General for Crisis Prevention, Stabilisation, Peacebuilding and Humanitarian Assistance has been established. The Federal Ministry for Economic Cooperation and Development has introduced monitoring and evaluations for projects and particular programmes. GIZ has been further expanded. The Bundeswehr has evolved, structurally and culturally, into an armed force geared towards operations abroad. Special benefits and pensions for servicemen and women sent on foreign assignments have also been improved. Regular meetings of state secretaries from the ministries involved with Afghanistan have been established as central coordination forums. Civilian crisis prevention for international engagements has become more firmly established through the relevant guidelines and the Advisory Board to the Federal Government for Civilian Crisis Prevention and Peacebuilding.

Resources and capabilities for the operation

The human resources that Germany made available for security, state-building and development, including for the political process, were too few for its ambitious goals. For too long, the Bundeswehr's operation planning, commitment of forces and capabilities were not adjusted in line with the rising threat level. This affected the diplomatic, development and police components of the operation. There was insufficient availability, for example, of specialists with intercultural training, knowledge of the language, experience of contexts sensitive to conflict, and access to local stakeholders. Having civilian personnel stay for longer periods and fewer short secondments could have contributed more effectively to the long-term formation of sound relationships with local stakeholders. Furthermore, specialists with intercultural training, language skills, conflict sensitivity and access to local stakeholders should be fostered more strongly at a structural level. Despite insufficient resources, there were diplomatic initiatives, such as the 2019 intra-Afghan dialogue conference in Doha jointly organised with Qatar, with involvement from the government, political parties, the Taliban and civil society.

Impact

Whether it was effective to combat terrorism militarily within the framework of Operation Enduring Freedom (OEF) is a question that no German Government answered. For years, the fact that the reality of OEF contradicted the stabilisation approach of ISAF, sometimes doing more to incite than to curb hatred and violence, was ignored. There was hardly any discussion on Germany's part on how the stakeholders of terrorist networks could be combated effectively. The strategy preferences and priorities of our allies inevitably directed the course of operations. The cross-ministerial PRT approach made sense, but it was impeded at the international level by inconsistent implementation and at the national level by a lack of set objectives, weak capabilities and a shortfall in coordination between the ministries. Operations intended to bring about stabilisation need a flexible and overarching plan which sets out interim goals and capabilities. Only the attainment of goals can form the basis of decisions on subsequent phases. That was not the situation in Afghanistan. Withdrawal announcements led to strategic changes of direction – but this often came too late.

Within the framework of the ISAF mission in Afghanistan, Bundeswehr servicemen and women were in a situation of all-out war for the first time – although that term was long avoided in the political discourse in Germany.

The servicemen and women of the Bundeswehr reliably fulfilled the missions they were assigned and proved themselves both in the stabilisation phase and in the counterinsurgency phase.

Despite all the efforts and casualties of the operation, the overarching international objectives of creating a safe environment in Afghanistan and establishing a legitimate and efficient army and police force were not achieved. Especially in the early years, partial progress was made on infrastructure and in the healthcare and education sectors. Compared to the time before the international operation in 2001, living standards had in any event improved in many respects during the years of international engagement, especially for women and girls. Wideranging objectives relating to the rule of law, democracy and gender equality were not achieved to the intended degree.

The means deployed by the Federal Ministry for Economic Cooperation and Development and the Federal Foreign Office in pursuit of stabilisation in Afghanistan, with the objectives of a reduction in violence and improved governance as well as more efficient administrative structures, did not have the intended effects. In the context of a conflict-ridden society, development cooperation projects can primarily achieve something if they are implemented on a local scale, in small steps and in a context-sensitive manner and were designed from the start to have the host society assume ownership. These are chiefly measures to combat poverty, provide places to live, basic education and better access to healthcare, and enhance food security.

It must be said that the means deployed in the civilian and military areas of the international intervention also had unintended negative impacts. Among the most tragic are the many civilian casualties claimed by international military strikes. Inadequate impact monitoring in respect of the means deployed was conducive to the creation or exacerbation of dependencies, structures of clientelism and patronage, and corruption, and to the development of conflicts over the distribution of resources between groups that had access to international funding and those people who remained excluded. The "do no harm" principle postulated to guide the conduct of Germany's development cooperation, to avoid and reduce unintended negative impacts, met its limits in many areas of the intervention.

When it came to fostering statehood, the international allies largely proceeded on the assumption of Westernstyle institutions to uphold the rule of law and sociocultural conditions that did not exist in Afghanistan.

Lasting effect

The lasting effect of the German Government's projects was limited. As the security situation worsened and more was demanded of contributors, so the pressure grew to make rapid progress. This caused contributors to reach for short-term solutions such as boosting troops numbers, funds and resources – often without adequately taking into account the requisite capacities and capabilities, the Afghan Government's sense of ownership or the utility of those projects for the people of Afghanistan. German stakeholders underestimated the time and resources

¹⁹ This statement is supported by a dissenting opinion of experts Professor Carlo-Antonio Masala, Egon Ramms and Jörg Vollmer.

required in Afghanistan. A lack of strategic patience and stamina, as well as a lack of ownership and accountability on the part of the host government, impeded the success of the comprehensive approach.

The concentration on conflict-ridden regions in Afghanistan undermined efforts for successful reconstruction. It unintentionally created false incentives and fostered instability and corruption. Development cooperation as an instrument is primarily effective when it operates in safe regions of a host country and its efforts are concentrated there. In contrast, projects aiming for quick impact in regions embroiled in conflict had hardly any lasting effect in terms of development.

The consequences of the operation and its abrupt end are borne primarily by the devastated civilian population of Afghanistan, but also by the military and civilian operation personnel who have to live with psychological or physical wounds.

3.4 Oversight, monitoring and evaluation, public perceptions and communication

Parliamentary consideration of the mandates and the operation as a whole

The work of Parliament on developments in Afghanistan was insufficiently interconnected, mostly incident related and focused on Germany's remit. That approach was inadequate for honest and reputable situation analysis. In the minds of the public and in parliamentary debates, the military component of international engagement was often in the foreground. This led to the civil component being neglected. One lesson to be learned from this is that civil aspects must be taken into account in debates and in discussions about mandates.

The Bundestag debates were often dominated by discourse about the justification of the military operation, with too little attention paid to discourse about the impacts. Parliament's chief focus in relation to the operation was on discussing matters of detail, while oversight at the political-strategy level was largely omitted. Adopting the Parliamentary Participation Act (*Parlamentsbeteiligungsgesetz*) formalised parliamentary oversight and involvement but ultimately did little to develop them further. However, the complexity of the Afghanistan operation increasingly left Parliament overwhelmed. Parliament must be better able to fulfil its duties of oversight at the political-strategy level, and the German Government must be better able to fulfil its duty of systematically evaluating the impact of an operation.

Another aspect was the propensity to think in terms of committee remits within the parliamentary sphere, which meant that discussion of cross-ministerial topic areas by various committees hardly ever occurred. The comprehensive approach was practised little in Parliament, which hampered adequate oversight of the executive in respect of the implementation of that approach.

This is further evidenced by the fact that two committees of inquiry²⁰ and the regular mandate extensions were an expression of sporadic, ad-hoc and military-fixated parliamentary consideration.

Public perceptions and communication

The Afghanistan operation was far too little perceived as a comprehensive civil-military operation among the German public.

With operations abroad, there is particular pressure to provide reasons and justification. Successive German Governments, and parliamentary majorities too, were inclined to highlight state-building and development projects and gloss over negative developments. When Germany's ISAF operation unmistakeably became a combat operation with constant battles, the effect was a loss of credibility for government communications and a drop in public approval of the operation.

Crisis operations mandated by the Bundestag and supposed to have a chance of success depend on realistic, unvarnished and credible communication on the part of ministries, at all levels from strategy to implementation, and honest expectation management. The potential of the wealth of operational experience commanded by both

In the 16th legislative term, the Defence Committee convened as a committee of inquiry, referred to as the "Kurnaz committee of inquiry"; German Bundestag (2008f). In the 17th legislative term, it reconvened as a committee of inquiry, referred to as the "Kurnaz committee of inquiry"; German Bundestag (2011b).

civilian and military specialists was not systematically utilised to inform public perceptions of the Afghanistan operation.

Monitoring and evaluation

The federal ministries often assessed the situation too positively (in the style of progress reports), which underlines the importance of independent monitoring and evaluation.

In all areas of Germany's engagement, there was a lack of systematic impact analysis and far from enough regular strategic evaluation of the operation. This prevented lessons being learned from mistakes in a timely manner. An operation must be evaluated early, regularly and independently so that mistakes can be recognised and counteracted in good time and unintended effects can be kept to a minimum. On the civilian side, this should include consideration and involvement of local voices. Capacities for analysis and strategic foresight should be used in close cooperation with allies and local partners. Intercultural operation advisers and personal contacts on the ground could contribute, alongside the intelligence services, to realistic situation assessments.

In Parliament, the necessity of short-term successes was emphasised vis-à-vis the stabilisation of violent conflicts. Parliamentary scrutiny of the government and the operation focused on details of implementation. Regular and systematic scrutiny of policy did not take place. Regular evaluation of mandates, civil means and impacts is indispensable if resources are to be used efficiently and political debate adapted to the circumstances is to be possible. Overall, however, it must also be noted that there was no broader discussion of Germany's actual national interests in Afghanistan, neither in Parliament nor in the ministries responsible, in the media or among the general public.

3.5 Dissenting opinion of experts Professor Carlo-Antonio Masala, Egon Ramms and Jörg Vollmer on section 3.3²¹

We disagree with the current representation of the relationship between OEF and ISAF in section 3.3: Impact. The claim that OEF incited hatred and violence and thereby made ISAF's mission more difficult seems an oversimplistic view. It is important to take into account the fact that OEF, which began in October 2001 as a response to the 11 September attacks, was primarily geared towards direct hostilities against al-Qaeda and the Taliban. In contrast, ISAF was set up in December 2001 under NATO leadership with the goal of stabilising and reconstructing Afghanistan. These differing mandates and strategies led to tensions and challenges which affected ISAF's work, but it can scarcely be proved empirically that OEF directly incited hatred and violence towards ISAF. A more nuanced view, which recognises that the actions of OEF unintentionally made ISAF operations more difficult, would be more appropriate than direct causality of hatred and violence.

3.5.1 Reply of experts Winfried Nachtwei, Dr Katja Mielke and Professor Ursula Schröder to the dissenting opinion of experts Professor Carlo-Antonio Masala, Egon Ramms and Jörg Vollmer on section 3.3²²

Operation Enduring Freedom was essential for years to fight al-Qaeda and other terrorist networks as well as to protect the growing ISAF operation. For Members of the Bundestag who had voted repeatedly in favour of the OEF mandate, on-the-ground meetings with German ISAF officers, civilian Afghanistan experts and Afghan parliamentarians over the years revealed increasingly frequent indications that OEF – as a result of attitudes shown to the civilian population (lack of respect for local values) and the manner in which operations were conducted (often excessive use of weaponry and little consideration for civilian casualties) – was in part more of an encouragement than a curb to the insurgency. This was also noted in the public sphere. SWP Afghanistan expert Dr Citha Maaß gave this analysis in 2007: "The OEF combat mission being aggressively pursued in the south and south-east and in eastern border regions since the end of 2001 has caused alienation among the Pashtun population. Marked by attacks on the civilian population, the US-led Operation Mountain Thrust between May and July 2006 also deepened the alienation, as did Medusa, the ISAF operation that followed. [...] The confusing and sometimes contradictory mandates and approaches of the international military units prevented them being widely accepted. As they have, to a degree, forfeited the image of neutral military forces, military setbacks or

The content of the dissenting opinion is the sole responsibility of the submitting parties.

The content of replies and citation of sources are the sole responsibility of the submitting parties.

attacks on the civilian population are ascribed to them too."²³ She also said, "In the south, we have the problem that ISAF has stepped into the difficult legacy of Operation Enduring Freedom (OEF) [...]. OEF conducted a war on terrorism. [...] The very harsh conduct of the US-led coalition forces insulted the honour of the tribal elders there. That led to very strong distrust, in part to hatred, vis-à-vis the Western military presence."²⁴

US General Stanley McChrystal, ISAF Commander from 2009 to 2010, talked about "COIN mathematics" in 2009, referring to the high risk that operations to kill insurgents would generate ever-more insurgents among their brothers, fathers and friends.²⁵

If the above counterproductive impacts of OEF operations "can scarcely be proved empirically" despite many reports from operation forces, that was fostered by the fact that various German Governments refused to say anything and the topic was taboo across large parts of the political sphere.

3.5.2 Reply of Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and the expert Reiner Haunreiter to the dissenting opinion of experts Professor Carlo-Antonio Masala, Egon Ramms and Jörg Vollmer on section 3.3²⁶

While it can hardly be proved empirically how the OEF operations and the recurring collateral damage caused by killing or injuring non-terrorists affected the reputation and public approval of ISAF nationwide, there are demonstrably many voices which stated that, as the duration of OEF and ISAF increased, the mood among Afghans veered to undifferentiated opposition to foreign armed forces.²⁷

Citha Maaß, "Staatsaufbau ohne Staat?" in SWP-Studie, February 2007, p. 27, (in German)https://www.swp-berlin.org/publications/products/studien/2007 S04 mss ks.pdf

Citha Maaß, interview in *Tagesschau*, 24 July 2007, (in German) https://www.tagesschau.de/ausland/meldung-ts-5454.html
Trevor Thrall, Erik Goepner, *Counterinsurgency Math Revisited*, Cato Institute, 2018.

https://www.cato.org/blog/counterinsurgency-math-revisited

The content of the reply and citation of sources are the sole responsibility of the submitting parties.

²⁷ See Ulf von Krause, *Die Afghanistaneinsätze der Bundeswehr – Politischer Entscheidungsprozess mit Eskalationsdynamik*, Wiesbaden 2011, p. 170 et seq.

4 The German operation in Afghanistan: analysis in the project groups

4.1 Safety and stabilisation

4.1.1 Fight against terrorism

4.1.1.1 The terrorist attacks of 11 September 2001

At 8.46 a.m. on 11 September 2001, a fully fuelled passenger plane hijacked by five members of the radical Islamist terrorist network, al-Qaeda, crashed into the North Tower of the World Trade Center in New York City and exploded between the 94th and 98th floors. At 9.03 a.m., a second passenger plane, hijacked by another group of five, flew into the South Tower and exploded between the 77th and 85th floors. The South Tower collapsed completely 56 minutes after impact, the North Tower 102 minutes later.

At 9.37 a.m., a third plane, hijacked by another group of five, crashed into the western section of the Pentagon in Washington, D.C. A fourth hijacked plane was crashed over the state of Pennsylvania at 10.03 a.m. after passengers had tried to overpower the hijackers. The presumed targets were the Capitol or the White House.

A total of 2,977 people were killed in the terrorist attack, 2,753 of them in the attack on the Twin Towers, 184 in the Pentagon, and 343 were firefighters. ²⁸ The fatalities came from 92 countries, eleven of them from Germany. More than 6,000 people were injured and tens of thousands, including many emergency personnel, are suffering from long-term effects. Just two minutes after the first attack, images from the media capital of New York City were transmitted around the world. The second attack was broadcast live to a global audience, spreading fear around the world.

Fifteen of the nineteen hijackers were from Saudi Arabia, two from the United Arab Emirates, and one each from Egypt and Lebanon. Three of the suspected suicide pilots and key players in the attack, including their leader, Mohammed Atta, had lived in Hamburg for years, where they were registered as students at the technical university or college and were members of the "Hamburg terror cell". Significant aspects of the terrorists' plan had apparently been coordinated in Hamburg-Harburg without the German security authorities being aware of it.

The terrorist attacks hit key locations and symbols of the US's economic, financial and military power before the eyes of the world. This was the first time since Pearl Harbor that the United States had been attacked on its own soil. The events of 11 September 2001 marked a fundamental break in modern history.

The terrorist attack was a shock to the international community. Immediately before 11 September 2001, there were other concerns occupying Germany's political discourse rather than threats from international Islamist terrorist networks, despite all the warnings from the UN Security Council and other relevant institutions.²⁹ Such threats played a lesser role in the general political – and especially public – perception at the time. In August 2001 - two years after the Kosovo war - German security policy discussions centred on a further Bundeswehr operation in the Balkans, namely in (North) Macedonia, and this proposal was highly controversial because of fears of escalation.

The radical Islamist terrorist organisation, al-Qaeda, with its founder Osama bin Laden, was very quickly suspected of having planned and carried out the terrorist attacks. Later indications and evidence confirmed the suspicion.³⁰ In the second half of the 1990s, al-Qaeda had to relocate its terrorist infrastructure from Sudan to Afghanistan, which then became a refuge and operational base for al-Qaeda and other Islamist terrorist groups. As of December 1998, the UN Security Council had been issuing various resolutions condemning the continued use of Taliban-controlled areas in Afghanistan for the recruitment and training of terrorists and the planning of terrorist activities; in October 1999 and December 2000, it also specifically deplored the fact that

"the Taliban continues to provide safe haven to Osama bin Laden and to allow him and others associated with him to operate a network of terrorist training camps from Taliban-controlled territory and to use Afghanistan as a base from which to sponsor international terrorist operations,

See Federal Agency for Civic Education (2021a).

See In December 2000, the US National Intelligence Council (NIC), published its "Global Trends 2015" study. The threat of terrorism was identified in this study as one of the key security threats of the future. The NIC's predictions were to be confirmed on 11 September 2001.

On the first anniversary of the attacks on the World Trade Center and the Pentagon, the US Federal Bureau of Investigation (FBI) published an initial 16-page summary on its website, see FBI (2016).

noting the indictment of Osama bin Laden and his associates by the United States of America for, inter alia, the 7 August 1998 bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania and for conspiring to kill American nationals outside the United States, and noting also the request of the United States of America to the Taliban to surrender them for trial (S/1000/1021)."³¹

4.1.1.2 The NATO principle of collective defence

Reactions to 11 September came one after the other. Just one day after the terrorist attack, the then President of the US, George W. Bush, declared that the US considered the attack as an act of war. NATO also declared the 11 September attacks to be an "attack against all" within the meaning of the North Atlantic Treaty.³²

On 12 September 2001, in response to the attacks on the World Trade Center and the Pentagon, the NATO Council declared – for the first, and to date only, time in NATO's history – that a state of collective defence³³ existed under Article 5 of the North Atlantic Treaty in the event of an attack from abroad.³⁴ A state of collective defence means: an armed attack on one NATO member state is seen as an attack against them all. All member states commit to providing assistance by taking "such action as [the member state] deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area" in accordance with Article 5 of the North Atlantic Treaty. As a member state of NATO, Germany has undertaken to take all necessary action, in the event of an attack on another member state of the Alliance, to ensure the security and territorial integrity of the attacked member state. This was the general consensus and the main motivation for participating in the operation.

The state of collective defence was not unanimously agreed by the NATO Council until 2 October 2001, once the member countries had consulted together, as provided for in Article 4 of the North Atlantic Treaty.³⁵ Germany's support was unequivocal.³⁶ On 7 October 2001, the United States and United Kingdom launched air strikes against al-Qaeda and Taliban bases and training camps in Afghanistan as part of Operation Enduring Freedom (OEF).

The US acted as the lead nation from the outset. However, it is important to underline that any decision on the deployment of armed forces has to be taken by both the German Government and Parliament.³⁷ In accordance with Section 3 of the Parliamentary Participation Act (*Parlamentsbeteiligungsgesetz*), the German Government submits the mandate for the deployment of armed forces to the Bundestag as a motion, which must be approved by the Bundestag. The mandate specifies the requirements under international law, the mission and tasks, powers, forces, mission area and financial requirements of the operation and the term of the mandate.

The Parliament's involvement was therefore not only legally necessary, but also important to ensure that the deployment of troops to Afghanistan was in line with the values and interests of Germany and the international community. Last but not least, Germany's participation in military operations abroad has long been a controversial topic in German politics, hotly debated by many political groups and the public.³⁸ It is therefore all the more important that every deployment of German troops is well thought out and carefully considered. In the case of 11 September, the situation was doubly challenging because the mutual defence clause had never been invoked before, yet at the same time a rapid response was required from the point of view of those in charge, as all political leaders wanted to stand by their member country quickly and decisively.³⁹ As a result, several decisions were made very quickly – the desire for an act of solidarity took precedence over a thorough analysis of the situation. The operation was launched with only a generally formulated objective.

³⁴ See Federal Agency for Civic Education (2021b).

³¹ United Nations (2000b), p. 36. in United Nations (1999), p. 1; United Nations (2000b), p. 2.

³² See Ayub und Kouvo (2008), p. 647.

See 6.1. Glossary.

See Article 4, which states: "The Parties shall consult each other if, in the opinion of either of them, the integrity of the territory, the political independence or the security of either Party is threatened." NATO (1949); see also Federal Agency for Civic Education (2021b).

See German Bundestag (2001b), pp. 18301–18304.

See Reference and Research Services of the German Bundestag (2007), p. 5.

See, e.g., Norman Paech (2007); watchdog group "Darmstädter Signal" (2010).

³⁹ See NATO (2023); see Daley (2001).

On 16 November 2001, barely two months after the attacks of 11 September 2001, the Bundestag adopted a mandate for the participation of up to 3,900 German service personnel in the US-led Operation Enduring Freedom (OEF).⁴⁰ The first German servicemen and women arrived in Afghanistan at the end of 2001, with the UK and French already on the ground.⁴¹ Many other countries also needed time to weigh up the possible consequences of actions against terrorist groups before entering into an operation, as the situation was very complex. However, as retired Lieutenant General Carl-Hubertus von Butler underlined, the time required for political decision-making should not be at the expense of the time required for the first operational forces to prepare.⁴²

Coordination of the operation was not taken over by NATO until 2003. According to retired General Wolfgang Schneiderhan, Defence Minister Peter Struck was in favour of this. ⁴³ Despite the US ending Operation Enduring Freedom in December 2014, the mutual defence clause invoked by NATO in October 2001 still has not been terminated. There are no criteria for this. A parliamentary initiative to end the operation was rejected. ⁴⁴

4.1.1.3 Legitimacy of the operation / UN Security Council Resolution 1368

The legality (legal admissibility) of an operation must be distinguished from legitimisation by the (media) public.⁴⁵ The Afghanistan mission took place at a time when German foreign policy was in a phase of transformation. It was not until 1994 that the "out-of-area" ruling constitutionally legitimised the deployment of the Bundeswehr outside NATO borders. In 1999, the then Foreign Minister Joschka Fischer justified the Kosovo operation with the concept of a new policy of responsibility.⁴⁶

Military intervention in Afghanistan was a difficult decision which was taken in connection with the terrorist attacks. The use of military force was increasingly subject to critical public debate. German self-perception was that of a civil and peace power. When Germany's military involvement in Afghanistan was discussed, the term "war" was no longer used in Chancellor Schröder's speeches.⁴⁷ Political communications justified the deployment of troops on the basis of four criteria: just cause (Nine Eleven), proportionality (number of Nine Eleven victims, risk of recurrence), legitimate authority (UN Security Council) and last resort (ultimatum to Taliban).⁴⁸

The international community regarded the use of military force in Afghanistan as a justified and necessary measure to combat terrorism and ensure international security. The UN Security Council's authorisation of the intervention gave this measure legitimacy under international law.

In Resolution 1368 (2001), the UN Security Council unanimously declared terrorist attacks to be a "threat to international peace and security", which must be combated by all available means in recognition of "the inherent right of individual or collective self-defence". It called on all member states to "work together urgently to bring to justice the perpetrators, organizers and sponsors of these terrorist attacks", to hold those supporting the perpetrators accountable and to "redouble their efforts to prevent and suppress terrorist acts".⁴⁹

The Council had previously only identified the existence of a threat to peace as a result of specific acts of terrorism in cases where it was possible to prove sufficient involvement on the part of a state player or at least a de-facto regime. ⁵⁰

With justification based on reference to Article 51 of the UN Charter (identifying the "inherent right of individual or collective self-defence"), Operation Enduring Freedom (OEF) was launched on 7 October 2001 as an act of self-defence by the US against the attack organised by a terrorist network operating partly from Afghanistan.

See decision on the German Government's motion: German Bundestag (2001d), p. 19893; see German Government motion: German Government (2001a), p. 3.

See Michael Steiner, former ambassador, in: Study Commission (2022b), p. 8. See also Carl-Hubertus von Butler, (retired Lieutenant General), in ibid., p. 10.

⁴² See Carl-Hubertus von Butler, (retired Lieutenant General), in: Study Commission (2022b), p. 10.

⁴³ See Study Commission (2023I), p. 10.

⁴⁴ See the German Government's response to a written question: German Bundestag (2014a), p. 11.

⁴⁵ See Heck (2023), p. 7.

⁴⁶ See ibid., p. 17.

⁴⁷ See Kutz (2014), p. 240.

see ibid., p. 282.

⁴⁹ United Nations (2001a), p. 315 et seq.

⁵⁰ See Bruha and Bortfeld (2001), p. 163.

The resolutions of the UN Security Council (Resolution 1368 and subsequent resolutions) formed the basis under international law for intervention in Afghanistan and the fight against international terrorism. They were also used as a basis for mandating the OEF mission of the Bundeswehr. This basis has always been respected and adhered to by the German Bundestag, which means that Germany has always operated within a legitimate framework under international law.

The intervention in Afghanistan was therefore regarded by the international community and the UN Security Council, which bears primary responsibility for maintaining international peace and security (Article 24 of the UN Charter), as an appropriate response to the threat of international terrorism and was covered by the relevant resolutions.

4.1.1.4 Al-Qaeda and the Taliban⁵¹

The civil war that broke out after the withdrawal of Soviet military support led to the fragmentation of armed groups in Afghanistan. These groups fought for supremacy.⁵² Historically, insurgent groups in Afghanistan have been highly heterogeneous and diverse. For a long time, various tribal leaders, warlords and militias, each with their own interests and loyalties could typically be found in Afghanistan. Some of them fought alongside the government, while others were independent, formed temporary alliances or had links with the Taliban as well.⁵³

The "fight against terrorism" in Afghanistan was mainly directed against two organisations that used politically motivated or armed violence: the Taliban and al-Qaeda. Despite a certain overlap in their objectives and activities, the two organisations had different goals and ideologies. The Taliban and al-Qaeda also differed in their geographical reach and approach.⁵⁴

Al-Qaeda ("the base") is a globally active terrorist group founded in Afghanistan in 1988.⁵⁵ The group pursues the goal of waging global jihad against the West and its allies. The name "al-Qaeda" appeared in Western media for the first time following the terrorist attacks on the United States' embassies in Dar-es-Salaam and Nairobi on 7 August 1998.⁵⁶

The Taliban (from the Arabic for "pupils" / "students"), on the other hand, is a local movement active in Afghanistan and Pakistan with a decidedly national agenda.⁵⁷ The Afghan Taliban's goal is to rule Afghanistan according to its own ideas and to create an Islamic state there. It would therefore be misleading to describe the Taliban as an international or even transnational terrorist organisation.⁵⁸

In the anarchy of the 1990s, it was the Taliban who had established an almost state-like order through their rigorous approach, utilisation of tribal structures, strict interpretation of Sunni Islam and support from abroad. As a result, they were recognised particularly by large sections of the Pashtun majority population as one of the groups representing them. For this reason, it would be too simplistic to characterise it as a terrorist movement.

It is also important to emphasise that the Taliban cannot be considered as a unified and homogeneous group. There are various factions, differences of opinion and regional disparities within the organisation and the radicalisation of the Taliban was a complex phenomenon that cannot be attributed to a single cause. A combination of geopolitical, social, religious and historical factors has contributed to the emergence and strengthening of the group.⁵⁹

In addition to the Taliban and al-Qaeda, there were other relevant violent groups and insurgents in Afghanistan, such as the Haqqani network and the "Islamic State – Khorasan Province" (see Glossary).⁶⁰ The intervention of

A dissenting opinion by the CDU/CSU parliamentary group and a dissenting opinion by Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter have been submitted on this section.

⁵² See Mielke (2020), p. 69.

See ibid., p. 70 et seq.

See Baumgarten (2021).

⁵⁵ See Wright et al. (2007), p. 165.

See review of the Federal Agency for Civic Education (2018).

See Schetter and Mielke (2022), p. 28; see Khan and Syed (2021), p. 462.

The CDU/CSU parliamentary group has submitted a dissenting opinion on this statement.

See Schetter and Mielke (2022), p. 8.

⁶⁰ The CDU/CSU parliamentary group has submitted a dissenting opinion on this statement.

international forces led to al-Qaeda splitting into various offshoots and subsidiary organisations that remain active in various parts of the world.⁶¹

Although the Taliban controlled almost the entire country between 1996 and 2001, it was not recognised as a legitimate government by the international community, apart from a few exceptions, on account of its violations of human rights and women's rights.⁶² The Taliban's demand for a seat at the United Nations (UN) was also rejected by a majority.⁶³ At the height of its power in 2001, the Taliban controlled around 80⁶⁴ to 90⁶⁵ per cent of Afghanistan's territory and also had military resources at its disposal. This suggests that an authoritarian regime such as the Taliban – which terrorises its own population, has a reliable support base, is backed by other states and is a powerful player in organised crime – can generally only be effectively and successfully combated by adopting a multi-layered and comprehensive approach. Crises with military, social and economic causes and symptoms require the coordinated use of political, diplomatic, military, police, humanitarian and development-related instruments.⁶⁶

Successful cooperation and coordination between different countries and organisations can help to increase the effectiveness of the fight against terrorism. One example of the great benefit of pooled resources combined with common objectives and strategies is the procurement, evaluation and exchange of information. As far as action against organised crime is concerned, a networked or comprehensive approach can help to increase the density of information (intelligence). Such an approach calls for the various legal options of exchanging information internationally between the military, intelligence services and police to be strategically planned, fully utilised and technically implemented. Existing channels must continue to be used, such as the system of exchanging data via INTERPOL, which has been in place for 100 years.

The combat, which went on for more than 20 years, resulted, in particular, from the decision to fight the Taliban militarily instead of involving it. Lakhdar Brahimi, who was UN Special Envoy for Afghanistan from 1997 to 1999, represented the UN at the Bonn Conference on the reconstruction of Afghanistan, and then headed the United Nations Assistance Mission in Afghanistan (UNAMA) from 2001 to 2004, later described this decision as an "original sin".⁶⁷ After a number of years in Afghanistan, an employee of the US Foreign Service stated:

"One of the unfortunate mistakes after 9/11 was that we were so bent on revenge that we violated the Afghan rules of warfare. When one side wins, the other side lays down its arms and makes peace with the victor. And that is exactly what the Taliban wanted to do [...] Our insistence on hunting them down as if they were all criminals, rather than simply treating them as the unsuccessful opponents, contributed more to the rise of the resistance than anything else."

In 2001, the involvement of the Taliban was politically out of the question from the German side given its association with al-Qaeda.⁶⁹ It was not until 2010 that the Afghan proposal for a political solution to the conflict was accepted at the Afghanistan conferences in London and Kabul. However, Germany and other international players set preconditions for starting negotiations with the armed opposition, such as recognising the constitution.⁷⁰

4.1.1.5 Political reactions in Germany

On 14 September 2001, around 200,000 people gathered at the Brandenburg Gate for a rally in solidarity with the US, with the political leaders of Germany assembled on the stage: Federal President, President of the Bundestag, Federal Chancellor and ministers.

⁶¹ See Wichmann (2012), p. 146.

According to a study by the German Bundestag's Reference and Research Services on the status of the Taliban under international law, the Taliban was recognised as the legitimate government of Afghanistan by Pakistan, Saudi Arabia and the UAE in the 1990s (see Reference and Research Services of the German Bundestag et al. [2022], p. 7).

⁶³ See Schetter and Mielke (2022), p. 33.

⁶⁴ See Lüders (2022), p. 73.

⁶⁵ See Reference and Research Services of the German Bundestag et al. (2022), p. 7.

⁶⁶ See Major et al. (2011), p. 44.

⁶⁷ Whitlock (2021), p. 54.

⁶⁸ Ibid., p. 53 et seq.

⁶⁹ See Study Commission (2022b), p. 8.

See, inter alia, German Government (2010c); German Government (2011); Clinton (2010).

The protection of open society and its own citizens from unrestricted terrorist violence moved to the top of the political agenda. The vast majority of the German Bundestag clearly deemed it imperative for there to be practical and transparent solidarity with the attacked US in the process of prosecuting the masterminds of the terrorist attacks, eliminating the safe haven of international terrorist networks in Afghanistan and preventing further terrorist attacks.

At the special session of the Bundestag on 12 September, Federal Chancellor Gerhard Schröder described the terrorist attacks as a "declaration of war on the entire civilised world" and assured the United States of Germany's "unlimited solidarity".⁷¹ At the public hearing of the Study Commission on 21 November 2022, former ambassador Michael Steiner, then foreign and security policy advisor to the Federal Chancellor, described the situation at the time: he considered the declaration of "unlimited solidarity" to be

"one turn too far, [...] a kind of blank cheque. And nobody knew how strongly or where the United States would react. They couldn't be reached for days, nobody could speak to them. But it was also clear that we were obliged to provide military assistance. We knew that otherwise the Americans would no longer stand by us. There was an obvious atmosphere. But, as with the UK and French, our motive was also to be there to prevent any overreactions. [...] after all, President Bush had declared the Global War on Terror, saying: you are either with us or against us. And nobody wanted to be in the wrong camp."⁷²

At a further special session of the Bundestag on 19 September, Chancellor Schröder emphasised that the Basic Law, the Federal Constitutional Court and the rights of the Bundestag would be strictly observed in the possible event of military resources being deployed.⁷³ Germany was prepared to take risks in the military field, but not to embark on a whole adventure. Fixation on military measures would be a fatal move.⁷⁴ In a joint motion for a resolution⁷⁵ on the Federal Chancellor's government statement, the SPD, CDU/CSU, Alliance 90/The Greens and FDP supported the German Government's stance and its declaration of "unlimited solidarity" and advocated an "internationally coordinated approach and prudent action", political and economic support, as well as the provision of suitable military resources to combat international terrorism.⁷⁶

On the same day, Foreign Minister Joschka Fischer attended talks with Secretary of State Colin Powell and Deputy Secretary of Defence Paul Wolfowitz in Washington, D.C. Paul Wolfowitz explained the strategic consequences the US sought to address from 11 September: a long-term strategy of a Global War on Terror against sixty states worldwide that directly used terrorism, harboured terrorists or contributed to their financing. "We will have no qualms and make no further misplaced distinctions (...). The US would go after all these states, one after the other." According to Fischer, it was not foreseeable at the time that Iraq, with its dictator Saddam Hussein, would become a key target country in the War on Terror.

On behalf of the Federal Chancellor and Foreign Minister, Ambassador Steiner travelled to the US ten or so days after 11 September 2001 to "offer any support" from the German Government. In talks with National Security Advisor Condoleezza Rice (his counterpart), Steiner learned that the US had placed all options on the table and that nothing had been ruled out.

"They expected full support from us, from Germany – including military support, albeit not immediately, with boots on the ground, i.e. with regular service personnel joining the war effort. In truth, she wasn't that interested in us and what we had to say. [...] and it was clear that the decisions were being made by the inner circle at the top." ⁷⁹

The requisite military capabilities and forces were then set out for German participation in the US-led Operation Enduring Freedom (OEF) at a top-level meeting with the Federal Chancellor, Defence Minister Scharping, Chief of Defence Kujat and Director of Planning Schneiderhan: of the total number of service personnel to be sent,

⁷¹ German Bundestag (2001a), p. 18293.

Michael Steiner, former Ambassador, in: Study Commission (2022b), p. 7.

See Government statement on 19 September 2001: German Bundestag (2001b), p. 18302.

⁷⁴ See ibid., p. 18301 et seq.

⁷⁵ See German Bundestag (2001c).

⁷⁶ Ibid., p. 1 et seq.

Fischer (2012), p. 27 et seq.

Michael Steiner, former Ambassador, in: Study Commission (2022b), p. 7.

⁷⁹ Ibid., p. 8.

amounting to up to 3,900, hailing from the CBRN corps, sea and air surveillance for the Arabian Sea and medical evacuation, just 100 personnel from the Special Forces Command were assigned to Afghanistan. The deployment of German ground troops was deemed politically and militarily unjustifiable by the German Government at the time.

With the imminent German participation in OEF, the responsible parliamentary committees and the parliamentary groups stepped up their deliberations. Experts on radical Islamist groups, on the possibilities and limitations of international interventions in conflict areas such as Afghanistan and on international peace missions were also invited to speak. Many of the concerns expressed at the time ultimately proved to be correct. A more nuanced perception of various radical Islamist groups was called for. Warnings were given against an overtheorised approach and false ideas about what is feasible. The view was expressed that many regions could not be organised from the outside due to the deep extent of their fragmentation. In such regions, "disorder" could only be contained, not solved.⁸⁰ Dr Almut Wieland-Karimi recommended focusing on the majority of the 20 million Afghans who were neither supporters of the Taliban nor the Northern Alliance.⁸¹

On 16 November 2001, the Bundestag held its final debate on the German Government's motion for the Bundeswehr to participate in Operation Enduring Freedom.⁸² The Government's objective was to "eliminate terrorist command and training centres, fight, capture and bring to justice terrorists and permanently deter third parties from supporting terrorist activities".⁸³ The area of operations for up to 3,900 servicemen and women, including approx. 1,800 naval personnel, was

"the Arabian Peninsula, the Middle East and Central Asia, North-East Africa and the neighbouring sea areas. German forces will participate in any operations against international terrorism in countries other than Afghanistan only with the consent of the respective government". 84

In the Foreign Affairs Committee, Foreign Minister Fischer had previously stated on the record that the only targets of the operation would be Bin Laden's terrorist network, al-Qaeda, and those who harbour or support it, and that there was no intention to deploy German armed forces in countries outside Afghanistan where there was currently no government, without first referring the matter to the Bundestag. A six-monthly assessment report summarising the situation was promised.

Unlike the vast majority of other Bundeswehr missions abroad, Germany's involvement in OEF began with massive parliamentary and social dissent. German participation in the Afghanistan component of OEF was fiercely disputed among the coalition parties. There were fears of an unforeseeable participation in war. The continued existence of the red-green coalition appeared to be in jeopardy. The German Government's motion, which Chancellor Schröder had linked to a vote of confidence, was adopted by 336 votes to 326 (being the entire opposition), accompanied by 94 individual explanations of voting choices.⁸⁵

There were a number of factors explaining why the coalition parliamentary groups were only able to adopt the motion on their own by a very narrow margin: firstly, the Taliban regime was toppled unexpectedly quickly on 13 November; secondly, with its motion for a resolution, the coalition positively distanced itself from the purely military War on Terror; and thirdly, by simultaneously asking for a vote of confidence, Chancellor Schröder presented the members of the coalition with an alternative of either approving the OEF mandate or ending the red-green coalition.

By adopting the red-green motion for a resolution on the OEF mandate, the Bundestag reaffirmed

"its conviction that the fight against terrorism cannot be won by military means alone. The fight against terrorism can only succeed if political, economic and humanitarian measures are also taken. [...] The breeding ground for terrorism can only be permanently removed if the international community also steps up its efforts to resolve long-simmering regional conflicts, which keep creating a breeding ground and sounding board for terrorism [...]."

See Wieland-Karimi (2001), p. 1.

85 See German Bundestag (2001d), pp. 19893, 19898 et seq.

⁸⁰ See Nachtwei (2011b).

See German Government (2001a); German Bundestag (2001d).

⁸³ German Government (2001a), p. 3.

⁸⁴ Ibid p 4

⁸⁶ Bundestag resolution on German participation in the US-led Operation Enduring Freedom: German Bundestag (2001e), p. 1 et seq.

The Bundestag therefore emphasised the need for a comprehensive and cross-ministerial approach in the fight against international terrorism, its causes and breeding grounds. This political follow-up resolution on German support for OEF received scant attention in later publications on the start of the German mission in Afghanistan. Looking back, it is clear that the strategic lack of agreement already apparent at that time between the war on terror and a comprehensive and long-term fight against terrorism was underestimated.

4.1.1.6 German contributions to the fight against terrorism in Afghanistan⁸⁷

As part of Operation Enduring Freedom, CIA units and US and UK special forces were initially deployed until December 2001. Special forces from other NATO and non-NATO states also took part in the fight against the Taliban and al-Qaeda as part of OEF. By this time, massive bombing operations by the United States and the Northern Alliance, with direct US and UK involvement, had already driven the Taliban out of Kabul.⁸⁸ It was the second mission for the German Special Forces Command after the Balkans.⁸⁹ Germany's initial involvement in Afghanistan with the deployment of KSK forces was a preliminary military "sounding out" operation. The KSK acted as an advance team and had to adjust to this role on the ground. From the outset, the KSK was deployed in close coordination with the US special forces.

The KSK contingent's mission was formulated on the basis of the German OEF mandate. The KSK forces were assigned to "Task Force K-Bar" as part of the Combined Joint Special Operations Task Force South in Kandahar. The task assigned to the international special forces within this Task Force was to pursue terrorists, "which included the Taliban, al-Qaeda members and foreign fighters without distinction". The focus was on sensitive site exploitations (searching buildings, sealing off and combing sections of terrain). The task of intelligence gathering, on the other hand, was mainly assigned to US units, which identified targets in Afghanistan using technical reconnaissance equipment. There were no defined procedures for identifying legitimate targets or for the long-term containment of terrorist activities. No contact was made with Afghan security forces and representatives of local elites. Technical reconnaissance equipment was considered sufficient to obtain a valid situation report.

The "fight" was "essentially reduced to eliminating the terrorists' facilities or fighting them. The term 'combat' was specified in the US command language as to 'kill or capture', which did not correspond to the ideas of the German political and military leadership even at that time".⁹⁴

The different orientations of the Taliban (local focus, motivated by religious and political grounds) and al-Qaeda (transnational focus) were not initially recognised. The military description of the conflict was limited to the symptoms of the conflict and largely ignored the underlying conflict dynamics.

Based on: Lauenroth (2015a), p. 347 et seq.; see German Bundestag (2008f).

⁸⁸ See Michael Steiner, former ambassador, Study Commission (2022b), p. 8.

The first KSK operation took place on 15 June 1998 in the Bosnian-Herzegovinian town of Foca, leading to the arrest of the former commander of a Bosnian detention camp, Milorad Krnojelac. Overnight from 1 to 2 August 1999, the KSK forces also captured former member of the paramilitary, Radomir Kovac. On 12 October 2000, an attempt to arrest the leader of a Serbian paramilitary unit, Janko Janjic, in Foca failed. Another operation was carried out in Kosovo on 20 August 1999, during which KSK forces together with Dutch service personnel took three suspected war criminals into custody. See Der Spiegel (2001a); for more information in this respect: Koelbl (2001).

Task Force K-Bar, part of the Combined Joint Special Operations Task Force-South (CJSOTF-S), consisted of special forces from the US Navy (SEALs), an Army Special Forces battalion, US Air Force Special Operations Forces units, US Marines and special forces from six other nations (Denmark, Germany, Canada, New Zealand, Norway, Turkey). Its mission was to fight terrorism and, under their own direction, neutralise al-Qaeda's ability to conduct operations in Afghanistan. The coalition force was made up of a total of around 2,800 service personnel, with around 1,300 of them stationed in Afghanistan and the remaining 1,500 spread across various bases throughout the mission area. Michael E. Krivdo (2016), p. 7; Zimmerman, Dwight Jon (2021); Organisational chart and composition of the Combined Joint Special Operations Task Force-South (CJSOTF-S)/Task Force K-Bar), in: Michael E. Krivdo (2016), p. 7.

⁹¹ See United States Special Operations Command History and Research Office (2007), p. 87 et seq.

⁹² Lauenroth (2015b), p. 350 et seq.

United States Army Combined Arms Center (2002), p. iv et seq.: "A sensitive site is a geographically limited area with special diplomatic, informational, military, or economic sensitivity to the United States. (...) Sensitive site exploitation consists of a related series of activities inside a captured sensitive site. These activities exploit personnel, documents, electronic data, and material captured at the site, while neutralising any threat posed by the site or its contents."

⁹⁴ Lauenroth (2015b), p. 352.

The Bundestag mandate also explicitly referred to the capture of terrorists. However, the Federal Ministry of Defence failed to legally clarify the necessary rules, which reduced the range of feasible operations for German special forces to reconnaissance and search operations without arrest. As a result, the KSK forces were deployed for lower-priority tasks, for which fewer resources were available overall. Germany arranged for close monitoring of the KSK operations, combined with a very restrictive stance on the use of firearms.⁹⁵

In reality, the deployed servicemen and women of the 1st contingent in Afghanistan faced major uncertainty, with changes being made to structures that had not yet been clearly defined. The limitations of the German capabilities became apparent as soon as they were deployed to the area of operations. The contingent was supposed to move from Masirah to Kandahar in December 2001, but had not been allocated "national air transport space" and was therefore dependent on transport by friendly states, usually the US. The contingent leader did not manage to transport the German forces, via the Americans, until 31 December 2001. They were also dependent on the US for command and control equipment.⁹⁶

By April 2002, Task Force K-Bar had carried out a total of 65 operations, ⁹⁷ while the German special forces had only performed five: four sensitive site exploitation operations, and one special reconnaissance mission. None of the missions met with resistance, involved any exchange of fire or resulted in captures. The 2nd contingent carried out five special reconnaissance missions without incident in its fixed area of operations in the Afghanistan-Pakistan border region. The 3rd contingent deployed to Bagram near Kabul completed two special reconnaissance operations and two terrain reconnaissance missions. From September 2003, the KSK mission in OEF was suspended until May 2005, then resumed until October 2005. It finally came to an end in autumn 2005, but was not officially terminated until 2008.

Between May 2002 and June 2009, the Federal Foreign Office and the Federal Ministry of Defence kept the Bundestag informed of Germany's participation in OEF in 13 updates of the "Assessment reports summarising the deployment of armed German forces in support of the joint response to terrorist attacks against the US" and through secret briefings of the group coordinators in the Defence and Foreign Affairs Committee. The group coordinators were informed of operations retrospectively. One advantage of the summary assessment reports was that, in addition to the operations performed by the armed forces, they also provided information on the political measures taken to combat terrorism at UN, EU, NATO, G8 and Federal Republic level. Based on the applicable secrecy provisions and operational security, the summary reports only provided information on the periods of the KSK missions in Afghanistan.

Questions about the effectiveness of OEF in Afghanistan, the German contribution to it and OEF as a whole have never been answered by successive German governments. The 2007 "Evaluation report on the Bundeswehr's deployment as part of Operation Enduring Freedom" stated only "politically" that by deploying German special forces to OEF in Afghanistan, Germany had made a "clearly visible and independent contribution to the fight against international terrorism in Afghanistan" and had significantly relieved the burden on US special forces. 100 "This contribution has been recognised internationally and has contributed significantly to strengthening our national position in the international network." German parliamentary participation in missions abroad reached a self-inflicted low point in the case of OEF. For years, it was suppressed that the reality of OEF, as part of the War on Terror, ran counter to the approach of ISAF (International Security Assistance Force), sometimes doing more to incite than to curb hatred and violence. 102 This strategic lack of agreement was not resolved politically within the alliance, let alone clarified.

It was not until the parliamentary investigations conducted by the Defence Committee as a committee of inquiry in 2008 that the reality of the KSK mission was actually revealed as falling far short of its anti-terrorism mission, albeit not reaching the levels feared by the German public: according to the report, KSK forces had not arrested,

⁹⁵ See Kraemer (2011), p. 16.

⁹⁶ See Noetzel and Schreer (2007a), p. 15.

⁹⁷ See United States Special Operations Command History and Research Office (2007), p. 105. "All told, K-BAR conducted 43 SR and 23 DA missions, not including the various missions that it executed in support of Operation ANACONDA."

⁹⁸ See German Bundestag (2008f), p. 170.

⁹⁹ First summary assessment report of 8 May 2002: German Bundestag (2002b), p. 1.

Federal Ministry of Defence and Federal Foreign Office (2007), p. 14.

¹⁰¹ Ibid., p. 14.

See Haubold (2002), p. 3; Nachtwei (2011a), p. 206: see "Stellungnahme Operation Enduring Freedom nach 6 Jahren: Selbstverteidigung ohne Grenzen – mehr Begleitschäden als Nutzen" of 14 November 2007 (in-depth "consultative papers" on OEF dating back to 2005 and 2006), in: Nachtwei (2020).

killed or injured anyone during their missions. The main problem with this mission was that there would soon no longer be an urgent operational need for German participation in the multilateral organisation. Yet at the same time, the conflict situation could flare up again at any time. According to retired General Harald Kujat, former Chief of Defence of the Bundeswehr, the Federal Ministry of Defence only realised "relatively late" that the servicemen and women had not been deployed in line with their capabilities and that their deployment was more of a symbolic political nature.¹⁰³

To ensure better parliamentary control over missions abroad, the German Bundestag passed the Parliamentary Participation Act in 2005. It provides for regular briefings of the Bundestag by the German Government "on the progress of engagement and developments in the mission area". However, this wording leaves room for interpretation. There were therefore already demands from Parliament for more information at the time of the OEF mission. Based on the understanding of the Bundeswehr as a parliamentary army, it would have been appropriate to keep the German Parliament better informed and thus enable it to exercise greater oversight over the OEF mission in Afghanistan.

A brief overview of Operation Enduring Freedom

As the German Government provided insufficient information on Operation Enduring Freedom in Afghanistan and its effectiveness, and the sources available on OEF as a whole are very limited, it is only possible to present here parts of the overall OEF picture that have since become known.

OEF was a military counter-terrorism campaign that did not adequately distinguish between al-Qaeda and the Taliban, with the US "never really understanding what motivated their enemies to fight". ¹⁰⁶ The main objective of ISAF, however, was to ensure security and stability in the country and to support reconstruction after the fall of the Taliban regime. ¹⁰⁷ Although OEF and ISAF had different goals and tasks, they were closely linked. The US forces made no significant distinction between OEF and ISAF; while individual allies (such as Germany and the Netherlands) only took part in ISAF after the ISAF expansion.

The main focus of military action over the ensuing years was to search for the "enemy". With units of conventional troops also being deployed there alongside the special forces since 2002, the total number of search operations went up, thus exacerbating a process of alienation among the population. The sense of alienation continued to deepen as the number of civilian victims rose as a result of the massive reliance on close air support or inappropriate use of force during building searches. But "ISAF did not succeed in counteracting this trend either, as the military approach followed a similar pattern to that of the troops led under the OEF mandate. [...]" 108

Winfried Nachtwei, then a member of the Defence Committee of the German Bundestag and currently an expert on the Study Commission, came to this conclusion in 2006 after six visits to the German ISAF contingent:

"Statements from civilian and military experts on Afghanistan and Afghan parliamentarians are unanimous that OEF/Afghanistan is doing more to escalate hatred and violence than to contain terrorism and its breeding grounds as a result of the way in which the civilian population are treated (lack of respect for tradition and values) and the way in which operations are conducted (evidence of devastating and often disproportionate air strikes with little regard for civilian victims). [...] The whole nature of OEF has come to weigh heavily on the credibility and legitimisation of the international community's involvement in Afghanistan".¹⁰⁹

4.1.1.7 German measures to combat terrorism at national level

The events of 11 September 2001 also had a considerable impact on the domestic security strategies of the US, Germany and other European countries. One of the items subject to debate was how to define the concept of

¹⁰³ German Bundestag (2008f), p. 107.

¹⁰⁴ See Paragraph 6(1) (duty to provide information) of the Parliamentary Participation Act, in German Bundestag (2005).

See, for example, the minor interpellation by Alliance 90/The Greens: German Bundestag (2006c); and response of the German Government: German Bundestag (2006d).

¹⁰⁶ Jeffrey Eggers, retired Navy SEAL and former member of the National Security Council, in: Whitlock (2021), p. 45.

¹⁰⁷ See Bundeswehr (2023).

¹⁰⁸ Lauenroth (2015b), p. 354.

¹⁰⁹ Nachtwei (2006a).

terrorism. Definitions vary in terms of the degree of internationalisation, the motives of the perpetrators, the type of offence and the group of victims. ¹¹⁰ There is a broad consensus that terrorism is a strategy of political violence intended to spread fear and terror beyond the actual victims in order to promote instability and achieve political goals.

The US implemented various measures to improve national security, including the creation of the Department of Homeland Security and the passing of the USA Patriot Act, which granted the authorities extended powers to monitor and combat terrorism. The threat of international terrorism and the need to take joint measures to combat this threat also became the focus of security policy in Germany. There may have been other al-Qaeda sleeper cells in Germany. Those responsible for security and foreign policy faced possible scenarios of further attacks with unforeseeable consequences. A key component of Germany's new counter-terrorism policy was increased cooperation with international partners, in particular with the US and other NATO member states. The German Government also stepped up domestic security measures, including the expansion of intelligence services and the strengthening of police cooperation within Europe. The events of 9/11 also led to the concept of terrorism finding its way into various legal texts. The Federal Criminal Police Office Act of 2017 was the "first explicit, simple, yet open definition" of terrorism. Here too, the use of violence, intimidation of the population and a political agenda are included in the definition. 112

The effective fight against international terrorism depends to a large extent on the timely collection, analysis and evaluation of relevant information by all security authorities at federal and state level, particularly with regard to the assessment of potentially dangerous behaviour and the prevention of terrorist attacks. To ensure a rapid and direct exchange of information between all relevant players, the Joint Counter-Terrorism Centre (GTAZ) was set up in Berlin in 2004 with a focus on effective coordination and cooperation between various security authorities.¹¹³

4.1.1.8 Assessments and lessons in the fight against international and transnational terrorism¹¹⁴

It is undisputed that international and transnational terrorism cannot be adequately combated by military means alone. However, military means can sometimes deprive perpetrators of the short- and medium-term ability to carry out terrorist attacks. The military abroad can also, for example, draw up situation reports, perform checks, train allies or provide them with equipment. The military has to adopt a comprehensive approach to combat the causes of terrorism. The concept of a comprehensive approach must be thought through from the outset and implemented as effectively as possible. The Bundeswehr and its partners can establish security in the short term so that civilian forces, which have to be involved in the process from the outset, can then focus on reconstruction. It is not and should not be the task of the Bundeswehr to provide development cooperation or build up civil society structures. Cooperation between the military, the police and, if necessary, other security authorities is essential in order to combat corruption and other forms of crime.

The building of a well-trained and well-equipped civilian police force is of great importance as part of an overall concept. It seems sensible to ensure that a robust mandate is in place to guide all efforts in this regard until the start of a stabilisation phase. From the beginning of the first phase, it is of crucial importance to protect local police forces, so that the loss of police personnel through death or injury can be minimised and a lasting positive impact of civilian police work can be achieved. Police reconstruction work should be supported through a process of ongoing evaluation. Military situational know-how and counter-terrorism strategies must be shared with those responsible for civil police reconstruction.

From today's perspective, a successful and long-term fight against terrorism requires a multidimensional approach covering the following complex issues: 115

- Border security and management
- Law enforcement measures

See Reference and Research Services of the German Bundestag (2023a), pp. 4-17.

Reference and Research Services of the German Bundestag (2023b), p. 12.

See ibid., p. 31; see German Bundestag (2017), p. 31.

See Federal Criminal Police Office (2023).

A dissenting opinion on this section has been submitted by experts Professor Carlo-Antonio Masala, Egon Ramms and Jörg Vollmer.

See Scope of activities of the UN Office of Counter-Terrorism.

- Countering terrorist financing
- Cybersecurity
- Measures against online recruitment and radicalisation
- Safeguarding human rights
- Programmes to prevent violent extremism
- Prison management
- Protection of and assistance to victims of terrorism

Differentiated analyses of successful counter-terrorism efforts (not just from the recent past) are also available in academic publications. For instance, in 2009, Jones & Libicki identify four historically observable reasons for the demise of terrorist groups: police work, military means, integration into political processes or the "success" of terrorist organisations. A successful transition to legal political systems is the most probable reason for the demise of terrorist groups - for example, the ANC, the FARC and Sinn Fein. The second most probable reason is the actions of the (local) police and investigating authorities. These accounted for around 40 per cent of all successful counter-terrorism operations, whereas operations using military means were responsible for only 7 per cent.116

In this context, "military means" are generally understood to mean the deployment of military units to arrest and/or kill terrorists, to combat states that support terrorists, to deter by force (threat) and to conduct surveillance operations. There are numerous reasons for the inadequate effectiveness of the military's sole or primary role in combating terrorism. For instance, military influence could alienate the population and even mobilise and strengthen terrorist movements.

What is more, many military counter-terrorism measures are inefficient. The "decapitation" tactic, i.e. the "decapitation" of terrorist movements by capturing or killing key masterminds or leaders, is a case in point. This counter-terrorism measure, which is frequently adopted in Israeli and US operations in particular, actually only helps to combat terrorism in around 17 per cent of all cases. Religiously oriented terrorist movements, in particular, seem to be immune to such attacks. Some studies even conclude that decapitation promotes terrorist movements, as it evokes feelings such as revenge, which can then contribute to the civilian population's rapprochement and solidarity with terrorist organisations and, in turn, to mobilisation.¹¹⁷ In the case of al-Qaeda, however, it can be shown that the targeted killing of Osama bin Laden had serious negative consequences for the organisation's structures and operational capability. 118

A holistic approach is needed to combat terrorism in the medium to long term, accompanied by the involvement of the local population, local police components, where appropriate, and comprehensive deradicalisation measures. Only in this way could the civilian players on the ground feel involved in the deployment process, which would ideally increase acceptance within the population. The importance of police work on the ground must be emphasised. Police work is essential to counter corruption and other forms of crime and to ensure the lasting effect of counter-terrorism operations.

Germany assumed the lead nation role in the process of rebuilding the police. The German Police Project Team (GPPT), which started out in Afghanistan in 2002 with just twelve officers and never really grew in size, trained police forces on the ground. Around 1,400 people took up the training in the beginning, with about the same number of police officers dying on duty in just one year. The actual civilian police measures for which the forces were trained made little impact on the ground due to the level of threat. Neither the equipment nor training sufficiently prepared the young police officers for the existing threats. The police were often required to accompany military operations or could not perform their police operations without a military escort – a clear distinction between the two could barely be made. The process of assessing and evaluating the measures appears to have mainly taken place through self-evaluation on site. 119

When it issued its mandate on 16 November 2001, the German Bundestag focused on military means:

¹¹⁶ See Jones and Libicki (2008), p. 19.

¹¹⁷ See Jordan (2019), chapter 4.

See Detective Chief Superintendent Achim Schmitz, in: Study Commission (2023m), p. 13 et seq.

"The use of military means is indispensable in order to combat the terrorist threat and prevent a repeat of the attacks on 11 September 2001 as far as possible. The German Bundestag therefore authorises the participation of armed German forces in the Operation Enduring Freedom [...]. The aim of this operation is to eliminate terrorist leadership and training centres, to fight, capture and bring terrorists to justice, and to permanently deter third parties from supporting terrorist activities." ¹²⁰

Operation Anaconda in eastern Afghanistan marked a climax in the Operation Enduring Freedom. Al-Qaeda was weakened, but terrorist networks, from which international threats could quickly grow again, and their breeding grounds were not weakened on a sufficiently long-term basis. In 2019, Afghanistan accounted for 41 per cent of all terrorist fatalities worldwide. The UN Secretary-General's Special Representative for Afghanistan, Deborah Lyons, reported to the UN Security Council on 17 November 2021 that the Afghan IS offshoot, which had been active in only a few provinces and in Kabul in previous years, was now increasingly operating in most provinces. IS attacks increased from 60 in 2020 to 334 in 2021. NATO's former Senior Civilian Representative for Afghanistan, Stefano Pontecorvo, spoke at a public hearing of the 1st Committee of Inquiry of the German Bundestag on 2 March 2023 on the terrorist threat said to be posed again by Afghanistan today. He said that 22 terrorist organisations had now established themselves there without any oversight. In his opinion, he was absolutely certain that sooner or later they would once again become a threat to the West, including in terms of terrorism. At the Federal Ministry of Defence's event marking the start of the Afghanistan review talks, held on 6 October 2021, the then Minister of Defence Annegret Kramp-Karrenbauer nevertheless concluded that the Afghanistan mission had been preventing terrorist attacks against Germany and the West for almost 20 years.

Failures in the fight against terrorism in Afghanistan could therefore be attributed to a disproportionate use of military components, among other factors. Although military operations can lead to successful results, purely military operations in relation to anti-terrorism operations are in fact usually most effective in the initial stages, i.e. during the stabilisation phase. After this, the importance of development, reform and reconstruction work then comes to the fore. According to security expert Nils Wörmer, the supposed counter-terrorism operation in Afghanistan was categorised as counterinsurgency rather than counter-terrorism until 2014.¹²⁴

4.1.2 (Military) stabilisation and creation of a secure environment

4.1.2.1 Initial phase (2001-2002)

Five weeks after the controversial mandate decision on German participation in the US-led Operation Enduring Freedom (OEF), the German Bundestag approved the deployment of up to 1,200 Bundeswehr servicemen and women in the UN-mandated International Security Assistance Force (ISAF) by a large majority on 22 December 2001. Pollowing the surprisingly rapid fall of the Taliban regime, the international Afghanistan conference held on the Petersberg mountain near Bonn agreed a roadmap (Bonn Agreement) for a transitional process "until the restoration of permanent state institutions". The UN Security Council subsequently authorised the establishment of an International Security Assistance Force to assist the Interim Administration in maintaining security in Kabul and the surrounding area so that the Interim Administration and UN personnel could operate in a secure environment. In the same way as the UN, the Bundestag mandate emphasised that responsibility for public security and order lay with the Afghan people themselves, who were to be supported in the process of creating a secure environment.

The mission was intended to prevent a return to anarchy and contribute to the national reconciliation process, which was intended to pave the way for the reconstruction of the country after more than 20 years of war and civil war. At a previous briefing of the coalition parliamentary groups on 11 December 2001, Foreign Minister

German Government (2001a), p. 2 et seq.

¹²¹ See Nachtwei (2021a).

¹²² See Lyons (2021).

See First Committee of Inquiry (Afghanistan) (2023b).

¹²⁴ Wörmer (2022), p. 455.

¹²⁵ See German Bundestag (2001f), pp. 20850-20852.

Bonn Conference (2001).

¹²⁷ See United Nations (2001d), p. 297.

See German Government (2001b), p. 1.

Joschka Fischer had declared that there was no intention to stay longer, as in Kosovo. ¹²⁹ The deployment would remain geographically limited and would probably be strongly influenced by Europe. Germany's priorities would be education, training and women. This announcement was followed up with a host of measures and projects. ¹³⁰ This form of stabilisation, albeit not always transparently defined (see below), was clearly preferred from a German perspective over the US focus on counter-terrorism operations. ¹³¹

¹²⁹ See Nachtwei (2011c).

See German Government (2002a). Briefings by the Federal Foreign Office to the German Bundestag on issues relating to developments in and around Afghanistan in connection with the participation of German armed forces, held once every one to three weeks from 28 January 2002.

¹³¹ See Pfister and Reuter (2021); or statements by former ambassador Michael Steiner, in: Study Commission (2022b).

5000
4500
4000
3500
3000
2500
2000
1500

Figure 2: Development of contingent numbers in the German contribution to ISAF and RS [Resolute Support] 2002 to 2018.

Source: Development of the annual mean values of German contingent numbers assigned to ISAF and RS over time. Source and database: Centre of Military History and Social Sciences of the Bundeswehr, mission database; calculations based on parliamentary briefing evaluations, 2023.

ISAF

Jahr 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018

RS

A total of 5,000 ISAF servicemen and women from 21 nations were deployed in the greater Kabul area from the beginning of January 2002 with the intention of building confidence throughout the capital's population. Foot patrols by ISAF troops with Afghan police officers moved through the city, lightly armed. Against the background of the devastating intervention experiences of the UK and Soviet world powers, the "light footprint" approach seemed plausible and sensible. But the mission presented the ISAF servicemen and women with the greatest—and often unknown—challenges: extreme natural conditions, a society shattered by revolutionary terror, the Soviet-Afghan war, the devastating civil war and the Taliban's reign of terror, imbued with a high potential for violence.

In the case of the first German ISAF contingent under Major General von Butler, political guidance prevented any operational preparations relating to the mission area. No networking activities were carried out between the civilian population and the military. Butler's impression was that their presence was not even wanted on the civilian side. The result was apparently a "permanent preponderance of the military and, if anything at all, an uncoordinated coexistence". Where Afghan security structures were practically non-existent, Afghan forces in Kabul left the ISAF troops in charge, which Butler says was handled with sensitivity. After a short while, progress was made, with the damaged city starting to pulsate – "there was a spirit of optimism". 133

¹³² Study Commission (2022b), p. 11.

¹³³ Ibid., p. 11.

From March to July 2002, the Kabul Multinational Brigade was under German command. The following year, from February to August, the staff of the German-Netherlands Corps (ISAF III) was led by Lieutenant General Norbert van Heyst.¹³⁴ The German contingent grew to 2,290 out of a total of almost 5,400 servicemen and women under ISAF command.¹³⁵ The US was not involved in ISAF at the time. Germany also played a lead role in the police-building activities from February 2002. However, only 17 officers were deployed in 2003 for the lead role in the international coordination of police assistance and for German contributions to police reconstruction.¹³⁶

In 2000, the Brahimi Report set out key recommendations derived from the experiences of UN peacekeeping missions: realistic, clear and credible mandates with a robust doctrine, adequate resources and readily available civilian specialists (police, criminal justice experts). The recommendations were not sufficiently implemented in Afghanistan.¹³⁷ For a country in conflict with powerful warlords, an estimated 60,000 militia members and 600,000 armed people in total, hardly any security structures and an unarmed police force in Kabul, sending a weak assistance force to the capital was neither realistic nor credible. Moreover, by burdening the troopcontributing nations with the deployment costs, financially weak countries were discouraged from participating in ISAF.

Due to a lack of knowledge of the country and lack of understanding of the conflict, many of those commissioning the international mission in Afghanistan were unaware that the restoration of permanent institutions from the top down in a society characterised by individuals, people-to-people contact and bottom-up decision-making processes was a highly problematic undertaking. Against this backdrop, implementation of the stabilisation mandate became a task open to very different interpretations, emphases and ideas of feasibility – and ultimately to incoherence from the outset.¹³⁹

Problems as a result of inconsistent definition of stabilisation

It was not until the 2016 White Paper and the German Government's 2017 guidelines that the term stabilisation¹⁴⁰ was officially embedded in German security policy documents.¹⁴¹ At this point, the ISAF mission in Afghanistan had already been running for over two years.

The word "stabilisation" was not formulated until the actual process of implementing NATO's formal military strategic plan for the International Security Assistance Force (ISAF) had started. However, over and above the general objective of ISAF, the concept of stabilisation was interpreted and implemented differently in the various deployment countries involved. Has

4.1.2.2 Expansion of mission (2003-2009)

In 2003, the US withdrew a large proportion of its armed forces from Afghanistan, apart from its OEF forces, because of its war against Iraq – having mistakenly assumed that the Taliban had been definitively defeated and had not simply gone into hiding. ¹⁴⁴ In October 2003, the UN Security Council decided to expand the ISAF mission throughout the country. The background to this decision was the worsening security situation in large parts of the country, with fighting between individual provincial rulers and attacks on aid convoys. In a "call for security" in June 2003, as many as 79 international non-governmental organisations called on NATO to expand the ISAF mission. ¹⁴⁵

¹³⁴ See van Heyst (2003), p. 41.

See Tweede Kamer der Staten-Generaal (House of Representatives of the Netherlands) (2003), p. 2.

See Federal Ministry of the Interior (2005a), p. 6.

¹³⁷ See United Nations (2000b); see Eisele (2001), p. 10.

¹³⁸ See German Government (2002b), p. 10; see Vergau (2004), p. 374.

¹³⁹ See Schetter (2022c).

See 6.1. Glossary.

¹⁴¹ See Federal Foreign Office (2021); see German Government (2017); see Federal Ministry of Defence (2016).

Phase 3 of the NATO Operational Plan (OPLAN) of the Supreme Headquarters Allied Powers Europe (SHAPE) for ISAF, see Münch (2011), p. 9.

¹⁴³ See Hett (2005), p. 4.

¹⁴⁴ Whitlock (2021), p. 73 et seq.

See AG Friedensforschung (2003).

With the fourth mandate agreed on 24 October 2003, the German mission area was expanded to include the northeastern provinces of Kunduz, Baghlan, Takhar and Badakhshan. At the same time, the remit was expanded to include protection for other international civilian personnel involved in reconstruction and humanitarian work, support for security sector reform and the demilitarisation, demobilisation and reintegration of former combatants, contributions to civil-military cooperation and participation in election security. 146 The mandate decision was politically supported by the first Afghanistan policy paper presented by the German Government almost two years after the start of the mission, which set out the strategic goals of establishing political and administrative structures, enforcing the state monopoly on the use of force in the area and reconstructing the economic and social infrastructure. The policy paper did not, however, include a joint ministerial strategy with verifiable goals and the requisite resources. 147 Beforehand, ISAF headquarters had examined a number of options for the expansion of ISAF:148 an expansion based on the Kabul model would have required at least 10,000 additional servicemen and women. As the deployment of troops for ISAF IV was already causing major problems and the Iraq War was competing for troops, the decision was taken to opt for a network of Provincial Reconstruction Teams for 14 main locations in the provinces, each responsible for the various surrounding provinces. These "stabilisation islands" (developed by the US and under OEF command) have so far comprised between 70 and 140 personnel, 60 to 100 of whom being servicemen and women with a high proportion of CIMIC team members. 149

The first German-led PRT (Provincial Reconstruction Team) began its work in Kunduz at the end of October 2003. It was the first "ISAF island" in the north. This was followed by a PRT in Faizabad in the remote province of Badakhshan and a smaller Provincial Advisory Team in Taloqan, Takhar province. Cross-ministerial PRTs emerged after it became clear that stabilising a conflict country required comprehensive and coordinated input from diplomatic, military, development policy and police players. Civil-military dual leadership was a German speciality. The expedient PRT approach was compromised by the quite different way in which it was implemented by the respective leading nations and, in Germany's case, by inadequate guidance (no strategically derived, operationalised and verifiable objectives, inadequate coordination of objectives between the ministries at operational level), 152 no joint ministerial mission preparation, no joint situation report and years of understaffing, especially of the diplomatic and police components. The fact that members of the Federal Foreign Office were operating in the area for the first time as part of the PRTs and would have needed significantly more capacity to support their institution-building work (e.g. setting up the police force), was repeatedly emphasised by PRT commanders to parliamentary visitors, but was given scant attention by German politicians and the public. Far too often, the civil-military mission in Afghanistan was perceived as being limited to military deployment.

In September 2004, the Kunduz PRT comprised 430 servicemen and women, 340 from the Bundeswehr and 76 from other nations, as well as 14 employees from the Federal Foreign Office, the Federal Ministry of the Interior and the Federal Ministry for Economic Cooperation and Development. These military forces, which were low in number compared to the area to be covered, were initially able to act as a buffer force with their presence patrols, CIMIC measures, liaison work with key people (key leader engagement) and conflict management. In the first four to five years, the progress made in building up the infrastructure, health and education systems was evident and optimistic. The German Government saw Germany as the "pioneer of the ISAF PRT system" and was the largest ISAF troop contributor in June 2005, providing a quarter of the 9,300 ISAF troops.

When ISAF took over the leadership of Regional Command North in the summer of 2006, the focus of the German mission shifted to the north. The region comprised nine provinces across an area of 1,200 by 400 kilometres, which were difficult to access by land and bordered four neighbouring countries with smuggling and

See German Government (2003b), p. 1.

See German Government (2003a), p. 1, 3, 7 et seq.

¹⁴⁸ See Nachtwei (2003).

See ibid.; unlike the German concept of "Zivil-militärische Zusammenarbeit" (ZMZ), CIMIC (Civil-Military Cooperation) refers to a military-led approach to cooperation with civilian players. It is used here synonymously with the NATO definition, see NATO (2003).

See Hett (2005), p. 7; Buddenbohm (2007), p. 77 et seq.; Gauster (2006); Münch (2015), p. 173.

See Survey Commission (2023n), p. 12 et seq.

¹⁵² See Münch (2020), p. 77 et seq.; see Wieland-Karimi (2023).

¹⁵³ See Nachtwei (2004).

¹⁵⁴ See Wieland-Karimi (2023), p. 4.

See Federal Ministry of Defence (2005), p. 3.

terror routes. Camp Marmal near Mazar-e-Sharif became the central operations and logistics base in the north. The total of around 5,000 ISAF servicemen and women from 16 nations with five PRTs (each comprising a few hundred troops) were clearly overstretched with an operational area of over half the size of Germany. Reconnaissance drones (Luna) and six RECCE Tornado aircraft only partially compensated for this weakness.

In August 2006, the first German Operational Mentoring and Liaison Team (OMLT) was deployed in Kunduz. Germany assumed responsibility for setting up OMLT in the northern region. By not starting professional development assistance for the Afghan National Army (ANA) until four and a half years after the start of the mission, a key recommendation of the Brahimi Report was disregarded, namely to take advantage of the window of opportunity in the initial months of a stabilisation or peacekeeping mission and to tackle key tasks as quickly as possible.¹⁵⁷

The issue of burden-sharing and national caveats has always been a sensitive topic among NATO allies. An alliance depends on practical loyalty, reliability and a balanced sharing of the burden. However, the respective contributions also depend on capabilities, capacities and political requirements. The focus of the German mission was in the north and was essentially limited to this area. Air transport capacities, signal forces and Medevac (medical evacuation) services were also contributed to the overall operation; further limited support services in the entire ISAF area had to be decided on a case-by-case basis. ¹⁵⁸

A fierce controversy developed at the end of 2006 over the demand for a German contingent for the south. The third phase of ISAF expansion into the southern region was initiated at the beginning of 2006. UK and Canadian troops, in particular, were immediately confronted with intense terrorist and guerilla warfare with heavy casualties. Empirical studies by the Senlis Council think tank and other sources reported an evident return of the Taliban in the south, clear insurgency and a proliferation of attacks and assaults from 2005 to 2006. Given the sharp increase in security incidents in the north as well, sources within the Bundeswehr issued urgent warnings of deteriorating conditions. However, these warnings were apparently not heeded by politicians. Members of the Defence Committee received the same response. At the NATO Parliamentary Assembly in Quebec in December, the German delegates faced strong demands from allies for a German contingent in the south. Deploying German troops in the south would be at the expense of the already limited forces in the north. And there was considerable, albeit unspoken, doubt about the justifiability of the manner of operations adopted in Helmand and Kandahar. December 162

On 19 May 2007, three members of the Bundeswehr and seven Afghan civilians were killed in a suicide attack at a market in Kunduz. This was a turning point in the previously relatively quiet German area of responsibility. Even though there were strong expressions of solidarity with the PRT as a result, self-protection in the direct service area now took priority at the expense of a presence in the wider area. This increased the distance between ISAF and the population. The more population-oriented "open" approach hit a wall in areas where Taliban networks in hiding were reactivated and militants were able to infiltrate and gain influence over the local people, especially in Pashtun settlement areas. 164

It was therefore all the more important to reinforce not just intelligence assets, but also, increasingly, non-technical forces and methods (e.g. intercultural mission advisors, civilian situation reports) to prevent acting blindly in a foreign social environment with complicated networks of relationships.

Bundeswehr forces were permitted to take offensive action for the first time against insurgents once Germany took over the role of Quick Reaction Force from Norway in July 2008. At the same time, Germany's support team for rebuilding the police force was given a long-overdue boost with the establishment of a regional police

¹⁵⁶ See Reference and Research Services of the German Bundestag (2022), p. 19.

¹⁵⁷ See United Nations (2000a), p. 30 et seq.

¹⁵⁸ See Münch (2015), p. 267 et seq.

¹⁵⁹ See ibid., p. 292.

See Reference and Research Services of the German Bundestag (2022), p. 82.

See Gebauer and Weiland (2006).

¹⁶² See Hudgson (2006); see Docherty (2007).

See Decision of a meeting of legal scholars, elders' representatives, teachers, pupils, youth organisations and artisan collectives in Kunduz Province following the suicide attack in Kunduz on 19 May 2007: "The presence of the German PRT in Kunduz Province is as necessary as water is to life", in: Legal scholars et al. (2007), p. 1.

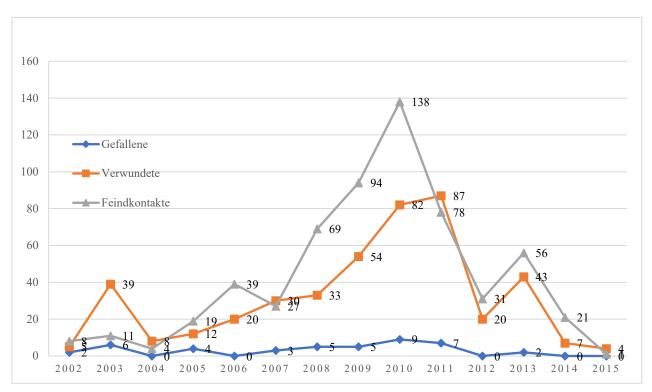
See Reference and Research Services of the German Bundestag (2022), p. 89.

training centre next to Camp Marmal and the expansion of the German Police Project Team (GPPT) to 200 officers. Previously, any gaps in GPPT personnel had to be filled by military police. 165

The situation in the various districts of the German area of responsibility varied considerably. While some districts, such as Chahar Darreh in Kunduz Province, became actual combat zones, development support personnel were still able to move around relatively freely in other districts (e.g. Balkh Province). 166

Between 2002 and 2005, German ISAF troops still encountered a relatively low number of enemy contact incidents; from 2006 onwards, these numbers gradually rose to 138 in 2010 (see graph). On 29 April 2009, Private Sergej Motz was the first Bundeswehr serviceman to be killed in action in a complex ambush. The Taliban aimed to destroy entire units. Heavy fighting became increasingly frequent. German troops were clearly facing guerilla and terrorist warfare and were at war on the ground. The Bundeswehr received close air support with weaponry for the first time in an operation on 15 June 2009. On 19 July 2009, mortars and the Marder infantry fighting vehicle were used in combat for the first time. ¹⁶⁷

Figure 3: Chart showing the absolute number of enemy contacts, fatalities and casualties in the German ISAF force from 2002 to 2015.



Database: Centre of Military History and Social Sciences of the Bundeswehr, mission database; calculations based on parliamentary briefing evaluations, 2023.

¹⁶⁵ See ibid., p. 97.

See ibid, p. 89 et seq.

See ibid., p. 102 et seq.

In combat – excerpt from the G36 Commission report¹⁶⁸

"Enemy contacts in the early years consisted of suicide attacks, booby traps and ambushes with hand-held (anti-tank) weapons and unguided rockets. From 2009 onwards, there were increasingly complex, military-led attacks by the insurgents.

It would usually be the insurgents who opened fire, benefiting from familiarity with the terrain and the element of surprise against the ISAF forces, who were easily recognisable.

The insurgents would first carefully scout the ISAF forces so that they could hit them with a blast and fight them as effectively as possible. The accuracy of the opposing shooters was mostly poor. In some cases, however, they also had well-trained snipers at their disposal.

During ambushes in the early years, the Bundeswehr's predominant reaction was to neutralise the enemy and then disengage from them (primary objective: self-protection).

With the complex attacks and the Bundeswehr's own more offensive operational tactics (as far as movement to contact) from 2009, the German forces tended to start the firefight. Their primary objective was now to regain the initiative and increasingly fight their opponents. (...)

Battles were fought at the level of a reinforced platoon to an entire company, in individual cases also at battalion level as part of longer-term planned operations. Battle duration would range from a few minutes (IED, suicide bombers), to several hours, to several days with breaks in fighting.

Engagement ranges were anything from 800 metres to five metres. Many exchanges of fire were over 200 metres, which is the main combat range of the G36.

During operations outside the camps, the servicemen and women had to constantly reckon with IED attacks and attacks from every direction. For 10-14 days at a time, sometimes even several weeks, they were under constant tension. The existential threat of combat caused varying degrees of stress depending on the constitution of the individual servicemen and women. Mental and physical reactions are normal. Troops speak of paralysing fear, focused respect and physical reactions such as trembling. What is more, temperatures were sometimes extreme, reaching 40° to 50°C in the shade in summer and 80°C in the Marder infantry fighting vehicle before a cooling unit was installed.

Given the growing threat from suicide bombers, servicemen and women at checkpoints had to identify potential threats in the shortest possible time and decide whether to use firearms. They were constantly faced with the conflicting goals of protecting themselves, averting danger and showing the greatest possible consideration for the civilian population, especially in a stabilisation mission. This was often exacerbated by unfavourable visibility conditions. If vehicles ignored stop signals and warning shots and they were regarded as a threat, the engine block was shot first if possible. A number of suspected threats were stopped in this way. However, there were also a few tragic incidents, such as on 28 August 2008, when a woman and two children in a car were shot dead by the Afghan army, police and Bundeswehr at a checkpoint near Kunduz. Overall, the Bundeswehr troops handled such high-risk dilemma situations very professionally and responsibly."

Until 2010, there was considerable legal uncertainty for servicemen and women facing increasing guerilla and terrorist warfare. Under German law, any use of a firearm resulting in death had to be investigated by the public prosecutor's office for possible homicide. 169 This was because the German Government categorised the Afghanistan mission as a "non-war". It was not until February 2010 that the German Government categorised the operation as an "armed conflict" within the meaning of international law, to which international criminal law applies.

For years, realistic warning situation reports from the contingents had been sent to Berlin, but they failed to elicit an appropriate response from the political leadership when it came to expanding capabilities in Afghanistan. Parliament's briefings on the security situation were predominantly only event-related, focusing on the German area of responsibility. This was not sufficient to provide a frank and reliable picture of the situation. ¹⁷⁰ Bundestag

¹⁶⁸ Commission to Investigate the Use of the G36 Assault Rifle in Combat Situations (2015a), p. 28 et seq.

See von Krause (2011), p. 237.

See Münch (2015), p. 280 et seq. See Federal Foreign Office and Federal Ministry of Defence (2021), pp. 34-39.

mandates continued to refer to the Bundeswehr's task of "supporting the government of Afghanistan in maintaining security" when in fact security had been lost in parts of the mission area and needed to be regained. For too long a period of time, the operational planning, commitment of forces and armament of the German contingent were not adapted to the growing level of threat. The initiative was lost. At his review press conference on 22 July 2009, the then Minister of Defence stated that of around 400 districts in Afghanistan, 40 were unstable and 360 stable. Repeated questions in the Bundestag to the German Government about the reasons for the Kunduz Province slipping away from control and possible countermeasures remained unanswered.

The security situation in Kunduz Province (for which there had initially been high hopes – not just in Germany – about its development) deteriorated significantly. The air attack near Kunduz on 4 September 2009 hitting two tanker trucks hijacked by the Taliban and resulting in many civilian victims was a tragic low point in this development process. This attack was clear for the German public to see, unlike the many earlier reports on the steadily worsening security situation in northern Afghanistan. Last but not least, the parliamentary and legal debate about the events, as well as the political consequences in the aftermath, meant that the topic remained in the media in Germany for years. 174

Across the country, the development of the security situation had moved further and further away from the "safe environment" mission: according to UNAMA, 1,523 civilians were killed in the context of the armed conflict in 2007, with an increase of 39 per cent in 2008 to 2,118 and 14 per cent in 2009 to 2,412.¹⁷⁵

After the tragic helicopter crash in December 2002 (in which seven Bundeswehr personnel died) and a terrorist attack in Kabul in June 2003, there was a change in thinking and, by 2004, the first Act on the Provision of Benefits and Pensions for Special Foreign Assignments was introduced for service personnel, civil servants and members of the public service. However, it soon became clear that these benefits and pensions needed to be further developed.

In 2007, the Bundestag's Defence Committee, with the support of the Bundeswehr Association, became aware of the fate of psychologically injured Afghanistan returnees, for whom the Committee members campaigned across all parliamentary groups from then on. Bundestag members in turn persuaded the German Government to significantly improve the benefits and pensions available for service personnel in light of the conditions in Afghanistan. The Act on the Continued Employment of Personnel for Operations¹⁷⁷ was subsequently passed, granting service personnel who have suffered damage to their health in a mission abroad the right to adequate continued employment in the Bundeswehr or a professional qualification.

In the years that followed, the range of benefits and pensions was (and is still being) gradually expanded and further improved through the growing practical experiences of injured personnel returning from missions and their relatives.¹⁷⁸

4.1.2.3 Counterinsurgency and transition phase (2009-2014)

With the increase in NATO supplies from the north through the Kunduz-Baghlan corridor to Kabul, the two provinces had now become a focal point of attack for the insurgents. Despite this fact, the central government had already redeployed an ANA battalion and a third of the police force from Kunduz Province to the embattled south in 2008. In view of the domestic political taboo of the "upper limit", Bundeswehr forces were not reinforced to the extent repeatedly requested by the PRTs and regional commanders. In July 2009, the German contingent's previously restrictive rules of engagement were relaxed with the aim of prevailing in complex ambushes and intense battles and operating more offensively.¹⁷⁹

¹⁷¹ German Government (2008c), p. 2; German Government (2014c), p. 2.

See Reference and Research Services of the German Bundestag (2022), p. 79.

¹⁷³ See Herbolz (2009).

See, in particular, the comprehensive final report of the Kunduz committee of inquiry, which attempted to shed light on the background to the events of 4 September 2009 on 2,395 report pages after questioning 41 witnesses in a total of 79 sessions, in: German Bundestag (2011b).

UNAMA – United Nations Assistance Mission in Afghanistan (2010), p. 7.

¹⁷⁶ See German Bundestag (2004).

See German Bundestag (2007c).

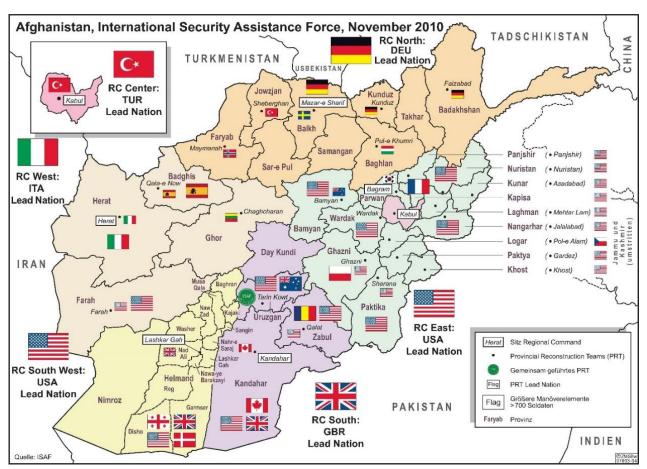
¹⁷⁸ See Gersemann (2021).

¹⁷⁹ See Reference and Research Services of the German Bundestag (2022), p. 102 et seq.

Although it was possible to temporarily oust insurgents in a number of clearance operations, efforts to hold on to these areas often failed due to insufficient numbers in the security forces and a lack of support among the population. A proposal by the German regional commander in September 2009 to train an additional 2,500 Afghan police officers in the quieter winter phase and then have Germany pay their salaries for two years was rejected in Berlin. ¹⁸⁰

The impetus for the turnaround in the planning and conduct of operations in the north came from ISAF and, in particular, from an increase in US deployment in the north. In autumn 2009, NATO adopted the politico-military counterinsurgency concept (COIN) of the US armed forces as the doctrine for the operational and tactical approach of ISAF: their aim was to isolate and weaken the insurgents through direct military action and, in particular, by winning the "hearts and minds" of the population through the "shape, clear, hold, build" phases.¹⁸¹

Figure 4: Map of Afghanistan showing the mission areas of the International Security Assistance Force.



Source: Centre for Military History and Social Sciences of the Bundeswehr, 2023. 182

In the first half of 2010, the US brought around 5,000 US troops to the region, including more than 2,000 primarily for police training. With the US Combat Aviation Brigade, a total of 57 helicopters were assigned to RC North, only 18 of which were for medical evacuation. The infrastructure for the Afghan security forces was significantly expanded. Thanks to the US increase, the capabilities of the "Combined Team North" (comprising NATO and Afghan security forces) also increased.

¹⁸⁰ See Löwenstein (2009).

See United States Army, Department of the Army (2014), p. 9-1 et seq.; see Siebold (2019).

Courtesy of the Centre for Military History and Social Sciences of the Bundeswehr.

In 2011, ISAF reached its largest capacity, with 131,300 servicemen and women, 90,000 of whom were from the US and 5,063 from Germany. Across the country and in the north, US special forces and the Afghan National Security Forces (ANSF), in particular, increasingly carried out capture-or-kill operations against the insurgents' mid-level leadership.

In parallel to the US reinforcement, the Bundeswehr forces were restructured, reinforced and deployed more offensively. From June 2010, they were supported by three self-propelled howitzers (PzH 2000s) in the Kunduz PRT and at Observation Point North in Baghlan. The Kunduz and Mazar training and protection battalions (Ausbildungs- und Schutzbataillone [ASB], also known as task forces), restructured from the former infantry companies of the PRTs and the Quick Reaction Force, operated permanently in the area (Baghlan and Kunduz) from April/August 2010, worked in partnership with the Afghan security forces, boosting their operational capability, and drove insurgents out of key districts, followed by rapid CIMIC projects financed by the Federal Foreign Office (e.g. construction of wells, roads and power lines).

It was therefore possible to oust insurgents in the German area of responsibility in 2011/12, and in turn regain the initiative and freedom of movement. It also brought an end to the years of escalating security incidents nationwide. A possible failure of the ISAF mission was averted for the time being. However, this progress at tactical level was thwarted by the decision of President Obama and the other troop contributors to withdraw ISAF combat troops by the end of 2014, which was primarily motivated by domestic politics. ¹⁸³ Originally, security responsibility (the transition process) for individual provinces was to be transferred to the Afghan security forces according to their level of capability (condition based). Compliance with the withdrawal date then became the significant criterion (time driven). The insurgents were not under time pressure and had strategic patience. They could wait and see. ¹⁸⁴

The implementation of the COIN doctrine made an impact. Yet there are doubts about whether a concept such as COIN could be strategically successful beyond its tactical successes – given the complex loyalty and conflict relationships in Afghan society, the predominantly poor and corrupt governance and judiciary, the strengths of an insurgency movement fuelled by Pakistan and the arrogance of power among some of the ISAF troop contributors. ¹⁸⁵

¹⁸⁴ See Rudolf (2010), p. 38 et seq.

¹⁸³ See Rubin (2023), p. 1.

See Joint Conference Church and Development (2023), p. 13; for critical comment on the COIN doctrine: see Ali (2021); see also Mike Martin, p. 157 et seq. and the UK ISAF contingent's "Operation Maiwand" in Helmand Province in 2006, 126 years after the "Battle of Maiwand" in World War II. The battle was fought during the Anglo-Afghan War, when a UK brigade was crushed by Afghan fighters and since then has been a symbol of pride in Afghan invincibility in Afghanistan's collective memory: Wagner (2012), p. 35 et seq.

Afghanistan, AOR Regional Command North, 2010 TADSCHIKISTAN Balkh Provinzgrenze mit Provinzn Zan Distriktgrenze mit Distriktname USBEKISTAN Mazar-e Sharif HQ RC North • Flag PRT Lead Nation Takhar Jowzjan TURKMENISTAN Kunduz Kunduz Mazar-e Sharif Badakhshan Faryab Samangan Pul-e Kh Baghlan Sar-e Pul TADSCHIKISTAL KISTAN Gilgit-Baltistan PAK (umstritten)

Figure 5: Map of northern Afghanistan showing the AOR Regional Command North 2010.

Source: Centre for Military History and Social Sciences of the Bundeswehr, 2023. 186

In 2010/11, Bundeswehr servicemen and women had the highest number of enemy contacts and firefights, 15 fatalities, ¹⁸⁷ over 110 physically wounded and several times as many psychologically injured. In total, 1,276 military personnel (including 917 from the US) and 731 contractors, i.e. support personnel who are not members of the armed forces, lost their lives in the international armed forces in the two-year period.

On the tactical side of military deployment practice, the long-term monitoring study of the 22nd ISAF contingent conducted by the Bundeswehr's Centre for Military History and Social Sciences provides in-depth insight into the mission perceptions and attitudes of service personnel with significant combat experience in 2010 and also the consequences:¹⁸⁸

- More than two thirds of returnees reported "personal growth" as a result of the mission. 189 However, over ten per cent were still in poor health three years later due to deployment-related injuries, of whom almost a fifth had combat experience. 190
- Three years on, the servicemen and women who were closest to the harsh Afghan realities had a much more positive view of the mission than the German population: over 50 per cent thought it had been useful and had made an impact, while one in four thought it was ultimately futile. However, 85 per cent said that

Courtesy of the Centre for Military History and Social Sciences of the Bundeswehr.

See Statista/icasualties.org (2021).

See Seiffert and Hess (2020).

¹⁸⁹ Ibid., p. 147.

¹⁹⁰ See ibid., p. 166 et seq.

violence would escalate if ISAF were to withdraw. Two thirds therefore rejected an immediate withdrawal. 191

• 92 per cent of the contingent members believed that the support of the population was important for the mission in Afghanistan. They see themselves as servicemen and women in German society and not at all as mercenaries. This makes it all the more worrying that only around ten per cent of the operational forces feel recognised by politicians (and only eight per cent by the population), and that only 17 per cent believe that politicians support the operations. 192

Investigations by the independent commission on the "G36 Assault Rifle in Combat Situations" (2015) found that German troops used military force initially with restraint and in a controlled manner during the war phase, showed particular consideration for the civilian population and were at the same time militarily assertive.¹⁹³

According to a study by the Centre for Military History and Social Sciences of the Bundeswehr, acceptance of shared values, cohesion and comradeship in the sense of leadership development and civic education are the tools needed to get through a mission as demanding as the one in Afghanistan. However, it was becoming harder to live up to the image of a citizen in uniform: when the operational mission sometimes seemed to be unrealistic and not credible, and when the highest level of leadership seemed to be denying reality, it was becoming increasingly difficult to "obey from conviction" and leadership development and civic education was diffused from top down. There was a clear polarity between the situation for German operational forces on the ground and the policy guidelines in Berlin. ¹⁹⁴

Withdrawal from the area began back in 2012: the Faizabad PRT was handed over to the Afghan police in October, followed a year later by the handover of the Kunduz PRT to the Afghan security forces. The German ISAF equipment was redeployed without incident. However, the many warnings of a premature withdrawal were confirmed in 2014, the year of the ISAF withdrawal: according to UNAMA, the number of civilian victims in the context of the armed conflict went up by 22 per cent compared to the previous year, rising to 3,700 dead and 6,850 injured.¹⁹⁵

In the German discourse on the Afghanistan mission, this "collateral damage" of a premature withdrawal was never an issue. The hope that the withdrawal of ISAF troops would reduce the intensity of the war proved to be illusory. ISAF marked the end of Germany's costliest foreign deployment to date, in terms of funding as well as number of victims. Despite all the demands from the Bundeswehr, opposition parties and churches, a comprehensive cross-departmental impact assessment of the mission still has not been carried out. The Army Command produced documentation on 13 years of ISAF for internal use.

4.1.2.4 Resolute Support and withdrawal (2015-2021)

With the ISAF follow-up mission Resolute Support, the number of international troops fell from 44,500 (2014) to 13,600 (2015), stationed only in the "hub" of Kabul and the "spokes" of the four regional centres in the west, south, east and north (Mazar-e-Sharif). The reduced mission was to support the Afghan National Defence and Security Forces (ANDSF) at ministerial and national-institutional level only (in the north the 209th and, from 2019, the 217th ANA Corps in Kunduz), i.e. nowhere near the previous implementation level and explicitly without a combat mission. The Train-Advise-Assist-Command North (TAAC-N) comprised around 1,700 service personnel in 2017, including 700-800 Germans and 120 advisors (including 80 Germans). At the same time, the US-led OEF follow-up mission, Operational Freedom's Sentinel, operated as part of force protection and counter-terrorism operations.

193 See Commission to Investigate the Use of the G36 Assault Rifle in Combat Situations (2015b), p. 48.

¹⁹¹ See ibid., p. 300 et seq.

¹⁹² See ibid.

[&]quot;On the one hand, German service personnel were dependent on the US forces for survival assistance in critical situations, while, on the other, we learned of operational methods adopted by US troops that were not consistently within the rule of international humanitarian law and thus thwarted the mission objective", in: Joint Conference Church and Development (2023), p. 14; see also Neitzel (2020), pp. 547, 551.

See UNAMA – United Nations Assistance Mission in Afghanistan (2015), p. 1.

In autumn 2015, the Taliban managed to occupy Kunduz, a provincial capital, for the first time. For a fortnight, they terrorised pro-government and reformist forces¹⁹⁶ with ongoing fighting.¹⁹⁷ This came as a political shock. The deteriorating security situation across the country prompted NATO to indefinitely extend the mission, which was originally scheduled to run until the end of 2016, and to send small mobile advisory teams to Kunduz and Maimaneh.¹⁹⁸

In the first half of 2009, 90 per cent of security incidents were still concentrated in the south and east. In the entire northern area, they accounted for 3.5 per cent. Since the withdrawal of ISAF combat troops in 2014, armed conflicts have spread across the country again, making previously relatively safe provinces and districts increasingly insecure. In 2016, the number of civilian victims in the armed conflict in the north rose by 58 per cent and the number of civilian victims of the Afghan IS offshoot increased almost tenfold. In 2017, it tripled its attacks on religious sites and believers, particularly those belonging to the Shiite Hazara minority. In 2018, the number of victims attributed to the "Islamic State" (IS) doubled. The attack patterns fuelled the danger of a sectarian civil war. Large-scale attacks destroyed the German Consulate-General in Mazar-e-Sharif (10 November 2016), the German Embassy in Kabul and the "Green Village" branch of GIZ [Deutsche Gesellschaft für Internationale Zusammenarbeit – German development agency] and GPPT (31 May 2017). The infrastructure of German state development assistance in Afghanistan was hit to the core, resulting in the withdrawal of almost all GIZ staff. Staff.





Source: Figures from UNAMA 2008-2021²⁰² *No figures on injured victims **Figures up to 30 June 2021.

Suicide and complex attacks with particularly high numbers of victims were mainly concentrated in Kabul, resulting in 440 civilian deaths there alone and had a particularly terrifying effect because the media were watching. On 21 April 2017, over 140 predominantly unarmed servicemen and women were killed in a massacre while attending Friday prayers at Camp Shaheen – headquarters of the 209th Corps of the ANA near Mazar-e-

¹⁹⁹ See UNAMA – United Nations Assistance Mission in Afghanistan (2017), pp. 4, 7.

See Reference and Research Services of the German Bundestag (2022), pp. 203 and 207; Der Tagesspiegel (2017).

Reformist forces means those people who support social change with an approach towards democratisation. However, they do not necessarily adopt the positions of the Afghan government at the time.

¹⁹⁷ See Reference and Research Services of the German Bundestag (2022), p. 190.

¹⁹⁸ See Süddeutsche Zeitung (2015).

²⁰⁰ See Steinberg and Albrecht (2022), p. 2.

The UNAMA annual reports on the "Protection of Civilians in Armed Conflict", which have been published since 2008, are now the only source providing a regular, systematic and reliable overview of the consequences of the armed conflict for the Afghan civilian population. However, the actual number of civilian victims is higher, as they cannot be reliably recorded in all parts of the country using three different and independent sources, see UNAMA – United Nations Assistance Mission in Afghanistan (2023).

Sharif.²⁰³ The New York Times reported on 27 January 2018 that around 10,000 Afghan police officers and service personnel were killed in 2017. Between 2014 and 2020, 45,000 members of the ANDSF were killed in action, with 30 to 40 fatalities per day in the years before and since the Doha Agreement (14,000 between 2001 and February 2014).²⁰⁴

The claim spread in NATO circles of a "stalemate" between insurgents and pro-government forces was therefore far from reality. In addition to these loss rates, the reality of the situation is clear to see from the following key figures:

- A decline in districts "under government control" from 72 per cent in November 2015 to 57 per cent in August 2017,
- Annual "attrition rates" of one third (for the ANA) and one fifth (for the ANP), and
- An increase in Taliban fighters from around 20,000 in 2014 to at least 60,000 in 2017, according to official US estimates. 205

Given these trends, it was all the more astonishing that, for example, the Takhta Pul vocational training centre near Mazar-e-Sharif, which was built with German support, was still able to work undisturbed with its 1,500 students when the surrounding area had long been considered under Taliban control.²⁰⁶ Similar reports were received about other projects, especially school projects, which have been consistently supported, for many years, by a number of German aid organisations among others and also backed by the local population.

The Doha Agreement of 29 February 2020 between the Taliban and the US, which was negotiated without the Afghan government, initiated a rapid reduction in US forces from 12,000 in February 2020 to 8,600 in July and 2,500 in January 2021. Ten US bases, including Camp Shaheen in Balkh, Maimanah in Faryab, Kandahar Airfield (formerly the largest NATO base), were closed in 2020.²⁰⁷ Hopes for a reduction in violence and the announced intra-Afghan peace process were soon dashed. UN Secretary-General António Guterres's urgent appeal issued on 23 March 2020 for a global ceasefire in the face of the COVID-19 pandemic was not heeded.²⁰⁸

According to UNAMA, Taliban attacks on Afghan security forces increased in March, with the number of civilian victims rising accordingly. Reuters reported a 70 per cent increase in attacks between 1 March and 15 April compared to the same period the previous year. According to Thomas Ruttig, the terror reached a "moral low point" on 12 May 2020 when a three-man terrorist squad in police uniforms attacked a maternity unit in the predominantly Hazara district of Dasht-e-Barchi in Kabul and murdered 24 people, including many mothers with their babies and nurses. ²¹⁰

According to the annual report of the Afghan Independent Human Rights Commission (AIHRC), the number of civilian victims from targeted killings tripled exorbitantly by 169 per cent in 2020.²¹¹ The main people targeted were public servants, journalists, civil society activists, religious scholars, influential personalities, members of parliament and human rights defenders, in other words the most committed polar opposites of the insurgents.

In November 2020, the permanent German advisory team of the Resolute Support mission was withdrawn from Camp Pamir in Kunduz, but a flexible advice arrangement (including "fly to advise" missions) was maintained. ²¹² The COVID-19 pandemic made the remaining remote advisory arrangement even more difficult and reduced its already low effectiveness.

As the start of the intra-Afghan peace talks was delayed by six months, the withdrawal date of 30 April 2021 agreed in Doha for all international troops, advisors and contractors was not met.²¹³ On 14 April, the new US President Joe Biden announced his unilateral decision to withdraw unconditionally by 11 September 2021, against the advice of top US military leaders and the position of many allies. He justified this by stating that the

²⁰³ See Reference and Research Services of the German Bundestag (2022), p. 206.

See Gollob and O'Hanlon (2020), p. 15.

²⁰⁵ See Roggio (2018); see Nachtwei (2017b).

²⁰⁶ See Nachtwei (2021b).

See Reference and Research Services of the German Bundestag (2022), p. 232 et seq.

²⁰⁸ See United Nations (2020).

²⁰⁹ Ruttig (2020).

²¹⁰ See ibid.

²¹¹ See Afghanistan Independent Human Rights Commission (2016), p. 3.

See Reference and Research Services of the German Bundestag (2022), p. 231.

²¹³ See Schetter (2021).

primary objective of the mission had long been achieved, that state-building had never been the goal, that other challenges now had priority and that the alternative was an endless mission in Afghanistan.²¹⁴ This decision disregarded the fact – known, in particular, from the SIGAR quarterly reports – that the ANDSF were not operational, sustainable and survivable without further central support (intelligence, over 10,000 contractors for maintenance and repair, and close air support in critical situations), i.e. that the withdrawal paved the way for a rapid collapse of the ANDSF.²¹⁵

The allies organised the enormous challenge of their withdrawal under great time pressure and achieved it to an exceptional degree in view of the challenges. The last members of the Bundeswehr were flown out of Afghanistan on 29 June 2021. Long-standing allies who had been exposed to a nationwide Taliban offensive since May were left behind. The Taliban rapidly, and often unopposed, gained control of more and more districts – from 73 on 1 May to 195 on 5 July, many of them in the north. On 2 July alone, 13 districts fell to the Taliban, 11 of them in the north-east. This meant that key powerholders and members of the government lost their core region. Unlike in 1996, the districts in the north and north-east, with their predominantly non-Pashtun population, were also controlled by the Taliban. For the most part, this can only be explained by discontent with the situation prevailing in Kabul and on the ground (see section 4.2.2.3.2). As a result, numerous non-Pashtun fighters joined the Taliban in the north as well. With the capture of many border crossings, their customs revenues also fell to the Taliban. The last US soldiers left Bagram Airfield, the largest US airbase in Afghanistan since 2001, secretly in the early morning of 2 July without consulting the Afghan authorities. On 21 July, US Chief of Staff General Mark A. Milley declared that about half of all 419 districts were controlled by the Taliban and that 17 of the 34 provincial capitals were on the verge of being taken over by the Taliban.

On 6 August 2021, the Taliban captured the first provincial capital in Nimrus in the south-west, followed two days later by Kunduz and three days after that by the 217th Pamir Corps headquarters. On the fifth day of the Taliban offensive, Kandahar, the country's second largest city, fell after a two-month siege. After a week, the Taliban had already captured the centres of half of all provinces, including Herat and seven of the nine northern provinces, and a day later Mazar-e-Sharif as well; on the tenth day of the offensive, to the surprise of most observers, they also captured the capital Kabul without a fight.²¹⁹

In view of the collapse of the Afghan state and its security forces, the Taliban takeover was much less bloody than feared. Driven by the justified fear of the new powerholders and the hope of evacuation, tens of thousands of people in Kabul fled to the airport. Images of desperate crowds, violence and chaos undeniably shaped the world's perspective of the international withdrawal and made the defeat impossible to ignore.²²⁰

4.1.2.5 Assessments and lessons

In almost 20 years, around 93,000 Bundeswehr servicemen and women²²¹ were involved in the NATO-led Afghanistan mission. The aim of this mission was to stabilise the war-torn country and ensure its reconstruction and development, but after a few years it turned into a full-scale combat mission. For the first time in the history of the Bundeswehr, German servicemen and women were engaged in heavy ground combat. They reliably fulfilled the tasks they were assigned and proved themselves both in the stabilisation phase and in the counterinsurgency phase.

Nonetheless, the largest and costliest (in terms of funding and number of victims) crisis mission of the – primarily Western – community of states ended in strategic failure. The strategic mission of ISAF and Resolute Support to

²¹⁴ See Biden (2021).

²¹⁵ See Special Inspector General for Afghanistan Reconstruction – SIGAR (2023a); Rheinische Post (2022).

²¹⁶ See Reference and Research Services of the German Bundestag (2022), p. 245.

²¹⁷ See Roggio (2021).

See Reference and Research Services of the German Bundestag (2022), p. 235 et seq.

See ibid., p. 237; Der Tagesspiegel (2021).

See the work of the 1st Committee of Inquiry in the 20th legislative term, in: 1st Committee of Inquiry (Afghanistan) (2023a); see Gebauer and von Hammerstein (2022), pp. 8-17.

A dissenting opinion on this section has been submitted by Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter.

²²¹ See Bundeswehr (2021).

support Afghanistan in creating a secure environment for governance, reconstruction and development failed, despite all efforts and at enormous cost and human sacrifice.

And it was a joint failure, to which, not least, the Afghan government and its leaders contributed through corruption and poor governance, not to mention the role of neighbouring Pakistan.

In terms of political strategy, the following conclusions can be drawn:

- The international community had the right intention, i.e. to assist a country shattered by 23 years of war in its process of securing peace, reconstruction and development and thus prevent terrorism in the long term. Many allies had the right resolution, i.e. to avoid being perceived as occupiers.
- But there was no knowledge of the country, no historical and cultural understanding of the conflict, no indepth perception or even exploration of the host country, its society and partners, and academic advice was not adequately consulted. In "The Afghanistan Papers", 222 high-ranking US representatives acknowledge that there was a great lack of awareness at leadership level.
- Despite a fixed definition, the term "stabilisation" was interpreted and consequently implemented in different political ways by the ministries involved in Germany's engagement in Afghanistan.²²³ As a result, there was no recognisable and uniform joint ministerial approach throughout the entire period of the engagement, which inevitably led to coordination problems at all levels.
- At the level of strategic policy, there was no discernible uniformity in internal and external communication, resulting in a mixture of peace-making, peace enforcement and peacekeeping activities at implementation level, nor any discernible identification of an overarching political objective of nation-building or state-building.
- In contrast to the tactical and operational impact analyses and lessons learned, interministerial and systematic evaluation had been neglected. The attempt to establish a strategic guideline and to learn from the (mis)developments of the current engagement came too late.
- There was no agreement within the coalition of intervening states on the strategy for dealing with the insurgents: should a distinction be made between different insurgent groups or should they all be fought in the same way primarily militarily? How promising is primarily military counterinsurgency and counterterrorism? Would it be possible to integrate the insurgents into the political system of the Afghan Republic? The fact that there was no consensus on these issues led to highly counterproductive consequences.
- The different goals and interests of the allies were not sufficiently harmonised, and from the German perspective, its own national interests were not sufficiently formed. What is more, the question of the significance of fundamental orientations (e.g. military force and international humanitarian law) was often insufficiently clarified. To make matters worse, two different international legal bases for the mission continued to exist in parallel: the initially perceived right to individual and collective self-defence against an armed attack and the support mandate for Afghanistan, which was only later adopted by the United Nations Security Council.²²⁴

Operationally, however, the following conclusions can be drawn:

- Initially, the stabilisation mission enabled progress to be made in the areas of basic services, human rights and women's rights.
- The men and women deployed by the German Government and Bundestag were highly committed to their duties, made operational progress possible in many areas and created hope for Afghanistan. They deserve the unreserved thanks and recognition of society for their commitment.
- However, the necessary forces and resources (to ensure that appropriate levels of forces and capabilities are deployed as part of a stabilisation approach) were not always available. From law enforcement to traditional military capabilities, compromises often had to be made in terms of quantity and quality in the correct deployment of forces.

²²² See Whitlock (2021), p. 108 et seq.

See German Government (2017), p. 69.

²²⁴ See United Nations (2001d); (2001b).

4.1.3 Rebuilding of effective Afghan armed and security forces

4.1.3.1 Introduction

Effective Afghan armed and security forces that were able to enforce the state monopoly on the use of force in Afghanistan were a basic prerequisite for ensuring long-term stability and security in the country. The necessary reforms in the security sector included military and civilian components. The Bundeswehr supported the process of military rebuilding by providing training and later assuming military responsibility in northern Afghanistan, while Germany took on a lead role in the process of police rebuilding. The following section analyses both components.

In 2001, there were virtually no trained and equipped state security forces outside Afghanistan's urban centres that could guarantee the protection of the population. The Afghan army, including the other security forces, was not capable of establishing sustainable security in the country, nor were there enough trained police forces available to guarantee law and order not only in the cities, but also, especially, in rural areas. After two and a half decades of war in Afghanistan, the former police and army structures were completely destroyed.²²⁵ Little was known about the security situation in the provinces.²²⁶

The interim administration was challenged in two ways. While it had to build up the security forces, it also had to deal with the current security challenges and ensure order. The tribal chiefs and warlords as part of the interim administration acted largely independently in their respective regions, as the government's influence was initially limited to Kabul and the surrounding area.²²⁷

At the Bonn Conference on 5 December 2001, representatives of the interim administration and international partners agreed there discussed the political future of Afghanistan. Participants at the Bonn Conference agreed on arrangements for an interim and transitional administration until the restoration of permanent state institutions. The intention was for the process of stabilising Afghanistan to be supported by civilian reconstruction and military protection, if possible without long-term political involvement on the ground. The nationwide restoration of security and order was intended to be the responsibility of the new Afghan interim administration.

At the donor conference for Afghanistan on 21 and 22 January 2002 in Tokyo, the coordination of the rebuilding of Afghan institutions was assigned to individual states by mutual agreement in order to systematise the work through clear responsibilities. Germany was responsible for rebuilding the police force, the US for rebuilding the army, Italy for rebuilding the judiciary, the UK for combating drugs and Japan for demobilising, disarming and reintegrating former militias, in cooperation with the United Nations Assistance Mission in Afghanistan (UNAMA).

There were no standardised regulations on how the respective responsibilities should be implemented. Each of the lead nations implemented their tasks according to their own national understanding. This opened the door to misinterpretation from the outset, both on the part of the allies and the Afghan government.

The goals for rebuilding the Afghan security forces were based on the respective political and national framework set by the international forces, rather than on the needs on the ground or a realistic assessment of the process. The allies based themselves on their Western ideas vis-à-vis the security sector and showed too little strategic patience to reflect the Afghan context.²²⁸

The lead-nation approach undermined Afghan ownership by prioritising the various national interests of the donors, controlling the use of resources and setting the timetable autonomously.²²⁹ Overall, the resources deployed were not sufficient to fulfil the objectives set out in the Bonn communiqué.

227 See ibid.

See Report of the German Fact Finding Mission to Support the Reconstruction of the Police (January 2002), Status of Rebuilding the Police (22 November 2002). The report focuses on the quantitative deficits and does not go into the specifics of the former Afghan police, in: German Government (2002b).

See ibid.

²²⁸ See Schroeder et al. (2022).

²²⁹ See Nathan (2007), p. 61.

The planning was based on short-term political and security-related factors and took no account of potential changes in the region, such as an increase in insurgency and the activities of non-state armed groups, as well as the dynamics of the ongoing conflict.

In addition to the police and armed forces, the Afghan National Defence and Security Forces (ANDSF) also comprised other forces that were likewise trained by the Western community of states but these forces fall outside the scope of this study.

The Afghan National Army (ANA) was set up to combat the insurgency and fight the Taliban. Border security was transferred to the Afghan Border Police (ABP). Part of the ABP's training took place in the police training centres set up and supported by Germany.

The National Directorate of Security (NDS) was the Afghan domestic intelligence service, which carried out both intelligence and police tasks. Set up by the Central Intelligence Agency (CIA), it was supported financially and materially by other nations, including the UK and Germany.

The Afghan Local Police (ALP) was a paramilitary auxiliary police force initiated in 2010 by the International Security Assistance Force (ISAF). The ALP was to be formed by village communities in order to be able to defend themselves against insurgents. The ALP was subordinate to the Afghan Ministry of the Interior, was trained by special forces of the United States and the Afghan secret service, and was supplied with vehicles, radios and light weapons by the Ministry of the Interior. The area of operations was exclusively the respective village. Germany did not participate in the training of these militia-like units.

Both the Afghan Ministry of Defence and Ministry of Interior and the NDS had a large number of special forces under their responsibility, which were trained, equipped and, at times, supported by the troop-contributing nations of ISAF and later RSM (Resolute Support Mission).

4.1.3.2 Rebuilding the police (Afghan National Police – ANP)

At the request of the Afghan interim administration and the United Nations (UN), Germany took the lead role in rebuilding the Afghan police force and coordinated the international support. To this end, 28 donor countries and 11 multilateral organisations met at the Federal Foreign Office on 13 February 2002.

The German Police Project Office in Kabul was opened in April 2002. The German Police Project Office (GPPO) took on the task of advising the Afghan government and its police force on their reform and coordinating the contributions of the international partners.²³⁰ The German police programme in Afghanistan was designed for the long term and had a civilian police focus.²³¹

The German contribution initially focused on advising the Ministry of the Interior on fundamental organisational issues as well as on the rapid reconstruction and commissioning of the police academy in Kabul, the training of police officers, the training of 25,000 police officers from all provinces in an initial phase and equipment assistance.²³² The train-and-equip approach was based on German experience in the area of (criminal) police training and further training.

Support for reconstruction was caught between the conflicting priorities of Western ideas and the realities of operations for the Afghan forces, which were woven into the design of the curricula. However, the level of training achieved did not correspond to the actual operational realities of the civilian police officers, who all too often lost their health or even their lives under heavy fire at checkpoints.

The German side did not give due consideration to the urgent need for patrol officers. It was not until the ISAF expansion from the end of 2003 that the rebuilding of police in the regions was addressed, albeit only with minimal forces.

The German efforts to create a new professional civilian police leadership corps encountered major obstacles from the outset. The underfunded, long-term training programme was not able to train a sufficient number of police officers to meet immediate needs in a short space of time, despite the commitment and high motivation of

²³⁰ See Reference and Research Services of the German Bundestag (2010a), p. 8.

²³¹ See Jalali (2016), p. 8.

²³² See German Government (2010c).

the police trainees on the ground. Police officers had to be recruited, educated, deployed and trained all at the same time. The urgency to fill the ranks often reduced this process to a "recruit and deploy" exercise.²³³

Initially, there was frequently a lack of adequate weaponry, ammunition and equipment, especially vehicles, fuel and means of communication. Police officers' pay often started out being so low that it was not enough to feed a family. This paved the way for corruption and the involvement of police officers in criminal structures.²³⁴ When the US took over responsibility for training, standardised equipment was ensured from 2006. Appropriate pay was achieved through the United Nations-administered Law and Order Trust Fund for Afghanistan (LOTFA), to which Germany contributed on an ongoing basis from 2002.²³⁵ The Trust Fund provided programmes across the entire national justice chain to support an effective, comprehensive and accessible state rule of law.²³⁶

As security incidents increased in parts of the country from 2005 and the rapid need for police officers with robust skills became apparent, the German police project was overstretched with its top-down approach and low staffing levels.

As early as 2004, the US side noted a deterioration in the security situation in Afghanistan and what it saw as an ineffective implementation of the agreed division of labour in rebuilding the Afghan security forces. With the reignited insurgency in Afghanistan and the involvement of the ANP in counterinsurgency operations, the US Department of Defense took on the lead role in training the police in addition to its responsibility for training the army.²³⁷

This involved a paradigm shift from the civilian approach of the ANP under German leadership to a more paramilitary approach, when the US took over with a more robust police focus and significantly increased resources in terms of personnel and funding via security companies in the wider training programme. Training periods were significantly shortened and – compared to the standards set by Germany – significantly lower qualification levels were applied.²³⁸

The ANP was largely transformed into a paramilitary force that fought on the front line of the counterinsurgency until the very end. The police therefore became an instrument for counterinsurgency – and not for maintaining law and order.

It was only with the plans to hand over security responsibility to the Afghans that NATO shifted its focus away from counterinsurgency and more towards civilian police work.²³⁹ The deployment of police trainers was coordinated by the Combined Security Transition Command – Afghanistan (CSTC-A) in Kabul, which was set up in 2006 and provided standardised equipment ranging from clothing and weapons to major equipment. Everything followed US standards.

In 2006, CSTC-A had a total of 600 consultants available for the ANP. At that time, the German GPPO only had 40 experienced police officers from the federal and state police forces at its disposal. In response to the understaffing of the GPPO, the German police training programme was reinforced by 30 military police officers in April 2007. On 17 June 2007, on Germany's initiative, the GPPO handed over its lead role in international support for rebuilding the police to the new EU mission EUPOL AFGHANISTAN, headed by a former commander of the German Federal Police Special Forces (GSG 9).

The deployment of EUPOL AFG did not achieve the desired intention of using an EU mission to create a larger team for the key task of supporting the process of rebuilding the police. In addition to EUPOL, Germany also continued to provide bilateral police assistance via the German Police Project Team (GPPT).

From 2008, Germany set up the Afghan National Police Academy (ANPA) in Mazar-e Sharif and a Police Training Centre (PTC) in Kunduz and Faizabad respectively, where police trainees from the northern provinces were trained. The Project Implementation Unit (PIU) of the Deutsche Gesellschaft für Technische

²³³ See Jalali (2016), p. 8.

²³⁴ See ibid., p. 8.

²³⁵ See Friesendorf (2009), p. 11; see LOTFA website (United Nations – Multi-Partner Trust Fund Office – MPTF) (2023a).

See United Nations – Multi-Partner Trust Fund Office – MPTF (2023b).

See Special Inspector General for Afghanistan Reconstruction – SIGAR (2023b), p. 2.

lbid, p. 2: "ANP training ... the U.S. military reported that of Afghanistan's 34,000 'trained' police officers, only 3,900 had been through the basic 8-week course, while the remainder had attended a 2-week transition course."

²³⁹ See NATO (2012).

Zusammenarbeit [German Technical Development Agency] (GTZ)²⁴⁰ – financed by the Federal Foreign Office – was able to build further training centres and police headquarters. In coordination with the relevant Afghan ministries, the PIU developed a "literacy and catch-up basic education" programme for police officers, which was implemented in a growing number of provinces from 2009 onwards.²⁴¹

The GPPT target of 200 German police officers, including short-term trainers, was not reached until July 2010, eight years after the start of the Afghanistan mission. In 2007, the issue of German police assistance was discussed in the German Bundestag for the first time.

While the police rebuilding process was criticised in specialist German publications, the topic did not enter the public debate.²⁴² However, the German contribution was occasionally addressed.²⁴³

CSTC-A introduced the Focused District Development Programme (FDDP) at the end of 2007. After evaluating the security situation in a specific district, the Afghan police officers deployed there would be withdrawn and trained in one of the Police Training Centres (PTC) within eight weeks. During this time, they would be replaced by a unit of the Afghan National Civil Order Police (ANCOP).

After this training, the police officers would then return to their district, where they would receive follow-up support from international mentors and partners, the Police Mentor Teams (PMT) and Police Operational Mentoring and Liaison Teams (POMLT).

Between 2009 and 2011, the German police in the north also took part in the nationwide FDDP, which was coordinated with CSTC-A. Local police from each district were sent to the Afghan National Police Academy (ANPA) in Mazar-e Sharif for several weeks of training. In 2010, Germany provided ten PMTs with four police officers and four military police and five soldiers as a protection component. In addition to training and equipment assistance, the PMTs also boosted the ANP in the respective districts by improving infrastructure, particularly the construction of police stations.²⁴⁴

German participation was cancelled by the Federal Ministry of the Interior due to the deteriorating security situation. There was no interministerial consultation or coordination with ISAF. It was a wasted opportunity and, like so many other decisions, was detrimental in terms of Germany's reputation and trust among the Afghan partners.²⁴⁵

The closure of the Provincial Reconstruction Teams (PRTs) began in 2012 (see 6.1. Glossary) which is also when the training facilities started to be handed over to the Afghan police force. The PRT and PTC Faizabad were handed over in October 2012 and the PRT and PTC Kunduz in October 2013. Training continued at the Afghan National Police Academy (ANPA) in Mazar-e Sharif until June 2021, but with significantly fewer staff.

It is unclear what has become of the trained police officers since the Taliban finally took over power in August 2021. Their pay, which was ensured by the West via the LOTFA Trust Fund until the end, was stopped.

4.1.3.2.1 Interim review

"The process of rebuilding the police is run by people who do not know or understand the Afghan police system that they are working on and intend to change. Admittedly, however, the system adopted for the international community's various policy-building activities, which are either poorly coordinated or not at all, is also difficult to understand. Efforts to date to remedy this well-known shortcoming via an international coordination body have not proved successful, at least not yet." ²⁴⁶

This is how the situation was evaluated by Jan Hieber, who led the EUPOL team in northern Afghanistan in 2008/09.

²⁴⁰ Since 2011 "Deutsche Gesellschaft für Internationale Zusammenarbeit" [German Development Agency] (GIZ).

See Deutsche Gesellschaft für Internationale Zusammenarbeit – GIZ (2012b).

See Friesendorf (2009), p. 11 et seq.

See Frankfurter Allgemeine Zeitung (2009); see Die Zeit (2019); see Ulrich and Wiegrefe (2019).

See Friesendorf and Krempel (2010), p. 15.

See Jörg Vollmer, General (ret.), Commander RC NORTH 2009 and 2013/14, statement in Project Group 1 of the Study Commission (meeting on 18 September 2023).

²⁴⁶ Hieber (2009), p. 3.

There was no overall concept of how to rebuild the Afghan police force. The expectations of both the international community and Afghans were disappointed. The rebuilding of police forces in a dysfunctional state must take place top-down as well as bottom-up. This task was underestimated by Germany when it assumed responsibility at the Bonn Conference.

The agreed division of labour was relatively quickly undermined by differing national interests and police cultures, differing perceptions of the threat situation and a lack of strategic patience. There was a rudimentary amount of international coordination, but it ultimately proved ineffective due to a lack of commitment. The process of rebuilding the police was not based on the actual situation on the ground and was not designed to strengthen Afghan ownership.

The respective national commitments in the form of personnel and funds remained national sovereignty. There was no authority issuing instructions and no binding guidelines for everyone, which would have been seen as encroaching on national responsibility. Irrespective of this, the task of providing standardised equipment had been assumed by the US, with coordination ensured by CSTC-A, since 2006. The organisation and implementation of training in the facilities built and operated by Germany in Mazar-e Sharif, Kunduz and Faizabad fell under national responsibility.

Overlapping activities between the areas and the necessary integrated reforms were not sufficiently coordinated. Successful police reform must be closely coordinated with judicial and defence reform, drug control and the demobilisation, disarmament and reintegration (DDR) of former combatants.²⁴⁷ The various DDR programmes launched in Afghanistan have only achieved their intended effects to a limited extent.²⁴⁸

The lack of understanding of the local context became an obstacle to effective police action. There was a failure to conduct a systematic investigation to determine whether ethnic composition had an impact on police performance. In the ANP, ethnic inequalities and tensions dominated in all rank categories. In 2003, for example, 12 of the 15 police stations in Kabul were run by Panjshiri Tajiks. Ethnic and tribal imbalances fuelled "strong tensions and hostilities" across the country and undermined the authority of the central government and trust in the police.²⁴⁹

The number of women in the police force was very low, even though it should be counted as a success that they were able to become policewomen at all. Although structures were planned to increase the number of female recruits, such reforms were not actively promoted by the Afghan Ministry of the Interior or at local level. Sexualised violence against policewomen within police structures was widespread.²⁵⁰

The importance of female police officers for trust in the state and the security of all people must be taken into account when developing police structures. Afghanistan had, and still has, one of the highest rates of violence against women in the world. At the same time, it is seen as a taboo in society. Social norms often prevent Afghan women from contacting police officers in emergencies and reporting acts of violence against them. More policewomen mean more opportunities for women to protect themselves against this violence and gain better access to justice.

Training and building an effective ANP proved to be challenging under the political circumstances. Local rulers, some of whom had a history of human rights violations or drug trafficking, were appointed as police commanders. Political decisions to reintegrate "demobilised" former party fighters into the police further undermined the development of the ANP.

In most cases, former party commanders who were appointed to the police (or took command) filled their posts with their unqualified supporters and corrupt allies. The dominance of local loyalty and links to corrupt networks, together with poor training and low pay, contributed to endemic corruption in the police force. There was a lack of ethical behaviour in the civil service and administrative structures, which are required to contribute to the promotion of professionalism and accountability.²⁵¹

²⁵¹ See Jalali (2016), p. 8; see Special Inspector General for Afghanistan Reconstruction – SIGAR (2023b), p. 64.

See Friesendorf and Krempel (2010), p. 9.

See DDR programmes: Afghanistan New Beginning Programme 2003-05, Disbandment of Illegal Armed Groups from 2005, in parallel to the Tahkim Sulh/Strengthening Peace Programme 2005-10 and the Afghanistan Peace and Reconstruction Programme 2010-16

²⁴⁹ Special Inspector General for Afghanistan Reconstruction – SIGAR (2023b), p. 62.

⁵⁰ See Hancock (2013), p. 21.

The fact that Germany was offered the lead role was thanks to the constructive police cooperation before the war, i.e. before the invasion of the Soviet army in 1979 and the subsequent civil war from 1989, a sign of trust and, in fact, a special opportunity. Widespread corruption in the Afghan police undermined acceptance among the population and the opportunity for effective security sector reform was further jeopardised by under-equipping and under-resourcing.

The level of commitment was too low from start to finish. Although formally responsible, Germany did not assume any effective multinational coordination for Afghanistan as a whole. This task was removed from Germany by the US and transferred to CSTC-A.

Even in the north in Regional Command North (RC-N) and later in Train Advise Assist Command-North (TAAC-N), Germany only assumed this coordinating role for the provinces in which German PRTs were stationed. There was no coordination with the Norwegian, Swedish, Turkish and Hungarian PRTs.

A functioning police force has a crucial significance and responsibility for the long-term stabilisation of a country like Afghanistan after 2001. The police component was almost never discussed during the annual mandate consultations for the deployment of the Bundeswehr.

The police component as part of the comprehensive approach, as well as the diplomatic, military and development policy components, must be regularly taken into account as part of parliamentary monitoring and oversight.

4.1.3.3 Rebuilding the army (Afghan National Army – ANA)

The Afghan security forces had to be completely reorganised. Preliminary plans by the US, which began training and equipping the first Afghan service personnel in May 2002, were initially based on an Afghan National Army (ANA) troop size of around 65,000.²⁵² The aim in the initial phase was to relieve its own forces as quickly as possible. Training and deployment were based on US principles, as the US had assumed the lead role for the training, material equipment and deployment of the ANA. In the initial phase, this was still based on existing Soviet material. To ensure that the desired number of personnel could be deployed within a short space of time, the US made sure that personnel were fully equipped with US material.

With the start of the war in Iraq in 2003, the US shifted its focus and training was carried out by units of the US National Guard. There was initially no increase in the international forces, which also meant no further support in training and, in particular, in accompanying the Afghan forces in combat.

The Afghan security forces were dependent on international aid from the very beginning. The US government, by far the largest donor, set up the national "Afghan Security Forces Fund" (ASFF) in 2005. NATO followed suit in 2007 with the "Afghan National Army (ANA) Trust Fund". Germany has been the largest contributor since 2009.²⁵³

Of the total costs of building up the Afghan security forces, i.e. including the army and police, totalling around 90 billion US dollars over twenty years, the US has borne the greatest share. During this period, the United States handed over more than 600,000 hand-held weapons, 300 aircraft, 80,000 vehicles, radios, night-vision devices and biometric systems to the Afghan security forces. This support accounted for more than 60 per cent of total US aid to Afghanistan.²⁵⁴ From pay and barracks to equipment and maintenance, the US financed everything.

It was not until later that activities started to also focus on creating capacities beyond infantry capabilities, such as logistics, leadership and operational and combat support.²⁵⁵

The Afghan armed forces were organised, structured and equipped as a US-style force, with a focus on special forces and close air support. 256

The material equipment of the Afghan security forces was provided exclusively by the United States, including the supply of ammunition and spare parts. Until the end, the Afghan forces had no inventory overviews of what had been delivered and in what volumes, or where it had been stored and in what volumes.²⁵⁷

See German Government (2014d), p. 62.

²⁵² See Kargar (2016), p. 180.

See Special Inspector General for Afghanistan Reconstruction – SIGAR (2023b), p. 1.

²⁵⁵ See Cordesman (2019), p. 35.

²⁵⁶ See Special Inspector General for Afghanistan Reconstruction – SIGAR (2023b), p. 2.

See ibid., p. 14 et seq.

In 2006, the US set up the Combined Security Transition Command – Afghanistan (CSTC-A), with responsibility for training, advising, supporting and equipping all Afghan security forces. In contrast, the NATO Training Mission – Afghanistan (NTM-A), established in 2009, was responsible for the organisation and training of high-ranking staff and in schools. German servicemen and women were also deployed in both entities, and, in the final phase of RSM, they also had lead responsibility in the NTM-A.

The ANDSF were trained at various armed forces and police training facilities. The training facilities required for this were set up by the ISAF nations, especially in terms of infrastructure, and operated over a long period of time. The handover to Afghan responsibility took place gradually from 2012, when the withdrawal from the area began.

The training under the direction of the Afghan National Army Training Command (ANATC), which was commissioned in July 2006, provided for basic training by Afghan military instructors. The US armed forces took over the advanced training. The UK and France led the training of trainee officers in Kabul.

The Afghan security forces were largely dependent on US supplies for equipment assistance. Most of the other allies, including Germany, stayed out of this task. Although this was very beneficial for standardised training and logistics, it did not always correspond to the actual capabilities and requirements of the armed forces and police, who were therefore often overstretched in performing this work.

Without the maintenance and repair personnel (contractors) provided by the US, the Afghan security forces only had limited – or insufficient – capabilities to autonomously handle their major equipment. In the end, ANA was only able to maintain 20 per cent of its land vehicles using its own expertise. Barnett Rubin told the Commission that the US

"equipped the Afghan forces with weapons systems that were interoperable with those of NATO (although Soviet- and Russian-designed weapons had been used in Afghanistan since the 1950s) and with sophisticated intelligence, surveillance and reconnaissance systems that had to be operated by combat troops who could not even read the manuals for this equipment, if they could read at all."

The Afghan army was supported by Western forces. Success in engagements was largely due to Western support, especially with special forces and air power.

The Afghan army was deployed exclusively within the country to fight the Taliban. As a rule, units of the police (ANP), the border police (ABP) and the security service (NDS) were also always involved in operations. In rare cases, local militias were also involved. In critical situations, the special units were often the decision-makers.

The missions were heavily dependent on close air support. This was carried out by the US, in some cases also by other coalition forces. The Afghan Air Force (AAF) took a long time to build up and this work was not completed by the time Western troops withdrew. Close air support was essential for the survival of the ANDSF under attack.

The armed forces were being built up at the same time as being permanently deployed. That said, the Western forces initially bore the brunt of the fighting in the south and east. The decisions to withdraw Western troops followed the respective national agendas. The formal handover of security responsibility to the Afghan security forces in the first of 34 provinces from 2012 and for Afghanistan as a whole in 2013 was based on political decisions and not the actual security situation on the ground.

Until the end, the Afghan National Army could only exist within a support structure of external aid. The US only had 2,500 service personnel in the country in 2021, yet the US Department of Defense alone paid more than 18,000 "contractors" for military services, to keep the ANA functioning – especially the air force.

This did not contribute to increasing Afghan ownership. It can be assumed that the "contractors" – who provided a large share of the support on the ground throughout, especially recently – were not integrated into a comprehensive approach to security sector reform. They were not under the same control as national troops.

The air component was not only crucial for combat missions – operational logistics also depended on it. Supplies on the ground were becoming increasingly unfeasible, as convoys were subjected to constant attacks and roads

²⁵⁸ See ibid., p. 2.

²⁵⁹ Rubin (2023), p. 4.

were being blown up. The 2,200 km long "ring road", a ring-shaped network of trunk roads that connects many of Afghanistan's largest cities in particular, was firmly in the hands of the Taliban as of 2019.

4.1.3.3.1 A brief overview of the counterinsurgency concept (COIN)

From 2006 onwards, the ISAF mission was increasingly confronted with guerrilla warfare, typically involving terrorist attacks, ambushes and infantry battles by the Taliban, often in the midst of the population. This was countered by Western security forces with state-of-the-art equipment and Afghan security forces who were increasingly equipped to the same level. It was not possible to permanently dismantle the Taliban network. Parallel structures were increasingly established, initially in the Pashtun-dominated south and east of the country, and from 2008 also in the non-Pashtun-dominated west and north. "Shadow" governors, Sharia jurisdiction and tribal law undermined the process of building civil and constitutional structures.

The counterinsurgency concept (COIN) pursued the goal of isolating an insurgency movement from the population and winning the "hearts and minds" of the population. In the "Shape – Clear – Hold – Build" phases, military forces initially intended to establish security and then hand over the maintenance of security and state order to the police forces, thus creating the necessary conditions for long-term economic development.

The concept was developed under the leadership of US generals David H. Petraeus and James F. Amos based on their experiences in the Iraq War in 2006, and was published as a counterinsurgency manual entitled "Field Manual (FM) 3-24 Counterinsurgency", which was applied in Iraq from early 2007 and in Afghanistan from 2009. It was initially controversial in Germany because of its title, but was nevertheless implemented locally by the troops as part of the "partnering"" programme.

The main problem over the years was that the army did not go on the offensive, as the ANA's conventional infrastructure remained limited due to constant combat operations, high level of losses and equally high absenteeism rates. The national army, which was organised into seven corps and a capital division, was unable to secure and hold the areas that had been fought for. Special forces and the air force travelled throughout the country as a fire service to crush the Taliban attacks, but without any lasting effect.

This was symbolised by the approximately 10,000 ANA checkpoints throughout the country. These posts were staffed by 10 to 20 service personnel, without leadership by an officer on site and without logistical support, so they were of no military value.

The COIN concept has to be carefully thought out based on the ultimate goals and then implemented. If there is clarity about what is to be built and how, it is possible to work out what forces are required for the police and judiciary to protect the rule of law and how. These forces have to be trained, equipped and ready for action in sufficient numbers. And that takes time.

Until this is achieved, the earlier military engagement risks being in vain. There was no interministerial coordination in Germany. The COIN concept, with its transition from military tasks (clear) to police tasks (hold) requires a forward-looking understanding of the forces and resources needed.

When the German commander of Regional Command North (RC-N) recommended a training offensive in 2009 to strengthen the extremely weak police force in Kunduz province, this realistic proposal was rejected by the politicians in Berlin. As a result, the success achieved by the armed forces (clear) fizzled out, as there were insufficient forces available to comprehensively secure (hold) the province.

Irrespective of these errors in implementation, the COIN concept was not a suitable approach for Afghanistan from the outset. The basic assumption of the supported government's legitimacy did not correspond to reality.²⁶⁰ Furthermore, COIN ignores the importance of factors such as social identity and religious group identities by assuming that "hearts and minds" can be won over through good governance and security alone.²⁶¹

Some NGOs also expressed reservations about the COIN strategy. For example, VENRO, the umbrella organisation of development and humanitarian non-governmental organisations in Germany, feared that

²⁶⁰ See Rudolf (2011), p. 11.

²⁶¹ See Fitzsimmons (2008), p. 1; Rudolf (2011), pp. 8 and 15.

development cooperation and reconstruction aid in Afghanistan²⁶² would become subordinate to the goals of military counterinsurgency (see section 4.2.5.3.3.3).²⁶³

4.1.3.3.2 Task of the Bundeswehr

In the initial phase, the Bundeswehr was first deployed in Kabul and supported training there. The German contribution to rebuilding the ANDSF began with joint patrols by German service personnel with Afghan police officers and their six-day short training programme plus a mobile training team of the Bundeswehr as training assistance for the ANA (telecommunications, vehicles, medical training). A concept for stepping up the training assistance was in preparation.

Within the scope of its capabilities and area of responsibility, the Bundeswehr supported the requirements of ISAF and the United States, via the ANA Logistics School in Kabul and the Engineer School in Mazar-e Sharif.

Together with France, the Bundeswehr supported the expansion of the school for drivers and mechanics in Kabul into a logistics school. Germany took the lead with its German Armed Forces Technical Advisory Group (GAFTAG). The new school began training specialist personnel in July 2009. In Mazar-e Sharif, the Bundeswehr was instrumental in establishing the ANA's Engineer School, by not only supplying instructors but also building the infrastructure.

With both schools, the Bundeswehr supported the urgently needed, autonomous capabilities of the ANA and, in turn, the continuation of this key area in the long term.

Following the expansion of the ISAF, the Bundeswehr was deployed exclusively in the nine northern provinces; under the leadership of RC North from 1 June 2006 and the Train Advise Assist Command (TAAC) North/Resolute Support Mission (RSM) from 1 August 2014. As the "lead nation", Germany therefore assumed responsibility for the nine provinces in northern Afghanistan, covering an area of 162,000 square kilometres.

In 2006, the internationally coordinated concept of Operational Mentoring and Liaison Teams was developed, which were to train the ANA at platoon, company, battalion and brigade level and then accompany and advise them during operations. The Bundeswehr assumed responsibility for the deployment of OMLTs in the northern region and commissioned its first OMLT in Kunduz in August 2006.

The gradually worsening threat situation was insufficiently recognised by politicians and the public in Germany. It was only after the significant increase in complex attacks and intense firefights that the rules of engagement for the German contingent were changed in 2009 to take account of the increasing lethal threat.

In August 2010, the QRF (Quick Reaction Force) unit in the north was disbanded and transformed into two training and protection battalions (ASB), one in Kunduz and one in Mazar-e Sharif, with each battalion consisting of around 1,200 German servicemen and women. These battalions were deployed together with the Afghan troops and, in certain priority areas, remained on the ground for weeks together with their Afghan comrades (partnering concept).

Close air support also played a key role here, with the US, the UK and France, among others, providing the necessary resources.

The Bundeswehr was deployed within the framework of NATO. The German engagement was coordinated at the respective levels and translated into national orders. The rules of engagement, which are binding for the German armed forces, were drawn up and implemented at national level. They determined how to act in specific situations. The rules of engagement were adjusted when necessary, but often with a time delay and only after pressure from the operations side. The rules for the use of military force, for example, were initially restrictive for the Bundeswehr in Afghanistan. They were not adapted to the actual development of the threat situation until 2009.

The partnering concept has been fundamental to building trust and credibility. However, it requires an increased willingness to take risks on the part of the troops and leadership. After the closure of the PRTs and with the change from ISAF to RSM, training under the German area of responsibility was limited exclusively to the headquarters of the 209th ANA Corps, the headquarters of the ANP and ABP and the Engineer School in Mazar-

²⁶² See Rudolf (2011), p. 15.

²⁶³ See VENRO Association for Development Policy and Humanitarian Aid (2009).

e Sharif. At a later stage, the headquarters of the 217th ANA Corps was also supported in Kunduz – at first sporadically but subsequently on a permanent basis – to which the instructors were transported exclusively by helicopter.

It is essential to be able to monitor and evaluate the success of the training programme. Withdrawal from the area should therefore only take place when security responsibility can be reliably assumed by the local security forces. This was not the case in Afghanistan in 2012 and the following years.

It was no longer possible to monitor how the process of advising ("mentoring") the higher-ranking headquarters was being implemented by the Afghan security forces at lower-ranking levels. There was suddenly no means of sensing the security situation. The Taliban's growth and influence grew, paving the way for the rapid conquest of all provinces in early summer 2021.

4.1.3.3.3 A brief overview of the training and preparation of Bundeswehr servicemen and women

The servicemen and women who arrived in Kabul in January 2002 were only to a limited extent prepared for their tasks. There were only a few days between the political decision to deploy them and their actual departure.

With each successive contingent, the troops became better prepared. The training programme followed a multistage concept: acquisition of the necessary individual qualifications, including local knowledge, and training within the unit, taking into account the experience gained in parallel by the outgoing contingent on the ground. The preparation lasted up to a year and always included guidance trips to Afghanistan in order to integrate the experiences of the outgoing personnel into the training programme.

The challenge was to merge the service personnel in Germany at an early stage, as the contingents were made up of a large number of different units from different branches of the armed forces.

Wherever possible, training of own personnel has to take place across all ministries. Intercultural mission advisors play a key role in preparation and implementation on the ground.

From 2010, the final training of the staff of Regional Command North and the Provincial Reconstruction Teams took place under the direction of the Joint Force Training Centre (JFTC) in Bydgoszcz, Poland, with the participation of the other nations and, whenever possible, representatives of the other ministries. Afghan security forces were always integrated in Bydgoszcz.

4.1.3.3.4 Corruption and ANDSF

The governors and police commanders appointed by President Karzai and, from 2014, by President Ghani were often their confidantes, who were not appointed primarily on the basis of their qualifications. Some of them were corrupt, ineffective and acted arbitrarily, including to the benefit of their own families, and enjoyed little support among the local population.

The temporary full-scale flooding of the country with reconstruction funds – far beyond all absorption capacities and concrete needs – contributed significantly to the excessive level of corruption. ²⁶⁴

The legitimacy of the ANDSF was based on the legitimacy of the government, and therefore on both the political recognition by the population and the effectiveness of government action. This also includes the ability to exercise its monopoly on the use of force, for example by ensuring the security of citizens. The legitimacy of the Afghan government has repeatedly suffered from a lack of structural capacity, particularly at regional and local level. This left room for local players to build up their own power, which was used to create networks and shape institutions in their favour without regard for human rights and the rule of law.²⁶⁵

The lack of stable state structures and a consolidated political centre is the reason for the failure of external attempts to establish functioning armed forces in other states. The less stable a state's political centre is, the less successful the support from external players will be to strengthen that state's security forces. Conversely, the more stable the centre, the more promising the process of building up the security forces.²⁶⁶

²⁶⁴ See Whitlock (2021), chapters 13, 15.

²⁶⁵ See Jalali (2016), p. 8.

²⁶⁶ See Münch (2022), p. 3.

The influence of Afghan politicians, senior government officials and other powerful players such as warlords in matters of promotion within the armed forces undermined the professional effectiveness of the army and police as well as the morale and motivation of the security forces to fight. They had no police experience or training and acted in their own "right". ²⁶⁷ This encouraged corruption. Officers and commanders who were inadequately qualified for their positions were regularly given positions that were intended to maintain personal political power structures. They pursued their own interests and postponed key strategic decisions for successfully fighting the Taliban.

Corruption, a lack of public administration structures and the instrumentalisation of the ANP to maintain local power structures made it difficult to deploy police forces effectively on the ground.²⁶⁸

It was known from the outset that corruption existed and encompassed all areas and levels, but it was tolerated and was not tackled in a consistent or sustainable way by the Western community of states – and in some cases it was even unintentionally encouraged. This has permanently damaged the reputation of Western players in Afghanistan.

The fight against corruption must form part of the comprehensive structural strengthening of the national security forces. This requires a whole-of-government approach, as endemic corruption undermines the reputation of the legislative and executive powers.

4.1.3.4 Assessments and lessons

- Once the abstract mandate objectives have been set, it is necessary to define the goal to be achieved as quickly as possible for each ministry, based on a sound understanding of the context and conflict. This requires a national standardised and interministerial goal. What does Germany want to achieve while respecting Afghan ownership and within the scope of international coordination? What are German interests?
- Based on this, the steps for achieving this goal must then be defined, setting a time frame and defined interim goals that must be openly evaluated on a regular basis. The responsibilities of the various ministries must also be defined and jointly agreed in this document.
- Objectives can only be effective if they are adapted to the security and cultural circumstances. Regular evaluation of objectives with regard to the dynamics of ongoing conflicts must form part of strategic planning. A corresponding degree of flexibility is required in the setting of objectives.
- Effective international cooperation, as encouraged and promoted in the Afghan security sector reform, must be based on a common understanding of security and standards, Afghan leadership of the process, sufficient resources for building security structures, including civilian capacities, and a regional approach that takes context-specific needs and circumstances into account.
- The process of rebuilding the Afghan security forces began without any existing armed force structures. Almost from the beginning, the Afghan forces were in combat; under the continued leadership of the US with its operational principles, structures and weapon systems that were not geared to Afghan requirements. The main task should have been to support the structural rebuilding of Afghan security forces in such a way that the civil society process would have been secured, protected and consolidated in a self-sustaining manner. A self-sustaining process in the sense of Afghan ownership was therefore neglected in the process of building up the armed forces.²⁶⁹
- National interests will always influence the organisation of an international mission. It is therefore in Germany's interest to participate in the bodies of international organisations such as the UN, NATO and the EU. In order to avoid national unilateral action, a common objective based on national ownership therefore has to be explicitly established.
- Instructions for the mission in Afghanistan were issued in parallel in the respective German ministries and were not coordinated. There was a lack of binding interministerial coordination to decide on common goals

²⁶⁷ See Reference and Research Services of the German Bundestag (2010a), p. 7.

See Schroeder et al. (2022).

See Dr. Holger Bahle(2021). Retired Colonel, 2007 Service in the US CsTC-A.

and implement the resulting measures in a consensual manner. This must be bindingly regulated for future assignments.

- The rebuilding of foreign armed forces requires time, sustainable operational motivation for the security forces to be built up and social support. The German service personnel and police officers contributed significantly to the training of Afghan security forces as part of their mission, at great expense and sometimes with considerable operational risk, for which they deserve recognition and appreciation from politicians and society alike, whose interests they represented in Afghanistan. However, the overarching goal of building up a legitimate and efficient army and police force was not achieved. The building, equipping and training of armed forces requires a long-term plan with defined interim goals that must be constantly evaluated. Further decisions may only be based on the goals achieved in NATO parlance, not "time-based" but "condition-based".
- Own personnel must be trained wherever possible across all ministries. Intercultural mission advisors play a key role in preparation and implementation on the ground.
- The importance of female police officers for trust in the state and the security of all people must be taken into account when developing police structures. Afghanistan had, and still has, one of the highest rates of violence against women in the world. At the same time, it is seen as a taboo in society. Social norms often prevent Afghan women from contacting police officers in emergencies and reporting acts of violence against them. More policewomen mean more opportunities for women to protect themselves against this violence and gain better access to justice.
- A functioning police force has a crucial significance and responsibility for the long-term stabilisation of a country like Afghanistan after 2001. The police component was almost never discussed during the annual mandate consultations for the deployment of the Bundeswehr.
- The police component as part of the comprehensive approach, as well as the diplomatic, military and development policy components, must be regularly taken into account as part of parliamentary monitoring and oversight.
- If the COIN concept is suitable for use, it has to be carefully thought out based on the ultimate goals and then implemented. If there is clarity about what is to be built and how, it is possible to work out what forces are required for the police and judiciary to protect the rule of law and how. These forces have to be trained, equipped and ready for action in sufficient numbers. And that takes time. Until this is achieved, the above military engagement risks being in vain.
- The lack of stable state structures and a consolidated political centre is the reason for the failure of external attempts to establish functioning armed forces in other states. The less stable a state's political centre is, the less successful the support from external players will be to strengthen that state's security forces. Conversely, the more stable the centre, the more promising the process of building up the security forces.
- Corruption, a lack of public administrative structures and the instrumentalisation of the national security forces to maintain local power structures were known from the outset. They were tolerated and not rigorously tackled by the Western community. This has permanently damaged the reputation of Western players in Afghanistan.
- The fight against corruption must form part of the comprehensive structural strengthening of the security forces to be rebuilt. This requires a whole-of-government approach, as endemic corruption undermines the reputation of the legislative and executive powers.
- The process of establishing state security structures in Afghanistan required time and trust, both in Kabul and among the population throughout the country. No allowance was made for this time component because the requirements were underestimated and decisions were made during implementation without involving the Afghan government and, above all, the population. The establishment of the PRTs and implementation of the FDDP are two examples that were implemented promisingly, in consensus with the local leadership structures and with the approval of the population in the provinces, but they were discontinued on the basis of non-Afghan decisions. They are examples of how trust was lost among Afghan partners. In future, commitments and the associated implementation must always be considered on the basis of what ultimately has to be achieved. Expectations can only be raised if we are also prepared to fulfil or realise them.

4.1.4 Afghanistan mission and parliamentary participation

4.1.4.1 Procedure for parliamentary participation

In its ruling of 12 July 1994, the Federal Constitutional Court reaffirmed the categorisation of the Bundeswehr as a "parliamentary army", which is laid down in the Basic Law with the special status of the Defence Committee and the Parliamentary Commissioner for the Armed Forces as an auxiliary body of Parliament. According to Section 24(2) of the Basic Law, Germany may enter into a system of mutual collective security and assume the corresponding obligations such as "out of area" military operations, i.e. outside its own national and alliance borders. Since the legal clarification, deployments of German armed forces outside the territory of the Alliance have required the constitutive consent of the German Bundestag. The Parliamentary Participation Act of 18 March 2005 specified the procedure for parliamentary participation.²⁷⁰ According to Section 2(1) of the Act, a deployment of armed forces exists if servicemen and women of the Bundeswehr are – or are expected to be – involved in armed operations. Humanitarian aid missions are not usually included. Under the Act, the German Government's motion to the Bundestag must include the operational mission, the mission area, the legal basis, the maximum number of service personnel to be deployed and the capabilities of the armed forces to be deployed, the planned duration, the expected costs and the financing. The Bundestag cannot amend the motion. It can only agree to it or reject it – and also support it with policy decisions.

The German Bundestag always votes on mandates by roll call, so that the individual voting behaviour of all Bundestag members is publicly documented.

As a co-mandator for missions abroad, the German Bundestag has a more far-reaching right of co-determination than almost any other parliament.

4.1.4.2 First mandate decisions (OEF and ISAF) and follow-up mission Resolute Support

The political decision-making process for participation in a multinational crisis operation takes place between states in the complex multi-level system of the UN, NATO and the EU, and within Germany through coordination within the German Government and in the parliamentary consultation process. Public opinion also influences political decision-making on missions abroad.

The German Government's intention to participate in the counter-terrorism operation Enduring Freedom (OEF) with a partial contingent for Afghanistan posed particular challenges for parliamentary participation: there was an enormous amount of pressure to act, given the solidarity expressed towards the US and the assessment that the terrorist threat remained unpredictable. At the same time, assessments of the situation and possible courses of action in the huge operational area were highly confusing, and, to a large extent, even unknown. Briefings by the German Government and independent consultations with the parliamentary groups provided a rough overview, but basically did little to change the uncertainty surrounding the deployment of the Bundeswehr contingent. The planned Afghanistan mission was highly controversial in the media, especially among supporters of the coalition parties. A few months before the lists were drawn up for the next general election, a number of Bundestag members were under considerable pressure.²⁷¹

Parliamentary deliberations focused on the legitimacy and containment of military force, rather than on requests for the situation and threat to be analysed as precisely as possible and for focus to be placed on effectiveness. The Bundestag's mandate decision on OEF was closer than any other mandate to date, with 336 votes in favour and 326 against. A break-up of the red-green coalition was only narrowly prevented. The coalition overcame the "own majority" hurdle created by the vote of confidence called by the Chancellor himself for several reasons: the Taliban system in Afghanistan collapsed faster than expected. An accompanying motion for a resolution by the red-green coalition on a comprehensive fight against terrorism and a declaration on record by Foreign Minister Fischer on the containment of the mission area signalled distance from a military "war on terror" that was feared by parts of Parliament. Without the pressure of the Chancellor's vote of confidence, there would in

See German Bundestag (2005).

²⁷¹ See Nachtwei (2011b).

all probability not have been a coalition majority in favour of the OEF proposal.²⁷² However, votes from the CDU/CSU and FDP, who supported the content of the mission, could have more than compensated for this.

A total of 94 Bundestag members made individual explanations of voting choices, 67 of them from the SPD, 22 from the Greens and 4 from the CDU/CSU – a sign of how controversial the decision was among members from the coalition parties.²⁷³

The decision on German participation in the UN-mandated ISAF force – which, according to the Bonn Agreement, was to secure the rebuilding of "permanent state institutions"²⁷⁴ after the fall of the Taliban – met with a different response: 536 Bundestag members voted in favour of the ISAF mandate, 35 voted against and 8 abstained. The parliamentary deliberations took place within two days with little controversy and relatively little deliberation. Both the Federal Chancellor and the Foreign Minister emphasised that the mandate was "limited in terms of tasks, location and time". Recommendations derived from the lessons learned from previous missions by the German peacekeeping expert, Winrich Kühne, for the "undoubtedly largest and most difficult" peacekeeping mission to date were noticeably ignored.

On 18 December 2014, 13 years after the start of the German mission in Afghanistan, the Bundestag voted in favour of German participation in the NATO-led Resolute Support advisory mission with 472 votes in favour, 102 against and 18 abstentions. Many people with operational experience had already warned against a fixed-deadline ISAF withdrawal without considering the ability of the Afghan government to take over, which the Taliban simply had to wait for.

The growing Afghanistan fatigue in the Bundestag was unmistakable – and explainable, given developments in the Afghanistan mission and more recent competing crises. The debate scarcely featured in the media. The tendency to look less closely continued in the Bundestag, as no attention was paid to the fact that, in the year of ISAF's withdrawal, there were more civilian victims and more operational forces , (over 5,000 police officers and service personnel) killed than at any time since 2002. In the southern province of Helmand alone, 1,300 people were killed between June and November 2014. The question remained unanswered as to whether the 100 or so military advisors envisaged for the top level of the ANA in the entire northern region without any partnering made any sense at all or whether they merely entailed gesture politics.²⁷⁷

4.1.4.3 Parliamentary monitoring and oversight of operations

Parliamentary involvement in missions abroad does not end with the mandate decision, but continues with monitoring and ongoing oversight of missions and further decisions on the extension and amendment of mandates.

²⁷² See Fried (2011), p. 6.

²⁷³ See German Bundestag (2001d), p. 19891, 19898 et seq.

²⁷⁴ Bonn Conference (2001), p. 1.

²⁷⁵ German Bundestag (2001f), p. 20823.

²⁷⁶ Kühne (2001), p. 1.

²⁷⁷ See Nachtwei (2011d).

4.1.4.3.1 Briefings by the German Government

Briefings by the German Government are a prerequisite for the parliamentary control of deployments. Since 1991, these briefings have been provided in written form in the weekly parliamentary briefings on all deployments, and orally in the Defence Committee (extensively), the lead Committee on Foreign Affairs and the Committee on Economic Cooperation and Development (less frequently and comprehensively), and in the Home Affairs Committee (exceptionally). The opposition parties in particular made active use of the instrument of major and minor interpellations to obtain in-depth information from the German Government. In the area of stateand government-building, for example, parliamentary groups in the Bundestag submitted three minor interpellations on the rule of law and human rights in Afghanistan in 2008 and another in 2010. Major interpellations were limited to reconstruction as a whole (2007) and German support for rebuilding the police in Afghanistan (2010). According to parliamentarians, these extensive official government briefings were useful, but not sufficient for a comprehensive and realistic picture of the situation.²⁷⁸ Some Bundestag members considered the frequent classifications of government reports and documents to be too extensive and an obstacle to creating transparency. Information on the security situation was only provided on an event-by-event basis, focusing on the German area of responsibility; nationwide priorities and trends were not reported in the first decade of operations. The criterion of "security incidents", such as exchanges of fire/combat, explosive attacks and indirect fire, was primarily used to describe the security situation of ISAF's own forces and not the "secure environment", which was ISAF's core mission. A realistic picture of the situation was not available to Bundestag members for long stretches.²⁷⁹ The group coordinators of the Foreign Affairs and Defence Committees were regularly informed retrospectively about the KSK's secret missions as part of OEF and ISAF. This was a far cry from parliamentary oversight.

4.1.4.3.2 Own research

It was up to the parliamentary groups and individual Bundestag members to expand on, verify and scrutinise the official information. In addition to questioning in the committees and parliamentary interpellations, this was achieved through independent research, use of networks, consultations with experts, discussions with deployment returnees and visits to Afghanistan.

Visits by Bundestag representatives, often as part of ministerial delegations, were important in order to get closer to operational realities. Visits to the mission area could reap a significant amount of information, provided that the programme of visits and meetings was varied, the operational forces spoke plainly and visitors were well prepared and interested, listened and asked questions. Respect was shown for these particularly committed people under adverse circumstances during their interactions with military and civilian forces as well as with Afghans from civil society. The value of visits by Bundestag representatives became questionable when progress was only feigned through the careful organisation of visits, 280 or when visitors only wanted to have their opinions confirmed or thought they had gained an overview of the overall situation within the short span of their visits. When representatives asked a commander to explain why German servicemen and women were in Afghanistan, doubts were raised about the attitude of members of Parliament responsible for approving the mandate.²⁸¹ Further shortcomings of these visits were that they were almost exclusively for the Bundeswehr contingent, less so for development cooperation and only occasionally for police advisors, that Afghan dialogue partners mostly came from reform circles and not from the rural population, and that it was no longer possible to get out of the field camps as the security situation deteriorated. Where schools and development projects were visited, there were always encouraging interactions and insights. However, as there was no civilian view of the situation, for example for an entire province, beyond projects and programmes, it was impossible to tell whether the individual projects were drops in the ocean or part of a "cooling flow of water". While the group coordinators of the parliamentary groups on the Defence Committee visited the Bundeswehr's mission area on average once a year in the first

See Statements by members of the coalition and opposition: von Krause (2011), p. 186 et seq.

²⁷⁹ See Nachtwei (2009); summaries of the UNAMA civilian victim reports (with additions by SIGAR and others), in: Nachtwei (2019a)

See Reinhold Robbe: During announced visits, the visitors were "always presented a falsified and staged picture of the Bundeswehr from A to Z", in: Robbe (2023), p. 4.

²⁸¹ See Buske (2015), p. 64.

decade,²⁸² there was no visit to Afghanistan by the Committee on Internal Affairs until the end of 2008. A delegation from the Development Committee visited the country for the first time in 2010.

4.1.4.3.3 Early warnings from the mission area

At the beginning of 2006, the Senlis Council published a study on "The Return of the Taliban" in southern Afghanistan.²⁸³ With the expansion of ISAF to the south, UK, Canadian, Dutch and US contingents were now confronted with a vast insurgency movement, and were embroiled in years of high-casualty counterinsurgency operations from then onwards, particularly in the provinces of Helmand and Kandahar, involving many thousands of servicemen and women.

Since 2006, the group coordinators of the Defence Committee were briefed on the worrying deterioration of the situation throughout the country, including in the northern region, during visits to Afghanistan. Security incidents in the northern region had multiplied since 2005, from 4 to 36 in June alone. He autumn 2008, the German PRT commander in Kunduz told them that the threat situation in the province had significantly worsened over the past year, that the police force in the province had been reduced by 40 per cent, and that ISAF had lost the initiative and would not be able to regain it with the current deployment of forces. He limit from the German Government. The former Parliamentary Commissioner for the Armed Forces, Hellmut Königshaus, recalls that the public as well as members of the Bundestag "were not made aware of the worsening situation (...)" and that the German Government tried to "present developments in the theatre of operations as being better than they were". Head of the Chancellery, Minister of the Interior and Minister of Defence Thomas de Maizière explained the contradiction between government communication and mostly secret BND (Federal Intelligence Service) reports on the security situation:

"Certain worrying developments could not be made the subject of public reporting. And if you canvass for the continuation of the mission, then of course you will describe it in such a way that the continuation of the mission makes sense." 287

During a US special operation against suspected terrorists in the early morning of 22 March 2009, four people were captured at the property of the Mayor of Imam Sahib (the central town in the Imam Sahib District in Kunduz) and five of the Mayor's assistants were killed. The PRT and ISAF had only been informed about the landing of transport planes at short notice. People learned of the operation through the press. Questions from Bundestag members in the Defence Committee were answered by the German Government after a number of weeks along the lines of the official US version. The incident pointed to the underlying problem of the coexistence of different military operations with different objectives and modes of operation, prompting frequent reports from German officers about a lack of coordination.²⁸⁸

Time and again, the responsible parliamentarians would be given an unvarnished picture of the situation in dialogue with operational forces. There were frequent complaints that reports from the field kept being toned down and glossed over as they were passed up the hierarchy. Anticipatory obedience on the one hand and the dominant primacy of domestic political interests on the other led to a loss of reality and a disconnect between politicians and the mission requirements.²⁸⁹

The significant deterioration in the security situation since 2014/15, the shock of the occupation of Kunduz in autumn 2015, the emergence of the Afghan IS offshoot "Khorasan Province" and the escalation of terror campaigns, the extreme numbers of civilian victims and fatalities among Afghan police and service personnel,

See Senlis Council (2006).

²⁸² See Lohse (2008).

²⁸⁴ See Nachtwei (2006b).

²⁸⁵ See Nachtwei (2008).

²⁸⁶ Königshaus (2023), p. 3.

²⁸⁷ Study Commission (2023am), p. 16.

A dissenting opinion on this section has been submitted by Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter.

See Buske (2015), p. 63: "The warnings and demands from the troops were known, reported via military channels, articulated in the press, and represented to parliamentary representatives as well as (...) supervisory bodies such as the Defence Committee. People closed their eyes and hoped that the situation could somehow still be brought under control. (...) They fell short of what was actually needed. Instead of doing a good job, they did a bad job. And German soldiers paid for this with their lives."

and the strategic inferiority of the Afghan security forces – all of this was continuously documented in detail by UNAMA, the Afghanistan Independent Human Rights Commission, the Special Inspector General for Afghanistan Reconstruction (SIGAR), studies by the Center for Strategic and International Studies (CSIS) and others. These warning reports were, at most, only mentioned in passing in the parliamentary briefings of the German Government and in the debates in the Bundestag on the extension of Resolute Support.

4.1.4.3.4 Operational forces, equipment, rules of engagement

Time and again, German ISAF commanders reported that the number of infantry forces and their weaponry were insufficient and the rules of engagement were too restrictive in view of the worsening threat situation and the size of the operational area.²⁹⁰ It was also emphasised that credible and effective training support for the ANA must go hand in hand with partnering (support during deployment). For a long time, these demands from the mission were not taken seriously by the senior military and political leadership, but also by the majority of members of the Bundestag. Contingent ceilings were seen by many as a brake against a creeping expansion of the mission ("mission creep"), heavier weapons as disproportionate and contrary to the claim of a stabilisation mission, and partnering as too risky. The former Parliamentary Commissioner for the Armed Forces, Hellmut Königshaus, pointed out with regard to the air strike on the Kunduz River,

"that the commander of the Kunduz PRT would not have had to request air support on 4 September 2009 if the necessary weapon systems had been available to him at that time." ²⁹¹

The turnaround in mission policy only came with the change in strategy from ISAF to counterinsurgency and the escalation of the situation in Kunduz in the summer of 2009, which brought a German failure in this province closer.

4.1.4.3.5 Interministerial perception and cooperation

In the operational environment of Afghanistan, it became clear by the time of the ISAF expansion and establishment of PRTs that the various ministries were dependent on each other and had to learn to work much more closely together despite different ministerial cultures. During official briefings in the Bundestag committees and during visits to the mission area, the practice of the comprehensive approach was consistently described as "harmonious and effective". Although the necessary "comprehensive approach" (referred to as "comprehensive security" in the early years) had been considered a key category, especially for the defence ministry, since the security policy white paper²⁹³ of 2006, the Bundestag continued to practise the traditional principle of ministerial autonomy in its committees, where interministerial perception and communication was only formally regulated by "consultation" on parliamentary bills. In reality, however, it was rarely practised – except in the parliamentary groups.

In critical phases of the Afghanistan mission, a number of parliamentary groups formed interministerial working groups. On 25 November 2008, 15 Bundestag representatives from all parliamentary groups met to establish a "Circle of Friends for Afghanistan".

Civil-military cooperation and its implementation in the PRTs, the fight against drugs, rebuilding the police and the development of statehood would have been common topics for discussion, but were largely left to be dealt with separately (or not at all) by the special committees. The "defenders" saw police reconstruction aid as a central bridge to sustainable security. But many domestic politicians saw the deployment of police officers to reconstruction projects more as a burden on their main remit within Germany. The result was that in November 2007, six years after the start, the German Bundestag debated German police reconstruction aid for Afghanistan for the first time, after Germany had been sharply criticised by allies for its inadequately perceived lead role in police reconstruction. On 15 December 2008, the Committee on Internal Affairs held a public hearing on the subject for the first time.

See Federal Ministry of Defence (2006), p. 22 et seq.

²⁹⁰ See ibid., p. 59 et seq. in 2008.

²⁹¹ Königshaus (2023), p. 3.

²⁹² Robbe (2023), p. 5.

4.1.4.3.6 Assistance and welfare, victims of deployment

There is probably no other ministry in which ministers and Bundestag members are as responsible for the individuals implementing their policies as in the Ministry of Defence. This responsibility is felt when troops are visited, when critical mandate decisions are made – and especially when memorial services for servicemen and women who have been killed in action are attended. Dealing with physical and psychological injuries, in particular post-traumatic stress disorder (PTSD), among those returning from deployment has become a touchstone of parliamentary responsibility.

As an auxiliary body of the German Bundestag, the Parliamentary Commissioner for the Armed Forces is a highly proven and reliable support in the exercise of political and human responsibility for the members of the Bundeswehr and for the implementation of leadership development. Adopting the practice of unannounced visits, they have managed to obtain a comprehensively realistic picture of the working, deployment and living conditions of servicemen and women. In his 2005 annual report, the new Parliamentary Commissioner of the Armed Forces, Reinhold Robbe, explicitly addressed PTSD for the first time and referred to a probably high number of unreported cases. In 2007, 130 ISAF returnees were treated in a Bundeswehr hospital for deploymentrelated PTSD, more than twice as many as in the previous year.²⁹⁴ In the same year, several members of the Defence Committee met with returnees with PTSD at the invitation of the Bundeswehr Association. The meeting prompted the establishment of a PTSD rapporteur group in the Defence Committee. In November 2007, the FDP was the first parliamentary group to introduce a motion on PTSD in the Bundestag, in which it called for the establishment of a "Centre of Excellence for Post-Traumatic Stress Disorders". Following the rejection of the motion by the coalition parties, it took until 12 February 2009 for an inter-party motion by the CDU/CSU, SPD, FDP and Alliance 90/The Greens, which largely corresponded to the FDP motion from 2007, to be passed unanimously. Shortly before this, the television film "Willkommen zu Hause" [Welcome Home] on ARD had for the first time attracted a great deal of attention to the fate of psychologically wounded Afghanistan returnees. It was not until the end of 2011 that an amendment was made to the 2004 Act on the Provision of Benefits and Pensions for Special Foreign Assignments. The peace and conflict researcher Berthold Meyer described the first seven years of the parliamentary handling of post-traumatic stress disorder among deployed forces, the vast majority of whom now come from Afghanistan, as a "chronique scandaleuse". 295

4.1.4.3.7 Communicating the Afghanistan mission to the electorate and the public

The German Bundestag's approval (justified under constitutional law by the Federal Constitutional Court in 1994) for the Bundeswehr's mission in Afghanistan strengthened the democratic legitimacy of this mission. Since foreign missions are always subject to a special obligation to provide reasons and justification, members of the Bundestag were required to personally communicate, justify and explain the mission to the electorate and the public. However, perception was largely guided by media coverage. As long as the mission was perceived primarily as reconstruction support with military assistance, it was viewed positively by the majority of respondents in surveys. At the end of 2009, the tide of approval turned into a majority rejecting the mission, after ambushes and own casualties became more frequent from 2008 onwards - the German ISAF mission was clearly becoming a combat mission, with the German Government and majority of Bundestag members denying the reality of war on the ground for a long time.²⁹⁶ After several visits to Afghanistan, the Parliamentary Commissioner for the Armed Forces, Reinhold Robbe, had gained the impression that

"it was no longer acceptable to servicemen and women for the regular heavy fighting between the ISAF forces and the Taliban fighters – leading to fatalities and seriously wounded personnel – not to be called a "war" in the eyes of the then Defence Minister Franz-Josef Jung". 297

See Geist (2022), p. 45.

See Meyer (2012), p. 45. 294

²⁹⁵ Ibid., p. 58.

Robbe (2023), p. 4 et seq., Reinhold Robbe added: "Since the Minister was not prepared to call the reality of the situation by name at the time, I made the issue public in a Spiegel interview [...]."; in "Diskursstrang 'Krieg' oder 'Nicht-Krieg", see von Krause (2011), p. 217 et seq.

From then on, continued parliamentary majorities for all further Afghanistan mandates were only met with approval by a minority of the population.²⁹⁸ This loss of acceptance was significantly fuelled by the German Government's PR work, which lacked joint ministerial strategic orientation, honest realism and credibility. The potential of the wealth of experience gained by civilian and military practitioners was not systematically used to improve public perception of the Afghanistan mission.

4.1.4.3.8 Monitoring of effectiveness

In debates and votes, a large majority of the Bundestag endorsed the comprehensive approach of the German mission in Afghanistan, geared towards stabilisation, development of reliable statehood, human and women's rights and development. The expectation was that it would help to overcome the structural causes of terrorism. However, what the former foreign and security policy advisor to Chancellor Schröder, retired Ambassador Michael Steiner said about German and international Afghanistan policy also applied to the Bundestag:

"Afghanistan was a large, distant, poor and harsh country dominated by tribal realities and traumatised by decades of horror and violence. The basic mistake was the illusion, and I would go so far as saying the self-righteous hubris, that it would be possible to lay the foundations for a democratic society in Afghanistan from the outside in a short space of time based on our Western ideas. It won't work, no matter how many dollars are spent and how well-equipped the service personnel are. When you intervene in a completely different country from the outside, humility in the face of the different reality is essential."

Members of the Bundestag were not aware of how Afghan society, with its extreme particularism, was structured and functioned and that it was characterised not by institutions but by individuals, informal power structures and relationships.³⁰⁰

"We don't know who is talking to whom, what dependencies there are, who is beholden to whom, where and through whom funds come from. We are, in fact, almost unimaginably naive and are groping around in the dark." ³⁰¹

Over time, intercultural mission advisors³⁰² assigned to commanders were able to contribute to gaining more knowledge of the social environment. During visits by Bundestag representatives, intercultural advice before discussions was generally waived and intercultural mission advisors were not consulted. Where there was a lack of understanding of the possibilities for action in the very complex Afghan environment, illusions of feasibility proliferated, even though an imposing state-building export had been explicitly rejected.

The Bundestag debates were often dominated by discourse justifying the pros and cons of continuing the mission. Questions regarding the clarity and fulfilment of mandates and intermediate objectives, the coherence of state players, the (im)balance of resources and systematic monitoring of the effectiveness of the mission were hardly ever discussed in the Bundestag. The former UNAMA Special Representative and Chair of the Human Rights Committee of the German Bundestag pointed out that the Bundestag did not have

"a systematic and non-ideological discussion of the lessons learned from Soviet development and its military failure in Afghanistan, nor was closer consideration given to phenomena such as the rapid increase in suicide attacks since 2005 and the effect of the civilian casualties caused by ISAF ('collateral damage') on the achievement of the mission's objectives." 303

For at least the first decade of the mission, there was no agreement among specialist politicians on the priorities to be set for parliamentary oversight of the mission. At meetings between service personnel and Bundestag

See ARD-Deutschlandtrend, in: Der Spiegel (2009); however, according to the annual population survey conducted by the Centre for Military History and Social Sciences of the Bundeswehr, respondents gave a discerning assessment of the various impacts of the mission: see Graf (2021).

²⁹⁹ Michael Steiner, former ambassador, in: Study Commission (2022b), p. 9. He expressed the same sentiment in the lead story "Ein deutscher Krieg", in: Best et al. (2011), p. 87.

³⁰⁰ See Schetter (2022c), p. 1 et seq.

³⁰¹ Buske (2015), p. 53

See Tappe (2015), p. 156 et seq.; on the deployment of intercultural mission advisors in Afghanistan from 2003: Schiebold (2022), p. 58 et seq.; see Buske (2015), p. 54 et seq.

³⁰³ Koenigs (2023), p. 2.

representatives, focus was usually placed on matters relating to implementation and day-to-day operations. For long periods, the Defence Committee tended to adopt a micro-monitoring approach. The main parliamentary task was not performed, namely to ensure the political and strategic monitoring and conduct a systematic impact assessment of the mission. Nine years after the start of the mission, the Committee on Foreign Affairs, which is responsible for missions abroad, organised a public hearing on the "Criteria for evaluating the Afghanistan mission" for the first time.³⁰⁴ The six-monthly "Afghanistan progress reports" published by the German Government from December 2010 to November 2014 provided additional information, but could not replace an independent and interministerial evaluation of the effectiveness of the German mission in Afghanistan. Such an evaluation was requested by experienced officers and various opposition groups from 2004 onwards, but was rejected by changing coalition majorities until 2021.³⁰⁵

In the field of police assistance, the German Government generally contented itself with reports on training and infrastructure measures without any assessment of their effectiveness. Where no verifiable interim targets were set, it was not possible to assess whether targets had been achieved. Parliamentary oversight of missions abroad reached its lowest point during Operation Enduring Freedom. For years, the German Government and coalition majority regularly failed to answer questions about the effectiveness of the overall OEF operation in Afghanistan.³⁰⁶

With regard to unintended and possibly unlawful effects of the mission, the Defence Committee reconvened twice as a committee of inquiry on the "Allegation of mistreatment by former Guantanamo prisoner Murat Kurnaz against members of the Special Forces Command in the US detention camp in Kandahar" (November 2006 to September 2008) and on the "Investigation into the information policy of the German Government with regard to the procedures and consequences of the bombing of two hijacked tankers on the Kunduz River on 4 September 2009" (December 2009 to October 2011). With their majority and minority reports and dissenting opinions, the results followed a "strict group orientation". Members of the Bundestag involved in the Kurnaz committee of inquiry experienced the dilemma of spending an extensive amount of time on committee work at the expense of providing careful operational support during a critical phase. The providing careful operational support during a critical phase.

Specialist politicians from the parliamentary groups were repeatedly in dialogue with academic and political Afghanistan experts, in particular from the German Institute for International and Security Affairs (SWP) and political foundations. The proposal made in 2008 by the academic "Afghanistan working group" for permanent academic monitoring of the mission was not taken up by the ministries or parliamentary groups. ³¹⁰ There was therefore no continuous exchange of knowledge between parliament and academic experts on Afghanistan. Preference was therefore given to having a weak perception of Afghan realities and developments that are difficult for foreigners to comprehend.

4.1.4.3.9 Experiential learning and knowledge management

Missions are particularly challenging, complex and dynamic learning environments. So it was necessary, if not vital, to learn quickly in practice. This type of learning was organised by the various ministries in projects and programmes at a tactical and operational level.

Learning processes were also initiated on the parliamentary side, but were more individualised and less institutionalised. Key experiences that shaped the further political work of Bundestag representatives included initial visits to Kabul in 2002 and 2003, seeing the extent of the destruction caused by the civil war and the extreme poverty, meeting with German servicemen and women, police officers and development experts who

See Noetzel and Schreer (2007b), p. 4.

See Committee on Foreign Affairs (2010); see summary report in German Bundestag (2010i): The hearing was followed by up to 40 members of the Foreign Affairs, Defence and Development Committee.

According to information provided to a member of the Study Commission by the Deputy Chief of Staff of FüS V (Operations) on
 23 October 2021, planners at the Federal Ministry of Defence in summer 2004 pursued an approach of permanent, external interministerial evaluation of the mission. This apparently failed due to resistance from the Federal Ministry for Economic Cooperation and Development and the Federal Foreign Office. See German Bundestag (2007e); see German Bundestag (2010e).
 See von Krause (2011), p. 190.

³⁰⁷ See Geist (2022), p. 290 et seq.; referred to as the "Kurnaz committee of inquiry": German Bundestag (2008g); German Bundestag (2011b).

³⁰⁸ See Geist (2022), p. 291.

The academic "Afghanistan working group", an "association of over 200 scholars (...) who had worked on Afghanistan since the 1950s and 1960s", was "completely ignored", Conrad Schetter, in: Schetter (2022c), p. 19.

reliably provided support services, witnessing the hope-inspiring progress in reconstruction, and attending mourning ceremonies for those killed in action. Part of the political learning process for security policy-makers was to base mandate decisions on clear criteria³¹¹ (in addition to necessity and legitimacy, focusing in particular on effectiveness and accountability) and to insist on honesty and a culture of error as part of the mission oversight approach. With changes in committee members and the end of legislative periods, a substantial amount of individual learning is regularly lost. This potential experience and learning might be handed over in individual cases, but there is no overall established procedure for doing so. This corresponded to the state of institutionalised learning, which Winfried Nachtwei, member of the Defence Committee at the time and expert member of the Study Commission, experienced as "often patchy and sluggish".³¹² In order to avoid future gaps in knowledge and experience brought about by changes in legislative terms, the Study Commission's recommendations could include setting up a strategic advisory body "docked" to the parliament. Such a body could pool existing knowledge in a coordinated manner and prevent gaps.

4.1.4.4 Follow-up decisions: mandate extensions and changes

Since the Balkan missions, German governments have endeavoured to win larger parliamentary majorities, including opposition parties, for mandate decisions. This should enhance the reliability of Germany's foreign policy and broaden political support for the deployed members of the Bundeswehr.³¹³ Over the years, German governments of all colours have been well advised to informally involve the Bundestag (in the form of its foreign and defence policy-makers) at an early stage in the process of drafting mandates. Coalition parliamentary groups had better access to information and at least potentially more opportunities for oversight and influence. The extent to which these opportunities were taken could depend on the coalition groups' interest in the stability and preservation of their "own" government. The decisive factor here was the extent to which the German Government was able to involve parliamentary groups supporting the Government via their chairs and enable specialist politicians to contribute their specific expertise, rather than to simply see themselves as majority procuring parties. In his thesis on the "Role of the Defence Committee in the Security Policy of the Federal Republic of Germany", Wolfgang Geist concludes that the members of this committee were "not the avant-garde of security policy assessment and planning, but loyal party followers".314 The political scientist and former Lieutenant General Ulf von Krause observes a "rally round the flag" effect and a path dependency of decisions by parliamentary groups that had supported secondment decisions in previous governments as further factors slowing down critical parliamentary scrutiny.³¹⁵

Over the years, Afghanistan mandates have significantly expanded: from 2003, with the support for Security Sector Reform (SSR) and Demilitarisation, Demobilisation and Reintegration (DDR), and from 2010, with the protection of the population, mission area and operational forces from 1,200 at the beginning to 5,350 in 2010. However, there was no general expansion of the Bundeswehr mission, particularly in the south.

Over the years, it became clear that the mandates did not fulfil the central demand of the Brahimi Report for them to be realistic, clear and credible. The Bundestag failed to prompt the German Government to provide the necessary clarity of mission and objectives:

- The orders were always formulated in very general terms, detached from the specific development of the situation and without reference to the relevant NATO operational plan. The deterioration of the security situation in the German area of responsibility since 2008 and the transition from a stabilisation mission to a combat mission were not reflected in the mandate. The unchanged mission of "maintaining security" concealed the reality of NATO counterinsurgency.
- The mandates were not broken down into concrete and verifiable sub-goals in a follow-up document against which the degree of fulfilment of the mandate could have been measured.
- "Mandate adjustments" were generally made reactively. They were short-term compromises between operational requirements and Alliance demands on the one hand and domestic political considerations on

312 Nachtwei (2019b), p. 375.

³¹¹ See Mair (2007).

See German Bundestag (2015b), p. 19 ("Rühe Commission").

³¹⁴ Geist (2022), p. 307.

³¹⁵ See von Krause (2011), p. 193.

the other. Personnel ceilings were often too tight, limited Germany's operational room for manoeuvre as a framework nation, left no reserves to respond to a rapidly changing security situation, and even made it more difficult to make smooth contingent rotations.³¹⁶

• Finally, the mandate texts are limited to military tasks, capabilities and capacities, ignoring diplomatic, development-related and policing tasks and only mentioning them later in the explanatory memoranda. As a result, the public's perception of civil-military crisis operations being reduced to their military component still persists in the mandate debates and the comprehensive approach has only been invoked and rarely put into practice. These failings have occasionally been addressed in the Bundestag, but not effectively tackled by any of the various coalition parliamentary groups. In 2015, the "Rühe Commission" recommended "that the civil tasks and components of a more comprehensive, multidimensional crisis response mission receive greater attention in parliamentary deliberations on armed deployments of the armed forces. [...] Including civilian or police missions abroad in the constitutive parliamentary scrutiny reservation is not the purpose of parliamentary deliberation or any accompanying resolution on aspects of the non-military components. [...]."317

The sensible endeavours of governing coalitions to gain support from the opposition for mandate decisions have repeatedly come up against clear barriers in parliamentary practice: motions from the opposition to improve mission oversight and deployment practice as well as non-military aspects of the overall mission were generally rejected by various coalition parliamentary groups, even if their specialist politicians agreed with the content. This meant that opportunities to optimise the mission were wasted. Occasionally, endeavours to achieve broader majorities turned into pressure to reach consensus when non-approval by the opposition (on the grounds of criticism of the German Government's specific Afghanistan and operational policy) was branded as a general denunciation of solidarity.

4.1.4.5 Possibilities and limitations of parliamentary participation – assessments and lessons

The German Bundestag has a more far-reaching right of co-determination in military missions abroad than almost any other parliament. Parliamentary participation through public debate, voting on the German Government's mandate motions and the remit of mission oversight made the Bundestag a co-mandator of the Afghanistan mission and broadened its democratic legitimacy and transparency. Servicemen and women, who are supposed to and want to be citizens in uniform in and for the state under the rule of law, see this as central to the meaning of a mission, social support and their operational motivation.

As part of the process of parliamentary participation, the Bundestag examined the security necessity of a German contribution to the mission, its legitimacy under international law, affordability and responsibility, which in turn improved the chances of a responsible mission policy.³¹⁸ A necessary prerequisite for responsible parliamentary participation in missions abroad and crisis engagement is the comprehensive and realistic briefing of parliament, starting with integrated and unembellished situation reports.

The widespread term "parliamentary army" often goes hand in hand with the assumption that the Bundestag is the sole mandator of missions. In reality, the German Government and the Bundestag are joint mandators, with the German Government having the greater political weight: it has the sole right to initiate a mission and formulate the mandate. Various levels of the executive or multilateral alliances are responsible for the political, operational and tactical command and control. The German Government has a structural advantage in terms of information. According to Ulf von Krause,

"Decisions on Bundeswehr missions are largely subject to a monopoly on information – albeit partially weakened thanks to investigative journalism and initiatives by individual Bundestag members – in that the German Government has access to the facts relevant to the mission, has the power to limit or expand the group of people allowed to receive information by imposing non-

See German Bundestag (2015b), pp. 25, 38 ("Rühe Commission").

Ibid., p. 40 ("Rühe Commission").

³¹⁸ See von Ondarza (2012), p. 41.

disclosure rules and organises on-site visits for Bundestag members, during which it can also control the available information by setting the programme".³¹⁹

More members of the Bundestag were involved in the Afghanistan mission for longer and more intensively than in almost any other international policy issue. In view of the risks for the forces who would be deployed to a crisis or war zone, mandate decisions were to a large extent decisions of conscience, especially in the initial phase. Bundestag members who had attended the funerals of servicemen and women killed in action or had witnessed the stories of psychologically wounded returnees, in particular, were all the more aware of this. This was reflected in the cross-party commitment of the Defence Committee and the Bundestag to servicemen and women with deployment-related physical and psychological injuries.

Nevertheless, the practice of parliamentary participation fell short of its potential. Parliamentary participation probably had a "certain transparency-enhancing effect", as the Government always had to justify its decisions. ³²⁰ However, parliamentary scrutiny of Government and missions focused on "detailed oversight of the implementation level". ³²¹ There was no regular and systematic scrutiny of policy and strategy. Despite repeated demands from the opposition, the Bundeswehr, conflict researchers and the churches, there has been no call for such scrutiny from the coalition parties, let alone any insistence. An effectiveness assessment could have been made a precondition for future mandate approval. The Dutch parliament ensured that the government must submit an independent evaluation report after each mission. Clear, realistic and verifiable mandates and interim targets were not demanded or encouraged by the Bundestag. In 2015, the "Rühe Commission" proposed that "an obligation to submit regular assessments and to submit an evaluation report at the end of a mission" be included in the Parliamentary Participation Act. Its task would be to carry out an interministerial assessment of the effectiveness of a mission based on transparent indicators. ³²²

With the expansion of the civil-military mission to the north from 2004 and the establishment of PRTs, the need for a comprehensive interministerial approach and cooperation between the German forces could no longer be overlooked. While the military, diplomatic, police and development personnel deployed to the country of deployment increasingly came together, no progress was made towards achieving greater interministerial cooperation and coherence in the Bundestag's "Afghanistan committees". The German Government's interministerial Afghanistan concept, under development since September 2003, has "never been subject to parliamentary debate or a vote of the same importance [...] as the Bundeswehr missions closely linked to it". 323

In the first few years of the ISAF mission, Bundestag members with a closer proximity to the mission were important mediators of the far-off Afghanistan mission, its goals, challenges, progress and risks – and not least the achievements of those deployed. In the course of the many annual mandate extensions, they kept going through the motions of debate, receiving hardly any media attention and doing little to win back the advancing loss of acceptance of the mission among the population or allay the doubts and loss of meaning for many operational service personnel. The seriousness of the actual situation in Afghanistan was not adequately reflected in the mandate debates over the last few years. The fact that only 17 per cent of servicemen and women with significant combat experience in 2010 thought that politicians were behind them was an extremely worrying sign of the huge loss of trust in the political leadership among operational service personnel.

In August 2021, the largest and most expensive crisis mission of the (primarily Western) community of states and NATO with by far the highest number of victims ended in "strategic failure", according to US Chief of Staff General Mark Milley.³²⁴

In view of the unfamiliarity and complexity of the conflict country of Afghanistan and its fragmented, war-torn society, the heterogeneity of the international military and civilian involvement in Afghanistan, the ongoing accumulation of international crises and the unavoidable political multitasking of members of the Bundestag, it is clear that the special committees and Bundestag members, in their organisation at the time, were structurally overwhelmed by a stabilisation mission with such demanding objectives. Stabilisation, crisis management and peacebuilding missions need strategic orientation and patience as well as political stamina. Fostering this in the

³²¹ Ibid., p. 199 et seq

³¹⁹ von Krause (2011), p. 191.

³²⁰ Ibid., p. 201.

See German Bundestag (2015b), p. 43 ("Rühe Commission").

³²³ Naumann (2008), p. 34 et seq.

³²⁴ Hahn (2021).

fast-paced world of parliament and politics is a key challenge. In order to ensure effective interministerial parliamentary oversight of missions, a special committee for mission monitoring/oversight seems essential in addition to the existing main committees.

4.1.5 Dissenting opinion of the CDU/CSU parliamentary group on section 4.1.1.4³²⁵

Section 4.1.1.4 fails to mention the initially close, symbiotic relationship between the Taliban and al-Qaeda. This relationship, which developed in the context of the Taliban's takeover of Afghanistan in 1996,³²⁶ was ideologically based and fulfilled operational purposes. In exchange for the protection and retreat offered by the Taliban, al-Qaeda recruited foreign fighters for the Taliban.³²⁷

This symbiotic relationship was the basis for the Taliban's repeated refusal to hand over Osama bin Laden to the US authorities or international courts. This did not change after the al-Qaeda attacks on the US embassies in Nairobi and Dar es Salaam in 1998, nor after the attack on the USS Cole in 2000. Even the 1267 sanctions regime established by the United Nations Security Council in 1999,³²⁸ which unequivocally demanded that the Taliban hand over Bin Laden and imposed sanctions on the Taliban leadership to enforce this demand, did not lead to any change in the behaviour of the Taliban leadership.

The fact that this symbiotic relationship at the time and the 1267 sanctions regime are not mentioned in the section is likely to distort the perception of both groups in the section as well as the depiction of the prehistory of the international mission in Afghanistan. The beginning of the fight against the Taliban regime at the end of 2001 was not due to a misunderstanding³²⁹ of the differences between the Taliban and al-Qaeda, but was the end point of years of attempts to achieve Bin Laden's extradition through diplomatic channels, while at the same time al-Qaeda's international attacks were steadily increasing in size and severity up to 2001.

The section contains further vague formulations:

Fourth paragraph:

It warns against "describing the Taliban as an international or even transnational terrorist organisation".

This sentence, which is not substantiated (e.g. by a footnote), does not correctly represent either the current legal situation or the legal situation at that time. The sanctions implemented by the European Union against the Taliban have made it clear ever since the Security Council sanctions regime³³⁰ was established in 2011 that the Taliban is not a terrorist group. There is no reference to this legal situation in the section.

Seventh paragraph:

The conflation of the groups in this paragraph is problematic. They entail a mixture of internationally sanctioned terrorist groups (such as the IS offshoot in Afghanistan, which only existed in Afghanistan from 2015) and Taliban sub-organisations:

- "IS-Khorasan": The regional branch of the global IS network operating in Afghanistan. It was founded in 2015 and has been sanctioned as a terrorist group by the United Nations Security Council since 2019.³³¹
- "Haqqani Network": Faction of the Taliban, still exists today. Its leadership currently occupies several key ministries in Kabul, in particular *the Ministry of the Interior of the current Taliban regime*.³³²

The content of the dissenting opinion and the citation of sources are the sole responsibility of the submitting parties.

See: Anne Stenersen, Al-Qaeda in Afghanistan, Cambridge University Press 2017, chapter 4, https://www.cambridge.org/core/books/alQaeda-in-afghanistan/6513A9F0963D02AF1D7750A51D2F3021. Georgy G. Machitidze, Al-Qaeda and the Taliban. Ambivalent Partnership, in: World Economy and International Relations, 2022, vol. 66, no. 4, pp. 44 to 53.

³²⁷ See e.g. Barbara Elias, Why the Taliban Won't Quit al Qaeda, Foreign Policy, 21 September 2021, https://foreignpolicy.com/2021/09/21/taliban-al-qaeda-afghanistan-ties-terrorism/

http://unscr.com/en/resolutions/doc/1267

The German Government's "conflation" of the Taliban with al-Qaeda, as postulated in the second paragraph of section 3.1, is technically incorrect. Both in the security authorities and in the relevant ministries, al-Qaeda and the Taliban were not only dealt with in separate divisions, but in some cases also in separate departments. It was therefore never administratively unclear that these were different groups with different objectives.

http://unscr.com/en/resolutions/doc/1988.

https://www.un.org/securitycouncil/content/islamic-state-iraq-and-levant-khorasan-isil-k.

³³² Melissa Skorka, Afghanistan's Most Dangerous Threat. Why America Can't Take on the Haqqani Network Alone, Foreign Affairs, 24 January 2022, https://www.foreignaffairs.com/central-asia/afghanistans-most-dangerous-threat.

The aim and purpose of the list remain unclear, which is why it serves more to confuse than to clarify.

4.1.5.1 Reply of Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter on the dissenting opinion of the CDU/CSU parliamentary group on section 4.1.1.4³³³

The "symbiotic relationship" claimed by this dissenting opinion initially existed as the dissenting opinion also notes. However, it changed and the internationally recognised expert Ahmed Rashid analyses the development of the relationship between Osama bin Laden and the Taliban in much greater depth and with careful substantiation. In 1998, for example, the Taliban even regarded it as a subject of negotiation in the dialogue with the US for diplomatic recognition and proposed compromises within the framework of their cultural obligations, which is completely disregarded in the dissenting opinion.³³⁴ These compromises, however, were not acceptable to the US.

4.1.6 Dissenting opinion of Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter on section 4.1.1.4³³⁵

In the view of the AfD parliamentary group, the Study Commission has not fulfilled the mandate from the resolution of establishment of 5 July 2022 comprehensively enough. The "interests and influence of regional states, especially Pakistan, ... and ... important global state players on Afghanistan's development and the chances of successful engagement by the international community" were not given sufficient consideration. A concise review of this matter will thus be provided here.

Afghanistan is located in the centre of Central Asia, has historically formed a transition and transit area and has always played an important role in the distribution of power or the definition of zones of influence in the region. This struggle for power and influence in Afghanistan has been aptly labelled the "Great Game".³³⁷ These basic conditions also shaped the Western intervention after 11 September 2001 mandated by the United Nations and led by the US, which was initially supported worldwide, including by particularly influential and geopolitically important states in the region.

These particularly influential states³³⁸ include Pakistan, India, Iran, China and the Russian Federation.³³⁹ What these states had and still have in common is, firstly, an interest in preventing the export of Islamic extremism or terrorism to their own country, secondly, the prevention of drug exports and, thirdly, the prevention of refugee flows from Afghanistan. The diverse interests, rivalries and contradictory attitudes, especially on the part of Iran and Pakistan, significantly influenced the course and failure of the Western (and German) engagement.

During the Western intervention, China remained largely observant and suspicious of the NATO and US presence in the region. In 2014, China stepped up its support for the Afghan government in anticipation of a decline in US involvement, but at the same time sought contact with the Taliban,³⁴⁰ and, in doing so, pursued its economic interest in exploiting Afghanistan's natural resources among other things.³⁴¹

Russia's primary interest was stability in Central Asia, which it regarded as its own zone of influence. For this reason, it initially viewed the fight against terrorism rather positively and supported the Western mission with

The content of the reply and citation of sources are the sole responsibility of the submitting parties.

See Ahmed Rashid: Taliban – The Story of the Afghan Warlords, London 2002, p.128 et seq.

The content of the dissenting opinion and the citation of sources are the sole responsibility of the submitting parties.

Bundestag printed paper 20/2570, p. 6.

Ali Ahmad Jalali: A Military History of Afghanistan: From the Great Game to the Global War on Terror (Modern War Studies), Kansas 2017 and Evgeny Sergeev: The Great Game, 1856-1907: Russo-British Relations in Central and East Asia, Baltimore 2013

Turkey took part in the intervention as a NATO member and Uzbekistan was central to the Bundeswehr's logistics. Turkmenistan and Tajikistan largely confined themselves to a neutral role.

Hereafter referred to as Russia.

See Habib Khan Totakhil, and Josh Chin: China Creates New Avenue for Afghan Peace Talks, in: https://www.wsj.com/articles/china-creates-new-avenue-for-afghan-peace-talks-1420564492 (retrieved on: 1 February 2024).

See Feng Zhang: China's New Engagement after the Withdrawal, in: https://ppr.lse.ac.uk/articles/10.31389/lseppr.52 (retrieved on: 1 February 2024), p.1 et seq.

logistics and intelligence.³⁴² But at the same time, Russia distrusted NATO, and especially the US, and suspected that the intervention was based on geopolitical aspirations for a permanent presence in the region. With Russia's military support for Syria, geopolitical tensions with the US intensified from 2015. Against this backdrop, Russia also took a more critical view of the NATO mission in Afghanistan and developed its own diplomatic activities, which led to the first official contact with Taliban representatives in November 2018.³⁴³

After Iran had been on the verge of declaring war on Afghanistan under the Taliban in 1998, it welcomed its fall in 2001, partly against the background of the more than 1.4 million Afghan refugees³⁴⁴ and the justified expectation of remigration. At the donor conferences in Tokyo in 2002 and London in 2006, it supported the reconstruction of its neighbouring country with over 660 million US dollars. Despite this, it was critical of the presence of the US military directly on its border from the outset. From the US perspective, Iran played an "ambiguous role", as it simultaneously supported individual Taliban groups with training and military aid and posed a threat to missions.³⁴⁵ This ambiguity is also reflected in the Iranian assessment of the withdrawal from Afghanistan as "irresponsible".³⁴⁶

From 2001, India supported the new Afghan government with over 650 million US dollars, primarily in the areas of air transport, energy, health, education (e.g. with scholarships) and training programmes for diplomats, civil servants, service personnel and police officers. However, India was not only interested in strengthening regional stability, but also invariably in countering Pakistan's influence in Kabul³⁴⁷ and later China's.³⁴⁸ At the same time, despite repeated denials, India used its embassy and the four consulates it opened in Afghanistan in 2002 to at least maintain contacts with Baluchi and Sindhi insurgents from there, with whom it could have tied down Pakistan's military forces in the event of a conflict as part of a two-pronged strategy.³⁴⁹

Since the founding of Pakistan, relations with Afghanistan have been difficult,³⁵⁰ partly due to the common border, the Durand Line, which is not recognised by any Afghan government. Pakistan's central interest was to gain strategic depth against the backdrop of the conflict with India, and, to this end, Pakistan always sought a friendly or weak government in Afghanistan so as not to jeopardise the Durand Line. After 11 September 2001, it decided to support the US war on terror and facilitated US and NATO logistics by authorising land and air transport until the withdrawal of US troops in 2021. Despite its declared support, it functioned from 2001 as an area of retreat for the Taliban, who were able to reorganise themselves there – not only with Pakistan's acquiescence, but with its active support – and resume warfare against the foreign troops:

³⁴² See Ahmad Ahmadzai: China and Russia Shared Threat of Terrorism from Afghanistan, ORF Issue Brief, No. 636, April 2023, p. 17 et seq.

See https://afghanistan.ru/doc/124745.html (retrieved on: 1 February 2024).

³⁴⁴ See Margaret Emry and Hiram Ruiz: Afghanistan's Refugee Crisis, in: https://merip.org/2001/09/afghanistans-refugee-crisis/ (retrieved on: 1 February 2024).

Stanley A. McChrystal: "COMISAF'S Initial Assessment, Secretary of Defense Memorandum June 2009, Initial United States Forces – Afghanistan (USFOR-A) Assessment", Headquarters, International Security Assistance Force, Afghanistan, 30 August 2009; General McChrystal's exact words were, "Iran plays an ambiguous role in Afghanistan, providing developmental assistance and political support to GIRoA while the Iranian Qods Force is reportedly training fighters for certain Taliban groups and providing other forms of military assistance to insurgents. Iran's current policies and actions do not pose a short-term threat to the mission, but Iran has the capability to threaten the mission in the future", in: https://ctc.westpoint.edu/irans-ambiguous-role-in-afghanistan/ (retrieved on: 1 February 2024).

Mohammad Taghi Jahanbakhsh and Parisa Shah Mohammad: Iran's Perspective on the Evolving Situation in Afghanistan, in: https://www.ipis.ir/files/mfaipisen/PDF/Iran.pdf (retrieved on: 1 February 2024), p.120. These are renowned Iranian authors from government-affiliated think tanks in Tehran.

³⁴⁷ See Amin Tarzi: Afghanistan; Kabul's India ties worry Pakistan, in: https://www.rferl.org/a/1067690.html (retrieved on: 1 February 2024).

³⁴⁸ See Ayesha Shaik: Afghanistan's Fate in the Balance – China and India's Quest for Influence, in: https://southasianvoices.org/afghanistans-fate-in-the-balance-china-and-indias-quest-for-influence/ (retrieved on: 22 January 2024).

For more information on these Pakistani accusations, see e.g. https://web.archive.org/web/20120430194436/http:/www.pak-times.com/2008/09/05/raw-creating-trouble-for-nato-in-afghanistan/ (retrieved on: 1 February 2024), for denials from India, see https://indianexpress.com/article/news-archive/print/no-evidence-that-india-aiding-pak-baloch-rebels/ (retrieved on: 1 February 2024) and for a later confirmation by the former head of the Afghan secret service, Rahmatullah Nabil, see https://www.24newshd.tv/02-Dec-2022/former-afghan-spy-chief-exposes-indian-involvement-in-pakistan (retrieved on: 1 February 2024).

See the introduction by Jochen Hippler, in: Huma Baqai and Nausheen Wasi (Eds.): Pakistan-Afghanistan Relations: Pitfalls and the Way Forward, Islamabad 2021, in: https://library.fes.de/pdf-files/bueros/pakistan/18346.pdf (retrieved on: 1 February 2024)

"The intervention in Afghanistan (had) little chance of success from the outset, as the US and its allies refused to recognise the ideological motives and geopolitical intentions of the Pakistani backers of the Taliban. Without the covert training and equipment provided by the Pakistani secret service ISI, without its political and high-profile backing since the 1990s, the Taliban's takeover of power in 2021 would not have been possible." ³⁵¹

Germany's involvement in development cooperation in Afghanistan was generally viewed favourably by the neighbouring countries. However, the course of NATO's increasingly unsuccessful military mission in the fight against terror and the resurgent Taliban were decisive factors for each country's own national assessment of Western intervention as a whole and for the corresponding policies of the neighbouring countries. Ever since the Doha Agreement of 29 February 2020 and in anticipation of the Western withdrawal and a handover of power to the Taliban, all states in the region have sought to position themselves vis-à-vis the new government. They were not guided by human rights standards, but pragmatically by their own national interests.

4.1.7 Dissenting opinion of experts Professor Carlo-Antonio Masala, Egon Ramms and Jörg Vollmer on section 4.1.1.8³⁵²

With regard to the discussion in section 4.1.1.8 on the success of the fight against terrorism in Afghanistan, we believe that a more balanced perspective is necessary. The significant weakening of al-Qaeda's ability to carry out complex attacks, such as the killing of Osama bin Laden in 2011 and the reduction of its leadership structure, is an undeniable success. The attacks that took place after 11 September 2001 did not have the complexity and lethality of the attacks of 11 September or the attack on the USS Cole. This suggests that, despite all the challenges, counter-terrorism operations have made a significant contribution to reducing the global terrorist threat. The complex operation and protracted fight against terrorism in Afghanistan was therefore a success.

4.1.7.1 Reply of experts Winfried Nachtwei, Professor Anna Geis, Dr Katja Mielke, Professor Ursula Schröder and Bundestag members Schahina Gambir (Alliance 90/The Greens) and Philip Krämer (Alliance 90/The Greens) on the dissenting opinion of experts Professor Carlo-Antonio Masala, Egon Ramms and Jörg Vollmer on section 4.1.1.8³⁵³

The fact that al-Qaeda's ability to carry out complex attacks was significantly weakened by the fight against terrorism in Afghanistan is not disputed. However, the conclusion that "counter-terrorism operations (...) have made a significant contribution to reducing the global terrorist threat (...) the complex operation and protracted fight against terrorism in Afghanistan was therefore a success" must be clearly contradicted.

The aim of the international anti-terror coalition in Afghanistan was to combat all forms of terrorism and their breeding grounds in addition to fighting al-Qaeda. This was not successful – quite the contrary. According to the US Department of Defense's report to Congress in June 2017, the Afghanistan-Pakistan region had the highest concentration of extremist and terrorist groups in the world, with 20 insurgent and terrorist groups.³⁵⁴

In the context of the armed conflict in Afghanistan, thousands upon thousands of civilians were victims of terrorist attacks. In 2018 alone, 1,404 civilians were murdered through targeted killings, 886 through suicide and complex attacks, and 1,361 through IEDs.³⁵⁵

According to the Global Terrorism Index, Afghanistan was the country with by far the most terrorist deaths worldwide from 2017 to 2021, with 46% in 2018 (7,379 killed) and 41% in 2019 (5,725 killed).³⁵⁶

Institute for Economics & Peace, Global Terrorism Index 2017, 2018, 2019, 2020, 2022, Sydney.

³⁵¹ Hans-Ulrich Seidt: "Irrwege am Hindukusch – Ursachen und Folgen des westlichen Scheiterns in Afghanistan (2001-2021)", in: Zeitschrift für Auβen- und Sicherheitspolitik, Volume 15, 2022, p. 48.

The content of the dissenting opinion is the sole responsibility of the submitting parties.

The content of the reply and citation of sources are the sole responsibility of the submitting parties.

US Department of Defense, Enhancing Security and Stability in Afghanistan, Report to Congress, June 2017, p. 1, https://dod.defense.gov/Portals/1/Documents/pubs/June 2017 1225 Report to Congress.pdf

UNAMA, Reports on the Protection of Civilians in Armed Conflict 2019/ p. 37 et seq., https://unama.unmissions.org/sites/default/files/afghanistan_protection_of_civilians_annual_report_2019.pdf

According to the latest report by the UN Sanctions Monitoring Teams, al-Qaeda is said to have set up eight new training camps in Afghanistan and maintained madrasa religious schools in five provinces. The high concentration of terrorist groups in Afghanistan undermines security in the region. The greatest threat comes from the "Islamic State Province of Khorasan" (ISPK) with its ability to operate in the region and beyond.³⁵⁷

Terrorism in Afghanistan cannot be deemed to have been successfully combated, in the sense of directly or even sustainably containing terrorist violence and drying up its breeding grounds. The "War on Terror" failed strategically in Afghanistan.

4.1.8 Dissenting opinion of Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter on section 4.1.2.4³⁵⁸

In the view of the AfD parliamentary group, the reasons for the rapid collapse of "the Afghan state and its security forces" also lay in the fact that few Afghans were at all in favour of Afghanistan, which was "created by the West". For instance, the security personnel trained and equipped with weapons by Germany, among others, for over two decades with a lot of taxpayers' money only existed in part on paper. These "phantom service personnel" and/or "phantom police officers" either fled abroad, surrendered without much of a fight or even switched sides, when action on their part would have been required in spring and summer 2021.

Moreover, the findings and testimonies from the 1st Committee of Inquiry of the 20th legislative period of the German Bundestag suggest that this was more of a transfer of power to the Taliban, which, contrary to what many in the media portrayed, was largely peaceful. According to the former NATO Senior Civilian Representative for Afghanistan, Stefano Pontecorvo, an agreement was in fact reached late in the evening of 14 August 2021 in Doha (Qatar) between the political leadership of the Taliban and high-ranking representatives of the Islamic Republic of Afghanistan, which apparently benefited the Afghans, the Taliban and the remaining Western interests in the country.³⁵⁹ Markus Potzel, former Special Representative of the German Government for Afghanistan and Pakistan, also speaks of a planned transfer of power.³⁶⁰

The terrorist attack at Kabul airport on 26 August 2021 was not carried out by the Taliban, but was claimed by IS ("Islamic State"). ³⁶¹ The Taliban had no interest in jeopardising its goal (the withdrawal of all Western forces) at the last minute. The US actually even asked the Taliban to ensure control and order in Kabul, as it had earlier evacuated its embassy in a "cloak-and-dagger operation" and left its allies in the "green zone" (area in which many Western embassies and Afghan institutions were/are located) initially uninformed and virtually unprotected. As it later turned out, this US action was unreflective and merely the result of exaggerated emotion. It was only after the then President Ashraf Ghani learned – at noon on 15 August 2021 – of the US's ad hoc transfer to the airport that he fled to Abu Dhabi (United Arab Emirates). ³⁶²

Although the Taliban likewise cooperated in the evacuation, endeavoured to bring some order to the chaos around Hamid Karzai International Airport (whose namesake incidentally now lives in coexistence with the Taliban in Kabul), using the Taliban's own bus transports and various food supplies, and even promised Afghan government employees an amnesty, many Afghans did not want to stay in their homeland. Berlin also did not believe the Taliban's promises (including general amnesties), which had been in place since spring 2020, hence quite a few local personnel and tens of thousands of Afghans considered at risk by the Federal Foreign Office were offered the prospect of admission. The first consequence was a huge rush to the above airport.

³⁵⁷ UN Security Council 2023: Fourteenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2665 (2022) concerning the Taliban and other associated individuals and entities constituting a threat to the peace stability and security of Afghanistan, S/2023/370 (1 June 2023), https://documents.un.org/doc/undoc/gen/n23/125/36/pdf/n2312536.pdf?token=7E5wRYhGv1kAXjPIzj&fe=true.

The content of the dissenting opinion and the citation of sources are the sole responsibility of the submitting parties.

See https://www.bundestag.de/dokumente/textarchiv/2023/kw09-pa-1ua-afghanistan-934900 (retrieved on: 1 February 2024).

³⁶⁰ See WDR documentary: "Die wahren Gründe für den Fall Kabuls" https://www.youtube.com/watch?v=LIaLA3xckEU (retrieved on: 1 February 2024).

³⁶¹ See https://www.zeit.de/politik/ausland/2023-04/afghanistan-kabul-flughafen-anschlag-is-verantwortlicher-tod (retrieved on: 1 February 2024).

See WDR documentary: "Die wahren Gründe für den Fall Kabuls" https://www.youtube.com/watch?v=LIaLA3xckEU (retrieved on: 1 February 2024).

When asked in August 2023, the German Government had to admit that it was not aware of any cases of former local personnel having suffered violence at the hands of the Taliban after 15 August 2021.³⁶³ In the opinion of the AfD parliamentary group, the fear of the Taliban (that was in most cases stoked without justification) and threat posed by the Taliban have therefore proven to be unfounded. The main basis for issuing the visas was therefore built on shaky foundations.

4.1.8.1 Reply of the CDU/CSU parliamentary group to the dissenting opinion of Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter on section 4.1.2.4³⁶⁴

The statement in the AfD's dissenting opinion that an agreement was reached between the government of the Republic of Afghanistan and the Taliban on 14 August 2021 does not tally with the historical facts. This is evident from various statements and accounts by Afghan and German eyewitnesses. The processes were made particularly clear by Professor Hans-Joachim Gießmann in the public consultation before the 1st Committee of Inquiry of the 20th legislative term on 9 November 2023. Professor Gießmann accompanied the intra-Afghan peace negotiations – financed by the Federal Foreign Office – and, unlike Mr Pontecorvo, was actively involved in the developments in Doha as a mediator on 14 August.

In the consultation, the CDU/CSU parliamentary group referred to written reports by the Berghof Foundation on significant progress in the negotiations with the Taliban and asked about the role of the Berghof Foundation and the change in the quality of the negotiations. As a witness, Professor Gießmann explained that it was no longer about peace negotiations in the last few days. The aim was instead to facilitate an orderly transition. A trip from former President Hamid Karzai and the Chair of the High Council for National Reconciliation, Abdullah Abdullah, was planned after 15 August 2021. The Berghof Foundation had made proposals in this regard and there had already been a broad understanding of the content of these discussions. Against this background, the Taliban had declared its willingness not to conquer Kabul militarily in the coming days.

However, these advanced but ultimately not yet concluded talks failed due to President Ashraf Ghani fleeing on 15 August 2021. The witness Professor Gießmann stated that both sides were still talking to each other when it became known that the President had fled the country. The nature of the talks then changed again with negotiations now focusing on the immediate handover. The Taliban arrival in Kabul was intended to minimise chaos and bloodshed at the request of the government and the US. The Berghof Foundation had been informed of these negotiations, but had not participated with its own proposals.

At a later stage in the consultation, in response to a question from the Chair of the Committee of Inquiry, the witness Professor Gießmann stated that his recollection did not match the statements made by Mr Pontecorvo, NATO's highest civilian representative in Afghanistan. He was not aware of the procedure regarding an agreement before Ghani fled.

4.1.8.2 Reply of experts Professor Hans-Joachim Gießmann, Professor Anna Geis, Professor Carlo-Antonio Masala, Winfried Nachtwei, Egon Ramms, Professor Ursula Schröder and André Wüstner to the dissenting opinion of Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD), and expert Reiner Haunreiter on section 4.1.2.4³⁶⁵

The statement made with reference to statements by the NATO representative, Stefano Pontecorvo, and the former Special Representative of the German Government, Markus Potzel, that "an agreement was in fact reached late in the evening of 14 August 2021 in Doha (Qatar) between the political leadership of the Taliban and high-ranking representatives of the Islamic Republic of Afghanistan, which apparently benefited the Afghans, the Taliban and the remaining Western interests in the country", is inaccurate.

There was no corresponding agreement between the political leadership of the Taliban and high-ranking representatives of the Republic of Afghanistan. This was expressly confirmed by the former Special Representative Markus Potzel on 6 February 2024 in response to a query about the statement made in the

³⁶³ See answer to the individual question of Member of the Bundestag Jan Nolte, Bundestag printed paper 20/7945, question 39.

The content of the reply is the sole responsibility of the submitting parties.

The content of the reply is the sole responsibility of the submitting parties.

dissenting opinion. In this respect, it is also impossible to prove that such an agreement would have benefited both sides and "the remaining Western interests in the country".

4.1.9 Dissenting opinion of Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD), and expert Reiner Haunreiter on section 4.1.4.3.3³⁶⁶

For the sake of clarity, truth and precision, the AfD considers it necessary to refer to the often uncoordinated parallelism of the two military operations of ISAF and OEF and the CIA's intelligence operations.

4.2 Civil reconstruction and peacebuilding³⁶⁷

4.2.1 Peace diplomacy

4.2.1.1 German diplomacy in Afghanistan (2001-2005/06)

German diplomacy in Afghanistan in the early phase of the mission

The global shock caused by the attacks of 11 September 2001 also influenced the initial reaction of the German Government. Expressions of solidarity from allied nations were often made even before the US government had decided on its own measures. They reflected the general obligation to provide assistance³⁶⁸ in accordance with Article 5 of the NATO Treaty. Germany even declared its "unreserved solidarity" with the US.³⁶⁹ The German Government did not have a dedicated Afghanistan concept at the time, nor did it have any peace diplomacy strategy for defence against the threat of terrorism.

The Bonn Agreement

The Bonn "Agreement on Provisional Arrangements in Afghanistan" of 5 December 2001 decided on the transfer of power to an interim administration under the leadership of Hamid Karzai. Based on the five-point programme programme programme process presented by the UN Special Envoy for Afghanistan, Lakhdar Brahimi, it included a roadmap ("Bonn Process") to democratic elections of a transitional administration and a constitutional *Loya Jirga*.

According to the former Representative of the German Government Commissioner for Afghanistan, Michael Koch, the diplomatic engagement initially pursued three "mutually interdependent goals": (1) to ensure that "the country is permanently eliminated as a starting point of international terrorism" by creating a "democratic state" and, as part of this process, to "ensure the Taliban are ousted with lasting effect", (2) to consolidate "international governance" in the region, and (3) to "fulfil the hopes and expectations of the Afghan people for a better future".³⁷³

However, even at this early stage, there were sceptical voices in the Federal Foreign Office as to whether farreaching goals were even realistic. Comments included: "We'll be lucky if we emerge unscathed and the country continues to function as a reasonably peaceful despotism."³⁷⁴

The content of the dissenting opinion is the sole responsibility of the submitting parties.

There is a dissenting opinion on this section by the CDU/CSU parliamentary group and expert Dr Ellinor Zeino.

According to Article 5 of the NATO Treaty, the members decide on the specific form of assistance they "deem necessary". NATO (1949).

³⁶⁹ Chancellor Gerhard Schröder, German Bundestag (2001a).

Bonn Conference (2001).

Ruttig, Study Commission (2022c), p. 11.

³⁷² Brahimi (2001)

Drawn up by Special Representative of the German Government for Afghanistan and Pakistan, Koch: German Government (2014d), p. 37 et seq.

Volmer (2013), p. 133.

Disappointed expectations

The Bonn Conference in December 2001 brought together delegations from just four influential groups of former elites.³⁷⁵ Participation was therefore not representative in political and social terms.³⁷⁶ The Taliban, "significantly weakened both militarily and politically",³⁷⁷ were not invited, which was subsequently described by Lakhdar Brahimi as the "original sin".³⁷⁸³⁷⁹ However, the US in particular had no interest in the defeated enemy participating,³⁸⁰ nor did this fit into plans of an ad-hoc organised interim government, "although from today's perspective it would have been desirable, even necessary (...)".³⁸¹

By privileging only a few influential groups and excluding opposition forces, the invitation and decisions of the Bonn Conference appeared to be an elitist act of power distribution organised by the US and its allies. According to Masoom Stanekzai, later head of the Republic's delegation at the intra-Afghan negotiations in Doha, because the US factually equated the Taliban with al-Qaeda, there was also a missed opportunity to "reintegrate the Taliban" into society at a time when the existing conditions and balance of power were still comparatively favourable. He intra-Afghan negotiations are considered to the taliban of the Republic of the Republic's delegation at the intra-Afghan negotiations in Doha, because the US factually equated the Taliban with al-Qaeda, there was also a missed opportunity to "reintegrate the Taliban" into society at a time when the existing conditions and balance of power were still comparatively favourable.

The governments of Hamid Karzai and later Ashraf Ghani were unable to shake off the stigma of a foreign-installed regime in large sections of Afghan society.³⁸⁵ The Taliban knew how to utilise this to garner its own support among the population. In light of poor governance and rampant political corruption, it gained increasing support for its armed uprising.

The Afghan government complained that Germany had remained too passive,³⁸⁶ and subordinated its diplomacy too strongly to the strategic priorities of the US.³⁸⁷

Assessment

While agreeing a concrete roadmap for the formation of a government was a diplomatic success for Germany,³⁸⁸ the same cannot be said for the goal of addressing the underlying causes of the conflict in Afghanistan through reconciliation – as set in the mandate as a goal. The conference did not send a clear signal to the opposition about the need for reconciliation on the part of the international and Afghan participants, nor did it provide a prelude to overcoming the deep-rooted rivalries between the old Afghan elites. For these elites, the transitional regime was merely a compromise for the provisional division of power among themselves.

The Bonn Conference could have been the prelude to a strategic, coherent and internationally supported peace and reconstruction programme based on reconciliation. By omitting the need for a concerted national effort

³⁷⁵ See also section 4.3.2.2.1.

The "Rome", "Cyprus" and "Peshawar" groups from the diaspora were invited and admitted. A "fifth group" of pro-democratic forces was invited and not admitted. See Ruttig, Study Commission (2022c), p. 11. In addition, only three women, Habiba Sarabi, Fatima Gailani and Roza Mansuri, were involved.

³⁷⁷ Ruttig (2022c).

Brahimi, Study Commission (2023l), p. 3.

Following the appointment of Hamid Karzai as head of the interim administration, a few leading Taliban figures offered to participate in the government and reintegrate into society in exchange for an amnesty. However, they refused to comply with the Bush administration's demand that Osama bin Laden be handed over to the US. The Taliban's advances were therefore rejected by the US and also by Karzai.

Ruttig quotes George W. Bush: "We do not negotiate with terrorists", Study Commission (2022c).

Spanta, Study Commission (2023aq).

For information on the "conditional representativeness" of the conference, see: Ruttig, Study Commission (2022c).

Steiner, Study Commission (2022b), p. 8.

³⁸⁴ Stanekzai (2023), p. 33. After the appointment of Karzai as head of the interim administration, Taliban leaders offered to reintegrate politically if impunity was granted in return. Both the US and Karzai rejected the offer.

One example is Baktash Siawash, the youngest member of the Afghan parliament and former chief advisor to the speaker of parliament: "As for the two presidents Afghanistan has had over the past two decades – their only qualification was that they were exceptionally pro-Western and pro-American. President Ghani's strength is that he speaks English well." Thörner (2021).

³⁸⁶ Afghan politician, Study Commission (2023a).

Stanekzai (2023), pp. 9, 36. See also: Basir Feda, Study Commission (2023ar).

³⁸⁸ Germany's specific contribution to the Bonn Conference being established and the results achieved can only be traced to a limited extent, as – according to the Federal Foreign Office – no original files on the conference could be provided due to the statutory retention period.

towards socio-political transformation and focusing international support on stabilising the balance of power, the wrong political course was set.

In the years that followed, the German Government also missed an opportunity to form a diplomatic alliance with a broader reach than focusing on security policy alone. Observers such as Thomas Ruttig say that "if Germany had sat down after the positive initiative of hosting the Bonn Conference and pulled together the like-minded countries [...], a number of things could certainly have been done differently".³⁸⁹

With regard to the two initially formulated peace diplomacy goals of security and reconciliation, it should be noted that the early years were clearly dominated by diplomacy geared towards regime stability. There was a lack of understanding of Afghanistan's complex history of conflict and also a lack of willingness to engage in indepth analyses of Afghan history and society in the acute pressure situation of political decisions.³⁹⁰ In this respect, the diplomatic handling of the multiple and historically deep-rooted conflicts provides an example of foreign policy action that is often unreflective and interest-oriented, and of diplomacy that not only tends towards pragmatism and simplification, but is also short term in nature and takes insufficient account of the causes of the conflict. In 2001, for example, thought should have been given to why the Taliban were able to seize power within a short space of time in the mid-1990s, by routing out the leading perpetrators of violence of the former civil-war parties.

The return to power – made possible with the help of the international community – of players after 2001, who had been guilty of human rights violations and even war crimes in the 1990s, and who remained hated in large parts of the divided society even after the Taliban were ousted, was a flaw of the Islamic Republic from the outset, accompanying it to its end and serving the Taliban's narrative of insurgency.

Lessons

- Capacities for forward-looking analysis and development of strategic capability were not sufficiently
 available, were not supplemented on a mission-specific basis, and were not further developed or
 progressively evaluated in close cooperation with allies and key local partners.
- Overcoming political and social violence in fragmented societies could not be achieved solely through the use of military instruments or stabilisation of traditional hierarchies it required more consistent and transparent accompanying support for the process of reconciliation and development of social cohesion from the outset, to which diplomacy can also contribute.
- Policies geared towards regime stability from the outside inevitably had a destabilising effect over time, because although they primarily benefited the local elites, they did not take sufficient account of the concerns, interests and worries of the population of a mission country.

4.2.1.2 Peace diplomacy from 2006 to 2012/13

A German channel of dialogue is developed...

Serious international peace diplomacy was slow and hesitant to develop, and only started in response to an already clearly strengthened insurgency movement.

Apart from its active participation in the annual donor conferences and the ISAF mission, as well as its contribution to the international provision of humanitarian aid and development cooperation, Germany did not instigate any independent peace diplomacy initiatives for a long time. There was no recognisable political will to take on leadership responsibilities, nor were the necessary resources available. In addition, after the US shifted its interests to Iraq, the German Government endeavoured to clear away the "foreign policy rubble" in its relationship with the US that had arisen as a result of its own non-participation in the Iraq war (2003) and to prevent a further split in the Western alliance during the current mission.

³⁸⁹ Ruttig, Study Commission (2022c).

³⁹⁰ See also section 4.1.2.1.

³⁹¹ Hacke (2003).

In 2010, the German Special Representative Michael Steiner established a separate channel of dialogue with Taliban representatives who presumably had direct access to their leader, Mullah Omar, in coordination with the experienced US diplomat Richard Holbrooke.³⁹² In reverse order to what the Taliban were demanding, the aim of the German dialogue efforts was to first negotiate an inclusive model of government, before then³⁹³ moving on to the withdrawal of international troops. Furthermore, the Taliban should be allowed to open a liaison office in Doha (Qatar).³⁹⁴ This was intended to rectify their exclusion from the state-building and reconciliation process.³⁹⁵ For the Taliban, the channel of dialogue offered an opportunity to overcome its ongoing international isolation. The government in Kabul hoped to develop an internationally supported basis for negotiations with the Taliban with Germany's help.

... only to fail a short while later

Negotiations on the specifics of how to proceed were tough and circumstances arose early on that ultimately caused the process to fail as early as 2013:

Firstly, in the US, differences deepened between the Pentagon and the State Department regarding the objectives of a continued US presence in Afghanistan.³⁹⁶ Holbrooke, who was playing a key role in the new diplomatic approach, died unexpectedly in December 2010, which gave the players in the US, who had no expectations of an intra-Afghan political solution, a significant increase in influence.³⁹⁷ Germany therefore lost the most important guarantor for maintaining the jointly developed channel of dialogue with the Taliban. Secondly, after the killing of Bin Laden on 2 May 2011,³⁹⁸ hopes in Washington for a military breakthrough were given a fresh boost and reduced the willingness to even consider possible power compromises.³⁹⁹ At the time, the US government was concerned about continued support from Congress and decided to take a tougher stance, including a significant temporary troop increase. Thirdly, after the assassination of the head of Afghanistan's High Peace Council, former President Burhanuddin Rabbani, on 20 September 2011, President Hamid Karzai – also under pressure from the Northern Alliance – refrained from taking further steps in the negotiation. When the Taliban's newly opened office was closed again in June 2013 at Karzai's insistence due to a provocative flag ceremony, the initially promising process petered out.⁴⁰⁰

Despite the severe setback, the German Government said: "Ultimately, only a dialogue process with anti-government forces will open up lasting peace prospects for the country." However, in the wake of the US troop reinforcements, the Taliban were initially no longer prepared to take part in a dialogue on ending their insurgency or even on reducing the violence.

Assessment

Between 2010 and 2012, there seemed to be a brief opportunity for Germany to support negotiations. 402 However, the establishment of a channel of dialogue with the Taliban came too late, 403 and could not be continued after

Back in 2005, the BND had allegedly had contact with the "middle management" of the Taliban and, according to media reports, was later also involved in the creation and organisation of the channel of dialogue developed jointly with the US. However, a request by the Study Commission for a background discussion on the nature of the support provided by the BND to German diplomacy in establishing the contacts was rejected on the grounds that this could jeopardise cooperation between the services. Der Spiegel (2007); see also: Wörmer (2012), p. 4 et seq.

The Taliban's roadmap envisaged the following sequence: first withdrawal, then agreement on a system of government.

Originally intended to be in Kabul, the office was finally provided by the Emir of Qatar in Doha at the request of the Taliban. The Taliban hoped that he would provide greater protection and freedom of movement. Despite the office's closure shortly afterwards, the Taliban's now "unofficial" presence in Doha remains a focal point for international contacts with the Taliban to this day.

³⁹⁵ Steiner, Study Commission (2022b).

³⁹⁶ Rubin (2022), p. 76 et seq.

³⁹⁷ Whitlock (2021), p. 266 et seq.

For more information on the critical points, see also Tagesschau (2011).

³⁹⁹ Whitlock (2021), p. 199 et seq.

However, the US kept its channel of dialogue open. An exchange of prisoners was negotiated in 2014.

German Government (2014d), p. 47.

⁴⁰² Stanekzai (2023), p. 34.

⁴⁰³ See Steiner (2010). See also: US envoy Zalmay Khalilzad: "Maybe we were not [...] wise enough to reach out to the Taliban early on, that we thought they were defeated and that they needed to be brought to justice, rather than that they should be accommodated or some reconciliation be done." Quoted in: Whitlock (2021), p. 55.

Holbrooke's death. There was no discernible compelling alternative that could have won over key political and social players and the Taliban in favour of ending the violence. Germany did not have an overarching peace policy agenda – the channel of dialogue was based on the trusting cooperation of the individuals involved. In retrospect, whether the channel of dialogue could have actually opened up a credible option for negotiation remains open to discussion.

The Taliban stuck to its habitual line of initially only wanting to talk to the US and only about the withdrawal of troops. Germany's diplomats were deflated by the failure of their channel of dialogue: "We've stopped dreaming. Nobody fantasises about [creating] a Switzerland in the Hindu Kush any more." 404

To reduce the dependence of German diplomacy on the US, Germany could have argued in favour of developing a more strongly coordinated European approach. As was the case after 2001, however, this option was not seriously pursued, partly because, according to former Federal Foreign Minister Fischer in a hearing of the Study Commission, the dependence on the US was too great to pursue independent initiatives without the consent of the US. 405

Lessons

- Germany can successfully initiate peace diplomacy in cooperation with partners.
- However, their success depends on whether the parties to the conflict are seriously prepared to settle their differences without resorting to violence. If one or all parties are not prepared to do this, military pressure or suitable incentives are required to exert direct influence on the actions and willingness of the relevant parties to negotiate. Neither were sufficiently present in Afghanistan to persuade the Taliban to move away from its main demand, the unconditional withdrawal of US troops and their allies.

4.2.1.3 Peace diplomacy efforts from 2015 to 2021

Prospects for a peace dialogue

The German Government was increasingly alarmed by the rapidly deteriorating security situation from 2014 onwards: it was clear by "summer 2018⁴⁰⁶ that we had to find a way to exit. (...) Because we realised, of course, that the German parliament would not keep extending the mandates for military involvement in Afghanistan each year for ever." Nevertheless, the German Government decided to "continue its existing levels of diplomatic, civil and military engagement at the present time in coordination with its partners". 408

From 2015, after years of radio silence, the Taliban's unofficial Doha office sent out fresh signals of a willingness to engage in political dialogue. Its aim was to create the conditions for negotiations to end the international military presence and to prepare for participation in an intra-Afghan social dialogue – albeit without the involvement of the Afghan government – in order to present itself as a legitimate political force for assuming government responsibility both nationally and, above all, internationally. A nationwide ceasefire observed for three days for the duration of Eid al-Fitr⁴⁰⁹ in June 2018 and the participation of some Taliban-affiliated religious scholars in a meeting of 3,000 ulama in Kabul in June 2018 served to improve the Taliban's image. However, both events remained a flash in the pan. They did not herald a turning point. The Taliban insisted that further agreements on a ceasefire must be linked to concrete withdrawal commitments and that it would not negotiate with the Afghan government, only with the US. The US made its willingness to negotiate dependent on the Taliban's willingness to develop an intra-Afghan dialogue process in parallel.

The Afghan government was consistently denied any recognition by the Taliban. Until August 2021, it was referred to as the "Kabul administration", i.e. a limited administration under US domination.

⁴⁰⁴ Steiner, in Taz (2011).

Fischer, Study Commission (2023am), p. 14, "no illusions". According to Potzel, "for domestic political reasons [they] also needed active German involvement", not least because of the good access to all Afghan camps. Study Commission (2023as).

⁴⁰⁶ Preparatory talks for the bilateral negotiations between the US and the Taliban began in July 2018.

⁴⁰⁷ Study Commission (2023a).

⁴⁰⁸ German Government (2019), p. 6.

⁴⁰⁹ Clark (2018).

At a meeting in the "Moscow format" between the Taliban and an unofficial Afghan delegation, the Taliban spokesperson at the time, Suhail Shaheen, put it unequivocally like this: "Once the timeline for the withdrawal of foreign forces is set in the presence of

From a German perspective, this situation offered the first real opportunity to support an intra-Afghan dialogue approach.

The Federal Foreign Office re-established its own contacts with the Doha office as of 2018, as well as with influential players⁴¹²who had direct access to the Taliban's inner circle of leaders in Pakistan. This was supported in 2017 to 2018 with technical workshops conducted by the German Berghof Foundation, in preparation for intra-Afghan talks with the Taliban's Doha office and the High Peace Council in Kabul, aiming to enhance dialogue skills as a preparatory measure. This access was of strategic relevance for Germany in addition to the support provided for the dialogue process:

Firstly, as already documented, it was clear to the German Government as of 2018 that a non-violent conflict resolution for the Islamic Republic would only be possible if the Taliban were integrated into the government system. But there were no concrete ideas. From the German perspective, the Afghan side had the power to decide the future of the country.

Secondly, the channel of dialogue could be used to reduce the ever-increasing risks for German civilian operational forces in the Taliban-controlled areas of Afghanistan.⁴¹⁴

Thirdly, a direct channel of dialogue offered the opportunity to respond to the already broad support for a more prominent German role in overcoming the conflict in all Afghan camps through a visible peace diplomacy footprint.

The commencement of direct talks between the US and the Taliban in Doha in July 2018 made it clear that the Trump administration was determined to withdraw its own troops from Afghanistan at short notice under all circumstances – if necessary, without the involvement of the Afghan government and also without the direct involvement of allies or the United Nations. It was the US chief negotiator, Zalmay Khalilzad, who first proposed the idea of Qatar and Germany jointly organising a peace dialogue in 2019. This allowed him to focus on agreeing bilateral withdrawal rules with the Taliban without being tied down by the much more complex challenges of socio-political dialogue.

In its own security policy interests, but also in view of its long-standing trusting cooperation with Afghan partners, Germany had to decide how the progress achieved in the living conditions of the Afghan population could be preserved under these conditions and how the continued existence of the Islamic Republic could be supported in the best possible way.

German support for the "Intra-Afghan Dialogue Conference" in Doha (7-8 July 2019)

In spring 2019, Qatar and the German Government agreed to jointly prepare an intra-Afghan dialogue in Doha with the most representative participation possible from representatives of Afghanistan's various influence groups and the Taliban.⁴¹⁵

From the US and Taliban perspective, however, bilateral negotiations on the conditions for the withdrawal of US troops continued to take absolute priority. Unlike President Ghani and the Afghan government, who were under increasing pressure, the Taliban had no interest in participating in a dialogue process and instead insisted on a dialogue conference. They also firmly refused to recognise the Afghan government as an official partner. They merely declared their willingness to sit down at a table as a united *delegation* with *representatives of the Afghan population*.

international observers, then we will begin talks to the Afghan sides, but we will not talk to the Kabul administration as a government." Al Jazeera (2019).

Of particular importance were the contacts with the "Guantanamo 5", five former high-ranking members of the Taliban with great influence within the Taliban movement, who were transferred to Doha in 2014 after a long period of detention and prisoner exchange. Clark (2014).

The release of Mullah Baradar and his assumption of the negotiating role for the Taliban was an unmistakable indication for the German Government that the US considered an end to the mission with the Taliban to be more realistic than an agreement in cooperation with the government. Potzel, Study Commission (2023as).

⁴¹⁴ Ibio

The German Government was supported in organising the conference by the Berghof Foundation.

The conference took place on 7-8 July 2019 in Doha. Based on a balanced quota system, 15 participants from the government camp, Afghanistan's political parties, civil society and the Taliban respectively met directly for the first time. Apart from the adoption of a final declaration by acclamation, the conference had no lasting effect, partly because there was no follow-up, and therefore no process. Against the background of subsequent developments, some conference participants consider the outcome in retrospect to be a deceptive manoeuvre by the Taliban. They had no sincere interest in serious dialogue or even reconciliation. 416

There were several almost simultaneous circumstances explaining why the momentum of the dialogue conference in Germany's peace diplomacy ebbed away without being used. Following an attack by the Taliban in Kabul, in which a US serviceman was killed, President Trump initially called off negotiations with the Taliban on 8 September 2019. The US would hardly have agreed to an invitation from Germany to the Taliban at this time of all times for a further dialogue conference. Afghanistan was also in a state of emergency due to the upcoming presidential elections on 28 September 2019 and a deep mistrust between the main competitors, which continued almost unabated until spring 2020 after the highly controversial result. For months, the Republic's leadership remained paralysed in its ability to act. 417 Following the resumption of its negotiations with the Taliban in December 2019 and as a result of the ongoing political anguish in Kabul, the US was no longer interested in a potentially longer dialogue process, which in its view could only delay the withdrawal of its own armed forces in the short term. The Taliban also continued to prioritise getting the US and NATO troops out of the country as quickly as possible in order to significantly improve its own power options in Afghanistan.

The German Government dropped the idea of a continued dialogue process and instead opted for advisory support⁴¹⁸ for the negotiations between the Taliban and the delegation of the Islamic Republic.

German support for the intra-Afghan negotiations (12 August 2020 to 15 August 2021)

From Kabul's perspective, the bilateral agreement concluded between the US and the Taliban on 29 February 2020 left Afghanistan to its fate. It elevated the Taliban to a "government in waiting". The negotiating power that had previously been supported militarily was unnecessarily abandoned, even in the opinion of high-ranking US military officials.

In numerous trips to Kabul, including by government representatives Markus Potzel and Jasper Wieck, the German Government continued to try to convince Afghan stakeholders of the need for a political agreement with the Taliban. The Berghof Foundation provided seminars on negotiating techniques and methods to prepare the delegation from the Islamic Republic for the negotiations. 422

However, the Taliban regarded the negotiations solely as part of the implementation of the agreement they had previously concluded with the US. 423 From day one, their every utterance was aimed at ensuring that only the specific agreements on the withdrawal of US troops set out in the Doha Agreement would be honoured on time and that the outcome of the intra-Afghan negotiations in Doha would remain open until then. Their negotiating tactics were to delay and debate in circles.

The Republic delegation pinned its hopes on German support. Alongside the US, Norway and Qatar, Germany also had the "closest" contact with both negotiating parties throughout the entire period. However, neither Germany nor any other party, with the exception of the US, and certainly not the delegation from the Republic, had sufficient negotiating power to achieve what was the sole preserve of the US and the Taliban.

⁴¹⁶ Study Commission (2023a).

It was only in February 2020, when the deal between the US and the Taliban was almost complete, that Ghani and Abdullah reached a compromise on forming a government, but this did not resolve their conflicts of responsibility with regard to the negotiations.

In addition to providing its own mediation expertise (Department S03 of the Federal Foreign Office), the German Government also utilised the mediation experience of third parties, including the UN and Switzerland, to support the negotiations.

⁴¹⁹ In the words of Mohammad Natiqi, a member of the negotiating team, the Doha Agreement led the Republic "like a lamb to the slaughter". Stanekzai (2023), p. 22.

⁴²⁰ Gießmann (2021).

Petraeus, Study Commission (2023ac), p. 4.

⁴²² A total of five intensive negotiation training sessions were held virtually and in Kabul with delegation members from August 2019 to August 2020. There were no further workshops with Taliban representatives before or during the negotiations.

⁴²³ Semple et al. (2021), p. 29.

Potzel, Study Commission (2023as).

A lack of negotiating power and extreme time pressure turned the idea of power-sharing with the Taliban, which the Afghan government was still pursuing, into an illusion by May 2021. Within just a few weeks, the resistance in Afghanistan against the advancing Taliban collapsed. The last attempts by the international supporters to prevent the worst from happening failed because the Taliban in Doha now strictly refused to seek a compromise. The Republic's negotiating delegation, which was still in Doha, was practically left to its own devices, receiving hardly any instructions from the leadership in Kabul, which was already in disarray. Germany's last peace diplomacy options were thus exhausted.

Assessment

A systematic peace diplomacy to accompany the Afghanistan mission was not developed early enough. While there was still limited diplomatic room for manoeuvre for a while due to the two negotiating parties' recognition of Germany's advisory services, the impact of the support proposed by Germany and, above all, the practical steps taken failed to live up to the expectations not only of the Afghan partners but also, ultimately, of parts of the German Government itself. Germany's potential for political influence was and remained limited. The impact of the support achieved fell short of the scope of activities at the various levels, partly because although Germany enjoyed the trust of the US and its Afghan partners, it was unable to bring any credible pressure to bear itself. What is more, the available avenues for consultation remained unequal from the outset: while on the Republic side there was consistent access to all leaders responsible for decision-making, contacts on the Taliban side were limited to the Doha office, which was more open to talks with Western states and whose leaders were also part of the Taliban's extended leadership circle, but not the closest group around its leader Hibatullah Akhundzada, who determined the Taliban's decisive positions from Pakistan.

The dominant role of the US⁴²⁶ in the overall process was occasionally criticised by the German side on the fringes of the intra-Afghan negotiations, but was also fully accepted as a result of the excellent security provided by the US for the mission. The German Government was regularly consulted and kept informed by the US, but not always comprehensively. Although the exchange helped to significantly improve the tense bilateral relationship with the US over the course of the negotiations, there was growing disappointment on the Afghan side regarding Germany's willingness to play a more independent role in supporting the negotiations, given that Germany was seen as being too narrow and too closely aligned with US guidelines.⁴²⁷

In retrospect, the failure of the intra-Afghan negotiations is often attributed to the bilateral agreement between the US and the Taliban. This standpoint is too simplistic, as there are a further three factors to be taken into consideration:

Firstly, the US had already lost confidence in the Islamic Republic's ability to reform. Washington feared a "perpetual war". It was understood that a war that could not be won had to be ended. 428 For too long a period of time, Germany underestimated the unilateral determination of this decision by the mission's leading power and, fearing the possible consequences for Europe if the mission were to be abruptly abandoned, opted for a different political solution, which the US government no longer considered achievable. The military capabilities of the US were ultimately decisive for the outcome of the negotiation process. The announced withdrawal of these capabilities deprived the peace process of the necessary negotiating power vis-à-vis the Taliban, which could not be compensated for by more active peace diplomacy on the part of Germany and other states.

Secondly, the partly personalised internal political conflicts, which were exacerbated by the government crisis lasting several months following the presidential elections in September 2019, continued even after they were formally resolved in spring 2020, thereby weakening the cohesion and stance of the Afghan Republic vis-à-vis the Taliban. The latter were given access to separate secret contacts with Afghan forces who were more interested in removing President Ghani from power than in preventing the Taliban from returning to power. Even in the

The US was simply in charge (literally: "calling the shots"). Potzel, Study Commission (2023as).

⁴²⁵ Stanekzai (2023), p. 32.

Afghan politician, Study Commission (2023a).

⁴²⁸ Whitlock (2021), p. 346 et seq.

face of imminent defeat,⁴²⁹ German diplomacy failed to mitigate the rivalries among the Afghan elites, which meant that no common position was formed to defend the Republic against the Taliban.

Thirdly and finally, the Taliban had an alternative to the failure of the negotiations: a potentially successful armed conflict. The Islamic Republic did not have such an alternative for its own survival.

Lessons

- Realistically speaking, Germany could not actively work on peacebuilding through negotiations on its own, as this would have needed strong collective political and military backing from NATO and, in the case of local missions, at least from the European Union. In international peace missions, military and civilian means of exerting pressure are not opposing tools in partnership-based cooperation they should be considered in symbiosis depending on the context, i.e. they should not hinder each other, but rather complement each other strategically and operationally. This was not achieved in Afghanistan.
- In deadlocked conflicts within society, the options for balancing interests should be kept as broad and
 flexible as possible. In addition to negotiations, this also includes inclusive forms of dialogue for
 reconciliation and mediation to change the attitudes, behaviour and relationships of the parties to the
 conflict. In Germany, these three approaches were not adequately considered in unison or applied in
 symbiosis.

4.2.1.4 Germany's multilateral peace diplomacy

German diplomacy for Afghanistan was conducted internationally in a number of different formats, some of which were applied in parallel, but some of which competed⁴³⁰ with each other, either with or without Afghan participation.⁴³¹ Together with Afghanistan, Germany co-chaired the International Contact Group with over 60 states and international organisations⁴³² and therefore had an influence on agenda-setting and coordination in the international donor community. In the final phase of the mission in summer 2021, Germany was also represented in a "small contact group" together with the USA, Norway, Qatar, Uzbekistan and Indonesia. In addition, there were regular bilateral contacts with the special representatives of China, Russia, Turkey, Iran, Indonesia, Uzbekistan and Pakistan, among others. Above all, however, Germany's long-standing relations with Afghanistan meant that, unlike any other partner country of the European Union, it had trust-based access to all key Afghan players, who in turn expected Germany to show particular commitment. Apart from the USA, only Germany, Norway and Qatar had any lasting weight and influence on the dialogue and negotiation process. Although they consulted each other regularly, they each pursued their own channels of dialogue with the Islamic Republic and the Taliban and endeavoured to gain the best possible access to all players. However, according to the Special Representative of the German Government, Germany was regarded by *all* Afghan parties as an honest, i.e. impartial, partner supporting the process.⁴³³

Assessment

The diversity of voices and oft-criticised lack of transparency of the various formats proved to be detrimental to achieving a more effective influence, especially as other groups – initiated by Russia, China and Turkey, among others, primarily bringing together Afghan forces who saw themselves as opposing President Ghani – joined in parallel to the formats with German participation.

A major shortcoming of multilateral peace diplomacy was that although the Afghan government was involved in important formats, it was not directly involved in the final decisions of the international players. Multilateral peace diplomacy hardly ever took place under the umbrella of the United Nations or the European Union – it was instead in the hands of a small, effectively self-mandated group of states, including Germany. The EU's External Action Service criticised the lack of transparency in Germany's support for Afghanistan vis-à-vis its European

⁴²⁹ van Thiel (2023), p. 2.

In some cases, the rivalry developed into "unhealthy competition". Feda, Study Commission (2023ar).

⁴³¹ van Thiel (2023), p. 1.

⁴³² The International Contact Group (ICG) was formed in 2009 at the instigation of Richard Holbrooke. Details in e.g. German Government (2014a), p. 6.

Potzel, Study Commission (2023as).

partners. 434 At the same time, however, it should be noted that the EU itself was never able to develop a common position on the peace process. The same applies to NATO, whose political, diplomatic and also personnel clout during the negotiations lagged far behind the singularly much greater clout of the USA.

Lessons

- In many countries, Germany enjoys a good reputation as a partner state, especially in countries where it has no colonial legacy to answer for, for example, and ensures trustworthy access as a provider of effective services to support crisis prevention and conflict transformation. Utilising this access without having to pursue emergency channels offers opportunities for an effective, self-confident and visible German contribution to international peace diplomacy. It was not possible to successfully exploit these opportunities in Afghanistan. A realistic assessment of Germany's potential for influence, but also of the limits of its potential, could be used to determine - more realistically and at an earlier stage - the likelihood of success of German diplomatic engagement.
- What would have been needed was a closer coordination of interests and stronger institutional and collective negotiating power, especially together with the USA and European partners.

4.2.1.5 National structures of German diplomacy in Afghanistan

Key instruments for internal coordination within the German Government were only established at a late stage: from 2006, regular meetings of state secretaries from the ministries involved with Afghanistan were convened, on the initiative of the Federal Ministry of Defence, and from 2009, Special Representatives of the German Government for Afghanistan and Pakistan started to be appointed. The fact that both bodies were not created until five and eight years, respectively, after the start of the Afghanistan mission is evidence of the German Government's hesitant learning process regarding the need for closer internal coordination. However, it also reflects the generally strong individual responsibility of the ministries for their own policy-making and implementing their own budgets. According to a former special representative for Afghanistan and Pakistan, there was no justification within the Government for the institutionalisation of "strategic" or "central" control through labour- and time-intensive "special structures" beyond the Afghanistan mission. However, the greater – and ultimately inadequately resolved – problem for the coordinated implementation of coherent peace diplomacy was in any case, according to the assessment, a persistent shortfall in staffing levels at the Federal Foreign Office, Federal Ministry of the Interior and Federal Ministry for Economic Cooperation and Development. 435 It was only as a result of the review process that peace diplomacy resources were pooled and capacities significantly bolstered at the Federal Foreign Office from 2015. In 2015, the interdisciplinary department for crisis prevention, stabilisation, peacebuilding and humanitarian aid (S Department) was established. In 2017, the Federal Foreign Office transformed the former Afghanistan/Pakistan task force into an independent division (AP 05) within the newly created Asia/Pacific department.

Measured in terms of the complex challenges, however, the staffing levels for closer cooperation in operational areas remained low. The disparity and lack of breadth of cultural and linguistic knowledge also had a negative impact. The comparatively short periods of deployment of personnel in crisis regions such as Afghanistan and the rotation of personnel in the ministries, particularly in the Federal Foreign Office, proved to be an obstacle to systematic, long-term engagement. There were also differences in the ministries' target projections. Lastly, individual ministerial budget responsibility in overlapping policy areas (e.g. peacebuilding) also proved to be a disadvantage for the development of synergies in the implementation of budgets.⁴³⁶ Although competition between the ministries (which was mainly observed by non-governmental organisations) was not officially confirmed in background interviews at leadership level⁴³⁷ and ministerial level, operational difficulties between

The EU Special Representative for Afghanistan at the time put it like this: "The EU External Action Service expressed regrets about the lack of transparency and European spirit of the German action on Afghanistan, failing to build a Europeanised action that would have given Europeans a much stronger united stance in the negotiations both vis-à-vis the US and the Taliban". Kobia based on: Gießmann (2020).

German Government (2014d), p. 53.

Study Commission (2023b).

Background interviews with, among others: Wieczorek-Zeul, Study Commission (2023y); Study Commission (2023b); Potzel, Study Commission (2023as).

the ministries in demarcating areas of responsibility and dividing labour in crisis management and peacebuilding were not denied either. 438

Furthermore, in one of the hearings of the Study Commission, a diplomat criticised the fact that there was "no culture of error" within the Federal Foreign Office.⁴³⁹ However, other sources from the Foreign Office denied that guidelines from Berlin had "exaggerated" the embassy's assessment of the situation on the ground.⁴⁴¹

The monthly meeting of state secretaries was generally perceived as a suitable forum for coordination between the ministries. However, the format proved to be unsuitable for developing interministerial strategies and operational concepts, with operational cooperation between the ministries primarily taking place at civil servant level. Cooperation in the division management meetings was rated as constructive by the participants.

Assessment

The German Government was clearly well aware of the problem of there being no *political and strategic coherence*. In November 2021, a retreat held for civil servants significantly involved in Afghanistan addressed the question (albeit "inconclusively")⁴⁴² of whether the impetus for the Afghanistan strategy in previous years had come more from the Parliament issuing the mandate or from the civil servants of the German Government informing Parliament.

Lessons

- The need for improved political and strategic coordination, a systematic needs assessment, analytical capabilities and strategic foresight across the ministries became apparent over the course of the mission.
- Peace diplomacy should have been conceived, designed and strengthened more as multi-level diplomacy.
 This would have allowed synergies in activities between governmental and non-governmental players to be more systematically identified and systematically fostered.
- In addition, there were deficits with regard to training in linguistic abilities as well as other knowledge and intercultural skills that are important for Germany's effective peace diplomacy, especially for conducting negotiations, facilitating dialogue, mediating and supporting mediation.

4.2.2 Local peace processes and peacebuilding

4.2.2.1 Preliminary remark

In addition to the other challenges (security – state-building – economic development and improving living conditions), local peacebuilding remained an area that was given little political relevance or attention even after the Taliban insurgency gained strength from 2006 onwards. It was not until the start of official negotiations with the Taliban in 2018 that the area of peacebuilding gained a high level of international attention with numerous international dialogue initiatives and peace surveys. For decades, however, Afghan society has been living in separate social, cultural, ethnic, denominational and regional environments with little scope for personal contacts and cultural interchange.

The section looks at intra-Afghan peace processes, transitional justice processes and local peacebuilding approaches supported by Germany.

⁴³⁸ Study Commission (2023c); Study Commission (2023b).

⁴³⁹ van Thiel (2023), p. 7.

⁴⁴⁰ Ibid., p. 3.

⁴⁴¹ Study Commission (2023c).

⁴⁴² Ibid

4.2.2.2 Reconciliation and peace initiatives of the Afghan government⁴⁴³

4.2.2.2.1 Agreed power-sharing between the winning parties (from 2001)

In the aftermath of the Bonn Agreement of 5 December 2001, the newly forming Taliban movement made political capital out of the fact that it had not been involved, for instance by describing the new, foreign-installed government as illegitimate and the presence of international troops as an occupation. From 2003, the Taliban returned as an insurgency movement, seeing its emirate as continuing to exist and deeming surrender as no longer an option for it.

4.2.2.2.2 First attempts to integrate the Taliban and other parties to the conflict (from 2008)

In response to the increasing strength of the insurgency movement, the Karzai government initiated the preliminary processes of reconciliation from 2008. These were aimed at granting immunity to individuals or groups involved in the armed conflict for past acts of violence on condition that they renounce violence, distance themselves from terrorism and recognise the constitution of the Islamic Republic of Afghanistan.

In September 2010, President Hamid Karzai formed the High Peace Council (HPC) with the aim of initiating peace talks with Taliban members and winning over armed insurgents to the peace process. The Council comprised over 70 members, including former warlords and perpetrators of violence, reintegrated Taliban members and a few women.⁴⁴⁴

In September 2016, the Afghan government under Ashraf Ghani signed a peace agreement with the insurgent party *Hezb-e Islami Afghanistan* (HIA), which had partly fought alongside the Taliban against international troops. In return for an amnesty for HIA party supporters, *Hezb-e Islami* ceased its violence, cut its links to terrorist groups, such as al-Qaeda, and recognised the Afghan constitution. The agreement also included the release of HIA members from Afghan prisons.

In 2017, HIA party leader Gulbuddin Hekmatyar called on the Taliban and other insurgents to end the war. While there was public protest against the amnesty of Hekmatyar and his supporters, there was also hope on the Afghan and international side that the agreement could serve as a template for a subsequent peace agreement with the Taliban.⁴⁴⁵

4.2.2.2.3 Direct negotiations with the Taliban (from 2018)

In February 2018, President Ghani made the Taliban an unconditional offer for peace negotiations and promised them a future as a political party with government participation (the "Kabul process"). As a confidence-building measure, the Afghan government unilaterally declared a ceasefire on the Muslim Eid holidays in 2018 and 2019 and released over 800 of a total of 15,000 Taliban prisoners from June 2019. Both Afghans and the international community had high hopes for a negotiated peace settlement and an end to the violence.⁴⁴⁶

The Afghan government's peace initiative took a back seat in the course of the negotiation process initiated by the USA with the Taliban leadership in Doha (the "Doha process") from the beginning of 2019. The Afghan government was not recognised as a negotiating partner by the Taliban until the very end.

In July 2019, President Ghani dissolved the High Peace Council and created a Ministry of Peace in its place. In August 2020, the High Council for National Reconciliation (HCNR) was designated by President Ghani as the official body to oversee the peace negotiations. The HCNR, chaired by Abdullah Abdullah, was to provide substantive guidance to the Ministry of Peace and the 21-member negotiating team appointed by President

445 Rahim (2019).

⁴⁴³ The Afghan state peacebuilding institutions included the High Peace Council (HPC, 2010-2019), the Ministry of Peace (2019-2021), the High Council for National Reconciliation (HCNR, 2020-2021), the constitutionally enshrined Afghanistan Independent Human Rights Commission (AIHRC) and the Provincial Peace Committees at local level.

However, the involvement of former Taliban members was seen by some as a structural obstacle to a reconciliation process with the Taliban movement, as Taliban defectors tended to be seen as enemies of the movement. Nixon (2011), p. 23.

The Institute of War and Peace Studies (IWPS) (2020), pp. 25-27: 80 per cent of respondents were in favour of a negotiated solution and 20 per cent in favour of a military solution. Support for a negotiated solution was lower among people with a religious educational background (67 per cent) or without an educational background (76 per cent) and varied between regions.

Ghani.⁴⁴⁷ The formal handover of responsibility for the peace process to Abdullah was the result of a negotiated political-power compromise in May 2020 between President Ghani and Chief Executive Abdullah following an ongoing government crisis.

In view of the nationwide military advance of the Taliban from summer 2021, President Ghani fled into exile on 15 August 2021, surprising all sides and without handing over government responsibility. The Taliban took over political power and state order and supported the withdrawal of international forces. The fighting ended. An intra-Afghan reconciliation process was not pursued by the new government.

4.2.2.3 Causes of the failure of the peace process

4.2.2.3.1 Lack of Afghan ownership of the peace process

An Afghan-led and Afghan-managed peace process was considered a fundamental principle supported by the international community from 2010 onwards. And yet a lack of Afghan ownership of the peace and reconciliation process was evident from the outset, not least due to the country's security, economic and financial dependence. Civil society interests and peace initiatives often took a back seat in the prevailing tension between local power structures, internationally networked elites and the interests of international donors. Local ideas of peace and stability in Afghanistan did not receive the necessary international backing and were largely ignored by the USA in the latest negotiations or replaced by their own. The subordinate role of the Afghan government, civil society and the local population in the peace process was recently demonstrated in the negotiation process with the Taliban. As of 2018, the Doha process remained a bilateral agreement between the USA and the Taliban.

4.2.2.3.2 Exclusion of numerous social forces

On the international side and in various (but not all) Afghan camps, there was widespread agreement that sustainable peace can only be achieved through the inclusive involvement of all relevant social forces. The powersharing of the various ethnic groups established after 2001 enabled a deeper ethnic and religious inclusivity in politics and state administration. 449 However, civil and democratic forces campaigning for human, women's and minority rights and democratic participation felt marginalised in key institutions and platforms in favour of party and militia leaders. 450 This was already evident in 2001, when the civil society conference in Bad Honnef was held separately from the actual negotiations in Bonn.⁴⁵¹ Almost a decade later, the members of the High Peace Council, which was founded in 2010, still tended to reflect the old balance of power. Members from civil society, the private sector, the media and women were barely represented.⁴⁵² The High Council for National Reconciliation set up in 2020 and the Doha negotiating team of the Islamic Republic, including some sons of militia leaders and only four women, were only slightly more diverse in terms of the inclusion of women, civil society and the younger generation.⁴⁵³ The simple, predominantly traditional and conservative rural population had no voice for their interests in the Republic until the very end. Regional militia leaders, who claimed to represent the interests of their respective local ethnic population groups, tended to pursue their own personal interests. In view of the loss of trust in the government, state institutions or their own tribal leaders, parts of the less favoured rural and immigrant urban population groups increasingly saw their interests represented in the Taliban insurgency movement or tolerated it out of fear or as the lesser of two evils. 454 The Taliban movement

European Parliament (2010).

⁴⁴⁷ Adili (2020).

⁴⁴⁹ Sadr (2020), pp. 172, 216.

Not all pro-democracy forces were in favour of Western international engagement. Critical peace researchers found fault with, among other things, the lack of inclusion of other perspectives in the creation of "valid" and "recognised" knowledge. Exo (2015), pp. 181-198.

⁴⁵¹ Schmeidl, Study Commission (2022c). There was also criticism of the dominance of Northern Alliance representatives in the Bonn negotiations.

van Bijlert (2010); Nixon (2011).

⁴⁵³ In 2019, 46.2 per cent of people surveyed stated that they did not feel sufficiently represented in the peace talks. Akseer and Rieger (2019), p. 173.

⁴⁵⁴ It was often not possible to assign people to a particular category. People supported the Taliban for various reasons as sympathisers, followers, opportunists or out of fear. See: Mettelsiefen and Reuter (2010), p. 5.

was also able to infiltrate state institutions and social groups in the cities in the last years of the Republic. However, it was difficult to determine their actual support among the population.⁴⁵⁵

In addition, there were different views within the socio-political camps as to what appropriate inclusivity should look like. Inclusivity in the narrower sense referred to the representation of proportionality in terms of ethnicity and political power. In a broader sense, it means the inclusion of different ethnic, religious, tribal, social and political groups as well as the participation of women, the younger generation, war victims and displaced persons. People did not share the same views on inclusivity.⁴⁵⁶ The question of fair representation of social groups and interests in peace negotiations remained difficult and controversial to the end. What is more, demands and expectations differed between the international donor community and opinions prevailing in the Afghan population.⁴⁵⁷

It was therefore all the more important for selection procedures for political offices, positions in international organisations or a seat at the negotiating table to be transparent and fair. Since the Ghani government came to power in 2014, women and members of the younger generation have increasingly held positions of responsibility and have been able to contribute their political voice to the peace process and the intra-Afghan dialogue and negotiations from 2019. 458

After 2001, a broad Afghan civil society and media landscape emerged, as well as an open culture of debate, which theoretically enabled civilian support for the peace processes and peace work. At the same time, however, social power structures were also reflected in civil society. Urban elites and foreign-trained professionals who conformed to Western notions of civil society had better access to international funds and funding programmes as well as the required expertise. Local grassroots initiatives often lacked access to this, as well as the capacity and knowledge to implement them. Large sections of the younger and rural population, with their visions of peace and political and cultural values, were barely recognised or politically integrated by the Afghan and international side.

4.2.2.3.3 The role of the returning diaspora in the conflict

In Afghan society, the question of the influence of the (returning) diaspora in the peace and reconciliation process remained a sensitive and controversial issue. The majority of Afghans present at the Bonn Conference in 2001 had already lived in the diaspora for a long time, far removed from the realities of life for their compatriots who had remained in Afghanistan. From 2001 onwards, many well-educated Afghans returned from exile to help build up their country. They were often favoured by the international community due to their professional and linguistic skills as well as their cultural proximity, and were quickly appointed to leading positions in government, parliament, state-owned companies and international organisations. Apart from the positive effects of the return migration of skilled workers, parallel societies detached from local society started to form, as the Afghans from abroad did not adequately represent the needs of the wider population. Under the Ghani government, not only did the number of Afghans who had dual citizenship as well as second homes and families abroad reach an all-time high, but so too did corruption and capital flight abroad. The lack of local roots and accountability of the state elites exacerbated social inequality and contributed to the delegitimisation of the government. As a result, the Taliban gained further support and the intra-Afghan reconciliation process was made more difficult.

4.2.2.3.4 Patronage networks and corruption as drivers of conflict

With it not always being possible to ensure the requisite absorption capacities of international funding,⁴⁵⁹ new state and civil society elites have been allowed to form, not to mention a "peace economy" increasingly geared

Weigand (2022), pp. 193-194: After 2001, the Taliban were more concerned about their acceptance and legitimacy among the local population. There is little reliable data on the actual perception of the Taliban among the local population, as access to Taliban-controlled or contested areas remained difficult until recently.

⁴⁵⁶ In 2020, 17-28 per cent of respondents (depending on their educational background) were against the inclusion of women in the peace negotiations. See: The Institute of War and Peace Studies (IWPS) (2020), pp. 42-44. In 2020, most respondents (39 per cent) said that the government could best represent their interests in the peace talks. Others saw their interests best represented by war victims (15 per cent), civil society (13 per cent), women (10 per cent), political parties (9 per cent), religious or tribal leaders (7 per cent) or youth representatives (7 per cent). See: Salah Consortium (2020), pp. 21-22.

⁴⁵⁷ Hassan and Wardak (2020).

For a critical commentary, see Exo (2021).

⁴⁵⁹ See also section 4.3.5.7.

towards self-preservation rather than sustainable impact. The wages, salaries and fees paid by German and international organisations were in some cases significantly higher than local income and salary levels. This not only distorted the labour market, but also led to a disconnect between internationally supported lobby groups and a "culture of envy". Social, political or ethnic conflict structures could be duplicated even within international institutions. Local personnel sometimes acted as gatekeepers between foreign employees and local service providers, applicants or bidders⁴⁶⁰ and were able to filter and select information and bids according to personal interests or preferences, favour their own personal networks or exclude certain groups. Corruption and selfenrichment in all areas of the state (government, parliament, judiciary, state-owned companies and state service providers) as well as a lack of rigour in the fight against corruption further exacerbated the conflict.

Violence and conflicts were sometimes based on a culture of envy between groups and patronage networks with access to international funds or the opportunity to take themselves and their property to safety abroad, on the one side, and those sections of society that remained excluded, on the other. Disadvantaged groups not only developed an increasing rejection of the state and its elites, but also had a greater tendency to join insurgency movements.⁴⁶¹ The numerous players in the state and administration who worked, with integrity, for the rule of law and democratisation were not sufficiently supported and protected and were unable to prevent the government and democratic institutions from increasingly losing legitimacy in the eyes of society.

4.2.2.3.5 The do-no-harm principle was often ignored

The "do-no-harm" (DNH) operational principle advocated for German development cooperation work, with the aim of avoiding any possible negative consequences of development cooperation, remained a theoretical and intellectual construct that reached its limits in practice in peacebuilding, as in all areas of international intervention. The Federal Ministry for Economic Cooperation and Development's strategy paper from 2013 states:

"German development policy pursues the do-no-harm principle and, in turn, the aim of not exacerbating conflicts, fragility and violence through its engagement. In view of the [...] dilemmas and conflicting goals, this is often a major challenge. If the international community's presence is too dominant and undermines the legitimacy of its partners, it can exacerbate negative dynamics. Moreover, external measures that are not planned inclusively can further marginalise key conflict parties or disadvantaged groups or can disproportionately strengthen individual groups. If state institutions or partner governments instrumentalise development policy activities for their own purposes, this can, for example, reinforce and legitimise poor governance. Particular challenges can arise when military interventions take place alongside civilian involvement. That is why consistent adherence to the do-no-harm principle is a fundamental operational principle for German development policy [...]".462

The DNH principle remained a theoretical declaration of intent that reached its limits in practice in German and international peacebuilding, as well as in all areas of international intervention. The resulting dilemmas and conflicting goals weakened the acceptance and credibility of the international intervening powers and their local partners, in turn inadvertently and indirectly contributing to the strengthening of the insurgency and further conflicts and social divisions in local society.

4.2.2.4 Disarmament, demobilisation and reintegration (DDR)

One challenge for comprehensive stabilisation from 2001 onwards was the disarmament, demobilisation and reintegration (DDR) of the various armed groups and fighters. The Bonn Agreement of 2001 called on all armed groups to place themselves under the command of the new interim administration. No provisions on the DDR process or security sector reform (SSR) were made in the agreement, leaving the decision to the transitional administration. In the years that followed, there were both Afghan and internationally initiated programmes.

The Afghan New Beginnings Programme (2003-2005) launched by the United Nations Development Programme (UNDP) supported the Afghan government in the DDR process of the former Afghan Military Forces (AMF). The Allegiance Program initiated by the US in 2005 aimed to achieve reconciliation with former Taliban fighters

Hagbeen (2009).

⁴⁶⁰ Former Afghan journalist, Study Commission (2023a).

Federal Ministry for Economic Cooperation and Development (2013).

and provided for the release of 80 Taliban prisoners per month from US custody. It was replaced by the Programe Takhim-e Solh programme (PTS, 2005-2010), which was coordinated by the Afghan government and the US. The new programme under the leadership of Sibghatullah Mojaddedi (chair of the Afghanistan Independent National Peace and Reconciliation Commission) included the release of prisoners and the involvement of local fighters, who were offered amnesty in exchange for surrendering their weapons and accepting the new constitution. In 2007, the PTS programme counted over 4,500 "reconciled" fighters, the majority of whom had not been involved in fighting for some time. Only a few high-ranking commanders used the programme.

The Afghanistan Peace and Reintegration Programme (APRP) from 2010-2016, for which the High Peace Council was responsible and which was extensively financed⁴⁶³ by the UNDP and eight donor states, offered amnesty and reintegration programmes to insurgent fighters as well as high-ranking commanders willing to reconcile in exchange for disarmament and recognition of the constitution. The programme was supplemented by development measures at municipal level. The disarmament was carried out by the Afghan security forces (police and army) and the domestic intelligence service (NDS).⁴⁶⁴ The governors at provincial and district level as well as provincial peace committees played a key role in further peacebuilding measures with the local administration, tribal leaders, clerics and representatives of civil society and educational institutions. During its existence, the programme claims to have reintegrated a total of 11,074 insurgent fighters and commanders.⁴⁶⁵

4.2.2.4.1 Assessment

The demobilisation and reintegration programmes were only partially successful and were impaired by various inherent and external factors. They were only able to reach and involve a limited number of fighters. Even the definition of the term "combatant" was problematic in a country at war where the majority of the male population carried weapons. The majority of those reintegrated were not fighters in the true sense of the word. 466

Due to the lucrative foreign funding of programmes such as the Program-e Takhim-e Solh (PTS), there was an incentive on the state side to keep the success statistics for reconciled and reintegrated fighters as high as possible, without taking into account the actual backgrounds or further careers of the individuals. There was hardly any monitoring or follow-up of reintegration. The programmes often failed to create lasting alternative income prospects for ex-combatants.⁴⁶⁷

The programmes also set no conditions for serious acts of violence and in some cases created unintended incentives to continue the war economy by rewarding fighters with benefits and bonuses. He programmes also sometimes contributed to the deepening of conflicts at local level, especially when ex-combatants were integrated into foreign communities and had neither networks nor the trust of the local population.

The general security situation also made endeavours more difficult. Ex-combatants – but also clerics, peace activists and representatives of peace committees who were campaigning for reintegration – were at risk and became victims of attacks. Foreign fighters posed an increasing problem. From 2015, the increase in foreign fighters from the "Islamic State in Khorasan Province" (ISKP) in particular made the demobilisation programmes more difficult. Reintegration efforts were also undermined by cross-border sanctuaries and Pakistan's covert support for the insurgency.⁴⁷⁰

4.2.2.5 Transitional justice and transitional justice processes

The documentation and cataloguing of war crimes and human rights violations are important for possible subsequent legal proceedings in order to hold perpetrators accountable. These tasks can also make an important

The eight donor countries were Japan, Germany, Denmark, Spain, Italy, the US, the Netherlands and South Korea. Japan and Germany, the largest donors, financed the programme with a total of USD 67,171.86 and USD 39,521.92 respectively. See United Nations Development Programme – UNDP (2017), pp. 18-47.

⁴⁶⁴ By 2016, a total of 9,380 weapons of various types were said to have been confiscated. UNDP – United Nations Development Programme (UNDP) (2017), p. 16.

⁴⁶⁵ Ibid., p. 9.

⁴⁶⁶ Nathan (2009).

⁴⁶⁷ Swiss Peace and others (2018); Special Inspector General for Afghanistan Reconstruction – SIGAR (2019).

⁴⁶⁸ Nathan (2009).

Swiss Peace and others (2018), p. 7.

United Nations Development Programme – UNDP (2017), p. 16, 39-40.

contribution to establishing the truth, to understanding the various dimensions of the conflict and to the mutual recognition of the suffering and injustice experienced on all sides.⁴⁷¹

Transitional justice processes and reconciliation work in the broader sense include measures such as mediating at local level, dealing with the past with educational, literary and artistic means, processing war trauma, and carrying out conflict-sensitive research and media reporting.

The area of tension between peace and justice became clear back in 2001. Based on the assumption that there was a conflict of objectives between peace (stability) and justice (truth and reparation), the course was set in favour of stability and the inclusion of former perpetrators of violence. In the Bonn Agreement of 2001, transitional justice was not named as a necessary building block of reconstruction. A ban on amnesty for serious human rights violations and war crimes could not be implemented.⁴⁷² In 2007, the Afghan parliament passed a general amnesty for war crimes with the National Reconciliation, General Amnesty and National Stability Law. A legal solution to addressing war crimes would have affected many active members of the first parliament or members of the government.⁴⁷³ The entry into force of the general amnesty in 2008 coincided with the start of the first serious dialogue process with the Taliban. In view of a possible negotiated solution with the Taliban, transitional justice measures might also have been seen as disruptive.

4.2.2.5.1 Documentation of war crimes and human rights violations

The Bonn Agreement of 2001 implicitly gave the newly formed Afghanistan Independent Human Rights Commission (AIHRC) the mandate to investigate human rights violations.⁴⁷⁴ The AIHRC carried out the most detailed documentation to date of the war crimes and human rights violations committed between 1978 and 2001 and compiled a report of over 800 pages ("Conflict-Mapping Report") in the hope of initiating a nationwide process of coming to terms with the past. However, both President Karzai and President Ghani prevented the publication of the report (finalised in 2012).⁴⁷⁵ There were fears that the report could lead to deeper political division and destabilisation or even retaliation by alleged perpetrators.

The AIHRC report could have laid the foundation for a common, national culture of remembrance and made an important contribution to collectively coming to terms with the suffering and injustice experienced. Other approaches to documentation could not achieve this level of review. Ultimately, UNAMA's non-partisan documentation of civilian victims remained one of the most important records of the violence in the ongoing war.⁴⁷⁶

4.2.2.5.2 Transitional justice and legal penalties

The Action Plan for Peace, Reconciliation and Justice drafted by the AIHRC and adopted by the government in 2016 provided for various transitional justice measures such as truth-seeking, institutional reforms and symbolic reparations. With its exclusion of amnesties for war crimes, the action plan contradicted the amnesty law that came into force in 2008.

Afghan and international human rights groups have endeavoured to have past war crimes investigated by the International Criminal Court (ICC), of which Afghanistan has been a member state since 2003. These efforts were dismissed, not least by the US, in order not to expose members of the US armed forces and the US secret service to possible legal proceedings. The German Government emphasised its close cooperation with the ICC, but firmly rejected exerting pressure on the Court out of respect for its independence. The ICC recently prioritised the investigation of war crimes and crimes against humanity committed by the Taliban movement and the jihadist group "Islamic State in Khorasan Province" (ISKP) and postponed the investigation of war crimes and serious human rights violations, such as extrajudicial executions, drone attacks against civilians and torture

⁴⁷¹ Gossman (2013), p. 7.

⁴⁷² Rubin (2003), pp. 567-581.

⁴⁷³ See Gossman and Kouvo (2013), p. 29.

⁴⁷⁴ See Rubin (2003).

Former Afghan employee of the Human Rights Commission, Study Commission (2023a).

UNAMA – United Nations Assistance Mission in Afghanistan (2023); Salih (2020).

⁴⁷⁷ Speri (2021)

See German Bundestag (2021a), pp. 3-4.

by international forces in Afghanistan. This has been criticised by Afghan human rights groups and victims' families as a continuation of impunity and Western double standards.⁴⁷⁹

4.2.2.5.3 Assessment: transitional justice in the context of an ongoing conflict

After 2001, the majority of people in Afghanistan stated that they had been victims of human rights violations and called for the prosecution of war crimes committed before 2001.⁴⁸⁰ The internationally supported amnesty and political integration of former perpetrators of violence and war criminals made it more difficult to address the suffering and injustice. The abandonment of trials and transitional justice measures in favour of a hoped-for continuity and stability fostered a culture of impunity and distrust in political elites and their international allies.

Since the civil war of the 1990s, there have been very few – if any – processes and institutions for collectively and individually addressing injustice, such as truth and appeals commissions, documentation by neutral observers, compensation for victims or surviving dependants, or talks between conflict parties about the suffering they have experienced. There were no advocates of a comprehensive review process, even among the international donor states with sufficient strength to push it through.

Transitional justice and transitional justice processes usually only take place after "hot" phases of conflict have already ended. The main objection from both the Afghan and international side to stronger elements of transitional justice was the ongoing conflict with a consistently precarious security situation and political polarisation, which repeatedly threatened to degenerate into violence in times of political power changes. There is still doubt as to whether and when a favourable time for transitional justice and an in-depth review of the past existed in Afghanistan. That said, the Bonn Agreement might have been a unique opportunity to establish basic principles of transitional justice. In the context of the Afghan conflict, an integrated approach more closely interlinking a process of reconciliation and the involvement of perpetrators of violence with elements of truth-finding, recognition of the suffering of all sides (including the Taliban and their victims' families) and (symbolic) gestures of justice for victims of violence could possibly have been helpful.

4.2.2.6 Violence and human rights violations by international players

The military violence and civilian victims ("collateral damage") caused by international (NATO) forces contributed decisively to hardening the conflict and strengthening the insurgency over the course of the war. These include allegations of serious human rights violations, such as torture or executions by ISAF members⁴⁸¹ as well as air strikes and night raids by foreign military forces and the Afghan special forces supported by them.⁴⁸² The most serious air attack under German responsibility was the bombing of two tanker trucks in Kunduz province on 4 September 2009, which killed around 90 civilians.⁴⁸³ In 2019, around 10 per cent of civilian casualties were caused by air strikes. With 1,045 civilian victims from air strikes, this was the highest number of victims in the previous five years. International armed forces were responsible for the majority of civilian victims caused by air strikes (72 per cent).⁴⁸⁴ Search operations, often conducted jointly by international and Afghan progovernment forces and in the form of night raids, were the third largest cause of civilian victims for which the international military was responsible. The practice of (night-time) raids in private homes and in the presence of women and children was perceived by the affected population as particularly stressful and humiliating and as a

⁴⁸⁰ See Nemat and Bose (2020), p. 23.

Human Rights Watch (2022).

The German Government has not received any reports from German servicemen and women deployed in Afghanistan about executions of captured Taliban by ISAF troops or about the killing of civilians by members of ISAF troops. See: German Bundestag (2021a), p. 2.

Nemat and Bose (2020), pp. 14-15.

In the case of the bombing of two tanker trucks in the Chardara district in 2009 on German orders, the Bundestag's Kunduz committee of inquiry came to the conclusion by majority vote "[...] that in connection with the review of the air-to-ground operation in Kunduz on 4 November 2009, the German Government cannot be reproached [...]", even if it was "militarily inappropriate" (German Bundestag [2011b], p. 210 et seq.). The dissenting opinions to the report provide some insight into how controversial the findings of the majority of the committee were. See ibid, pp. 213-414. Different figures are available for the estimated fatalities. For more information on the complex background research on the victims, see also: Reuter (2023), pp. 181-185; Mettelsiefen and Reuter (2010), pp. 4-5.

UNAMA – United Nations Assistance Mission in Afghanistan (2019).

serious violation of cultural values, ideas of honour and dignity. Such raids also violated Article 38 of the Afghan constitution, according to which the private home is inviolable.

4.2.2.7 Germany's contribution to peacebuilding in the broader sense

4.2.2.7.1 The Civil Peace Service (ZFD) and German peace experts

The Civil Peace Service (ZFD), founded in 1999 as a joint government and civil society organisation financed by the Federal Ministry for Economic Cooperation and Development, was a key element in German development and peace policy in Afghanistan. 485 The Afghanistan programme initiated by the ZFD in 2004 was its largest programme worldwide. According to its own statement, the core element of the ZFD is the deployment of German peace experts, who were to work closely with local partners on the ground to contribute to non-violent conflict transformation, the reduction of direct, structural and cultural violence and the strengthening of a culture of peace. The only national implementing organisation of the ZFD was the German Development Service (DED) and, from 2011, the GIZ.⁴⁸⁶ The three components of the ZFD programme in Afghanistan were (1) education and reconciliation work, (2) strengthening of local conflict management structures and (3) conflict consulting and dono-harm (DNH) guidance. Starting in 2004, the ZFD created twelve positions for peace experts. DED peace experts were deployed in the Afghan Independent Human Rights Commission, the High Peace Council and various non-governmental organisations (NGOs), among others.

The ZFD's integrated experts were described by former employees as a German "instrument with a USP". 487 DED experts lived embedded in everyday life in Afghanistan and often had practically oriented professional backgrounds. However, former DED experts stated that they felt devalued compared to the financially better-off GIZ employees.⁴⁸⁸

Assessment

The evaluation of the ZFD commissioned by the Federal Ministry for Economic Cooperation and Development for the period from 1999 to 2010, based on eight country case studies, identified the outside perspective of the deployed peace experts on the respective conflict context as the most important added value. 489 ZFD projects were able to "contribute to the prevention and settlement of minor, local conflicts and family disputes in the immediate environment of the partner organisations", but they were not so effectively geared to changing the overall social context.

From 2004 onwards, ZFD personnel deployed to Afghanistan worked in numerous organisations that were part of an emerging and professionalising civil society. As experts on the ground, they were not exactly able to draw on extensive country expertise on Afghanistan and information on the state of Afghan society, but the Federal Ministry for Economic Cooperation and Development, as the donor, granted the ZFD extensive freedom to operate. The ZFD and other German players - such as the civilian programme of the Institute for Foreign Relations (ifa) or the political foundations – sometimes used the same local partners, but without coordinating with each other. Most of the programmes took place in parallel without any exchange of information or coordination.

The findings show that serious use was not made of the ZFD, despite it being a programme with significant potential to make a contribution to systematic peacebuilding from within society - namely through long-term partner work in the education and media sector, i.e. multiplier interfaces with significant impact such as peace curricula and textbooks. This is an indication that until 2010 the ZFD was not recognised as a fully-fledged instrument of German crisis prevention and peace policy (diplomacy level 2.0 to 2.5; see "Peace diplomacy" in the Glossary).

Civil Peace Service (ZFD) (2014).

On 1 January 2011, the German Development Service (DED) merged with the German Technical Development Agency (GTZ) and Capacity Building International (InWEnt) to form the German development agency (Deutsche Gesellschaft für Internationale Zusammenarbeit – GIZ).

⁴⁸⁷ Birtsch, Study Commission (2023aj).

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Federal Ministry for Economic Cooperation and Development (2011). The eight case study countries were Burundi, Guatemala, Israel/Palestine, Cambodia, Colombia, Niger, Serbia and Uganda.

4.2.2.7.2 Local conflict management and confidence building

Due to the ongoing war of attrition, the view that the Afghan conflict could not be resolved by military means and required stronger approaches and confidence-building measures with the Taliban as the main party to the conflict became widely accepted in the late phase of international engagement. Only a few countries, including Germany and Norway in particular, had long-established contacts and channels of dialogue with the Taliban.⁴⁹⁰ However, confidence-building dialogues with players holding different values, such as mullahs, imams and religious scholars, representatives of "mujahideen" parties or representatives from the Taliban spectrum have only taken place sporadically in the international as well as German engagement. At the ulama conferences initiated by the Afghan government and the Organisation of Islamic States (OIC), Afghan and international Muslim religious scholars condemned suicide attacks and violence against civilians.⁴⁹¹ However, as these initiatives did not involve the actual party to the conflict, they also became the target of Taliban attacks.

From 2018 onwards, there was a tension between fighting against and negotiating with the Taliban. German and international lobbying with like-minded interest groups (women's and human rights groups, liberal media) also predominated during the Doha negotiations with the Taliban from 2018. Dialogues with non-like-minded players from the religious and conservative, Taliban-affiliated spectrum remained an exception despite the great need for dialogue and information and the lack of trust, possibly also out of consideration for the Afghan government. At the same time, talks and dialogue in the Taliban environment were a difficult undertaking given the ongoing military fighting against the Taliban.

At local level, effective mechanisms of conflict management and dispute resolution in conflicts over land, resources, property relations or personal feuds remained an essential element in keeping local communities and a peaceful local environment intact. Traditional spiritual players, tribal elders and community institutions (shuras)⁴⁹² played a key role, particularly in rural regions. Moreover, it was also common in rural areas for state legal institutions (district courts) to delegate disputes to these same authorities at community level for local processing and adjudication, especially in the case of family and resource conflicts. At the same time, the state legal system was dysfunctional in large parts of the country due to corruption and inefficiency (see also section 4.3.3), so that the rural and low-income population, including women, sought legal protection from mobile Taliban courts in order to quickly and efficiently assert their rights in property or family law disputes.⁴⁹³

Approaches to local conflict management, dispute settlement and confidence building promoted by Germany were implemented by the ZFD, the Institute for Foreign Relations, the Berghof Foundation and the political foundations, among others. From 2021, the Max Planck Foundation funded a project on "Strengthening Human Rights for Peace" in partnership with the Afghan Independent Human Rights Commission (AIHRC).⁴⁹⁴ The ZIVIK (civil conflict management) programme of the Institute for Foreign Relations and the Steps for Peace initiative, funded by the Federal Foreign Office, has been supporting local partners in the field of civil conflict management and dispute settlement with a long-term training programme for Afghan trainers since 2004. The strength of the programme was its focus, developed over many years, on lasting relationships and a long-term approach, as well as its proximity to smaller, local civil society initiatives.⁴⁹⁵

Various German foundations in Afghanistan also carried out important dialogue work with players from traditional civil society. An Afghan non-governmental organisation, The Liaison Office (TLO) (co-financed by the Heinrich Böll Foundation) established networks between tribal representatives, the Afghan government and international organisations via its own regional liaison offices from 2003, in order to improve health care,

⁴⁹⁰ German development cooperation has always emphasised that it is committed to Afghan institutions. See also: Hopp-Nishanka (2023b), p. 6: "Contacts with the Taliban were strictly rejected and no negotiations or other consultations took place within the framework of development cooperation. As a result, in the 2010s, there was a withdrawal from areas where the Taliban had gained control."

Sida Helpdesk on Human Security and Humanitarian Assistance (2019), p. 8.

⁴⁹² For more information on the term "shura" and its various meanings in the Afghan context, see also: Federal Ministry for Economic Cooperation and Development (2014), pp. 32-34.

⁴⁹³ Taliban courts were sometimes rated by the population as more accessible, faster, more efficient and fairer. Jackson and Weigand (2020), p. 5 et seq.

According to the Federal Foreign Office, the funds approved for the project totalled 826,451 euros (funds actually spent: 715,879.64 euros). The duration of the project was from 1 January 2021 to 31 December 2022 (information from the Federal Foreign Office in response to a question from the Study Commission 2023).

Former peace expert (ZFD), Study Commission (2023d); see also: Wittschorek (2018).

education and the local security situation at local level. It worked in areas such as peacebuilding and justice, traditional conflict resolution mechanisms and natural resources/the environment. The "Women Peace Mediators" dialogue forum established in 2020 by the Konrad Adenauer Foundation and the Afghan organisation Equality for Peace and Democracy (EPD) held confidence-building talks and political dialogues between locally based Afghan women (not exiled Afghans) and religious scholars, mullahs, imams, mujahideen and Taliban representatives. These served to build fundamental trust between conflicting parties and interest groups and, ideally, to win over religious, conservative authorities as advocates for women's and human rights. The Berghof Foundation (funded by the Federal Foreign Office) has been active in the area of confidence building and strengthening local players and peacebuilding institutions since 2013. Among other things, it supported the High Peace Council and later the Ministry of Peace in setting up and networking the state peace infrastructure and organised training courses to prepare for the negotiation process, including technical workshops with Taliban representatives.

Assessment

There was a broad spectrum of international peacebuilding measures in Afghanistan. The German organisations each occupied their own niches in local peacebuilding. While each programme in itself provided added value and made a small contribution to peacebuilding, there was a lack of coordination and coherence between the various projects (also due to a lack of time and personnel capacities), so the opportunity to achieve greater synergy was missed. Projects were often not designed for the long term and remained one-off measures. 498

As a result of German and international involvement, a professionalised civil society emerged whose concepts and language were increasingly geared towards the interests of international donors rather than local needs in order to raise funds. Some experienced and qualified Afghan trainers were also poached by international organisations. As in other areas of engagement, German contributions to strengthening civil society in peacebuilding were caught between the desire for professionalisation and empowerment of civilian players on the one hand and strengthening their local autonomy and independence on the other.

Local partner structures often comprised linguistically and geographically "accessible" reform and dialogue partners who were culturally close to Western players. Cooperation with religious and conservative players as reform partners or multipliers was sometimes met with reservation and scepticism by German donors. This was partly due to the fact that religious authorities, including the state-funded national ulama council, advocated strict to radical Islamic positions with regard to religious freedom (blasphemy), capital punishment and public morality. On the other hand, the lack of access to these authorities made it difficult to understand the religious discourses and local conflict dynamics and prevented the approaches from having a broad impact. Talks and confidence-building dialogues with conflict parties, especially those close to the Taliban, were only initiated relatively late and to a very limited extent. Germany's potential for trust could possibly have been utilised more strongly and at an earlier stage in order to have had an impact.

Locally embedded civil society and local authorities (tribal elders, mullahs, imams) could have been more closely involved as reform and dialogue partners for peacebuilding and conflict prevention. Traditional players (community leaders such as *maliks*, *arbabs* and *wakils* or local religious leaders such as *mullahs*, *imams* and *maulawis*) and existing local structures and mechanisms for conflict resolution (councils, *shuras*) were not sufficiently utilised.⁴⁹⁹ Their potential for influence was not sufficiently recognised by the German or international side and was excluded by the political power elites, who tended to be critical of local, traditional religious or grassroots approaches. At the same time, integration was not always free of tension, as there were sometimes differing views and conflicts between the various local authorities and structures. On both the German and international side, the complexity of these local structures and interests was sometimes underestimated or focus was placed too strongly on certain players. Significant opportunities for confidence-building, local access and broad impact may have been missed here.

At the same time, players and organisations that collaborated with foreign organisations risked being discredited or endangered. Lobbying too openly for the rights and interests of women or minorities by foreign organisations

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⁴⁹⁶ Marion Müller and Sarah Weiß (Heinrich Böll Foundation), Study Commission (2023ak).

⁴⁹⁷ For more information on the Women Peace Mediators, see: Konrad Adenauer Foundation, Regional Programme Southwest Asia (2021).

⁴⁹⁸ Study Commission (2023d).

⁴⁹⁹ Haqbeen (2009).

or Afghans in exile risked discrediting this as a "foreign agenda" (see also section 4.2.4.2.4), diminishing their acceptance and credibility in parts of society or exposing them to security threats. Many women and activists therefore rejected (open) cooperation with foreign organisations.

The Afghan government, as well as recognised religious players, were not sufficiently empowered to take control of the religious discourse. The space for religious discourse was increasingly being taken over by radical Salafist or Taliban-affiliated voices. Sustainable approaches to preventing extremism among young people were not developed.

The provision of protected and "hierarchy-free"⁵⁰¹ spaces beyond social or political hierarchies and conflicts was a particular added value that German institutions were able to provide locally.⁵⁰² This was all the more important in view of the deteriorating security situation from 2015, when there were only a few safe meeting spaces left and political, civil society and religious players in the field of peacebuilding were increasingly threatened or targeted by attacks.

4.2.2.7.3 Civil dialogue with Pakistan and neighbouring countries

Due to its deep involvement in the Afghan conflict, Pakistan was considered a key country for peace and stability in Afghanistan. At the same time, bilateral relations were almost completely reduced to the level of the government and security authorities. A civil society dialogue that could have addressed local and civil interests and needs of the population in the border region was almost impossible in the climate of mistrust. The Pashtun population on both sides of the border was increasingly caught in the front line between the fight against terrorism, political polarisation and ideological radicalisation.

German and other institutions repeatedly initiated civil Afghan-Pakistani and regional dialogue. The Afghanistan Policy Group working platform of the Friedrich Ebert Foundation (FES), which ran from 2012 to 2021, aimed to establish regional cooperation at track 1.5 level with FES policy groups from India and Pakistan (see "Peace Diplomacy" in the Glossary). The policy groups referred to regional solutions for the peaceful integration of Afghanistan into the region. Mediothek e.V., founded by German Afghans in exile, promoted a confidence-building exchange between Afghan and Pakistani journalists. From 2014, the Konrad Adenauer Foundation initiated an Afghan-Pakistani summer school with representatives from universities, think tanks and civil society, as well as an Afghan-Pakistani parliamentary exchange programme. The dialogues and exchange programmes had to be discontinued from 2017 due to the deterioration in political relations. From 2020 onwards, Afghan-Pakistani dialogue formats could only be re-initiated very tentatively.

Assessment

Overall, the approach of strengthening civilian Afghan-Pakistani relations between representatives of civil society, universities, the media and parliamentarians was not consistently pursued. The reason for this was the continuous deterioration in bilateral relations. In retrospect, a civilian Afghan-Pakistani dialogue and exchange could have been more strongly considered, supported or demanded by the German and international side.

In retrospect, exchange programmes such as youth and student exchanges or university summer schools in Afghanistan and neighbouring countries were described as particularly effective and sustainable.⁵⁰⁴ Young people, students and young academics of different ethnic or social backgrounds from different provinces or living environments had the opportunity to get to know each other and make long-lasting contacts and friendships despite the difficult security situation.

Private religious schools (madrasas), which preached a radical interpretation of the religion and were often financed by Muslims from abroad, were not stopped by the Afghan government. Samar, Study Commission (2023n); Mielke and Miszak (2017).

Players and conflict parties can be – at least temporarily and partially – removed from their existing hierarchical and dependency relationships and become open to new opinions and perspectives. This phenomenon could also be observed at dialogue events and organised talks at the Konrad Adenauer Foundation in Kabul.

⁵⁰² Birtsch, Study Commission (2023aj).

Friedrich Ebert Foundation (2014).

⁵⁰⁴ Study Commission (2023d).

4.2.2.8 Assessment of Germany's engagement in the field of peacebuilding

Until recently, local peacebuilding led a "niche existence" in German and international engagement and was given little political weighting within civil engagement. There was a lack of clear strategic will on the part of the donors and the implementing organisations to declare local peacebuilding a priority area of activity. Dialogue and reconciliation work as well as the addressing of suffering and war crimes were not given priority relevance for the sustainable stabilisation of Afghanistan.

Germany and German civilian involvement enjoyed a broad basis of trust in large sections of Afghan society until the end, which facilitated local acceptance of German institutions and programmes. Even before 2015, Germany could have made greater and more consistent use of this to gain access to local players and conflict parties and to provide safe spaces for dialogue and dialogue in peacebuilding.

At implementation level, there were weaknesses with regard to the selection and diversity of local partners beyond culturally or linguistically close players, access to local players at grassroots level and knowledge of socio-political discourses and needs.

The do-no-harm principle advocated for German development cooperation to avoid unwanted side effects remained a theoretical and intellectual construct that reached its limits in practice in peacebuilding, as in all areas of international intervention.

German funding in the area of local peacebuilding was rather low compared to the total expenditure of German civil engagement. The key resources for effective peacebuilding remained experts with intercultural competence, conflict sensitivity and access to local players as well as long-term, trusting local relationships in order to guarantee the sustainability and credibility of programmes.

Overall, the peace work carried out by Germany in various niche areas, most of which were not interconnected, largely received the trust and acceptance of the local population. However, the approaches were unable to achieve any major synergies and were unnecessarily weakened as a result of structural errors in strategic policy and in other areas of international engagement.

4.2.3 Reconstruction of civil society structures, promotion of education and media development⁵⁰⁵

4.2.3.1 Introduction: overarching objectives in the area of education and media

The (re)construction of civil society structures in Afghanistan should serve to promote democratic values and norms, the rule of law and social participation. German stakeholders were committed to strengthening human rights, promoting a diverse and free media landscape and, in particular, establishing and expanding educational institutions (basic education, vocational training, higher education sector). As part of the foreign cultural and education policy, funds were also used to preserve cultural heritage, promote cultural activities in Afghanistan and enhance cultural exchanges. The establishment of civil society structures and broader access to education were seen as an important counterpart to the promotion of statehood and good governance: Memocratic civil society in Afghanistan that is committed to human rights can only emerge through long-term and intensive development work in the education, culture and media sectors." So

The goals were fleshed out in the German Government's Afghanistan concepts, and, for the first time, in greater detail in the 2008 concept for the education sector. The German Government will:

"[...] – continue to provide significant support to the Afghan government in its education offensive. The German Government is supporting the implementation of the national education plan throughout the country financially and by providing advice on teacher training and, in the north, by

The following interviews were conducted as background to this section: Martin Gerner, 11 May 2023; Dr Almut Wieland-Karimi, 30 May 2023; Professor Michael Daxner, 26 May 2023; Sharmila Hashimi, 1 June 2023; Anne Eberhard, 6 June 2023; Christine-Felice Röhrs, 6 June 2023; Carsten von Nahmen and Schamz Mayel (joint interview), 8 June 2023; Dr Hazrat Bahar and Dr Anja Wollenberg (joint interview), 4 July 2023; Waslat Hasrat-Nazimi, 10 July 2023.

The German Government's action plan "Civilian Crisis Prevention, Conflict Resolution and Peacebuilding" emphasises and describes in detail the great importance of these social dimensions for German peace policy and crisis prevention. German Government (2004a).

German Bundestag (2006b), p. 64.

building schools and training centres for teachers. In the field of higher education, the German Government will continue its comprehensive programme for reconstruction in the academic sphere and, above all, work to improve the skills of Afghanistan's university teachers;

- provide increased support to the Afghan Ministry of Education in the reconstruction and running of technical schools, for example in Kabul, Kandahar and Khost, in order to provide young school leavers in particular with qualified training in sought-after professions;
- help to ensure that women are more strongly integrated into the development process and benefit in particular from literacy, education and training measures and the creation of income-generating opportunities; [...]".⁵⁰⁸

German civil engagement in Afghanistan in the areas of education and media and in the broader field of foreign cultural and education policy was implemented by institutional players such as the Federal Foreign Office, the Federal Ministry for Economic Cooperation and Development, the German Development Service (DED), GIZ, KfW, the German Academic Exchange Service (DAAD), the Central Agency for Schools Abroad (ZfA), the Goethe-Institut,⁵⁰⁹ German political foundations and Deutsche Welle, in cooperation with numerous non-governmental organisations and local partners. There was also a lack of coordination between international and national donors in these areas. What is more, different players bring different interests to the table, which are shaped by the respective political cultures of the donor countries and their national interests, among other things.⁵¹⁰

4.2.3.2 Education (school, vocational training, university)

The establishment and expansion of a functioning education system in which boys and girls have access to education was a focus of Germany's engagement. Among other things, Germany contributed to the development of the necessary infrastructure (e.g. construction or renovation of school buildings) and to education itself (e.g. training and further training of teachers). The successes were measured on the basis of sharply rising and often questionable figures and, in particular, the improved access of girls to educational institutions. For example, in 2008 the German Government summarised progress as follows: with the construction of 3,500 buildings across the country, almost half of all schools now have permanent premises again, the number of teachers has increased sevenfold since 2001 and around 30,000 Afghan teachers have received initial and further training with German involvement. According to GIZ, 400 educational institutions were built, expanded or renovated with German participation between 2009 and 2017 (including 180 primary schools, 161 secondary schools, 18 universities and 45 vocational schools).

In her hearing by the Study Commission on 3 July 2023, the former Minister for Economic Cooperation and Development, Heidemarie Wieczorek-Zeul, also spoke retrospectively of an "education revolution" that had taken place in Afghanistan.⁵¹³

In 2015, the German Government, citing data from the Afghan statistical office, stated that 8.2 million children were enrolled in school, 3.3 million of whom were girls (approx. 40 per cent).⁵¹⁴

The German Government supported the Afghan government in the training of teachers with numerous measures that not only extended to the provision of infrastructure, but were also intended to improve the quality of teaching content: for example, in the development of curricula and teaching methods, the creation of teaching materials, the testing and evaluation of curricula and teaching and learning materials in model schools as well as the

German Government (2008b), p. 30-31.

⁵⁰⁹ The Goethe-Institut in Afghanistan was closed in 1991 due to the civil war and was one of the first European cultural institutions to resume its work there in 2003; see Winkler (2007); Eberhard (2013). In 2017, it ended its work in the country for safety reasons.

This was mentioned in background interviews on the topic of media and education, including with Daxner, Study Commission (2023ae); and Bahar and Wollenberg, Study Commission (2023ap).

See German Government (2008a), p. 27.

See Deutsche Gesellschaft für Internationale Zusammenarbeit – GIZ (2017), p. 2.

⁵¹³ Wieczorek-Zeul (2023), p. 4.

See German Bundestag (2015a), p. 39.

"teaching of proven teaching approaches in nationwide training courses for lecturers at 34 teacher training colleges in the country and consulting selected teacher training centres with German experts." 515

Germany was also involved in the area of vocational training by establishing and expanding the infrastructure and training teachers. Germany also contributed to securing teachers' salaries via the Afghan trust fund administered by the World Bank. Supporting the Afghan Ministry of Education in setting up a vocational training system was seen as an important element of economic reconstruction as well as the social integration of a very young population. Key sectors in the area of vocational training were automotive engineering, electrical engineering, construction, woodwork and clothing. Both full-time school-based vocational training, which primarily affects small and medium-sized enterprises, and traditional vocational training, which often benefits micro-enterprises, were to be strengthened.

Vocational training was also intended to build on existing traditions: according to the GIZ, there was a "multiyear, informal apprenticeship training programme" in Afghanistan, which was carried out in craft and trade businesses at bazaars and was taken up by around 35 to 60 per cent of young people, but which was often not properly recognised.⁵¹⁹ GIZ's projects also aimed to contribute to the "modernisation" of traditional apprenticeship training: informal education was also to be linked to the institutionalised system with vocational content integrated into the national general school curriculum and vocational subjects into secondary school from Year 7. In addition, more vocational training centres and technical schools were to be built.⁵²⁰

In the later years of its engagement, the German Government also assessed the enhancement of technical vocational education and training (TVET) as "particularly successful" in the context of development cooperation:

"The project has equipped 50 pilot schools, developed curricula for 7 trades and similar qualification systems with the private sector and produced training courses for vocational school teachers. The project has achieved extraordinary successes in modernising traditional apprenticeship training and enjoys a high level of political attention from Afghan partners." 522

German players also played a significant role in the field of university education. Afghanistan has a particularly high proportion of young people in the population. In 2018, for example, around 63 per cent of the population was under 25 years old. This, as well as a high unemployment rate among young people, put the higher education system under increased pressure to adapt. ⁵²³ The higher education sector showed significant expansion from 2001 onwards: numerous new universities were founded in Afghanistan in the period 2001-2021 and the number of students increased significantly. ⁵²⁴ For example, a total of 17 higher education institutions were counted in 2003 (eleven universities, four of them in Kabul, and 6 educational institutes) and around 31,200 students nationwide, 19 per cent of whom were female. ⁵²⁵ From 2006, private universities were also allowed to be established. In 2019, 154 tertiary education institutions were counted, with around 370,600 students, almost 25 per cent of whom were female. ⁵²⁶

The quality of the universities varied greatly: on the one hand, private universities and research centres of international standing had settled in Kabul. These included, for example, the American University of Afghanistan

German Bundestag (2010a), p. 7. More detailed figures on training can be found at German Bundestag (2011a), p. 12. In 2019, the German Government made it clear that it was not funding the development and production of textbooks in Afghanistan, (2010a), p. 7; see German Bundestag (2019d), pp. 1-2.

See German Bundestag (2010a), pp. 6-7.

See, e.g.: German Government (2008b), p. 31; Federal Ministry for Economic Cooperation and Development (2014), pp. 3-4; and Küper (2012), pp. 20-21.

See German Bundestag (2019a), p. 13.

⁵¹⁹ Deutsche Gesellschaft für Internationale Zusammenarbeit – GIZ (2017), p. 2.

See: Reier (2016); German Bundestag (2010a), pp. 6-7. Examples built or equipped with support from KfW or GIZ: TVEA (Technical Vocational Education Academy) Kabul for 720 students; AVI (Agricultural Veterinary Institute) Kunduz for 800 students; TMAC (Technical/Mechanical & Accounting / Commerce) Taloquan for 720 students; and the TVET Campus Takhta Pul near Mazar with three vocational schools for around 720 students each. See: PEM Consult (2020). Accommodation has also been built for pupils in some of the projects mentioned.

⁵²¹ German Bundestag (2019c), p. 3.

⁵²² Ibid., p. 3.

See Suroush and Roehrs (2015); Arooje and Burridge (2020), pp. 22-23.

⁵²⁴ See Kazemi (2023).

See German Academic Exchange Service (DAAD) (2021), p. 29.

See German Academic Exchange Service (DAAD) (2019), pp. 3-4.

(AUAF), Kardan University and the Afghanistan Center at Kabul University. On the other, public universities often only demonstrated a low level of technical quality and were also only research-oriented in very few subjects.⁵²⁷ One of the reasons for this was the level of specialist training of the lecturers, some of whom only had Master's degrees. Nevertheless, many Afghans who had returned from abroad having been academically educated there (in the West and the Soviet Union) also played an important role in the reconstruction of the university landscape after 2001. Despite formally lower qualifications, the technical quality of these people could in fact be higher.⁵²⁸

Strengthening the Afghan higher education sector was a key element in the German Government's civil engagement. However, the Federal Foreign Office gave the DAAD, which coordinated Germany's engagement, hardly any strategic guidelines.⁵²⁹ In the field of university education and academic cooperation, Germany's engagement achieved quantifiable successes. For example, the DAAD was able to reach around 15 per cent of Afghan university members directly or indirectly through project funding (85 per cent) and individual funding (15 per cent) for Afghan students and teaching staff.⁵³⁰

German stakeholders were also involved in higher education reforms that failed for political reasons, such as the drafting of a higher education act in 2004 or the establishment of a conference for university rectors.⁵³¹ The DAAD acted as an intermediary organisation and had to rely on a high level of commitment on the part of individuals or departments at German universities / research institutions. The DAAD focused its funding measures on regions favoured by Germany (as well as Herat and Kandahar). Individual German universities and research institutions developed modern curricula⁵³² and established close academic cooperation,⁵³³ e.g. in the fields of economics, computer science, medicine/pharmacy, natural sciences, geosciences, German studies (German as a foreign language) and good governance. The aim was to replace outdated teaching methods and materials, establish new infrastructures, train and educate teachers, and integrate Afghan academia (which had been isolated for many years) more closely into international cooperation with Western players. The DAAD also funded study visits to Germany.⁵³⁴

German political foundations also became involved: for example, the Konrad Adenauer Foundation founded the National Centre for Policy Research (NCPR) in 2003. This was a think tank located on the campus of Kabul University and operated a centre for peace and conflict research alongside its political, legal, economic and social studies. The nationwide networking of the NCPR with universities in the provinces, provincial administrations and parts of traditional civil society (tribal elders) enabled the NCPR to gain nationwide access and information on the needs situation in the provinces.⁵³⁵

The Young Leaders Forum of the Friedrich Ebert Foundation (FES) was one of the best-known programmes for promoting young talent in Afghanistan. In its 17 years of existence, it produced around 320 alumni members. The members represented the country's intellectual elite and held leading positions in the state, government, media and civil society. In its early days, the programme mainly recruited English-speaking members educated in Pakistan and non-Pashtun members with close ties to the former "Northern Alliance". The FES's reference to the need for greater social, political and regional diversity met with resistance from some of the young leaders themselves. There were concerns about the admission of religiously conservative members. Later cohorts spread beyond Kabul and the urban centres and also included participants from the south of Afghanistan. A large

⁵²⁷ See Daxner and Schrade (2013), p. 31.

⁵²⁸ See Daxner, Study Commission (2023ae).

⁵²⁹ See German Academic Exchange Service (DAAD) (2021), pp. 8, 11, 43.

See German Academic Exchange Service (DAAD) (2019), pp. 6, 9.

See Professor Michael Daxner, in his role as advisor to the western-oriented Afghan Minister of Higher Education, Professor Sharif Fayez, played a leading role in the drafting of a higher education law (which was then removed from the agenda by President Karzai during the election campaign), see Daxner and Schrade (2013), p. 32; Daxner (2019).

For a lessons learned report by a team from the University of Potsdam, see: Reichard (2020).

⁵³³ Detailed list in: German Academic Exchange Service (DAAD) (2021); for an interim assessment of Germany's engagement in the education and culture sector, see also: Küper (2012).

In the period 2008-2018, around 250 Afghans received a scholarship for studies or a research visit in Germany (German Academic Exchange Service (DAAD) [2021], p. 224). The DAAD reports elsewhere (German Academic Exchange Service (DAAD) (2019), p. 2.) of just under 30,000 Afghans studying abroad (approx. 7.42 per cent of all Afghan students). The most popular destination countries in 2019 were therefore 1st: Iran, 2nd: India, 3rd: Turkey, 4th: Saudi Arabia, 5th: Malaysia. Language requirements, cultural connections and bureaucratic regulations, e.g. issuing visas, played a role here.

⁵³⁵ See Röhrs and Schuck (2010).

proportion of the young leaders sought their future outside Afghanistan. Around a third of the alumni had already left Afghanistan by 2015. Another group of them wanted to stay in Afghanistan if possible. After 2021, all but a few alumni had left Afghanistan.⁵³⁶

4.2.3.3 Assessments and conclusions

Over the course of the intervention period 2001-2021, overall progress was made in the reconstruction and expansion of the Afghan education system. However, there were also numerous problems and failures here: successes in the expansion of basic education in particular were jeopardised by numerous acts of violence against institutions and people, which were largely, although not exclusively, directed against girls' schools and were committed by the Taliban and other insurgent groups. The German embassy first reported attacks on girls' schools in 2003. By 2006, it had already reported over 200. Over the years, acts of violence against schools, pupils and teachers, as well as death threats, have increased. State educational institutions were attacked more frequently than private ones, suggesting that the Afghan state was the actual target. This increase in violence could have been recognised as an indicator of possible counter-reactions in the reconstruction of the education sector based on the introduction of Western human rights standards. At the same time, this increase could also have been seen as a harbinger of the Taliban movement's resurgence. However, the Taliban's attitude towards women's and girls' education varied locally and also changed over time. In addition to an initial strict rejection of girls' schools, more moderate decrees ("Layha") were later issued by the Taliban leadership. In addition, the Taliban movement later "co-opted" state-funded schools in many districts under their stable control by influencing or pressurising teachers. The surgence is a serior of the properties of the transfer of the tran

German and international engagement in the education sector in Afghanistan has produced successes that are reflected in the figures. However, the figures circulating are not reliable. They have also been used for political purposes by the Afghan government and local leaders to gain donor support. Reports of "phantom schools" that did not exist or were not in operation, completely inflated or contradictory pupil numbers, salaries for non-existent teachers, high pupil absence rates and schools closed due to the security situation emphasise that despite undeniable improvements, there were numerous deficits in the education system.⁵³⁹ Even though the number of pupils had risen sharply and the low literacy rate had also increased overall:⁵⁴⁰ Around 40 per cent of children (60 per cent of girls) of school age still did not go to school or did not go regularly. The geographical distance from schools, poverty, child labour, the difficult security situation, displacement of families or the early marriage of girls are some of the factors explaining this.⁵⁴¹ The illiteracy rate in Afghanistan remained relatively high overall, especially in rural areas and among women: in 2015, UNESCO put the literacy rate for 15 to 24-year-olds at around 64 per cent, of which only 29 per cent were female. In 2011, only around 14 per cent of the population over the age of 65 were literate, of which 2 per cent were women; 31 per cent of the population between the ages of 15 and 64 were literate, of which 17 per cent were women.⁵⁴² Graduation rates at primary schools also remained relatively low.⁵⁴³

The fact that a disproportionate number of girls were denied an education must also be seen in the light of local customs and traditions.⁵⁴⁴ Girls in rural areas were often withdrawn from school from puberty onwards due to social pressure from the local environment. The local moral code often demanded that women and girls were no longer allowed to be visible in public after puberty. Parents who cared about their daughters' education often gave in to social pressure from the neighbourhood.

The establishment of a formal vocational training system in Afghanistan was an important component of German development cooperation measures. The German Government has categorised its commitment to vocational

⁵³⁶ Employee of the Friedrich Ebert Foundation, Study Commission (2023e).

⁵³⁷ See: Adili (2017); O'Malley (2010).

⁵³⁸ See Clark (2011), pp. 14, 25-26; Amiri and Jackson (2021).

Arooje and Burridge (2020), pp. 6, 18-19; Adili (2017). Such problems for the German area of responsibility were negated in responses from the German Government to minor interpellations from parliamentary groups, see e.g. German Bundestag (2008b); German Bundestag (2010a).

Literacy is highly dependent on age, gender and urban/rural area, see statistical figures at UNESCO.

See Arooje and Burridge (2020), pp. 6, 17; UNICEF – United Nations Children's Fund (2018a); (2018b).

⁵⁴² See UNESCO

See Arooje and Burridge (2020), p. 10.

⁵⁴⁴ See Hasrat-Nazimi (2022), pp. 32-38, 187-229; Haqiqat (2022).

training as a success.⁵⁴⁵ In view of the very high number of young people and the weak economic development, the vocational training system was unable to support the necessary high capacities in a short space of time. For example, a far higher number of vocational school teachers would have been necessary. On the other hand, many young people were also unable to find suitable jobs⁵⁴⁶ (see also section 4.2.5). In the earlier years of international engagement in the area of vocational training, the options were sometimes narrowed to traditional areas of activity for women, such as training as a seamstress, which is not a promising option in a saturated clothing market.⁵⁴⁷ In addition, many apprentices also stopped attending lessons prematurely, for example because the travelling costs to the schools were too high, or because the vocational school teachers were often under-qualified and school attendance was not considered to be valuable in a wide variety of sectors.⁵⁴⁸

Measurable successes have been achieved in the university education sector, but numerous shortcomings remain in terms of quality (e.g. level of training of teaching staff, teaching materials and infrastructure). Furthermore, the entire education sector was overburdened by strong population growth and the high number of returning families. Sustainable training and further training of teachers and the improvement of academic quality overall required a great deal of time, which ultimately was not available. Significantly more school leavers aspired to universities than places could be offered for them (despite shift work), which fuelled dissatisfaction among young people about their prospects. So

In addition, many Afghans who completed academic training or further education abroad have not returned to Afghanistan (brain drain). In Germany, this was more the case for the social science degree programme on good governance, than for computer sciences or economics, for example. After 2021, the Taliban takeover led to a further loss of qualified people who fled abroad.

Against this background, regional academic and scientific exchange as well as student exchanges with neighbouring countries could have been more effectively promoted. Afghan educational institutions and academics, who were unable to compete internationally, could have cooperated more effectively through exchange, networking and capacity building in the region (e.g. Bangladesh, India, Malaysia). The regional education exchange could also have given greater consideration to the available potential and focused on possible career paths in the region. In the long term, this would have reduced the brain drain from the region and the one-sided orientation towards Europe.

The deteriorating security situation also had an impact on Germany's engagement in the university/academic sector, as staff were withdrawn and guest lectureships discontinued. University staff and students also feared for their everyday safety. With the planned withdrawal of the troops, interest in learning German also declined. The number of German courses financed by the Germans was, in turn, reduced. The sharp increase in the number of Afghan refugees in Germany since 2015/16 has also fuelled new initiatives for educational projects in Germany and Afghanistan. Overall, however, the German Government aimed to reduce the number of refugees. This would also have required longer-term support of education and employment prospects in Afghanistan, as well as an improvement in the security situation.

Altogether, a wide range of collaborations between the German and Afghan academic sectors were established before the Taliban returned to power in 2021. However, the Afghan state lacked the resources to adequately equip the university sector under its own responsibility. The Afghan government was not able to solve urgent problems such as admission procedures, corruption in the qualification system or the necessary further expansion of the higher education system.⁵⁵¹

This becomes clear, for example, in various responses to minor interpellations, see e.g. German Bundestag (2019a), p. 6; (2019c), p. 3.

⁵⁴⁶ In a Federal Ministry for Economic Cooperation and Development position paper, the Ministry announces an improvement in labour market-oriented capacity building, which was apparently not well developed until then: "Despite high unemployment, Afghanistan suffers from a shortage of skilled labour. Only five per cent of young Afghans are able to attend formal full-time vocational training. The quality of this training is mostly inadequate and not geared to the needs of the labour market. Therefore, it often does not result in employment." Federal Ministry for Economic Cooperation and Development (2018), p. 8.

⁵⁴⁷ See: Savage and Brennan (2011), p. 19.

⁵⁴⁸ See Reier (2016), pp. 44-45; for the earlier years also: Küper (2012), p. 33; Agrawal (2013), pp. 17-18.

See Suroush and Roehrs (2015).

⁵⁵⁰ See Arooje and Burridge (2020), pp. 23-24.

⁵⁵¹ See: Daxner and Schrade (2013), pp. 33, 39-42.

The Taliban have been carrying out a major reorganisation of the university education system and teaching content since 2021. From the ban on women attending university and the fact that girls are largely prevented from attending secondary school, the sort of changes being made is particularly clear. In the case of Afghanistan, it was therefore not possible to sustain the large investments made by international donors, the intended increase in the quality of teaching and the ideological content associated with the international engagement.⁵⁵²

4.2.3.4 Media development in Afghanistan

The media landscape that has developed in Afghanistan since 2001 is often described as diverse and "lively" and as comparatively "free" in this region. Several thousand media sources, private and state, in TV, radio, print and online were counted before the Taliban returned to power.⁵⁵³ The rapid development of this diverse media landscape, which was supported by the international community, is considered one of the greatest achievements.⁵⁵⁴ However, until recently the media were very dependent on international donors, among whom there was also little coordination. Private media, which also received numerous subsidies from external donors during the intervention period, must be able to finance themselves through advertising revenue, among other things. The deteriorating security situation, the country's lack of economic development and the reduction in international support deprived many media of their financial basis – even before the Taliban took power, numerous private media had to give up due to their financial situation.⁵⁵⁵

Many of the newly created media were associated with individualistic interest groups or individual players, such as local "power brokers" or entrepreneurs. Many media also only had a very limited reach, which was partly due to the level of literacy, the local infrastructure or the needs and communication habits of local sections of the population.

In principle, a nationwide public broadcaster could have been established in the form of the traditional Radio Television Afghanistan (RTA). International donors, including German players (see below), endeavoured to bring about a far-reaching reform of RTA, but this did not succeed.⁵⁵⁶ RTA was seen as the mouthpiece of the government, as "cumbersome" and "outdated", not open enough to modern standards of reporting and also not suitable enough to meet the needs of the rural population.⁵⁵⁷

Overall, the fragile state was unable to develop the institutional structures in TV, radio and print media that contribute to the protection and independence of journalists in liberal political systems. There was no overarching media regulation system that would have given journalists more independence and certainty of action. Nor were any professional journalistic associations or professional ethos developed. The 2009 Mass Media Act failed to meet the expectations of liberal civil society. There was also a lack of obligation on the part of media owners to ensure economic transparency and journalistic diligence. However, the bar should not be set too high for one of the poorest countries in the world, as was already noted in 2010 in a critical assessment of media development in Afghanistan.

The German Government (via project funding from the Federal Ministry for Economic Cooperation and Development and the Federal Foreign Office) has supported the development of a free and pluralistic media landscape in Afghanistan since 2002. In earlier years, the focus here was on the establishment of an FM transmitter in Kabul by Deutsche Welle (DW) and the production of news programmes in Dari and Pashto for Afghanistan.

DW-TV and DW-Radio have been offering a programme in Afghanistan's two main national languages since mid-2002. According to the German Government, DW-TV was the most successful foreign broadcaster in Afghanistan at the time, with a weekly audience share of 42 per cent of the adult population. DW-Radio, which

⁵² See Kazemi (2023), p. 5.

Very different figures are circulating in this respect: Here are some details as a guide: There are said to have been over 100 private radio stations and a few dozen TV stations in 2010, and around 700 print media in 2009. In 2019, a total of 1879 licensed media were counted (according to government figures): 96 TV stations, 65 radio stations, 911 print media in Kabul and 107 TV stations, 284 radio stations and 416 print media in the other provinces; see Ruttig (2022a); Qaane (2022).

⁵⁵⁴ See Hamidi (2015).

⁵⁵⁵ Details provided in: Qaane (2022).

See the study by Wakili (2013) for more details.

⁵⁵⁷ For critical comment on RTA, see e.g. Finn (2011); Siddiqi (2011), pp. 118, 123; Bjelica (2016).

⁵⁵⁸ See Hamidi (2015).

⁵⁵⁹ See: Siddiqi (2011); Hamidi (2015), p. 6.

See: Fraenkel et al. (2010), pp. 38-39.

has been broadcasting radio programmes in the national languages since 1970, was listened to by just under 9 per cent of the population each week in 2005.⁵⁶¹ Radio played a particularly important role in Afghanistan, partly due to the illiteracy rate and infrastructure. From 2007, DW cooperated with the FM radio station ArianaFM. The importance of radio was reflected, for example, in a project sponsored by Deutsche Welle from 2009 to 2010: in the radio programme "Learning by Ear", Afghan authors and speakers addressed social and political issues. The programme was broadcast nationwide via a radio station in Kabul and was aimed in particular at girls and women who were unable to read or go to school.⁵⁶²

Together with French and UK partners, the Deutsche Welle Academy aimed to be involved in the reform of RTA to transform it into a European-style public broadcaster, but – as mentioned above – this failed overall due to the rigid structures. In mid-2005, the DW Academy began setting up an international newsroom at RTA, which was its largest project in Afghanistan to date. After the first few years of implementation, this project proved to be unsustainable, partly because the promised funding from the Afghan government did not materialise.

Another pillar of Germany's involvement was the training and further education of radio and television journalists. In the early years, training programmes for journalists were carried out here, particularly at the Afghan state broadcaster RTA and in the country's northern provinces. In the later years of the engagement, German players continued to organise numerous such training courses, in which institutional players such as the Deutsche Welle Academy, political foundations or NGOs such as the German-Afghan "Mediothek Afghanistan e.V." (founded in 1993)⁵⁶⁴ or the "Initiative Freie Presse e.V." were involved alongside individual journalists.

The content of the training courses was developed in cooperation with the Afghan cooperation partners and covered very basic topics of the journalistic craft, as well as ethical issues and investigative journalism. One successful and sustainable concept was the "train the trainers" programme, which gave Afghan journalists, for example in Kabul, the opportunity to receive further training and then pass on the knowledge they had acquired in the form of training courses in the country's provinces.⁵⁶⁶

4.2.3.5 Social media

As in other parts of the world, the gradual spread of mobile phone access and the Internet in Afghanistan has led to intense usage of social media platforms such as Facebook, YouTube and short messaging services. The audio and video content distributed on such platforms can also be used by people who cannot read or write. From the journalists' point of view, content could also be disseminated with fewer resources than with traditional media and thus more sensitive topics could be addressed.⁵⁶⁷ Social media and the Internet were not censored in Afghanistan.⁵⁶⁸

The development of the Internet began in 2002 with the commissioning of the Afghan Wireless Communications Company. However, Internet usage only spread slowly due to infrastructural and political problems. In 2006, the proportion of the population with Internet access was still 1.1 per cent and was also limited to cities. ⁵⁶⁹ It was not until 2010 that Internet use became a more widespread phenomenon, especially among urban elites with contacts abroad. The introduction of the 3G network led to a renewed increase in user numbers from 2012. Around 2.2 million people are said to have used the Internet in 2018. However, these figures are not very meaningful, because

These figures come from a survey commissioned by the Voice of America in 2005, which are quoted by the German Government in German Bundestag (2007b), p. 35.

From the perspective of a participant, see: Babori (2022), pp. 221-224.

⁵⁶³ See German Bundestag (2007b), pp. 34-35. For a detailed description of the activities of Deutsche Welle and the DW Academy, see the information provided by Deutsche Welle (DW) in: German Bundestag (2006a); (2009); (2010c); Kimmerle (2023).

See Karimi (2007). Founded in 1993, Mediothek e.V. aimed to offer Afghan journalists protection, support and networking, to strengthen professional and conflict-sensitive "peace journalism" and to support the preservation of Afghan culture (literature, music). At times, the media centre operated five media houses in Afghanistan and one across the border in Peshawar, Pakistan. German journalists were regularly seconded as DED experts within the scope of the ZFD. See also: Röhrs (2010).

See Deutschlandfunk Kultur (2005).

⁵⁶⁶ See Wieland-Karimi, Study Commission (2023af).

⁵⁶⁷ See Hossaini (2018).

See Bahar (2020). This refers to the time before the Taliban returned to power.

⁵⁶⁹ See Orfan (2021), p. 2.

in families and social gatherings, especially in rural areas, there are numerous "co-users" behind a single account or smartphone. 570

Social media enabled Afghan users in a multi-ethnic society to critically discuss topics that were taboo in public. It also opened up ways for marginalised population groups, especially women, to actually participate in social discourse. ⁵⁷¹ In a positive reading of social media, it could be argued that it reflected a kind of "little Afghanistan": in its social diversity and also with the participation of women. At the same time, however, stigmatisation tendencies and massive hostility could be observed, which particularly affected women who spoke out or were politically active. As a result, women in particular often took part in social debates without a photo or with a false photo or name on social media. ⁵⁷²

As in other countries, social media was also used in Afghanistan to mobilise civil society campaigns and protest movements,⁵⁷³ as well as to network with the diaspora community worldwide. The Afghan government also increasingly used social media for its own purposes. This also made the potential filter function of traditional media, which can at least in principle contextualise and verify the information from a particular ministry in traditional media reports, even more difficult. Whether they were actually able to fulfil this responsibility is a moot point, given the overall problematic media structures. But social media presents an additional challenge: in a society with a relatively low literacy rate and media literacy, the shift of political communication to social media increases the risk of blurring the line between direct, transparent communication of content, on the one side, and propaganda and spread of disinformation, on the other.⁵⁷⁴

In a departure from their earlier rejection of the Internet in their first period of rule, the Taliban learned to use digital communication successfully in the course of their fight against the international forces. The Taliban's self-presentation became "increasingly professional and offensive" – they spread their messages "faster than the government and the coalition forces [...]". The Taliban were already actively using social media in 2009, first by establishing their own YouTube channel, then a Facebook group and finally via various Twitter accounts. For example, videos of attacks were regularly posted online. They were intended to serve as publicity to recruit new members. The Taliban also used social media during the re-conquest of Afghanistan, for example to frequently declare victories. The Taliban also used social media during the re-conquest of Afghanistan, for example to frequently declare victories.

4.2.3.6 Assessments and conclusions

The development of the media landscape in the period 2001-2021 is often portrayed as a great achievement of the international community. However, Afghanistan also performed relatively poorly in international press freedom rankings during this period,⁵⁷⁸ which was due in particular to the considerable security risks for journalists. Targeted intimidation, terrorist attacks against journalists and media organisations, and even contract killings, sexual violence and defamation of journalists were also widespread during the 2001-2021 intervention period. The NGO Afghan Journalist Safety Committee, which was opened in Kabul in cooperation with international partners, campaigned for the protection of journalists and press freedom in the provinces and regularly reported on the threats and killings of journalists.⁵⁷⁹

Furthermore, a "diverse" media landscape should not be confused with a "free" one:⁵⁸⁰ there were repeated disputes with members of the government about reporting that was too "critical", for example with regard to corruption, and even personal threats against individual journalists. In addition, journalists exposed themselves to danger when they produced media content that was incompatible with Islam in the eyes of very conservative or extremist religious groups.⁵⁸¹ The threats came from various sides, but to a large extent from the Taliban in

⁵⁷⁰ See Hashimi, Study Commission (2023ah); The figure of 2.2 million is mentioned here: Hossaini (2018).

⁵⁷¹ See: Falke (2014); Hossaini (2018); Hamidi (2020).

See Study Commission (2023ah); also Joya (2016); Hossaini (2018).

⁵⁷³ See Bose et al. (2019).

⁵⁷⁴ See Bahar (2020).

⁵⁷⁵ Schetter and Mielke (2022), p. 87.

⁵⁷⁶ See Hossaini (2018).

⁵⁷⁷ See Brooking (2021).

⁵⁷⁸ In the press freedom rankings of the organisation "Reporters without Borders", Afghanistan was ranked 150th in 2011 (out of 179 countries) and 121st in 2019 (out of 180 countries). See Reporters Without Borders (2023).

See: Afghan Journalists Safety Committee (2023).

For critical comment on this point, e.g. Gerner (2011); Samandary (2013).

⁵⁸¹ See Babori (2022), pp. 225-226; Samandary (2013).

the provinces.⁵⁸² Against this background, it was also difficult to attract more women to the journalism profession. The training programmes for female journalists made clear how difficult it often was to convince the women's families to follow this career path.⁵⁸³

Many of the traditional media sources were based in Kabul. The communication content of these urban media bypassed large sections of the rural population.⁵⁸⁴ International donors needed to organise media offerings more appropriately for different ethnic groups, different languages and dialects, and for the needs and realities of the rural population. Given the widespread use of the Internet and social media, this would be much easier today than it was at the beginning of the intervention in 2001, provided the corresponding technological infrastructure is established across the country. With a high proportion of illiterate people, print media only reaches certain sections of the population.

The media work took place in the context of fragile statehood and in a highly fragmented society, which meant that many "power brokers" and interest groups used the media for their own purposes. The Taliban also conveyed their messages to the population through the media. This was also the approach of the Afghan government and the international troops, who tried to legitimise themselves through communication and publicity in an increasing climate of mistrust. This complex interplay of communication and publicity in violent contexts should have been reflected on more critically by the intervening forces. After all, they themselves were also "players" in this public sphere who had to demonstrate and communicate their legitimacy, not least when the number of civilian victims in Afghanistan was rising. A culturally appropriate communication strategy addressing different sections of the population should have been developed accordingly. Afghan journalists often had no direct access to representatives of the international community, which meant that they were denied information about the mission and its consequences.⁵⁸⁵ This failure to ensure access, which was also perceived as a lack of respect, only served to damage the intervening forces.

Overall, the material and structural conditions in Afghanistan were not in place to establish a high quality of critical journalism in the long term. Editorial teams often lacked the resources to ensure quality management, which meant that facts and sources could not be checked. This in turn can contribute to the emergence of rumours, which can have problematic consequences, especially in a society marked by violent conflicts.

The media landscape in Afghanistan was particularly dependent on external donors. On the one hand, only a few media were able to survive after financial support was discontinued – the large private broadcaster Tolo TV remains an exception after 2021. This shows how closely the fields of activity in Afghanistan were linked: as Afghanistan's economic development showed little progress during the intervention phase, the framework conditions for successful private media work were only rudimentary (see also section 4.2.5).

On the other hand, given the massive dependence on external donors, it could also be more difficult for journalists to report critically on the intervention and its consequences so as not to jeopardise their continued funding. The donor countries also pursued their own political objectives when promoting the media and were less oriented towards the needs, cultural traditions or participation wishes of the Afghan population.⁵⁸⁶

Criticism has also been made of the fact that – similar to parts of development cooperation – too much money was channelled into the media sector in an uncoordinated manner between donors, while at the same time there was little sense of the long-term task of solid media development. For example, supporting media companies with rent or electricity could have had a positive impact even with significantly less money.⁵⁸⁷ However, there are dilemmas here: continued funding perpetuates the dependence of Afghan players on external support.

4.2.3.7 Lessons

Coordination between donors in Germany and internationally could also have been improved in the areas
of education and media development. Afghanistan's education system was influenced by state and private

See Babori (2022), p. 227; and Hashimi, Study Commission (2023ah).

⁵⁸² See Qaane (2022).

⁵⁸⁴ See Fraenkel et al. (2010).

This information was gathered from various background interviews.

See Bahar and Wollenberg, Study Commission (2023ap).

This opinion too was shared in various background interviews.

as well as religious and secular institutions.⁵⁸⁸ Western donors disregarded the religious education infrastructure that is so important for Afghanistan. This, as well as the Afghan government's weak control of the infrastructure, enabled external private players from Pakistan and the Arab Gulf monarchies, for example, to exert a strong influence on infrastructure and curricula, thus also opening up spaces for the teaching of radical religious content.⁵⁸⁹ Overall, Western donors, including Germany, could have adopted a more strategic position in terms of education policy.

- Setting up education systems and media requires very long time horizons (generational task). But donors
 are interested in rapid and visible successes. Donors should have planned for significantly longer time
 horizons from the outset.
- In addition, there was too strong a focus on quantitative success criteria. This should have been reconsidered, especially as the figures in the education sector were often unreliable. Donors should also have paid more attention to qualitative and long-term effects.⁵⁹⁰
- An understanding of "civil society" that was too "westernised" led to the exclusion of important players, especially religious players, who represented clearly different values. Some critical reflection should have been given to the way in which these players were dealt with.
- The deterioration in the security situation caused further problems in civil engagement: the withdrawal of personnel further reduced direct contact between German players and the population. In a culture in which long-term personal relationships and trust were particularly important, the limited or dwindling direct contacts proved to be detrimental. It may also be possible to use digital infrastructure in the future, or at least online forms of exchanging information, to consolidate trust-based relationships.
- The treatment of Afghans was often dominated by a "paternalistic" attitude. Donors should have sharpened their awareness of the historical developments (culture, education) already present in the country, which could be built on.
- The lack of communication between the intervening forces and the population and journalists increased the feeling of mistrust. Intervening forces should have shown more readiness for self-criticism and given local journalists better access to information.
- A professional and systematic analysis of local social media could have provided the international donor community with important information on socio-political discourse and concerns. This could also have been a valuable investment for other areas and for future missions abroad, in order to step out of one's own closed information circles and recognise social trends relevant to the mission at an early stage. It would be conceivable, for example, to provide an institutionalised evaluation of local, foreign-language media (including social media) for all German players within the scope of the comprehensive approach.
- In terms of personnel policy in media development work, including that of Deutsche Welle, care needs to be taken (in line with the do-no-harm principle) not to further exacerbate the prevailing tensions in society. Selection procedures for vacant positions should be fair and transparent and rely less on personalised networks. There also needs to be ombudspersons and complaints boards to which journalists can turn anonymously in cases of discrimination.
- The training of journalists focused on the basics of media work. Given the precarious financial basis of many media sources, this training was not sufficient. Training also needs to impart knowledge enabling the material basis of the business to be maintained. For example, market-oriented advice on increasing sales, instead of "aid and project funding", or job application training for budding journalists could be helpful. In view of the current flourishing of social media, there is also a need to raise awareness of how to deal with misinformation, rumours and fake news.
- "Mediating" German or diaspora Afghans played a significant and sometimes ambivalent role in Afghanistan. Academic research should focus more intensively on the role of this group of players.

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For an overview of the education system and the estimated number of students by type of institution, see Arooje and Burridge (2020); Austrian Red Cross (2020). Private and religious educational institutions formed a clear minority.

See Mielke and Miszak (2017), pp. 3-5. For an overview of the political and ideological debates on the education system, see: Ruttig (2019).

See also: Goethe-Institut (2016).

4.2.4 Operational strengthening of human rights

4.2.4.1 Preliminary remark

This section will examine expectations and objectives in the area of operational strengthening of human rights while also exploring and evaluating the way Germany's engagement was seeking to have an impact. A critical analysis will also be given of the consequences of Germany's work to strengthen human rights on Afghan society, acceptance within the population and support from the population.

The focus in this section is deliberately placed on the following three areas of rights: human rights, women's rights and minority rights. The generally low average age of the Afghan population (today 40 per cent of the population is under 15 years and 60 per cent under 25 years)⁵⁹¹ means that it is not possible to consistently consider young people separately from the population as a whole.

4.2.4.2 Description

The operational strengthening of human and minority rights and, in particular, the strengthening of women's rights were not only politically desired as part of development cooperation, they were also identified from the outset 592 as cross-cutting issues in the German Government's programmes and projects. 593

4.2.4.2.1 Advancement of women

The advancement of women and children was described as a particular concern of Germany's engagement in the reconstruction. The German Government wanted to "continue its dialogue with the Afghan government in order to strengthen women's rights and work towards ensuring that gender equality issues are given appropriate consideration". Core areas included projects against abuse and domestic violence, legal advice, education, expansion of the radio and communications network and business development.

The wording of the German objectives in the described areas remained generally vague. Reference was often made to the anchoring of human rights or gender equality in the Afghan constitution from 2004,⁵⁹⁶ which now needs to be implemented. However, the Afghan constitution also stipulated that no law may contradict the principles and provisions of Islam.⁵⁹⁷

Abuse and domestic violence often occur in the private sphere. In Afghanistan, this remained mostly inaccessible to development workers, humanitarian aid workers or employees of the Afghan state. However, the support of women's refuges⁵⁹⁸ has helped to create an opportunity for those affected to break out of the context of their abuse or experience of violence. For children, for example, neglect, physical and sexual abuse and lack of access to education are among the worst human rights abuses.⁵⁹⁹ While child mortality fell sharply over the period of the mission, child marriage and child labour remained child rights problems.⁶⁰⁰ Legal advice and assistance, especially for women, as well civil society enlightenment of individual rights should be a focus of engagement in the justice sector.⁶⁰¹

⁵⁹¹ See Zeino (2022).

This does not include the ISAF mandates for the Bundeswehr. Human rights were first mentioned in the ISAF mandates in 2006, and women's rights for the first time in 2010. See German Government (2006b); (2010b).

Specifically, the "promotion of cultural identity, intra- and intercultural dialogue as well as social integration and tolerance. Education, trauma and reconciliation work and support for women and young people [...]. All measures of the Federal Ministry for Economic Cooperation and Development for Afghanistan were implemented from the outset in agreement with the Federal Foreign Office and were part of the overall international strategy for the reconstruction of Afghanistan." See German Bundestag (2002a), p. 2. The issue of sexual minorities did not form part of the commitment to support minorities. See: German Bundestag (2007b), p. 9.

See Federal Foreign Office (2006), p. 16.

See German Government (2008b), p. 23.

See German Government (2008a), p. 11.

⁵⁹⁷ See Hozyainova (2014), p. 3.

⁵⁹⁸ However, the descriptions of this support in sources remain so vague that it is difficult to evaluate the German contribution. Nevertheless, it should be understood here as a contribution to urgent help for victims of domestic and sexual violence.

See Reference and Research Services of the German Bundestag (2010b), p. 11.

See UNICEF – United Nations Children's Fund (2021).

See German Government (2008b), p. 23.

Young Afghan society, especially women, should participate in the country's economic development and drive it forward themselves. To this end, women should be "more strongly integrated into the development process and benefit in particular from literacy measures, training and further education as well as the creation of income opportunities". 602

For many women, a professional activity contributed significantly to a certain independence. This gave them new freedoms, for example in their mobility, and the contribution to the household income helped to improve the position of women within their families. An example of the professional involvement of women can be seen in the 80,000 female teachers reported by the United Nations Development Programme (UNDP) in 2021, who played a special role in the education of girls, as many families had reservations about their daughters being taught by male teachers. 603

Progress has also been made in terms of political representation. A quota for women in the Afghan parliament was enshrined in the constitution from 2005.⁶⁰⁴ 25 per cent of the seats in the Afghan lower house and 17 per cent in the upper house were reserved for women.⁶⁰⁵

After initial successes, however, the situation of women and girls deteriorated again in some areas. There was no lasting change in the position of women, either in the family sphere or in the wider context of society. 606 The proportion of women in the civil service, for example, fell from 31 to 18.5 per cent between 2006 and 2010. 607 "Discrimination in the political, economic and family spheres shaped the everyday lives of many Afghan women (...)". 608 The decline in the number of women employed in the public sector can be explained by their particular vulnerability. In 2008 alone, ten Afghan women in public office (i.e. teachers, lawyers, journalists, policewomen or politicians) were murdered. 609 In 2020, the proportion of female employees in the Afghan state rose again to 35 per cent. 610 Even though 46 per cent of the population were still against women working outside the home, the World Bank reported that female employment reached an overall rate of 22 per cent in 2019. 611

Most women continued to be doubly dependent on their husbands. On the one hand, they were financially dependent on them: the unchanged inheritance and divorce laws, in which women were structurally disadvantaged, made it more difficult for them to build up their own assets. On the other, they were socially dependent on their husbands. This was particularly true for traditional, rural village communities, where a woman's social position outside her family was hardly conceivable. It was very difficult to reduce these dependencies. Only a few women from the urban elite experienced particularly significant changes.

For many Afghan women, however, the years between 2001 and 2021 were also a period marked by some new freedoms and many new hopes. Projects such as the establishment of numerous women's shelters, legal advice, training programmes, income-generating measures and projects in the field of education and training⁶¹² also had an impact beyond the advancement of women in particular. They all created spaces for the exchange of information and, in turn, initiated a process for the development of an organised and critical civil society. This was further accelerated by the facilitation of communication and networking between different sections of the population. Targeted aid for women was also disseminated with German support in the form of digital and analogue services, e.g. through the successful radio station⁶¹³ for women in Kunduz, funded by GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit), or through the expansion of the Internet infrastructure for access to numerous Internet-based platforms. Massive improvements in network coverage also contributed to this. While in 2001 there was no telecommunications network to speak of, in 2006 "around 2.52 million mobile phones were in use, primarily in the major cities. Within two years, by 2008, this figure had more than doubled to around

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<sup>602</sup> Ibid., p. 31.
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See Federal Office for Migration and Refugees (2023), p. 7 et seq.

⁶⁰⁴ See Hahn (2010).

See Federal Office for Migration and Refugees (2023), p. 9.

⁶⁰⁶ See Zürcher (2020), p. 37.

See German Government (2011), p. 44.

⁶⁰⁸ See Federal Ministry for Economic Cooperation and Development (2014), p. 9.

⁶⁰⁹ See Reference and Research Services of the German Bundestag (2010b), p. 9 et seq.

⁶¹⁰ See Federal Office for Migration and Refugees (2023), p. 9.

⁶¹¹ See ihid n 9

⁶¹² See German Bundestag (2007b), pp. 44-45.

The station in question is "Radio Zora" in Kunduz, where women were producing radio programmes for women; see German Bundestag (2008c), p. 18157.

5.4 million mobile phone connections." In this way, technological change contributed to improved networking within organised civil society and within marginalised groups. 615

4.2.4.2.2 State obstacles to the implementation of women's rights

State institutional organisations played a key role in German support for the strengthening of human rights. As the "guardian of human rights" and an institution with constitutional status, the Afghanistan Independent Human Rights Commission (AIHRC) has made a major contribution to identifying and clarifying human rights deficits in Afghanistan. The Afghan Ministry of Women's Affairs also received support from Germany and the Human Rights Support Unit, which was founded in 2009, was intended to integrate the human rights aspect into the government programme and legislative projects.

A weakness of the Ministry of Women's Affairs⁶¹⁷ as well as the Afghanistan Independent Human Rights Commission was linked to a lack of political will on the part of representatives of all Afghan state authorities. For example, President Karzai only extended the commission's mandate in response to international pressure, after it had initially only been valid until 2004. There was also resistance to the human rights institutions on the part of the judiciary. Fazal Hadi Shinwari, an avowed religious scholar and chief justice of the Afghan Supreme Court from 2001 to 2006, brought proceedings against the chair of the Afghanistan Independent Human Rights Commission, Sima Samar, right at the start of the Commission's work in 2002. The charge was blasphemy.⁶¹⁸

In many places, the Elimination of Violence Against Women Act (EVAW), which was introduced in 2009, also failed to be enforced by the rule of law. Non-governmental organisations reported hundreds of thousands of sexual assaults in 2009. That said, the 19 women's shelters run by the Afghan Ministry of Women's Affairs at the time offered refuge and enabled some women to turn to the Ministry for legal assistance. Despite hundreds of thousands of attacks, the number of charges was limited to just 172, according to the Afghan Ministry of the Interior. The formal justice system proved to be dysfunctional in dealing with cases of violence against women and access to justice was still a hurdle for many women. Not infrequently because judges, public prosecutors or defence lawyers did not accept or were unaware of the legislation.

4.2.4.2.3 Success factor: women's rights as a cross-cutting issue

The Federal Ministry for Economic Cooperation and Development clearly identified the advancement of women and girls as a cross-cutting issue that should be developed as an "integral programme component with its own objectives and resources". 623 This close linking of social goals with projects that address people's everyday needs can be seen as exemplary and is considered a strength of the German engagement.

Gender units were set up in various ministries by GTZ (today: Deutsche Gesellschaft für Internationale Zusammenarbeit), with the aim of creating career prospects for women in public administration.⁶²⁴ Projects that had a change of mindset in society or a change in gender relations as their primary goal, on the other hand, could hardly achieve any demonstrable success.⁶²⁵

Gender mainstreaming is an example of approaches adopted to embed women's rights objectives in projects and programmes of all kinds. This approach focused on the interests and life situations of women in other areas – such as education, police development or the teaching of skills for economic participation – which were closely

⁶¹⁴ Peroz (2011), p. 36.

See German Bundestag (2007d), p. 4; German Government (2008a), p. 15.

German Government (2014a), p. 27.

⁶¹⁷ See Zürcher (2020), p. 20.

⁶¹⁸ See Torunn Wimpelmann et al. (2011).

See Reference and Research Services of the German Bundestag (2010b), p. 10.

⁶²⁰ See ibid., p. 10.

⁶²¹ See ibid., p. 10.

⁶²² See Qazi Zada (2021).

See Federal Ministry for Economic Cooperation and Development (2014), p. 14.

⁶²⁴ See Birtsch and Hedayat (2016).

⁶²⁵ See Zürcher (2020), p. 20.

related to the reality of their lives. 626 It proved to be more effective and sustainable than "pure" women's rights projects, such as women's rights workshops. 627

In rural areas, it was precisely the projects with moderate objectives ⁶²⁸ that were able to achieve a comparatively sustainable improvement in women's living conditions. ⁶²⁹ These included the literacy of women, improved access to education and healthcare and the training of agricultural skills in areas that were traditionally specific to women. However, there were also cases in which the objectives of the project were prioritised more than the needs of the participants. One such example is the encouragement of women and girls to take part in tailoring courses, even if they had expressed an ambition to study and the course had nothing in common with their career aspirations. ⁶³⁰

4.2.4.2.4 Situation of minorities

Afghanistan has a large number of minorities that differ in terms of ethnicity,⁶³¹ language, tribal affiliation or religion. The areas in the north of the country, in particular, where the majority of Germany's engagement was focused, were characterised by a high degree of plurality. Religious and ethnic differences were instrumentalised in conflicts over land or power as well as in political conflicts, which meant that minorities were increasingly exposed to persecution, land theft and attacks.⁶³²

With regard to the promotion of ethnic minorities, it should be noted that, with the exception of individual cultural projects, 633 there have been no or only a few explicit support programmes by the German Government. Nevertheless, in practice, programmes and projects in other areas often attached importance to taking the interests of minorities into account. In addition, many foreign institutions, as well as a number of Afghan organisations, predominantly had Tajiks, Hazara or members of other non-Pashtun minorities as employees. In addition to the geographical location of the German engagement, this integration was due to the increased openness of some minorities towards Western involvement as such and the fear of pro-Taliban internal perpetrators. 634

The Hazara ethnic group, which has been persecuted and disadvantaged in Afghanistan for centuries, has been extremely successful over the last 20 years when it comes to attracting Western support (e.g. in the areas of education and infrastructure). The representatives of the Hazara have also managed to establish themselves in the political system during this period by achieving an effective level of organisation in democratic elections and a high degree of parliamentary representation. The level of education of children from Hazara families has increased significantly over the last 20 years and students from Hazara families have achieved excellent results in university entrance examinations. As there was much less resistance to education and work for women within the Hazara group, many projects, especially those specific to women, focused on working with them. In the course of the deteriorating security situation, however, the Hazara became victims of double discrimination. In addition to historical persecution, there was increasing terrorist violence against Hazara educational and cultural institutions. This was often seen by the masterminds as a punishment for cooperating with Western donors and as a measure to weaken the Western engagement. 636

The "Islamic State in Khorasan Province" (ISKP) is responsible for the most serious terrorist attacks in Afghanistan's history and poses one of the greatest immediate threats to Shiite minorities. The attacks are

A response from the German Government to a parliamentary interpellation in 2002 reads: "Strengthening the role of women in civil society is an important cross-cutting task for all programmes." German Bundestag (2002a), p. 4.

⁶²⁷ See Zürcher (2020), p. 20.

This primarily refers to projects in the context of basic services, e.g. in the area of health (maternal health) or food production (poultry farming and special crops, e.g. herb gardens).

One example is the project of the Welthungerhilfe e.V. cooperative of saffron-producing women in Herat, which has now been completed and is still in operation (see Glinski (2021)). Also worth mentioning is the NAZO e.V. project, in which pregnant cows were purchased for rural Afghan women in need, giving them a basic degree of economic autonomy (see Dwersteg (2022)). German Bundestag (2019b), p. 8 emphasises that the German engagement in sustainable economic development particularly promoted value chains in which women were already active, such as in agriculture.

⁶³⁰ See Study Commission (2023q).

The four largest groups are the Pashtuns, the Shiite Hazara, the Tajiks and the Uzbeks.

See Reference and Research Services of the German Bundestag (2010b), p. 8.

⁶³³ See the engagement activities involved in conserving the Buddha statues of Bamiyan. See German Government (2008a), p. 35.

The Commission would like to take this opportunity to thank Dr Ellinor Zeino (expert member) for her comments.

⁶³⁵ See Samar (2021).

See Society for Threatened Peoples (2018).

repeatedly targeted against the Hazara.⁶³⁷ This can be seen, for example, in the fact that a large proportion of the attacks were systematically carried out in the predominantly Hazara neighbourhood of Dasht-e-Barchi in Kabul.⁶³⁸

The international community and also the Afghan government lost credibility among some of the Afghan population with regard to their commitment to human rights, as they cooperated with former warlords of the Afghan civil war or integrated them into the government. Outside Kabul, regional rulers often represented the local de facto rulers through patronage systems and the militias under their control. Some former warlords have been accused of serious human rights violations (such as Abdul Rashid Dostum, Vice President from 2014-2019, who made international headlines several times with human rights violations committed by his militias). Gulbuddin Hekmatyar, who earned himself the nickname "Butcher of Kabul" by shelling Kabul during the Afghan civil war, was acquitted of his offences by President Ghani in 2016 and stood as a candidate in the 2019 presidential elections.

In addition, the international community had to contend with a reputation among some Afghans for not adhering to its own human rights standards. For example, reports of human rights violations at the US naval base in Guantanamo had been circulating.⁶⁴⁰ The imprisonment of 600 prisoners in the Bagram military prison, which was run by the US until 2012, also had a negative impact on the image of the Western intervening forces. In Bagram, some prisoners – many of them former Taliban fighters – were held for years without being sentenced. Human rights activists sharply criticised the detention conditions in Bagram.⁶⁴¹ Human rights violations also occurred in detention centres run by the Afghan state. The UN mission for Afghanistan (UNAMA) drew attention to this in a report in 2015 and referred to the torture and ill-treatment to which inmates in Afghan prisons were subjected. However, the report also refers to a gradual improvement in conditions in the detention centres.⁶⁴²

4.2.4.3 Assessment

It can be stated that the strengthening of human rights, women's rights or minority rights was more successful when it was integrated into other projects and structures as a cross-cutting project and was based on a moderate objective.

As early as 2011, the German Government consistently described the chief obstacle to achieving progress in human rights as being the relative weakness of state institutions – such as the Ministry of Women's Affairs, and also the Afghanistan Independent Human Rights Commission – and a certain amount of internal resistance from the Afghan state against these institutions.⁶⁴³

The transitional justice process (see also section 4.3.3), which was supposed to contribute to the investigation and prosecution of human rights crimes committed in previous decades, failed due to the resistance of the conservative parliamentary majority, which included a large number of former mujahideen. It came to a complete standstill in 2009 after the Amnesty Law was passed in 2007, which protected former mujahideen from prosecution for human rights offences committed.

This is not to say that there were no supporters of progress in human rights and women's rights. Liberal forces were also represented in parliament and, although their influence may not have been great, they were an important voice for Afghans who wanted human rights to be implemented. And a distinction must also be made between the governments of Hamid Karzai and Ashraf Ghani. The latter appointed a number of young women to his cabinet and gave women's rights a higher political priority:⁶⁴⁴ however, even though progress was made at the highest political level, its impact faded in implementation, as exemplified by the Elimination of Violence Against Women Act (EVAW). The deficits (referred to above) in the application and enforcement of the law also had a negative impact on the implementation of human rights and the rights of women and minorities. Legal aid for women improved their legal situation, while women's shelters protected victims of abuse and violence, including

639 See Matthey (2013).

⁶³⁷ See Zeit Online (2016).

⁶³⁸ See Jeska (2021).

⁶⁴⁰ See Amnesty International (2015).

⁶⁴¹ See Schmitt (2009).

⁶⁴² See Taz (2015).

See German Government (2011), p. 55.

⁶⁴⁴ See Windsor (2015).

acute danger of death. However, widespread impunity for sexual and domestic violence remained a persistent problem.

Despite some considerable progress, such as in the health sector, the position of women within the family and society in Afghanistan has remained largely unchanged. Between 2005 and 2021, Afghanistan recorded only a slight improvement in the Gender Inequality Index (abbr: GII) of the UNDP and consistently performed significantly worse than the global average in terms of gender equality. ⁶⁴⁵ In many places, women remained subject to discrimination and were dependent on their husbands. Nevertheless, it can still be stated that the situation of women and girls has improved substantially compared to the first Taliban rule. Maternal mortality alone fell by 54 per cent between 2001 and 2021. ⁶⁴⁶ By reducing child and maternal mortality, the probability of survival of several generations of women could be improved or guaranteed in the first place. That said, progress during the period of Germany's engagement fell short of expectations.

However, many support measures for the operational strengthening of human rights and women's rights have contributed to an overall improvement in political awareness and an increase in resilience within the Afghan population. The fact that women continue to be active on the ground and are trying to work is as much a result of the international engagement as it is of Germany's engagement. Afghan women are recognisably more organised than 20 years ago and speak more clearly with a common voice inside and outside the country.⁶⁴⁷

Germany's engagement helped to strengthen group identity and improve the internal networking of minorities, especially the Hazara, and ensured a higher level of education and better political representation. Historically disadvantaged ethnic groups and religious minorities, such as the Tajiks and the Uzbeks in the north, the Hazara ethnic group in the central highlands and in the north of Afghanistan or the communities of numerous ethnic and religious minorities based in Kabul, help benefited from the engagement of Western countries. Since 2001, members of the Hazara have repeatedly held government offices, including the politician, and later Vice President, Sarwar Danish, the provincial governor of Bamiyan Habiba Sarabi and the chair of the Independent Human Rights Commission Sima Samar. Between 2005 and 2010, representatives of the Hazara (and other Shiite sections of the population) were able to increase their share of seats in parliament from 16.4 to 24.5 per cent. A wide variety of projects, most of which took an inclusive approach, such as the promotion of young talent by the political foundations of the GIZ's good governance programmes, contributed to internal networking within the communities, better visibility in the public eye and the targeted strengthening of group identity. Cultural projects sponsored by Germany, such as the conservation and cataloguing of fragments of the Buddha statues from Bamiyan, have done the same.

Thanks to improved telecommunications, crimes and violations of human rights could be better documented and made accessible to a critical public. Reservations about contacts between population groups have been broken down and cohesion, even within marginalised groups, has been promoted. The various support measures were regarded as a success in quantitative terms, even though there were major shortcomings in terms of sustainability and viability.

However, the development and exercise of the necessary monitoring function that could have been expected from an organised civil society with regard to the implementation of human rights and women's rights in society as a whole remained too limited to the more privileged and educated classes in Kabul and the other larger cities. Furthermore, the supporters of an organised Afghan civil society were financially dependent on international donors.

Although the full implementation of human rights was recognised on the German side as a "generational task", 654 this fact was not given sufficient consideration in the strategic objectives and the design of programmes and

⁶⁴⁵ See United Nations Development Programme – UNDP (2023a).

⁶⁴⁶ See Federal Ministry for Economic Cooperation and Development (2023b).

See Federal Office for Migration and Refugees (2023), p. 21 et seq.

See German Bundestag (2016), p. 18.

Smaller religious minorities include Hindus, Sikhs, Ismailis and many more. In addition, Afghanistan is home to a large number of very small ethnic and cultural groups, some of which only populate individual valleys, are based in Kabul or live a nomadic lifestyle.
 See Schetter (2022a), p. 144.

One example is the Young Leader Programme of the Friedrich Ebert Foundation in Kabul, which has been operating since 2002.

See Deutsche Gesellschaft für Internationale Zusammenarbeit – GIZ (2016), pp. 26-27.

⁶⁵³ See German Government (2008a), p. 35; German Bundestag (2010h), p. 8.

German Government (2014a), p. 41.

projects due to the more difficult operational conditions. Progress in society has been "slow but steady". 655 Projects aimed at a rapid change of mindset in society, on the other hand, failed to achieve lasting success. 656 The importance of the dimension of time for social processes was underestimated. Only those projects working with target groups at local level on a needs-oriented basis were able to achieve immediate and direct success. The objectives of this type of project were geared to the most urgent needs on the ground, rather than being conceived from a desired end state. However, the greater the intended impact – i.e. the greater the desired change and effect on people – the more important a realistic time frame for its implementation became. A broad reach and ample financial resources alone could not contribute to sustainable progress.

The operational conditions under which the German engagement took place made it difficult to adequately support the lengthy process. Frequent staff changes in state players as well as non-governmental organisations resulted in a loss of knowledge and experience in terms of understanding local social conditions. Short approval periods for funding often did not allow NGOs to design projects and programmes within the time frames that would have been necessary to develop core beliefs for society as a whole. Nevertheless, it would be wrong to claim that none of the understanding for human rights, minority rights and women's rights has lasted beyond the Western engagement. For example, there are reports of Afghans protesting against the Taliban after they took power, citing their human rights and women's rights.⁶⁵⁷ This idea may not be recognisable in today's political reality in Afghanistan, yet it persists in a remarkable way in the minds of younger Afghans in particular, even those from lower educational backgrounds.⁶⁵⁸

The commitment to strengthening human rights was also subject to the generally existing double precariousness of development policy and military engagement. It was difficult for development cooperation to plan in time frames that would deliver socially anchored, sustainable results. It was unclear to what extent the military engagement would be permanent. At the same time, this has always made it difficult to end the military mission without jeopardising large parts of the development policy achievements.

4.2.4.4 Lessons

While support from abroad was crucial for the initial emergence of human rights institutions such as the Afghanistan Independent Human Rights Commission, they now need to be embedded in the population in the longer term. On the one hand, the broad support of the population is necessary so that the institutions described can have an effective impact on the population. On the other, this support forms the basis on which human rights institutions can rely in political conflicts.

In order to drive forward social processes, such as a sustainable change in the position of women within a society, realistic time frames must be considered and planned. In Germany, 51 years passed between the introduction of women's suffrage and the recognition of married women's legal capacity. This must also be reflected in the funding of local programmes. The process must take centre stage instead of individual projects. By thoroughly examining the local conditions and living situation of the target groups, it is possible to provide people with the necessary tools to enable them to support the implementation of human rights themselves, under their own responsibility and through their own sense of conviction. Such tools include education, economic independence and a political voice. The promotion of women's rights as a cross-cutting issue in various development cooperation projects is therefore a success factor.

For a better understanding of the context, it is necessary to carry out a clear scientific review of civil society structures at the beginning of a mission and a critical examination of one's own concept of civil society. This also includes taking the social, cultural and linguistic context accompanying the mission into consideration. The example of Afghanistan shows that the failure to recognise that civil society already exists paved the way for misjudgements and cultural stereotypes.

Knowledge of religious and ethnic differences is important for a comprehensive understanding of culture. But in doing so, care must be taken not to reproduce the instrumentalisation of religion and ethnicity and thus not to pave the way for persecution and violence related to religion or ethnicity. The inclusion and advancement of

See Zeino (2022).

⁶⁵⁵ German Government (2011), p. 55.

⁶⁵⁶ See Zürcher (2020), p. 20.

See Federal Office for Migration and Refugees (2023), p. 21 et seq.

disadvantaged groups is an important part of the commitment to strengthening human rights, provided, however, that the safety of those involved can be guaranteed. The possible dangers of ethnicisation and instrumentalisation of marginalised groups by third parties should always be taken into account in situation analyses and, subsequently, in projects and programmes.

The objectives and design of the projects should be strongly oriented towards local conditions and realities of life in order to achieve a sustainable impact. The needs of the target groups must lie at the centre of the projects. "Grass-roots" projects following this approach at local level showed not only greater effectiveness, but also greater local acceptance. Where the security situation allows, German players should work directly with the local population wherever possible and avoid intermediaries. Although this approach involves increased personnel costs for the aid organisations, it can also help to reduce corruption and the misappropriation of funds.

In future, projects to strengthen civil society and human rights should focus more on the criteria of linguistic diversity, dialogue with religious players,⁶⁵⁹ decentralisation, the promotion of equal living conditions and sustainability. Furthermore, future support measures should be strongly geared towards the specific country conditions, e.g. the languages spoken. A one-sided narrowing of criteria to a command of English should be avoided in order not to limit cooperation to a closed group. Training structures offering employees of Western organisations the opportunity to learn the local language would help to break down language barriers.

Furthermore, it is important to consider the possible tensions between advancing a peace process and strengthening human rights. Involving former conflict parties in state-building can contribute to the reconciliation of former enemies. At the same time, involving former warlords in the process, as happened in Afghanistan, can cost the emerging state legitimacy in terms of human rights from the outset.

Achieving broad acceptance for the projects and their results is essential, especially when working on social processes. This is also about gaining the support of non-beneficiaries. The target group's environment therefore needs to be considered when designing projects. Where conflicts can arise that escalate into hostility, discrimination or even violence, the creation of acceptance and support from the target person's environment should be seen as an integral part of the project.⁶⁶⁰ When supporting organisations such as women's shelters, which provide women with urgent help and protect them from violence, those affected should also be given long-term prospects for a violence-free and self-determined life in their own environment.

Gaining the support of the family was essential when it came to the participation of women in projects that were intended to contribute to economic participation and consequently to an improved position in the social structure. Individual lighthouse projects with authorities from the religious milieu could have helped to increase support for projects for the advancement of women outside the urban elite. This would have required exceptional sensitivity for the cultural conditions in the country, as had sometimes already been incorporated into project designs.⁶⁶¹ Cooperation with sensitivity towards moderate, traditional players led to achievements that helped women in the rural milieu catch up with women in the cities instead of widening the gap.

When entering an engagement to strengthen human rights, consideration needs to be given to the local framework of reference as well as to local authorities responsible for moral and ethical issues.⁶⁶² That said, the promotion of more women-friendly interpretations of Islam could also have led to greater acceptance of advances in women's

Federal President Frank-Walter Steinmeier (SPD) was the driving force behind this concept. As Foreign Minister, Steinmeier launched the "Religion and Foreign Policy" project in 2016, which is also included as a demand in the 2021 coalition agreement.
 The work of the Aga Khan Development Network (AKDN) followed a similar approach by ensuring that the communities adjoining the various locations of the development projects also saw a benefit in the project. This not only prevented conflicts but also

the various locations of the development projects also saw a benefit in the project. This not only prevented conflicts but also protected the project target groups from hostility and violence. At AKDN, this approach was made possible thanks to a high level of knowledge of the country (see Mukherjee [2017], p. 359).

For example, in basic education projects in the north, where girls were given food parcels to take home, so that their participation

was seen as a benefit for the family household. The acceptance of fathers was gained and reservations were broken down.

The ulama – Islamic religious scholars – are important authorities on religious issues in Afghanistan and played a significant role in the interpretation of Islam and Islamic law. At the same time, in many rural regions of Afghanistan, tribal patriarchy was a significant factor in local concepts of morality and law. Both Islamic law and the "Pashtunwali" code – a collection of honour and moral principles for Pashtuns – are strong influencing factors on the repressive Taliban ideology (see Nagamine [2015]). However, there are sometimes considerable contradictions between Islamic law and the moral principles of the Pashtun (and other) ethnic groups. Knowing these connections and contradictions not only offers the possibility of deconstructing the Taliban ideology, but also allows for selective improvements in human rights and women's rights, for example by using concepts and references of Islamic law to replace more repressive practices of customary law and vice versa. In Islamic law, for example, there is no dowry, as there is in the Pashtun tradition, which is paid to the bride's father. On the other hand, the bride receives the *mahr*, which provides her with financial security in the event of divorce (see Kreile [2002]).

rights, particularly in rural regions where resistance to "Western-imported" value concepts was strong. However, such an approach, which would have benefited from a dialogue with local religious authorities, would also mean that changes in relation to women's rights would have taken place much more slowly and in smaller steps. Nevertheless, there would have been potential for change in particularly traditional, rural areas.

4.2.5 German engagement to improve living conditions in Afghanistan: aspects of economic reconstruction, development cooperation and humanitarian aid activities

4.2.5.1 Introduction

This section focuses on Germany's engagement to improve the living conditions of the Afghan population. Improving the living conditions of the Afghan population was a major core concern of civil reconstruction in Afghanistan. The German Government saw this as directly affecting German interests, as assistance in improving living conditions and the parallel aim of establishing transparent, efficient and enforceable government institutions were intended to secure state and social reconstruction and prevent Afghanistan from once again becoming a refuge for terrorists and/or the Taliban to regain strength. Germany was the second largest bilateral donor in Afghanistan and contributed significantly to the multilateral programmes of organisations such as the World Bank, the United Nations and the European Commission. German players were involved in three areas of intervention to improve living conditions: economic reconstruction measures, German bilateral and multilateral development cooperation and humanitarian emergency and disaster relief. What applies to many of the statements in this report is also particularly relevant here: in view of the dozens of donors, economic players, international implementing and national implementing organisations and a large number of subcontractors, it is not possible to define the explicit share of German economic development and German bilateral and multilateral engagement in development cooperation and humanitarian aid in terms of effectiveness and sustainability.

The following section initially aims to review Germany's engagement in economic reconstruction, development cooperation and humanitarian aid and provides an overview of the allocation of funds (see also section 4.2.5.2). The assessment is mixed: while specific effects have been achieved, the systemic impact of and, in turn, comprehensive improvement in, living conditions has not materialised in the 20 years of the mission. The corresponding reasons are explored and structural causes identified (see also section 4.2.5.3.1), as well as, in particular, the gaps at the societal, implementation and strategic levels of development policy and humanitarian engagement and the lessons to be learned from them.

4.2.5.2 Improvement of living conditions: review and allocation of funds

4.2.5.2.1 Review: status of Human Development Indicators in Afghanistan 2021

Although progress was made in the areas of healthcare, education and infrastructure development between 2001 and 2021, the statistics on the status of development, poverty and inequality show a sobering reality. Until the end of the international community's engagement in Afghanistan, Afghanistan remained one of the poorest countries in the world, ranking 180th out of 191 countries and territories worldwide in the 2021 Human

⁶⁶⁵ See Federal Ministry for Economic Cooperation and Development (2019).

⁶⁶³ See German Government (2003a); (2006a); (2007); (2008b); (2009); (2010a).

See German Government (2008b).

The establishment of a stable economic system based on market economy principles in Afghanistan was a clearly stated goal of the German Government. See the guidance documents of the German Government (2003a), p. 8; (2006a), p. 16; (2007); (2008b); (2009); (2010a). In addition, the Federal Ministry for Economic Cooperation and Development's "New development policy strategy for cooperation with Afghanistan in the period 2014-2017", published in 2014, gives significant space to the promotion of private sector development alongside other topics of financial cooperation. See Federal Ministry for Economic Cooperation and Development (2014). This is continued in the Federal Ministry for Economic Cooperation and Development "Strengthening Afghan Responsibility" published in 2018. See Federal Ministry for Economic Cooperation and Development (2018).

The section does not claim to analyse the various areas of activity of the private sector, development cooperation and humanitarian aid over time, nor to provide a ministry-based review. This was carried out systematically as part of the joint ministerial strategic evaluation of the German Government's civil engagement 2013-21; see DEval/ DHPol/ GFA (2023).

Development Index. The Human Development Index (HDI)⁶⁶⁸ is a cumulative country indicator determined annually by the United Nations Development Programme (UNDP) to assess the long-term progress of human development in three basic dimensions: firstly, a long and healthy life – measured by life expectancy; secondly, access to knowledge – based on indicators of expected and actual average years of schooling; thirdly, an adequate standard of living – underpinned by per capita gross national income. Despite a 42 per cent increase in the overall index value between 2001 and 2021, from 0.337 to 0.478, Afghanistan falls into the category of countries with "low human development" in an international comparison.⁶⁶⁹

When broken down, the figures show a positive trend, albeit modest in some cases: the average life expectancy⁶⁷⁰ of Afghans at birth increased by 6.2 years from 55.8 to 62 years in the period 2001-2021 (between 1990 and 2000 by 9.3 years, from 46 to 55.3), the average time spent in school by 1.5 years (from 1.5 to 3) and the expected time spent in school by 4.5 years (from 5.8 to 10.3). Gross national income per capita more than doubled between 2001 and 2021, but in 2021 it was only 67 per cent of the GNI per capita of 1990.⁶⁷¹

The gender-specific development index changed by 35 per cent in favour of women between 2001 and 2021, compared to 14 per cent in 1990. In 2001, Afghanistan ranked fourth last (167) out of 170 countries in the gender inequality index. Maternal mortality dropped by more than half between 2001 and 2021 (from 1,390 women per 100,000 live births to 638), while the birth rate of young mothers aged between 15 and 19 fell from 151 to 83 per 1,000 births. According to the UN statistics, the labour force participation rate of women over the age of 15 has barely changed, amounting to 15.2 per cent in 1990, 14.9 per cent in 2001 and 14.8 per cent in 2021. Nevertheless, due to population growth, it can be assumed that successively more women were in work. The female employment rate peaked at 21.6 per cent in 2019.

Despite massive foreign investment, economic reconstruction and development efforts, the increase in poverty among the population could not be sustainably limited by 2021. Afghanistan remains one of the poorest countries in the world. While around 51 per cent of the Afghan population was classified as poor by the World Bank in 2003, the figure dropped to around 36 per cent (2007/08),⁶⁷³ but rose again after 2012 and was higher in 2016-17 than in 2003 at 55 per cent.⁶⁷⁴ Another third of the population was already at risk of falling below the poverty line in 2018.⁶⁷⁵ The Multidimensional Poverty Index, which is recognised as an alternative for income-based poverty measurement, refers to the latest publicly available survey data from 2015/16 for its current edition for Afghanistan from July 2023 due to the lack of data available for its estimate. According to these estimates, 55.9 per cent of Afghanistan's population was multidimensionally poor in 2015/16 (equivalent to 22.4 million people in 2021), while a further 18.1 per cent were classified as potentially affected by multidimensional poverty (7.3 million people in 2021).⁶⁷⁶ The level of deprivation in the dimensions of living standards and education was largely responsible for this (90 per cent); in the area of health, the deprivation was a low 10 per cent compared to almost three times the regional average in South Asia in the area of health (28 per cent). Afghanistan's above-average regional access to healthcare thus indicates success, which tallies with the above data showing lower maternal mortality and higher life expectancy.

Life expectancy of women in 1990: 48.8 years, 2000: 56.9 years, 2001: 57.3 years, 2021: 65.3 years; of men 1990: 43.7 years, 2000: 53.8 years, 2001; 54.3 years, 2021: 58.9 years. See ibid.

⁶⁶⁸ See United Nations Development Programme – UNDP (2023b).

⁶⁶⁹ See ibid.

All figures (for the following sections as well) from the annually listed HDI/GDI data, see UNDP – United Nations Development Programme (UNDP) (2023) under Country data (csv) for the period 1990-2021, calculated there with constant purchasing power parity 2017 (constant 2017 PPP\$).

⁶⁷² Generalised statements about "poverty" are difficult to make given the changing criteria (availability of less than 1 versus 2 US dollars per day) and calculation bases, especially in the case of Afghanistan, where the data available and access to compiled data are fundamentally poor. As a rule, the inequality indicator is therefore favoured.

⁶⁷³ See Ministry of Economy Islamic Republic of Afghanistan (2015).

See Government of Afghanistan (2017b), p. 97.

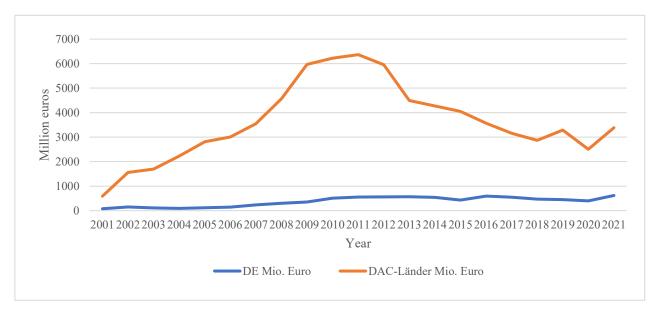
⁶⁷⁵ See World Bank (2018), p. 5.

⁶⁷⁶ See United Nations Development Programme – UNDP (2023c).

4.2.5.2.2 German players and allocation of funds

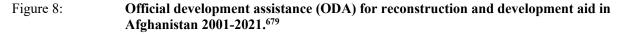
The following two charts (Figures 7 and 8) visualise the German Government's expenditure on official development assistance (ODA) in Afghanistan in the years 2001-2021. Figure 7 compares German expenditure with the expenditure of all DAC countries (orange line). The share of Germany's civil engagement in the overall engagement was between 5 and 15 per cent over time. German ODA funds therefore totalled 7.85 billion euros in the overall period 2001-2021. 677

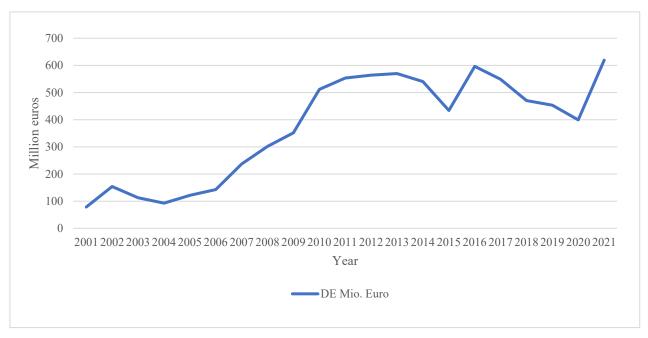
Figure 7: Official development assistance (ODA) for reconstruction and development aid in Afghanistan 2001-2021 in comparison with other DAC countries.⁶⁷⁸



⁶⁷⁷ Compare data set in Annex 6.6., source: OECD (2023).

Own presentation with data from: ibid, dataset: Aid (ODA) disbursements to countries and regions [DAC2a].





According to the German Government, the deployment of German service personnel and civilian forces to Afghanistan has cost more than 17.3 billion euros.⁶⁸⁰ The Federal Ministry of Defence, which has to finance a self-sufficient infrastructure and heavy equipment, spent 12.3 billion euros,⁶⁸¹ the Federal Foreign Office 2.48 billion euros,⁶⁸² and the Federal Ministry for Economic Cooperation and Development 2.46 billion euros.⁶⁸³ Sustainable economic reconstruction was a priority sector of the Federal Ministry for Economic Cooperation and Development's engagement in development cooperation activities throughout the period 2002-2021. Expenditure on humanitarian aid totalled just 425 million euros.⁶⁸⁴ The major imbalance between military and civil engagement⁶⁸⁵ was 2.5 to 1 until 2014 and only changed after the end of ISAF. In the Federal Foreign Office's budget, the Stability Pact accounted for the largest volume of funds at 180 million euros per year; in comparison, the Federal Foreign Office's budget for humanitarian aid totalled a maximum of 45 million euros per year until 2020.⁶⁸⁶ In parallel to the Federal Ministry for Economic Cooperation and Development's engagement, development policy projects and measures, including in the areas of education and healthcare, were financed from the Federal Foreign Office's Afghanistan Stability Pact. In the last few years, the Federal Ministry for Economic Cooperation and Development's Afghanistan portfolio totalled around 250 million euros per year (including the budget items for crisis management and reconstruction, infrastructure/structure-building

680 See German Bundestag (2021c). In comparison: From the invasion of Afghanistan in 2001 until its withdrawal in August 2021, the US spent around 2.3 trillion US dollars on the war, including operations in Afghanistan and Pakistan. See Watson Institute for International and Public Affairs (2021).

⁶⁷⁹ Ibid.

⁶⁸¹ See German Bundestag (2021b), p. 9. Federal Ministry of Defence data for the period 2001 to 31 December 2020. The costs were reported as "mission-related additional expenses".

⁶⁸² See ibid, p. 9. The Federal Foreign Office costs include "project-related personnel and operating costs", with the exception of personnel and operating costs incurred by the Federal Foreign Office in regular diplomatic operations.

According to the Federal Ministry for Economic Cooperation and Development's own information in 2022, the Ministry made total investments of over 2.6 billion euros between 2009 and 2021 alone. What is more, this figure does not include the Federal Ministry for Economic Cooperation and Development's funding for non-governmental organisations and multilateral organisations. See Federal Ministry for Economic Cooperation and Development (2022).

See German Bundestag (2021b), p. 10, data for the period 2001 – 31 December 2020.

See Bernd Schütt, Study Commission (2023n), p. 10.

⁶⁸⁶ See German Government reports on German humanitarian aid abroad: Federal Foreign Office (2006); (2010a); (2014); (2022b), Annex 2 in each case.

transitional aid (KWI/ÜH)).⁶⁸⁷ Over time, it is noticeable that German ODA funding initially declined (2003 and 2004), while significant increases in the Federal Ministry for Economic Cooperation and Development's funding for Afghanistan were first recorded in 2007 and then from 2010 onwards.

The focus of German humanitarian aid⁶⁸⁸ in Afghanistan between 2001 and 2020 was on aid measures for internally displaced persons and (potential) returnees – including Afghan refugees in Iran – food security, water, sanitation and hygiene (WASH), shelter, protection and health as well as humanitarian disaster preparedness. Germany also supported humanitarian mine and ordnance clearance projects and mine victim assistance.⁶⁸⁹

The fundamental objectives of German development cooperation were to set in motion a "self-sustaining development" in Afghanistan "that makes Afghanistan less dependent on international aid and allows it to participate in regional economic development", to create a framework favourable to development and to directly improve the situation of the people on the ground. Federal Ministry for Economic Cooperation and Development prioritised the energy, sustainable economic development and water/sanitation sectors from 2002 onwards. Education was added as a priority sector in 2005 and governance in 2012. Federal Ministry for Economic Governance in 2012 in 2010, the German Government "doubled" the funds (from 220 to 430 million euros) for civilian reconstruction as part of the "Development Offensive North" (Afghanistan) Federal Ministry for Economic Cooperation and transfer of responsibility into Afghan hands by the end of 2014. The high level of funding was more or less maintained in the transformation decade from 2015 in relation to the international engagement. In the field of development cooperation, implementation was mainly carried out via the instruments of Technical Cooperation and Financial Cooperation by the two state implementing organisations Gesellschaft für Internationale Zusammenarbeit (GIZ, formerly GTZ, Gesellschaft für Technische Zusammenarbeit until 2010) and Kreditanstalt für Wiederaufbau (KfW).

As the goals envisaged in economic development in Afghanistan proved to be unrealisable through private sector engagement (see section 4.2.5.3.1), economic development was largely financed and implemented by the GIZ and KfW (including in the areas of energy supply, infrastructure development, improving opportunities for small and medium-sized enterprises (SMEs)) as part of development cooperation.

4.2.5.2.3 Conclusion

The German Government's self-imposed goals (of improving the living conditions of the Afghan population and creating an economic environment that favours investment in order to develop the economic sector) have only been sporadically achieved. As the above HDI figures show, the impact of twenty years of international and German engagement has been extremely modest and there have been no systemic effects at a social level. This raises the question of the ratio between the allocation of funds and the effects achieved. German efforts to build up the economy and development cooperation were only partially able to create structures that have sustainably

⁶⁸⁷ See German Bundestag (2019b), p. 1, 3. The Federal Ministry for Economic Cooperation and Development's development and structure-building transitional aid is intended to quickly and effectively restore livelihoods and secure basic services through state players.

Humanitarian aid, crisis prevention and transitional aid have been the joint responsibility of the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development since 2013, with the Federal Foreign Office responsible for crisis prevention and humanitarian aid measures designed to meet basic needs as immediate and emergency aid in urgent crisis situations.
 See German Bundestag (2021b), p. 10, data for the period 2001-31 December 2020.

⁰ See e.g. German Government (2008b), p. 11.

The data provided to the Study Commission by the Federal Ministry for Economic Cooperation and Development on projects implemented in Afghanistan in the period 2001-21 does not claim to be exhaustive. Nevertheless, within the projects described, 5.7 per cent of the total funds allocated are in the area of sustainable economic development (e.g. projects for sustainable economic development in the north and in Kabul) and 7.8 per cent of the total funds allocated are in the area of energy (e.g. projects for decentralised power supply through renewable energies). The area of governance was allocated 70 per cent of the total funds. However, these funds also include monies that can have an impact on economic development (e.g. promoting governance in the raw materials sector, managing regional structural development funds). See Federal Ministry for Economic Cooperation and Development (2023a).

The basic orientation of this focus remained the same over time, although, every so often, the intention to reach out into rural areas was more pronounced (2010 to 2013, 2014 to 2017), but with the deteriorating security situation and the intention not to implement projects in insecure districts or those without government control, the geographical focus shifted to the cities. For example, one priority sector pursued from 2018 was urban development and municipal infrastructure (electricity and water), alongside governance and sustainable economic development; Federal Ministry for Economic Cooperation and Development (2018).

⁶⁹³ See German Government (2010c), p. 6; (2011); also: German Bundestag (2010f), p. 41.

improved the lives of the population. The effectiveness of Germany's engagement can be seen in the areas of basic services for the population (access to water, basic education, health services), particularly in the north and in Kabul.⁶⁹⁴ In the area of infrastructure development, hundreds of projects – the construction of roads, bridges, training centres, administrative and government buildings, healthcare facilities, electricity and water supply measures – were implemented in around half of the Afghan districts nationwide over the course of time, 695 including the construction of the airport in Mazar-e Sharif. Hundreds of thousands of Afghans have benefited from training and further education programmes aimed at establishing the rule of law, the education sector and good governance. It must be assumed that these skills gains are of lasting significance at an individual level.

That said, the gap between the objectives / intended effects and allocation of funds to improve living conditions, on the one hand, and what was actually achieved, on the other, raises the question of why initiatives tended to fail on a large scale and only selectively succeed on a small scale. The following sections discuss the main reasons and underlying tensions and dilemmas that became apparent in the German engagement inter alia. The factors selected are not exhaustive. Each section includes a number of lessons learned.

4.2.5.3 Reasons for the inadequate improvement in living conditions

Structural reasons: initial socio-economic conditions 4.2.5.3.1

At the time of the international intervention at the end of 2001, Afghanistan had already been in a state of (civil) war for more than two decades, which had significantly affected all areas of the population's life, including social and economic conditions. So, to a large extent, a war economy prevailed there, given that state structures were spending a large part of their budget on the military and defence from the 1980s until the Taliban emirate of 1996-2001. At the same time, illegal underground economy structures had developed due to the various regimes' unenforceable regulatory policies, which were closely linked to the territorial control of local commanders and their taxation of the local population or the exploitation of raw material deposits (gemstones, wood, coal, oil) for private income. Patron-client relationships dominated economic processes, and the enforcement of property rights was not subject to the power of the law, but to the law of power.⁶⁹⁶ As early as the 1990s, Afghanistan became one of the main cultivation areas for opium poppies and an important global producer of opium. A large proportion of the population had fled to neighbouring countries and survived in the country largely on subsistence farming, help from relatives abroad or by participating in the armed conflict and its criminal excesses. At the beginning of the international engagement in Afghanistan at the end of 2001, the economy experienced an unprecedented decline due to several years of drought and parallel international economic sanctions against the Taliban regime. The agricultural structures that had always been important and enabled subsistence were on the verge of collapse, there was hardly any capital in the country and traditionally few local developed production capacities and no industry worth mentioning.⁶⁹⁷ Institutions necessary for private sector reforms and economic development, such as a chamber of commerce, no longer existed in 2001.⁶⁹⁸

Even before the war, the Afghan economy was one of the weakest in the world. Afghanistan comprises a natural area which, due to its geographical conditions, only allows limited economic productivity and surpluses.⁶⁹⁹ After the Second World War, a competing rentier economy (rentier state) exploiting foreign aid was established in the course of the Cold War. In other words, major infrastructure and economic development projects were provided by development agencies from the US and West Germany as well as the Soviet Union and the German

See Zürcher (2020), pp. 17-22; (2023); Zürcher and Saraya (2020), pp. 7, 47.

See Federal Ministry for Economic Cooperation and Development (2022), p. 1. Between 2009 and 2021, the Federal Ministry for Economic Cooperation and Development and GIZ alone implemented more than 250 projects in Afghanistan in 188 districts (out of around 400 in total) across the country. However, the sustainability of infrastructure and facilities in particular is at issue, given the maintenance costs after 2021.

See Fishstein and Amiryar (2015), p. 2.

See Hagenlocher and Leidner (DEG & ACGF), Study Commission (2023an); Kreutzmann and Schütte (2010).

Afghanistan has no access to the sea. Almost three quarters of its territory cannot be put to productive use (deserts, high mountains), only 12 per cent of the land can be cultivated and 23 per cent of this can be irrigated. As a result, there was hardly any productive potential for generating surpluses, and a large part of the population lived from subsistence farming and labour migration, especially to Iran. As Afghanistan has always been a transit area due to its location, trade and war have dominated as historically important sources of income. The war economy resulted in a high degree of informality and underground economy activities, e.g. cross-border trade in illegal goods. The raw materials sector offers economic potential: Afghanistan has modest gas and oil reserves and considerable deposits of copper and lithium (known since 2010). Other raw materials include iron, gold and rare earth elements.

Democratic Republic. From the 1980s, as part of the war economy, foreign subsidies dominated the main income of the Afghan state. While the Afghan economy was weak until the end of the 1970s, but still able to feed the country's population sufficiently, 700 this was no longer the case from 1978 onwards. This led to the development of an aid economy based on foreign subsidies; the state was not dependent on its own income, but was highly dependent on foreign funds.

Massive foreign development investment led to economic growth being promoted,⁷⁰¹ but existing inequalities were exacerbated in the medium and long term and dependence on international financial transfers significantly increased. Between 2003 and 2012, the Afghan economy recorded annual growth rates of around 9 per cent⁷⁰² with low inflation. However, the majority of the economic income, an estimated 80-90 per cent, was generated in the informal economy. The legal economy was dominated by construction and transport activities, which arose in direct connection with the needs of the intervening players. In addition to the raw materials sector, potentially promising economic sectors such as the processing industry, the renewable energy sector, the water sector and the carpet industry were not systematically developed. 703 Socio-economic indicators appeared to improve taking into account the catastrophic initial situation and the fact that the drought had ended in 2002. Among other things, this led to more than 920,000 Afghans returning from abroad by 2014.⁷⁰⁴ However, poverty rates stagnated at around 36 per cent in the period 2007-2012.⁷⁰⁵ With the announcement of the gradual withdrawal of resources by the international community (following a previous increase in civil funding) from the end of 2014, GDP growth fell again significantly. In the 2015-16 financial year, growth fell to 0.9 per cent (taking opium production into account) and to -2.4 per cent in the areas of legal economic activity. 706 This illustrates the financial dependence of Afghanistan's economy on international players built up over the course of their engagement. What is more, as the economy moved from the "transition" phase to the "transformation" decade (2015-2024), it became apparent that economic development had so far been largely geared towards the needs of the international troops and the civil measures accompanying them.⁷⁰⁷

The development of the economy according to market economy principles anchored in the Afghan constitution (2004, Article 10)⁷⁰⁸ was implicitly based on the idealistic but false assumption of stable economic conditions in a normal post-conflict country. Economic reform plans – set out in the Interim Afghanistan National Development Strategy (IANDS, 2005) and the Afghanistan National Development Strategy (ANDS, 2008) developed with the help of the international community – focused on establishing a private sector and creating markets⁷⁰⁹ and an attractive environment for direct foreign investment.⁷¹⁰ Specifically, infrastructure investments (e.g. in the energy sector) needed to be made and logistical structures (airlines, telecommunications) established,⁷¹¹ the management of state revenues improved and state institutions generally strengthened.⁷¹² Agriculture and rural industries needed to be promoted in order to create economic alternatives to drug cultivation, and subsistence farming needed to be replaced by commercial agriculture with export potential and less dependence on imports.⁷¹³ There were also plans to develop the mining industry,⁷¹⁴ to establish a vocational

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<sup>700</sup> See Ruttig (2019).
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⁷⁰¹ See Beath et al. (2013), p. 47.

⁷⁰² See Ministry of Economy Islamic Republic of Afghanistan (2015).

⁷⁰³ See Byrd, Study Commission (2023ad); Ringel (2021).

⁷⁰⁴ See UNHCR – United Nations High Commissioner for Refugees (2015).

⁷⁰⁵ See World Bank (2016), p. 1.

Nee Central Statistics Organisation of the Islamic Republic of Afghanistan (2016).

Indicators were the property bubble and the collapse in property prices with the withdrawal of international troops and civilian forces on 31 December 2014; moreover, profits were generated, in particular, in the course of handling military transports and in the security and supply sector for the internationals on the ground.

Nee Max Planck Institute for Comparative Public Law and International Law (2004). The Constitution of the Islamic Republic of Afghanistan, Article 10 reads: "The state shall encourage, protect as well as ensure the safety of capital investment and private enterprises in accordance with the provisions of the law and market economy."

In particular, the plan to create markets in Afghanistan shows the international community's misjudgement of the local context, because "[i]f ever there is a stable factor in Afghanistan, it is the local markets. They survived the Soviet invasion as well as the Taliban and US-led intervention. But these markets don't look the way Western eyes imagine them to look." Quoted from: Schomerus (2023b); see also Schomerus (2023a).

See Islamic Republic of Afghanistan (2005), p. 17; (2008a), p. 7.

⁷¹¹ See Islamic Republic of Afghanistan (2005), pp. 77, 84; (2008a), pp. 10, 93.

See Islamic Republic of Afghanistan (2005), p. 17; (2008a), p. 75.

⁷¹³ See Islamic Republic of Afghanistan (2005), p. 75; (2008a), p. 12.

See Islamic Republic of Afghanistan (2005), p. 84; (2008a), p. 8.

training system for skilled labour⁷¹⁵ and to protect property rights by establishing a land registry system and regulating land rights.⁷¹⁶ In the understanding of the development players, such measures required the economy to open up to the world market, customs duties to reduce and the few state-owned companies to be comprehensively privatised.⁷¹⁷ However, this meant that the domestic economy remained unprotected from the global market, e.g. local products and companies were no longer competitive in the face of foreign goods flooding into the country and a considerable trade deficit of 3 billion US dollars in 2009⁷¹⁸ developed, which took on chronic proportions.⁷¹⁹ The free trade legislation allowed neighbouring countries to engage in price dumping, which forced potential Afghan investors and entrepreneurs investing in Afghanistan out of the market.⁷²⁰ The development of Afghan production structures, which would have been a prerequisite for sustainable employment systems and investment incentives, among other things, was undermined in the long term by the radical market reform approaches.⁷²¹

Investment in Afghanistan was not attractive for either Afghan or international companies at the time of the international engagement as the basic economic conditions were detrimental to investment. German companies therefore did not participate in the process of economic development in Afghanistan. Sectors that are potentially profitable for the German economy, such as the extraction of fossil fuels and ores (mining sector),⁷²² the production and processing of agricultural products, the renewable energy and hydropower sector and the carpet industry⁷²³ were not very attractive for the private sector given the uncertain context (property rights / lack of legal certainty, corruption,⁷²⁴ security situation,⁷²⁵ etc.).⁷²⁶ They have either been significantly appropriated by other international players (in the raw materials sector, China and India) or, above all, state development agencies. It was not possible to establish an economic environment in Afghanistan that would encourage investment.⁷²⁷

⁷¹⁵ See Islamic Republic of Afghanistan (2005), p. 137; (2008a), p. 11.

⁷¹⁶ See Islamic Republic of Afghanistan (2005), p. 79; (2008a), p. 45.

See Islamic Republic of Afghanistan (2005), p. 84; (2008a), pp. 7, 83 et seq.

See German Government (2010c), p. 85.

Nee Germany Trade & Invest (2009), p. 8. The balancing of the import surplus (e.g. export of goods: 0.7 billion euros in 2013, 0.8 billion euros in 2014; import of goods: 9.2 billion in 2013, 8.9 billion in 2014) was financed by international funds. See Byrd (2016), p. 83; Ringel (2021).

⁷²⁰ See Fishstein and Amiryar (2015), p. 12.

⁷²¹ See Johnson and Leslie (2008), p. 186; del Castillo (2008), p. 177.

A systematic geological survey carried out by the US Department of Defense Task Force for Business and Stability Operations and the Afghanistan Geological Survey in 2010 showed that Afghanistan has significant deposits of lithium and rare earth elements in addition to the known deposits of oil and gas, iron and copper. See Peters et al. (eds.) (2011).

⁷²³ See Byrd, Study Commission (2023ad); Ringel (2021).

See Study Commission (2023ad); Fishstein and Amiryar (2015), pp. 5, 6; Fishstein and Amiryar (2016), p. 102; Iyengar Plumb et al. (2017), p. 28.

The security situation in Afghanistan fluctuated over the period of the intervention, but was consistently unstable and unpredictable.
 See Fishstein and Amiryar (2016), p. 101. Since the mid-2000s, the security situation in Afghanistan has increasingly deteriorated.
 One exception is the telecommunications sector, which was largely occupied by Aga Khan (Roshan) and the UAE-based company Etisalat. See Fishstein and Amiryar (2015), p. 5.

See Fishstein and Amiryar (2016), p. 100; Schrade, Study Commission (2023w); Shahalimi, Study Commission (2023p). A World Bank paper describes how private sector development reforms in post-conflict countries have relied on standard models that are poorly adapted to the local context. For example, USAID took over responsibility for investment reforms in Afghanistan, after which a corresponding law was drafted by USAID consultants and coordinated with a small number of Afghan government representatives, with only minimal involvement of private sector representatives and limited to Kabul. The result was correspondingly criticised by members of the private sector in Afghanistan, who complained that Afghan realities were completely ignored – in particular, the context of weak state structures and corrupt government institutions. Peschka (2011), p. 31.

In rare cases during the latter stages of the mission, German companies showed concrete investment interest. The German companies Hochtief and Giesecke+Devrient are said to have had a fundamental interest in investing in Afghanistan, and Siemens Energy planned, for example, to establish a sustainable energy system in Afghanistan from 2020. The last point in particular highlights the discrepancy between the aspiration to implement the planned measures so as to establish Afghanistan as an energy hub in Central Asia and the everyday reality of the population. Only 28 per cent of the Afghan population was supplied with electricity in 2020. Other factors hampering investment were the widespread lack of logistical and transport infrastructure, turning and turning and further education.

Between 2001 and 2004, the Federal Ministry for Economic Cooperation and Development supported the establishment of the Afghan Investment Support Agency (AISA), which aimed to encourage, promote and support private sector investment, 736 as well as the establishment of the Export Promotion Agency Afghanistan (EPAA) to strengthen Afghanistan's international export trade.⁷³⁷ An important project in the area of economic development in the early years of the intervention was the establishment of the Afghan Credit Guarantee Fund. This was established by DEG (a subsidiary of KfW) together with USAID in 2005. As a credit insurance institution, it aimed to encourage economic investment by local Afghan players. The fund continues to exist today, now independently of DEG. Apart from this, DEG - which was tasked in particular with private sector promotion in the international context - was barely active in Afghanistan. As far as we know at present, the German Government has remained largely inactive with regard to direct support for private German as well as Afghan players in terms of economic investments in Afghanistan through investment guarantees or other investment incentive instruments.⁷³⁸ The Federal Ministry of Economics and its Department for Foreign Trade and Investment Promotion (Department V) was not actively involved in the lowering of barriers to investment guarantees in developing economies or the promotion of foreign trade projects. Private sector players did not form part of the civil reconstruction engagement, as their involvement requires a favourable context for investment development and a certain acceptance of risk. Instead, development cooperation focused on sustainable economic development and employment promotion to support the creation of an environment conducive to investment.

Conclusion

The initial context for the international engagement in Afghanistan was typically a lack of structural conditions for economic prosperity, coupled with a high dependence on international cash flows to maintain the state apparatus, which led to the development of an aid economy. This was insufficiently understood by the international and German players and recognised too late. The ambitious goals for Afghanistan as a business location – including an export-oriented economy based on the private sector that would be able to generate the necessary government revenue – stood in stark contrast to the initial conditions outlined above. As a result, economic reform processes were initiated that were not very appropriate to the socio-economic context. The country context was not included in the planning and formulation of objectives from the outset; at best it was

⁷²⁸ See Ringel (2021).

⁷²⁹ See Siemens Energy (2020).

⁷³⁰ See ibid.

See ibid; Fishstein and Amiryar (2015), p. 11.

⁷³² See Price (2021); Karokhail (2008), p. 3.

⁷³³ See Karokhail (2008), p. 2; Kreutzmann and Schütte (2010), p. 13. Nothing was effectively done to counter the formation of monopolies by local rulers and their active maintenance (see Minoia and Schrade [2018], p. 4); in fact, in some cases, such monopolies were even strengthened by the outflow of public funds from donor countries (see Fishstein and Amiryar [2016], pp. 100-101, 104; Iyengar Plumb et al. [2017], p. 28; Ringel [2021]; Siemens Energy [2020]).

⁷³⁴ See Fishstein and Amiryar (2016), p. 102. Comparatively high salaries in Afghan authorities and in international organisations that implemented well-funded international projects caused a kind of "brain drain" of local skilled workers to these institutions and exacerbated the shortage of skilled workers in the Afghan private sector labour market.

⁷³⁵ See ibid, p. 105; Fishstein and Amiryar (2015), p. 2.

Over time, however, AISA became an independent, profit-oriented agency whose areas of responsibility increasingly overlapped with those of the Ministry of Commerce. The objective pursued in setting up the agency was not achieved. See Study Commission (2023ad).

⁷³⁷ See Karokhail (2008), p. 2.

⁷³⁸ See Hagenlocher and Leidner (DEG & ACGF), Study Commission (2023an). Our own research did not yield any results.

fundamentally underestimated, at worst completely ignored. Afghanistan's needs and its various players were not adequately researched and not cohesively coordinated with either German or international objectives and approaches. Unintended effects of this lack of understanding of the context were the creation of incentives for the emergence of parallel economies, property bubbles generated by foreign demand, complex subcontracting and market distortions. Economic development measures have not promoted sustainable economic growth and have not had a lasting effect on reducing poverty and inequality in Afghanistan. There was no systematic analysis of the facts with regard to the local context, for example through research funding at German universities and research institutions, and this prevented realistic, conflict-sensitive planning, management and local operation based on knowledge of actual causal relationships and in line with intended effects (for example, compared with the practice of the ODI think tank in the UK).

The following lessons can be learned in the area of economic development: simultaneous attention needs to be paid to setting the macroeconomic course (financial cooperation), structure-building development cooperation (large-scale infrastructure and income-generating measures and training initiatives (technical cooperation)) and humanitarian efforts, as well as the competences of state and non-state players. For example, non-governmental organisations can create structures at local level that directly improve the lives of the population. An appropriate balance and coordination (strategy) can respond better to the simultaneous nature of requirements (humanitarian, structural) in different areas of a country and their relevance for various groups. The existence of an energy supply and transport infrastructure is an important prerequisite for the development of foreign trade projects and investments, in addition to sufficient security (state monopoly on the use of force) and a supply of labour and skilled workers. When financing projects, German contracting authorities and their implementing organisations should ensure that contracts for local implementation are put out to public tender and that local private-sector competition is encouraged. Private-sector investments by local players could have been supported by DEG's financial cooperation activities or other investment guarantees, for example. Economic development measures should also be continued in the event of changes in the line-up of players in future engagements, for example withdrawal of the military from the country of deployment, where allowed by the security situation and other cost/benefit considerations.

4.2.5.3.2 Knowledge and attention gap: the dilemma of implementation without Afghan ownership

Since the conclusion of the Bonn Conference in 2001, donors and implementing organisations have predominantly believed that the international community's efforts to build peace and restore the livelihoods of the Afghan population would proceed in a linear fashion, in the sense of steady progress. All ministries involved in Germany's engagement in Afghanistan lacked concrete assessments of the situation in the country and realistic options for action. 739 Based on the erroneous assumption that Afghanistan was a post-conflict country and therefore a normal development cooperation country, 740 the focus was placed too quickly and too comprehensively on structure-building measures, particularly in the initial phase, without covering basic humanitarian needs in Afghanistan after 20 years of war. 741 Although foreign aid enabled growth in the economy from 2002 onwards (see above), the expansion of the public sector and the development of roads and infrastructure, economic growth did not reduce poverty and did not create sustainable employment structures – instead, it increased socio-economic inequalities.⁷⁴² In addition, the country context was underestimated by many international players, including Germany, as an agricultural country whose inhabitants lived mainly from subsistence farming. The concepts and approaches of international support for the agricultural sector did not particularly align with the ideas and goals of farmers, local authorities and the Afghan government for the rehabilitation of agriculture. 743 The idea that it would be possible to initiate rapid modernisation in an agricultural country by simply adopting best practices from elsewhere⁷⁴⁴ proved to be misguided in retrospect.

⁷³⁹ See Schütt, Study Commission (2023n), p. 11.

The official narrative that Afghanistan would evolve from a phase of stabilisation to "consolidation" during the "transformation decade" from 2014 to 2024 and then return to being a "normal development cooperation country" was not openly questioned until the very end. Study Commission (2023z).

⁷⁴¹ See Donini (2004); Study Commission (2023t).

Well illustrated by the two NRVA studies 2007 to 2008 and 2011 to 2012, see World Bank and Ministry of Economy Islamic Republic of Afghanistan (2015).

⁷⁴³ See Christoplos (2004), pp. 7-17.

⁷⁴⁴ See Pain and Huot (2018).

In addition, the dependence on aid and the continuous unconditional inflow of foreign funds had a fundamentally negative impact on accountability and responsibility structures. The Afghan government felt primarily responsible and accountable to international donors, rather than to the citizens of Afghanistan. Short project durations and target horizons for the granting of development cooperation as well as particular donor agendas in a fragmented donor landscape set a cycle in motion in which the Afghan government constantly had to lobby for further aid. As a result, the Afghan government lost sight of its long-term goals and development priorities. Ownership was not transferred to the Afghan government and partner authorities for too long a period of time. On the one hand, a lack of consensus among the elites hampered the success of more complex projects because the divided elites had no common interest in implementing reforms. On the other, the Afghan side complained that most donors were pursuing their own agendas and that there was a lack of coherence between them. According to the Afghan government, this also explains the low level of ownership of state structures and decision-making levels.

German public funds for development cooperation (from the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development) were mainly used via multilateral funds as off-budget funding instruments, i.e. outside the Afghan national budget. Between 2002 and 2009, the international community managed 82 per cent (2015: 60 per cent, 2016: 41 per cent) of the funds it invested in the Afghanistan engagement outside the Afghan budget - only 18 per cent (2015: 40 per cent, 2016: 59 per cent) of funds were managed via the Afghan government (on-budget aid).⁷⁴⁸ The Federal Ministry for Economic Cooperation and Development paid 618 million euros into the Afghanistan Reconstruction Trust Fund (ARTF) managed by the World Bank Group between 2012 and 2021 alone.⁷⁴⁹ The main objective of the ARTF was to support Afghanistan in building up state structures in various areas. For example, it was used to pay the salaries of the public sector (including the police) and social services. Only the Federal Ministry for Economic Cooperation and Development strategy 2014-2017⁷⁵⁰ contained the explicit goal of tying at least 50 per cent of donor funds more closely to the Afghan budget (on-budget aid), after the international donors had agreed on this at the Kabul Conference in 2010 for the period from 2012.⁷⁵¹ During the transition period to greater Afghan ownership (2010-14), the Afghan government needed to implement the necessary reforms to strengthen its public budget management, curb corruption and increase access to public revenues. 752 The shift from predominantly off-budget to on-budget financing, with the involvement of the Afghan state, can be seen as an attempt to satisfy the dilemma between the two aims, namely achieving effectiveness on the one hand and ownership by the Afghan partners on the other. Whilst off-budget aid was primarily provided against the background of low absorption capacities and the risk of misappropriation of the funds provided, on-budget funding was the basis for Afghan partner authorities to manage the funds themselves and thus exercise ownership. The World Bank, for example, found that off-budget aid ended up in the pockets of corrupt players who were not oriented towards the common good, which delegitimised not only the Afghan government but also international donors in the eyes of the population and did not allow for any lasting effects.⁷⁵³

Another problem was that a large proportion of the money provided has flowed back to the donor countries, 754 with estimates suggesting that between 40 and 90 per cent of the aid has been returned since 2001. 755 The World Bank stated that only 38 cents of every US dollar reached the Afghan economy in 2008. 756 According to an

⁷⁴⁵ See Bizhan (2018).

⁷⁴⁶ See Zürcher (2020); Zia (retired minister), Study Commission (2023aa); Haqbeen (ACBAR), Study Commission (2023ab).

⁷⁴⁷ See Preuß (2022), p. 11.

⁷⁴⁸ For figures for 2002-2009, see Bizhan (2018), p. 154; for 2015 to 2016: Ruttig and Bjelica (2018).

See Federal Ministry for Economic Cooperation and Development (2022), p. 1 et seq. The World Bank has been critically evaluated several times by the US-Afghanistan auditor SIGAR with regard to the efficiency and effectiveness of the ARTF, particularly in order to overcome deficits in the utilisation and monitoring of ARTF funds disbursed to the Afghan government and the lack of transparency towards donors. See Special Inspector General for Afghanistan Reconstruction – SIGAR (2011); (2018); (2022a).

See Federal Ministry for Economic Cooperation and Development (2013). The Federal Ministry for Economic Cooperation and Development's Strategy Paper 2014 to 2017 represents the Ministry's first formulated ministry-specific strategy for its engagement in Afghanistan. It was based on a strategic portfolio review commissioned in 2010 and completed in 2013; see Zürcher et al. (2013).
 See Interretional Crisic Crown (ICC) (2011) and in 2010 and completed in 2013; see Zürcher et al. (2013).

See International Crisis Group (ICG) (2011), p. i.

⁷⁵² See ibid., p. 9.

⁷⁵³ See Haque et al. (2023), p. 28.

See International Crisis Group (ICG) (2011), p. 14.

⁷⁵⁵ See Waldman (2008), p. 7.

⁷⁵⁶ See Ruttig and Bjelica (2018).

Oxfam study from 2008, half of the aid money from 2001-2008 was tied to the purchase of goods and services from donor countries. This enabled contractors with a purely service-oriented focus to achieve profit margins of up to 50 per cent. Service consultancies have become a sector in their own right and have constituted a kind of second civil service in Afghanistan, whose foreign consultants and experts (short-term consultants and Afghan experts or returnees from abroad) are paid a large part of the money earmarked for reconstruction. This has led to tensions between Afghan experts and foreign (including returning Afghan) experts – the Afghans who never emigrated felt discriminated against in terms of salary.

The development plans presented by the Afghan government at the international Afghanistan conferences were always based on the availability of funds from abroad. 760 In the 2017/18 financial year, 66 per cent of the Afghan state budget was financed from abroad, with only 33 per cent coming from the country's own state revenue, although this has tripled since 2009. In 2018, foreign funds financed 80 per cent of public spending in the Afghan national budget (55 per cent of GDP).⁷⁶¹ The amount of funding provided led to high outflow pressure from donors, although this was offset by the low absorption capacity of the Afghan partners. 762 On the one hand, there were not enough projects into which funds could have been sensibly channelled. On the other, this had to do with the limited capacities of the Afghan administration. This remained overestimated for a long time, as the Afghan administration was largely run by the "second civil service". 763 Another factor of relevance is that implementing organisations and non-governmental organisations clearly have an interest in high project volumes in order to cover their high structural costs in fragile environments. ⁷⁶⁴ However, as projects in an unstable environment such as Afghanistan were often implemented without the presence of project staff on site for security reasons, the financial resources were used without the planned effects being achieved or even the agreed services being provided. The situation even led to phantom projects that were invoiced but never realised. 765 One consequence of this was an increasing loss of trust among the population in the newly created administrative structures and in the commitment of the international community.⁷⁶⁶

It was only from 2010 that the German Government increasingly attempted to tie its support to reforms and set corresponding incentives and conditions (conditionalisation)⁷⁶⁷ on the basis of the Geneva Mutual Accountability Framework (GMAF, 2018) reform agenda agreed between the donor community and the Afghan government and the Self Reliance and Mutual Accountability Framework (SMAF, 2015) that preceded it. In areas where the reform efforts of the Afghan partners have fallen short of expectations, the Federal Ministry for Economic Cooperation and Development has cancelled or reduced some of its support. In 2016, for example, 31 million euros were withheld due to non-fulfilment of conditions.⁷⁶⁸ The conditions were met in 2017, so that only then were new commitments made for water and energy projects. The German Government cited the volatile security situation, the faltering peace process, the government's inadequate personnel and administrative capacities and the difficult budget situation⁷⁶⁹ as the biggest obstacles to reform in Afghanistan – most of which the Afghan government could not have solved on its own given its dependence on aid and structural factors. Despite the selective blocking of funds (affecting a low share of the total volume of development cooperation), it can be stated that the conditionalisation efforts introduced from 2012 did not have any impact. Moreover, they were not aimed at increasing the government's accountability towards the population or addressing Afghan needs:

In 2011, according to the International Crisis Group (ICG) (2011), p. 14.; the Afghan Ministry of Interior alone employed 282 foreign consultants, 120 of whom were contractors, who altogether cost 36 million US dollars per year. In the logistics department of the Ministry of the Interior, the ratio of advisors to advises was 45:14 (Waldman [2008], p. 5).

⁷⁵⁷ Waldman (2008), p. 5.

See Farhang (2005), pp. 173, 189. The private organisations directly supported by international funding received so much financial support due to the outflow pressure from the high level of public funding that they were able to offer very high salaries in comparison, leading to an unfair advantage in the battle for qualified local staff. This led to a kind of brain drain of local skilled workers to these institutions and exacerbated the shortage of skilled workers in the Afghan private sector labour market.

No. See Berlin Conference (2004); Islamic Republic of Afghanistan (2005) (I-ANDS); Islamic Republic of Afghanistan (2008a) (ANDS)

⁷⁶¹ See Haque et al. (2023).

⁷⁶² See Schwickert, Study Commission (2023a).

⁷⁶³ See Study Commission (2023t).

⁷⁶⁴ See Preuß (2022), p. 17.

⁷⁶⁵ See Broschk (2023), p. 8.

⁷⁶⁶ See Recker (2023), p. 4.

See German Government (2018), p. 6.

⁷⁶⁸ See German Bundestag (2019c).

⁶⁹ See ibid

"[... Aid] has tended to reflect expectations in donor countries, and what Western electorates would consider as reconstruction and development achievements, rather than what Afghan communities want and need. Projects have too often sought to impose a preconceived idea of progress, rather than nurture, support and expand capabilities, according to Afghan preferences."⁷⁷⁰

Only a third of payments from abroad between 2012 and 2014 were made in coordination with the government's National Priority Programmes; according to the Afghan government's 2016 report on donor coordination, the rest of the funds were allocated in a way that bypassed the government's needs and priorities.⁷⁷¹

Conclusion

The failure of German and international stakeholders to understand the context resulted in the manifold interests, goals and needs of the Afghan people being inadequately reflected in the planning and implementation of civil development. This was partly responsible for the fact that the ownership and responsibility of Afghans (population, government, partner authorities) remained limited. Implementation efforts without Afghan ownership have triggered unintended side effects. German and other international players did not want to see or recognise this, even though there were many indicators pointing to shortcomings and an undermining of the effectiveness, efficiency and sustainability of measures. Foreign budget support for civil reconstruction, instead of government revenue generated through customs duties or taxes, led to a distortion of the public financial sector and promoted negative effects such as aid dependency and incentives for corruption. Furthermore, sufficient incentive systems for the creation of state revenues were not created in time, 772 nor were significant funds (onbudget aid) channelled through the state budget to promote Afghan ownership. The support of civil reconstruction in Afghanistan through significant external funding increased the state apparatus's dependence on foreign funds. The lack of capacity to absorb the available funds and the lack of effective oversight mechanisms for their utilisation on the Afghan side unintentionally promoted corruption. Ownership was also hindered by a disproportionately high number of foreign consultants and experts, who dominated implementation processes and used up a large part of the funds intended for civil reconstruction. There was an area of tension between the sought-after autonomy and the lack of absorption capacities of the Afghan players. Conditionalisation efforts by German and international development cooperation players aimed at tying further payments to reform progress and thus creating greater ownership on the part of Afghan partners did not bear fruit. Conditionalisation was an inadequate means of achieving sustainable reforms in Afghanistan. It should be systematically reviewed whether, when and under what circumstances conditionalisation can be useful and effective if at all. In order to counter the development of an aid economy, the outflow pressure of German and international financial resources must be reduced and transparency in the allocation of funds must prevail. The quality of the allocated financial aid must take precedence over its quantitative outflow; requirements for the allocation of financial resources in the area of economic cooperation need to maintain high standards and be observed.

4.2.5.3.3 Implementation gap between micro and macro level: why did local-level effects not filter through to higher levels?

Contrary to expectations, development cooperation in Afghanistan barely contributed to stabilisation goals, such as a reduction in violence, improved governance or the strengthening of government capacities.⁷⁷³ In practice, humanitarian aid was not always clearly distinguished from development cooperation. Given the volatile security

⁷⁷¹ See Government of Afghanistan (2017a).

772 For example, the Federal Ministry for Economic Cooperation and Development had agreed with the Afghan government to conditionalize some of the funds earmarked for the ARTF until the raw materials law was passed. The aim of this measure was to generate higher government revenue.

⁷⁷⁰ Waldman (2008).

This finding that external aid does not contribute to stabilisation in contexts of ongoing violent conflict is supported by numerous studies relating to Afghanistan (Findley [2018]; Special Inspector General for Afghanistan Reconstruction - SIGAR [2018]; Zürcher [2017]; Zürcher [2020]); and beyond Afghanistan by an international comparative meta-evaluation (Zürcher [2022], based on 15 evaluations in Afghanistan, 18 in Mali and 12 in South Sudan). There is also extensive academic evidence that external actors are rarely successful in strengthening institutions in fragile states (Barnett and Zürcher (2008); Bliesemann De Guevara (2010); Chowdhury (2017); De Waal (2015); Englebert and Tull (2008); Gisselquist (2014); Ottaway (2002). There is no agreed definition or strategy as to what is meant by stabilisation. Stabilisation is associated with and pursued by various actors with very different goals and approaches. There are also conflicting opinions as to whether and to what extent development cooperation can contribute to stabilisation.

environment in which the government competed with the insurgency movement for territorial control and the "hearts and minds"⁷⁷⁴ of the population, development cooperation could hardly produce any stabilising effects. Development cooperation measures only had a stabilising effect where basic security was ensured and the government exercised control.⁷⁷⁵ Where the security situation was volatile, development cooperation was generally unable to contribute to stabilisation and instead – similar to economic development – had the potential to increase corruption and existing conflicts.⁷⁷⁶ Until 2007, "more development cooperation" (measured in terms of projects) correlated statistically with a better assessment of the subnational administration by the local population of north-east Afghanistan,⁷⁷⁷ but there was no evidence of a cumulative effect in this context that would allow the conclusion to be drawn that development cooperation sustainably improved the legitimacy of subnational Afghan administration and its performance in the eyes of the local population.

The meta-evaluation of development cooperation in fragile and conflict-affected contexts concludes that above all the particular political economy in fragile states, a lack of state capacity, endemic violence and overambitious interventions are important reasons why development cooperation in fragile contexts is not effective in the areas of stabilisation, capacity building of government authorities and good governance, or does not achieve these goals. The scientific evidence clearly shows that the effectiveness of development cooperation in fragile and conflict contexts and the most important challenges in these contexts – building government capacities, quality of governance and stability gains – cannot be increased by adapting the way development cooperation is offered (e.g. through better adaptation to local contexts, increased funding, more long-term engagement). However, enormous sums were spent, especially on stabilisation. More modest objectives for the operation in Afghanistan, such as a focus on fighting poverty and strengthening the resilience of vulnerable groups within the framework of manageable projects, could have laid the foundation for achieving long-term stability.

4.2.5.3.3.1 Effectiveness and sustainability through small, locally anchored projects and prioritisation of what is feasible

In development cooperation, small, locally embedded projects to provide basic services to the population proved to be more effective, more resilient and more sustainable than projects that involved extensive investments or were aimed at structural and behavioural change. In conflict areas, modest, locally embedded and participatory projects with direct, tangible benefits for the population worked best.⁷⁸⁰ Large-scale rural development programmes such as the National Solidarity Programme (NSP), which were organised and implemented by newly established community-based decision-making bodies at municipal level, were also able to contribute to the expansion of small-scale infrastructure. This improved access to infrastructure and basic services (roads, electricity, irrigation infrastructure), but these measures did not lead to any further changes in living conditions in rural areas, such as the creation of employment structures or the promotion of the private sector, etc.⁷⁸¹ The situation was similar for a number of infrastructure funds that were set up on Germany's initiative at provincial level in the north.⁷⁸² In some cases, measures to promote social cohesion, e.g. through cooperation with local authorities, had potentially positive effects on local stability.⁷⁸³

It can be assumed that smaller, locally anchored projects also have a more sustainable impact because the respective communities have developed ownership as a prerequisite for the existence, continuation and further use of the project or because capacity increases at an individual level continue in the long term (e.g. young Afghans who have completed vocational training). However, there are doubts whether the effects can be scaled up to the level of society as a whole (trickle-up effect). This raises the question of how the transition from effects

The approach of winning the "hearts and minds" of the population in the intervention society is based on the assumption in military and foreign policy circles that development cooperation is an important "soft power" tool in order to gain consent and promote stabilisation and security objectives. The approach is part of the counterinsurgency (COIN) doctrine, which combines the importance of humanitarian and reconstruction aid, often in the form of quick-impact projects, with the aim of winning over "hearts and minds". See Fishstein and Wilder (2012), p. 8; see also: Beath et al. (2012).

⁷⁷⁵ Beath et al. (2012); Zürcher (2017).

⁷⁷⁶ See Sexton (2016); Zürcher (2020). On the potential of possible unintended side effects of development cooperation, see below.

⁷⁷⁷ See Koehler et al. (2010), p. 28 et seq., 35; Böhnke et al. (2015), p. 3.

⁷⁷⁸ See Zürcher (2022), p. 23 et seq.

⁷⁷⁹ See ibid, 2022: p. 26.

⁷⁸⁰ See Zürcher (2020); Schwickert, Study Commission (2023a).

⁷⁸¹ See Koehler et al. (2010).

⁷⁸² See Zürcher et al. (2013).

See Study Commission (2023t); Schwickert, Study Commission (2023a).

at the micro level to the national macro level can succeed in fragile states.⁷⁸⁴ The meta-evaluation of development cooperation for Afghanistan concluded that most of the more ambitious goals were missed: "The international community has repeatedly overestimated what it and its Afghan partners can do to bring about rapid social change. Complex projects aimed at economic development, behavioural change, institutional capacity building in the Afghan administration, the rule of law, human rights or gender equality were less often successful."⁷⁸⁵ In fact, the unrealistic way of planning and implementing projects in these areas undermined the actual objectives. The German Government came to the following conclusion in 2018: Furthermore, the Afghan administration was not effective. Corruption, flight and unemployment continued to exist.⁷⁸⁶ The successes achieved had been insufficient and unsustainable and required longer-term external support in order to prevent regression.⁷⁸⁷

In view of the perceived endless developmental (and humanitarian) needs in Afghanistan, the actors responsible saw little reason to prioritise relevant measures and programmes with the best possible prospects of success. Instead, needs and relevance were equated, based on the misunderstanding among donors that anything provided anywhere could only bring about improvements – so funds and projects were distributed using the scattergun approach, which led, for example, to many public funds being spent on projects that had less chance of success because there was no explicit demand for them (e.g. business development services, cold stores for harvests, industrial parks). Instead, a context-specific assessment of the needs and potentially positive effects would have been required.

4.2.5.3.3.2 Development cooperation needs a secure environment

The focus of development cooperation and humanitarian aid in particularly conflict-ridden regions as part of quick-impact projects undertaken by the United States created false incentive structures and signalled that insecurity and violence were rewarded, 788 while comparatively peaceful regions with high poverty rates received less or no international funding. The implementation of projects in areas contested by the Taliban and the government potentially caused more violence, as projects were either cancelled due to threats of violence by the Taliban or were taxed by the Taliban. This also enabled them to increase their legitimacy among the population because they allowed development projects. Regement actors lacked the fundamental realisation that every development and humanitarian intervention influences local conflict dynamics. The German, as well as the international engagement in Afghanistan, was not sensitive enough to conflict and insufficiently focused on dono-harm principles to effectively and promptly avoid unwanted side effects in the course of the operation. These include cooperation with illegitimate partners at local and national level, favouring certain groups during the cooperation (warlords, ethnic and political networks), the unconditional allocation of projects and funds to the central government and the allocation of funds to actors for short-term political objectives without considering the long-term consequences, including for the legitimacy of international players. This fuelled corruption and conflict dynamics.

For the Federal Foreign Office, there are conflicting objectives in the stabilisation efforts of different departments between inherently political stabilisation measures and humanitarian assistance. However, there are also conflicts of objectives with the Afghan common good as against elite interests and with the intended (long-term) effects of development cooperation. This enabled the Federal Foreign Office to use development policy measures under the Stability Pact as incentives for political goals, e.g. the construction of a school or a health centre in a district to increase the goodwill of the local district governor or police chief, regardless of whether this player was considered legitimate by the population and would make the infrastructure available for the common good in an impartial manner. In addition, development policy measures in insecure areas were used to facilitate short-term access for security policy purposes (goodwill, information), for example in the civil-military PRT approach (see below). In this use of humanitarian and development projects and measures, development cooperation

⁷⁸⁴ See Schrade, Study Commission (2023w).

⁷⁸⁵ Zürcher (2020).

See German Government (2018), p. 1.

⁷⁸⁷ See ibid, p. 1.

See Special Inspector General for Afghanistan Reconstruction – SIGAR (2018), pp. 166-169.

⁷⁸⁹ See Zürcher (2022), p. 28.

⁷⁹⁰ See Zürcher (2020), p. 24 et seq.

⁷⁹¹ See Federal Foreign Office (2022a), p. 15.

criteria such as sustainability and effectiveness in improving living conditions remained secondary, as there was a clear focus on "the intervening forces' calculated self-interest in local self-protection". 792

4.2.5.3.3.3 Civil-military cooperation in practice

The ministries had different positions and understandings of civil-military cooperation, in particular the Federal Ministry for Economic Cooperation and Development versus the Federal Ministry of Defence. A conflict therefore existed above all at the implementation level, where, for example, the Bundeswehr was initially perceived as an implementer of humanitarian assistance and development measures because it organised aid transports, drilled wells, built schools and repaired public infrastructure. 793 These measures were carried out by the civil-military (CIMIC) teams of each PRT and also served to legitimise the military presence on the ground, gather information and create or maintain access to the local population. In addition, the Bundeswehr's mandate was to ensure security for civilian players - in line with the idea that security was the basic prerequisite for "development" and reconstruction. In contrast, many non-governmental organisations, and originally also the Federal Ministry for Economic Cooperation and Development, resisted the idea that state-funded projects should serve as a means of counterinsurgency and be subordinated to the security thinking of the German Government. They emphasised the focus on the needs of Afghans and highlighted the intention to reduce poverty and uphold human rights as a contribution to human security. In this kind of thinking, security and "development" would be mutually dependent(security-development nexus). The disputes about civil-military cooperation were motivated by the fact that many non-governmental organisations feared that they would be targeted by the "insurgents" as helpers of the counterinsurgency and would no longer be able to carry out their work. This is why many more or less categorically refused to co-operate with the Provincial Reconstruction Teams (PRTs).⁷⁹⁴

The expectation that development cooperation contributes to stabilisation was reinforced by the Federal Foreign Office's stabilisation approach (before 2017).⁷⁹⁵ This presupposed that time horizons, priorities and the scope of funding as well as the choice of personnel and partners on the ground were secondary to political objectives such as the fight against terrorism, which were only partially in line with the needs of the Afghan population. Players that subjected themselves to such politicisation of their goals risked a loss of trust among partners and target groups in Afghanistan by undermining public welfare-oriented political objectives (often German domestic policy and foreign alliance policy).⁷⁹⁶ Non-governmental organisations based on humanitarian principles came under pressure (to justify their approach) from all sides⁷⁹⁷ and it was not uncommon for profit-oriented companies (contractors) to take over the implementation of projects and programmes as contractors and subcontractors with the promise of utilising funds as quickly as possible.

The debate on comprehensive security came to a head in Germany in view of the facility for non-governmental organisations launched by the Federal Ministry for Economic Cooperation and Development in 2010, which provided for non-governmental organisations to be involved in coordination rounds and information exchange with the Bundeswehr in return for funding from the Federal Ministry for Economic Cooperation and Development.⁷⁹⁸ As part of their networking under the umbrella organisation VENRO, German non-governmental organisations endeavoured to position themselves with regard to independence versus cooperation with the Bundeswehr in Afghanistan⁷⁹⁹, and a simultaneously initiated clarification process on civil-military interfaces with the Federal Ministry of Defence and the Federal Foreign Office led to the publication of

⁷⁹² See Zdunnek and Zitelmann (2016), p. 201.

Yee Humanitarian Assistance Lists of the Federal Foreign Office 2001-2021 (Federal Foreign Office (2006); (2010a); (2014); (2022b)). They show that the Federal Ministry of Defence implemented seven such projects with a total volume of 482,000 euros in the period from 1 March to 31 October 2002. See: Schütt, Study Commission (2023n), p. 18.

⁷⁹⁴ See Recker and Röder, Study Commission (2023u), p. 20. Some organisations, such as Kinderberg, took a pragmatic approach to the Bundeswehr.

⁷⁹⁵ See Schwickert, Study Commission (2023f).

See Harsch (2011). One indicator of the differences between the development policy of the Federal Ministry for Economic Cooperation and Development and the stabilisation policy of the Federal Foreign Office, for example, is the fact that measures implemented by the Ministry for Economic Cooperation and Development are regularly negotiated with the partner country on a sectoral basis within the framework of government consultations, while the Federal Foreign Office's stabilisation measures are not negotiated bilaterally but specified by the Federal Foreign Office. Study Commission (2022a).

Non-governmental organisations were asked to position themselves politically by accepting the framework conditions set by donors or forfeit eligibility for state funding. See Recker (2023).

⁷⁹⁸ See ibid.; Study Commission (2023g); VENRO Association of German Development NGOs (2013); (2012).

⁷⁹⁹ See VENRO (2012). VENRO Association of German Development NGOs (2012).

"Recommendations on the interaction of VENRO member organisations with the Bundeswehr" in 2013.⁸⁰⁰ The exchange process was considered positive by representatives from both the civilian and military sides. Through the exchange with non-governmental organisations, Bundeswehr officers were said to have become more aware of the limits of military operations.⁸⁰¹ As a result, there were non-governmental organisations that continued to categorically distance themselves from the military⁸⁰², if they could afford it financially, while others cooperated with the Bundeswehr and argued that this would not compromise their reputation among the local population, as ultimately the quality and continuity of their work in the local communities would be crucial for their legitimacy and security.⁸⁰³ Non-governmental organisations based on humanitarian principles were sometimes able to move around the country more freely than governmental implementing organisations when the security situation became more critical. This became increasingly difficult where private security companies and private service providers were commissioned to operate civil-military interfaces (e.g. DAI, formerly Development Alternatives Inc.) and to implement quick-impact projects, for example.

One study found that development cooperation had had no influence on the acceptance of the international armed forces among the Afghan population and should therefore not be used as a way to legitimise them. Rather, attitudes towards the servicemen and women were determined by the security situation, and acceptance fell rapidly as insecurity increased.⁸⁰⁴ However, the existence of PRTs motivated local representatives and communities to approach PRTs directly in order to realise project goals. In the course of the planning and implementation of quick-impact projects⁸⁰⁵ by the PRTs in response to demand, individual PRT representatives, especially Afghan translators, were empowered to an unreasonable extent as they were given extraordinary positions of authority over the communities and influenced funding decisions.⁸⁰⁶ The measures implemented by PRTs were not coordinated with local government authorities and ignored them, which at best had no effect and at worst contributed to undermining them because parallel structures to the state were created. In addition, the cooperation of the PRTs (including in Kunduz) with individual influential commanders, who had no legitimacy in the eyes of the population because they were war criminals, damaged the reputation of the international engagement. In addition, these influential individuals increased their powers further because they either made good money from the foreign involvement as landlords of properties for PRTs or development cooperation locations or "protected" the presence of international aid workers in return for "security fees" - making similar profits from such schemes and gaining opportunities to expand their influence. 807

4.2.5.3.3.4 The role of non-governmental organisations and governmental implementing organisations⁸⁰⁸

The work of local (non-governmental) implementing organisations generally followed the principle of creating security through continuous presence on the ground, building trust through participatory implementation, transparency and cooperation with locally accepted authorities (traditional civil society) as well as good-quality work. This was a prerequisite for working in rural areas. The immediate focus of structural development cooperation on the creation of long-term structures and "development" from 2002 onwards, as well as the mass of funds available for this purpose, led to high implementation pressure for former providers of emergency assistance – often non-governmental organisations in a precarious financial situation – and that pushed reflexive partner work on the one hand and local needs of the Afghan population in different parts of the country on the

⁸⁰⁰ VENRO Association of German Development NGOs (2013).

See Study Commission (2023x).

See von Butler, Study Commission (2022b), p. 12.

See Study Commission (2023t).

⁸⁰⁴ See Böhnke et al. (2015), p. 3.

These were implemented by servicemen and women in uniform and were indistinguishable from humanitarian and/or development projects, neither in substance nor in the perception of the communities that benefited. It is therefore not surprising that non-governmental organisations subsequently found themselves constantly suspected of being linked to the military and therefore of not implementing projects "neutrally" in the interests of the common good, but possibly pursuing a secret agenda. These ideas became relevant with the increasing escalation of the security situation and the spread of the insurgency ("Talibanisation") in rural areas.

See Sarari, Study Commission (2022d).

Zia, former Minister of Rural Rehabilitation and Development, Study Commission (2023aa).

⁸⁰⁸ A dissenting opinion on this section has been submitted by Bundestag Members Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter.

other into the background. 809 This led to negative outcomes, including inadequate coverage of humanitarian needs and increasing scepticism among the population towards non-governmental implementing organisations. For this reason, numerous non-governmental organisations started to realise their commitment increasingly through local employees from 2008-2010, investing in a wide range of training activities for employees over long periods of time.

From around 2008, VENRO focused on cooperation with Afghan civil society partners with the aim of building a resilient civil society that would be independent of international funding. This was part of the localisation debate, which was not only about cooperation but also about the choice of partners. In cases where private civilian organisations (from non-governmental organisation to non-governmental organisation) built up long-term organisational structures and capacities of employees in partner organisations and trust among the population by maintaining a continuous presence, this proved to be comparatively more sustainable by 2021 than short-term projects implemented on a one-off basis by profit-oriented implementing organisations commissioned by the Federal Ministry for Economic Cooperation and Development, Non-governmental organisations generally consulted the councils of elders in order to work according to need and guarantee the safety of their own employees. 810 Cooperation with locally legitimised players – some of which also maintained links to the Taliban's shadow administration - enabled these non-governmental organisations to continue their activities unchanged even after the 2021 withdrawal.811 However, the sustainability achieved through participatory approaches and transparency became obsolete in many cases with the departure of most of the employees of individual German non-governmental and implementing organisations after the Taliban took power in August 2021.812 In order to be able to respond to the need for emergency assistance from 2022 in particular, these non-governmental organisations had to recruit completely new staff locally.

The Afghan government viewed non-governmental organisations sceptically from a number of perspectives: They were accused of allocating funds outside the national budget for short-term projects without ensuring sustainability or their integration into a coherent framework. In addition, they were said to have torpedoed newly created rural decision-making and co-determination structures (Community Development Councils [CDCs]) in the implementation of follow-up projects of the National Solidarity Programme and, fundamentally, measures by humanitarian non-governmental organisations were said to invite aid dependency⁸¹³, abuse of measures and corruption, and humanitarian aid was said to legitimise the Taliban.

After the United Nations and non-governmental organisations had been the only international organisations involved in humanitarian activities during the first Taliban rule from 1996-2001, international governmental and non-governmental organisations took over development and state-building initiatives in Afghanistan from 2002 with funding from donors and multilateral financial institutions, including 60 governmental donors, with 47 nations contributing troops, and thousands of newly engaged international non-governmental organisations (2000 in 2004).814 In addition to international non-governmental organisations, international consulting firms worked as pure service providers both in the implementation (of projects and programmes) and by supporting government agencies (capacity development). German development cooperation very quickly focused on structure-building measures and programmes and implemented them through its two implementing organisations, GIZ (until 2010 GTZ)⁸¹⁵ for technical cooperation and the Kreditanstalt für Wiederaufbau (KfW) development bank for financial cooperation. According to the Organisation for Economic Co-operation and Development (OECD), a lack of cooperation, each party's underlying systems and rivalries mean that efficiency suffers between the two. There was also a lack of incentive structures to prioritise quality over quantity in the implementation of programmes on the one hand and of honest reporting on the other. §16 The fact that structure-building development cooperation, which was encouraged by both financial and technical cooperation measures, worked inadequately and fell far short of the intended results and was hardly sustainable given its dependence on aid, remained without consequences for too long.

⁸⁰⁹ See Study Commission (2023t). Despite their differentiated assessment of the needs of the population, non-governmental organisations were forced in 2002 to apply for funding for structurally oriented development cooperation projects.

⁸¹⁰ See ibid.

⁸¹¹ See ibid.

⁸¹² See ibid.

⁸¹³ See ibid

⁸¹⁴ See Bizhan (2018), p. 83.

See In 2011, GTZ, DED and InWent merged to form the development agency GIZ with the aim of increasing efficiency.

See Erforth and Keijzer (2022).

Governmental development cooperation and the government often failed to involve partners in rural areas outside the cities on a continuous basis so that there was too little commitment – far from across the board – in rural areas. Development cooperation focused largely on the cities, and thus on areas that already had a certain degree of security, in order to achieve the desired effects (capacity building and good governance). Nevertheless, it was insufficiently taken into account that more than three quarters of the Afghan population live in rural areas and that not all rural areas were equally insecure. Politicians from Germany were also most likely to visit representatives from politics and urban civil society, and almost never the rural population. Reasons for this were the sometimes heightened security risk in rural areas and logistical challenges in accessing these areas.

Conclusion

The use of development cooperation funds in Afghanistan for stabilisation, improving governance and capacity building for national and subnational government and administrative structures in fragile and conflict contexts was not effective and did not achieve the intended objectives. The assumption that economic development – expressed in terms of a mere increase in economic performance, such as GDP or GNI, without regard to redistribution and equality indicators – would strengthen the legitimacy of the government was a misjudgement. The way in which development cooperation and stabilisation measures under the Stability Pact were planned and put into operation tended to promote instability rather than state-building and stability as intended. Conflict sensitivity and do-no-harm principles – in the sense of efforts to comprehensively understand the intervention context in Afghanistan and to act accordingly in order to minimise negative effects and maximise positive ones - largely remained theoretical concepts and generally took too little or no account of Afghan realities and perceptions.⁸¹⁹ Beyond the standard tools, such as project-based peace and conflict analyses (PCAs) and context analyses, no specific conflict-sensitive programme development and implementation support was provided. Moreover, no interministerial conflict analyses were conducted and no interministerial country strategies developed as a prerequisite for interministerial action. The understanding of stabilisation that emerged in the course of the Afghanistan operation was only enshrined as an interministerial approach in the guidelines⁸²⁰ in 2017. Until then, conflicting objectives between development policy and military stabilisation efforts in particular dominated, which became apparent in the context of civil-military cooperation based on the PRT concept and COIN. The German debates on civil-military cooperation were important for the players involved and should have been continuously reviewed after 2013, but were ultimately overtaken by the events that set the political course (end of the ISAF mission in 2014). From around 2006, civilian involvement was largely subordinated to security policy premises. As an element of efforts to reform the security sector and increase the legitimacy of the Afghan government, it was strategically misguided. The implementation approach adopted by non-governmental implementing organisations followed an expanded concept of security and enabled the implementation of projects even outside the cities, while governmental, structure-building development cooperation did not adequately cover rural areas. Since their main contacts were state actors, they were largely focused on structure-building development cooperation in the urban centres. The incentive structure for implementing organisations to prove success based on the number of projects – quantity rather than quality – and the volume of funds allocated was misguided.

Numerous lessons can be learned from the Afghanistan engagement to improve implementation: Development cooperation as a tool can best contribute to improving basic needs in safe regions and should therefore be concentrated there. Potentially effective measures in the successful sectors of basic education, healthcare and micro-infrastructure are sustainable in sufficiently stable contexts only if they can be financed at local level. As soon as government or foreign support is required for long-term basic supplies, there will be tension between effectiveness and sustainability. Future development policy strategies in fragile and conflict contexts should, in contrast, allocate funds to measures and projects that have a high probability of impact in these contexts. These

⁸¹⁷ See Nachtwei (2022), pp. 88-89.

⁸¹⁸ See Study Commission (2023t); (2023f).

For more on conflicts of interest between the international civil-military approach and Afghan realities and perceptions, which largely resulted in frustration and a lack of understanding, see Azarbaijani-Moghaddam et al. (2008).

⁸²⁰ See Guidelines "Krisen verhindern, Konflikte bewältigen, Frieden f\u00f6rdern" [Preventing Crises, Resolving Conflicts, Building Peace]. See German Government (2017).

There is usually an exception for locations with recurrent security problems. Here, measures can be continued remotely through local employees. This works in a number of locations – even including the Kunduz-Kholm road construction project.

are chiefly measures to provide places to live, basic education and better access to healthcare, and enhance food security. Development cooperation can most effectively and sustainably have potential impacts in conflict contexts ("fragile states") or crisis situations if the objectives are more modest and projects are chosen that aim for small, tangible successes at the local level. In this process, the partners' capacities should not be overestimated, the implementation context should be taken into account and investments in potentially effective sectors should be prioritised. Funds should be allocated in a slow and measured way to take account of local absorption capacities and needs orientation and to avoid negative effects such as misappropriation of funds or the legitimisation of the wrong partners. Serious development of local partner capacities takes time and resources, especially outside the cities, as it is necessary to work with partners that are rooted there – including in terms of sustainability. They often have limited capacities and tend to be poorly organised, meaning that structured cooperation first has to grow. Programmes and funding structures should make this possible.

The focus of German and international players on structure-building effects to be achieved through complex economic development projects with the aim of changing behaviour (rule of law, gender equality) should have been aligned with local realities and, where appropriate, conducted on a more modest scale and in harmony with simultaneously serving humanitarian needs such as peacebuilding efforts. Conflict sensitivity and do-no-harm principles need to be taken into account – in the sense of efforts to fully understand the intervention context in Afghanistan and to act accordingly in order to minimise negative effects and maximise positive ones, concrete, conflict-sensitive programme development and implementation support. Interministerial conflict analyses should be carried out and interministerial country strategies developed as a prerequisite for interministerial action. The needs of the local population should be established and the project plans should take these needs seriously. In the same way, the periods over which support is provided should be clearly communicated to local communities. The responsibilities and involvement of civil society should be promoted from the outset and maintained throughout the entire project cycle with the aim of enabling the local population to take over projects independently in the long term. In informal meetings with local authorities, open discussions should be held in order to hear criticism from the Afghan perspective. To this end, the structures of a village community should be studied in detail and female leaders should also be identified and a special focus placed on them. The Afghan culture and its informal legal and value systems, which are strongly influenced by religion, should be given more consideration in German foreign policy.

There is a need for fundamental reflection on what the relationship between civilian versus military engagement should look like, against the backdrop of which strategic goals. Mandates must be coordinated on the basis of a shared understanding of objectives, interests and operational consequences, especially since civil-military action in a natural disaster is different from a post-civil war or conflict scenario, in which the Bundeswehr may be perceived as an enemy by parts of the population. This requires an appropriate understanding of the context, which should not be guided solely by military interests in the operational environment and should not be able to be compromised (dubious commanders as sources of information and partners of CIMIC teams on the ground). The sustainability of measures and possible exit strategies should also be considered at an early stage.

The lessons learned by the governmental implementing organisations from Afghanistan were to adapt their work to fragile and violence-charged contexts using new methods and tools. In light of the latest findings that structural development cooperation was not successful in its stabilisation efforts (reduction of violence, improved governance, increased legitimacy of the government) despite focusing on these goals in the volatile context of Afghanistan (see above), the future focus of governmental implementing organisations in the areas of service provision and project implementation in "fragile" contexts must be fundamentally analysed using the available tools. The respective mandators should intensify their management responsibility with the aim of improving efficiency and increasing the effectiveness of development cooperation by integrating GIZ and KfW more closely.

4.2.5.3.4 The strategy gap: the absence of interministerial planning and strategising under the Comprehensive Approach

Experience with interministerial coordination in the field of development cooperation and humanitarian assistance varies widely. While individual statements from GIZ and the Federal Ministry for Economic Cooperation and Development indicated that the ministries involved coordinated their actions well with each

other, 822 non-governmental organisations and other stakeholders surveyed stated that communication with the ministries was good, but rather poor between the ministries and that there was a lack of clear agreements. 823 Until 2014, due to structures already established, the number of staff and the ability to provide funding quickly, the Federal Ministry of Defence had a clear advantage over the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development. 824 In addition, there was a lot of friction and open rivalry between the Federal Ministry for Economic Cooperation and Development and the Federal Foreign Office, as the division of tasks had not been clearly defined and the approaches to action were different. 825 This was reflected, among other things, in different understandings between the ministries about stabilisation. While it can be concluded from the impact evaluations conducted by the Federal Ministry for Economic Cooperation and Development that development policy stabilisation was understood as one of the ultimate goals of its structure-building efforts – underpinned by the indicators of violence reduction, improved governance and increased government capacity 826 – the measures under the Federal Foreign Office's Stability Pact were of a political nature in order to stabilise situations in the short term. The Federal Ministry of Defence pursued stabilisation via COIN and the PRT concept, based on a narrow definition of security. Stabilisation was first documented and defined as an interministerial concept in the 2017 guidelines. 827

In practice, humanitarian aid, projects under the Stability Pact and development cooperation were not strictly separated⁸²⁸ and the allocation of funds was therefore not clearly identified. Funds from the Stability Pact budget were also invested in measures that overlapped with the portfolio of the Federal Ministry for Economic Cooperation and Development, for example where investments were made in the construction of schools and hospitals. The confusion of responsibilities persisted until the end. The Federal Foreign Office's internal system was to implement measures with an immediate effect, including through quick-impact projects. They were not reviewed with enough rigour to determine whether they were sustainable.⁸²⁹ Although the Federal Foreign Office's Stability Pact utilised ODA funds, which were intended to be used in accordance with OECD-DAC criteria⁸³⁰, the Federal Foreign Office formulated its own benchmark, that of continuation ability⁸³¹, which falls short of the requirement of sustainability – defined as the lasting nature of impacts. In ideal scenarios, continuation ability, in the sense of the transfer of projects and facilities to other donors, can be a prerequisite for sustainability, but this is not the criterion for project approval and assessment.⁸³² As part of individual stabilisation initiatives, political projects, such as the construction of schools or hospitals in the sphere of influence of local rulers in order to strengthen their support among the population, were declared able to be continued.⁸³³

German development engagement was embedded in international and Afghan contexts agreed at the donor conferences. Political objectives and the adoption of an undifferentiated approach ("a lot of money helps a lot" and massive injections of aid would "somehow" be effective without prioritisation) dominated the international engagement and also had an impact on elements of Germany's bilateral engagement in Afghanistan.

⁸²² See Broschk (2023), p. 3; Hopp-Nishanka (2023b).

See NGO survey (2023); Wieland-Karimi, Study Commission (20231), p. 8.

⁸²⁴ See Study Commission (2022a); (2023t).

See Opitz, Study Commission (2023v), p. 13.

⁸²⁶ See Zürcher (2022).

According to the guidelines, stabilisation efforts "specifically serve to create a secure environment, improve living conditions in the short term and demonstrate alternatives to war and violent economies". See Guidelines, German Government (2017), p. 71. To this end, diplomatic, development and security policy measures should be deployed flexibly and in a coordinated ("comprehensive") manner, which requires the interaction of activities of all ministries.

See Federal Ministry of Finance (2018), p. 7.

See Zürcher, Study Commission (2023s).

⁸³⁰ See OECD (2019).

The criterion of continuation ability is used as a basis for measures in the areas of crisis prevention/stabilisation/post-conflict rehabilitation. See Bundesrechnungshof (German SAI) (2020).

Instead, according to the Federal Foreign Office's evaluation framework concept, it was only necessary to check whether the ability of projects funded by the Federal Foreign Office to be succeeded by longer-term measures of other players had from the outset been included in the strategic considerations, planned and, where appropriate, implemented in a fully coherent manner and continuously adapted, see DEval/DHPol/GFA (2023), p. 100.

See German Government (2017), p. 71.: "Stabilisation measures can also serve to consolidate legitimate political authorities by helping them to make a convincing and inclusive proposition to the population that is more attractive than competing models of exercising political power."

4.2.5.3.4.1 Monitoring and evaluation

There was no open error culture either in Germany or in Afghanistan, and as a result any insights about failures from which lessons could have been learned were concealed. The results of project-related studies show a clear improvement in output indicators in the governance, sustainable economic development and water supply sectors. Most evaluations by other bilateral and multilateral donors come to a similar conclusion at output level. However, there is hardly any empirical evidence of the outcomes and impacts of development cooperation projects or even priority programmes. The evaluations available say little about whether the projects ultimately achieved their development policy objectives. In the course of the Afghanistan mission, there were no coordinated indicators that could have been used to measure stability; as a result, no interministerial strategic (impact) evaluations⁸³⁴ were conducted either and no incentives were set to gather more details and make adjustments. Monitoring and evaluation practices were insufficient in terms of quantity and quality (few realistic indicators)⁸³⁵ and not sufficiently context-specific. Unintended effects were not systematically recorded.

Most of the evaluations focused on the output level. One reason was that the objectives – e.g. of the development offensive – were expressed in outputs. Another was that the precarious security situation in the country made field study-based impact analyses difficult. Another factor is that development cooperation projects only achieve a sustainable impact after a longer period of time. In addition, the German public's great interest in the Afghanistan mission⁸³⁶ was problematic⁸³⁷ and led to continuous demand for progress reports.⁸³⁸ Since output-based evaluations dominated, little consideration was given to the effects of sustainable impacts, which cannot be mapped by these types of evaluations.

Private sponsors, recipients of third-party funding and non-governmental organisations carried out or commissioned regular evaluations of their work. Challenges in evaluating the projects of non-governmental organisations were similar to those of public players, for example: limited selection of potential consultants who were also willing to travel to Afghanistan; lack of capacity for data collection; local security and travel opportunities to rural areas; access to project sites (mainly due to infrastructure and weather conditions); increased mobility of beneficiaries; follow-up of short-term emergency assistance programmes and criticism is expressed only very cautiously for cultural reasons.⁸³⁹ It remains unclear why German ministries did not analyse these evaluation levels. One reason could be that it is more difficult for donors to monitor the success of their own projects.

In response to a question in 2021, the German Government stated that "as a result of portfolio processes, development cooperation in Afghanistan has been continuously adapted, including by largely avoiding complex new projects with high implementation risks". However, the first critical evaluations only came in 2018. One reason for this was the very high peer pressure among donors to deliver good results. In addition, some evaluation reports were not forwarded to the Federal Ministry for Economic Cooperation and Development or were revised in advance. Nevertheless, according to non-governmental organisations, there was a clear understanding of what worked and what did not, and activities were adapted accordingly. It was also difficult for politicians to explain to the German population at home that so many servicemen and women were deployed on the ground to build schools, for example. Overall, there was no open error culture in Germany or among the non-governmental organisations externally, as they were competing for similar donors. As a result, everyone was rather reserved and criticism was not communicated to the outside world; instead, they "just carried on".

An impact analysis of Germany's participation in ISAF and the German and international engagement in the reconstruction of Afghanistan, which opposition parliamentary groups had already called for in 2010, was not carried out. See German Bundestag (2010e). It was not until 2022-2023 that the first interministerial evaluation of the German Government's civil engagement was carried out.

⁸³⁵ See Zürcher (2022), p. 27 et seq.

See Schneiderhan, Study Commission (20231), p. 10.

A dissenting opinion on this statement has been submitted by Bundestag Members Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter.

⁸³⁸ See German Institute for Development Evaluation (DEval) and Kirsch (2014), p. 2.

⁸³⁹ See Study Commission (2023t).

⁸⁴⁰ German Bundestag (2021c).

See Study Commission (2023f).

See Study Commission (2023t).

See Zürcher, Study Commission (2023s).

See Schetter, Study Commission (2022b), p. 26; Wieland-Karimi, Study Commission (2023l), p. 8.

Study Commission (2023t).

4.2.5.3.4.2 German funding structures and policy

The bureaucratic systems for allocating funds and project funding from German ministries posed significant obstacles to the effective impact of civilian engagement. The principle of short funding periods (annual to two-year cycles and, in exceptional cases, three-year project terms for Federal Foreign Office funding)⁸⁴⁶ made process funding more difficult. This budget-based project management over short periods of time, often referred to critically as "projectitis", proved in retrospect to be obstructive to Afghanistan, because long-term support requirements were known ("generational task") and it was also a challenge to provide support for non-linear developments. It would have made a big difference to planning, management and sustainability if the Federal Foreign Office had approached Afghanistan with a time horizon of 20 years or even ten years as opposed to a maximum of ten times for two years each.⁸⁴⁷ Due to the short-term nature with one to two years of project funding (obligation to spend allocated funds), many non-governmental organisations were in a constant state of uncertainty as to whether projects would continue and whether budget items and development cooperation programmes would continue to exist.

In the absence of alternatives, many non-governmental organisations implemented a correspondingly large number of projects at the same time, while they constantly had to find new or follow-on funding, for which they had to demonstrate an innovative character compared to the previous funding. This led to a patchwork of project funding, which was not conducive to the sustainability of measures and the reputation of non-governmental organisations in the local environment. Real Non-governmental organisations criticise the fact that, until 2021, they had no access to transitional development assistance funds under the "Private bodies" funding item of the Federal Ministry for Economic Cooperation and Development. What is more, humanitarian assistance and development cooperation became diluted over time, which was problematic in Afghanistan's increasingly dangerous conflict environment (control and dominance of the Taliban in rural areas) in that humanitarian principles (e.g. neutrality) were difficult to communicate to the outside world.

Further points of criticism that underpin the assertion that German funding structures and policies were geared more to domestic political needs and bureaucratic systems than to intended effects relate to the following observations made by the interviewees in background interviews:⁸⁵⁰

- a certain amount of mistrust on the part of funders towards measures in which Afghan partners would visit Germany, because it was feared that they would use such a visit as an opportunity to apply for asylum in Germany;
- funding for local civil society concentrated on Kabul and the large, visible, registered organisations with audit and finance departments;
- the shift in focus to multilateral funding instruments (funds such as the Afghanistan Reconstruction Trust Fund (ARTF), etc.) at the expense of humanitarian non-governmental organisations;
- complicated application procedures and unattractive terms and conditions for non-governmental organisations under the "Private bodies" funding item of the Federal Ministry for Economic Cooperation and Development due to the interposition of the Bengo Advice Centre for non-governmental organisations;
- the finding that there is a lack of formats for reflection to facilitate a critical exchange in the area of humanitarian assistance, as the Humanitarian Aid Coordinating Committee is largely managed by the sponsor itself (Federal Foreign Office).

Funding for projects abroad is governed by funding legislation originally designed for domestic funding, defined in the Federal Budget Code (BHO) and other administrative regulations. In 2020, the Bundesrechnungshof (German SAI) called for the standardisation of the approval procedures between the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development under funding law, see Bundesrechnungshof (German SAI) (2020). The funding concept for the 2017 Afghanistan Stability Pact expired on 30 June 2022. See Federal Foreign Office (2017). Since then, the Federal Foreign Office has provided funding on the basis of the General Auxiliary Conditions for Project Grants, see in: Joint Ministerial Gazette (2019).

See Study Commission (2022a).

⁸⁴⁸ See Study Commission (2023t).

See Study Commission (2023f).

⁸⁵⁰ See Study Commission (2023ag).

Conclusion

The German Government had no overarching strategy for improving the living conditions of the Afghan population. The division of tasks and communication between the German ministries (Federal Foreign Office, Federal Ministry for Economic Cooperation and Development and Federal Ministry of Defence) were inadequate and there were no strategic discussions to ensure interministerial cooperation and interministerial impacts. The absence of an open error culture prevented insights on failures from being shared and learned from. Monitoring and evaluation practices were insufficient in terms of quantity and quality (i.e. few realistic indicators) and not sufficiently context-specific. Unintended effects were not systematically recorded. Since output-orientated evaluations dominated, the effects of sustainable impacts, which cannot be mapped by these types of evaluations, were given little consideration, creating a semblance of success. German funding structures and policies were guided by their own bureaucratic systems and the resulting requirements and were less oriented towards intended effects.

This has resulted in the following lessons for the area of strategy development and learning: There is a fundamental need to define targets for civilian reconstruction. Ideally, these should be defined under a combined civilian-military mandate and the relationship between civilian and military assistance should be based on this. The allocation of funds by individual ministries in individual crisis countries should be based on a joint assessment of the situation and a coordinated strategy and involve civil society partners on the ground at an early stage. The motives and objectives of an operation should be determined honestly and openly across ministries, with a realistic time horizon and a pre-defined exit strategy. From the outset, the German Government could have communicated more confidently to the United States its goal of indirectly contributing to the fight against terrorism by improving living conditions. Effective monitoring requires a clear definition of indicators, for example to measure stability or effectiveness, efficiency and sustainability of measures and programmes. Only in this way can they be evaluated and interministerial strategic (impact) evaluations be routinely carried out. Accompanying monitoring and evaluations should be based on realistic (quantitative and qualitative) indicators of effectiveness and be context-specific in order to systematically record unintended effects as well.

Financing instruments require constant critical evaluation and adaptation to changing contextual requirements. In the interests of improved partner work – and thus improved impact and sustainability – it makes sense to provide multi-year programme funding with annual progress reviews to support processes, rather than just projects. The requirement that funding applications for the continuation of measures must always have an innovative character compared to the previous funding urgently needs to be reconsidered. In line with the above need for process funding, the funding providers must have confidence in the implementers and assume that the funds will be used in the continuation of the project as effectively as intended without proof of new innovation. For the intervention and priority countries of German development cooperation, short-term funding periods should be abandoned in future and new budgetary standards should be set. Social change cannot be achieved within tight project timeframes. A review of the obligation to spend allocated funds each year could prevent the pressure on the outflow of funds generated at the end of each year. This could be achieved by amending the Federal Budget Code, reforming the funding guidelines of the Federal Ministry for Economic Cooperation and Development and the General Auxiliary Conditions for Project Grants.

4.2.5.4 Assessment

The motives and objectives of the Afghanistan operation were not clearly and unambiguously communicated. From the outset, there were different mandates (ISAF, OEF) and aims: the United States prioritised the fight against terrorism, while the German approach was to remove the breeding ground for insecurity and terrorism by improving the living conditions of the Afghan population. What is more, there was no international coherence at strategy and implementation level. At the national level, there was a lack of joint strategy development and adaptation in the civilian sector across ministries. This was evident, among other things, in the inadequate division of tasks and communication between the German ministries (Federal Foreign Office, Federal Ministry for Economic Cooperation and Development and Federal Ministry of Defence). For example, there was no clarity on how security, development and state-building should be interlinked and there was no coordinated strategy for stabilisation – even the German Government's 2017 guidelines in did not contain any specific information on the design of the stabilisation approach.

With regard to civil-military cooperation, the Federal Ministry for Economic Cooperation and Development and the Federal Ministry of Defence in particular had different positions and understandings. There were no civilian

or explicitly mixed civilian and military mandates or targets; civilian reconstruction was included in the military mandates, but treated as secondary. This fuelled criticism of the dominance of the military and the perception that development cooperation and humanitarian assistance were fundamentally carried out to legitimise the military operation, not as an end in itself. Strategically uncoordinated mandates and operational programmes had unintended side effects, such as instability instead of stabilisation. Furthermore, the necessary importance was not attached to conflict-sensitive management and the consideration of do-no-harm principles, either on a ministerial or interministerial basis.

The goals and intended effects stated in the German Government's concepts were not realised at the implementation level. German efforts to build up the economy and development co-operation were hardly able to create structures that sustainably improved the lives of the population. Hundreds of thousands of Afghans benefited from training and further education programmes aimed at establishing the rule of law, the education sector and good governance. It must be assumed that these skills gains are of lasting significance at an individual level. Efforts by German and international players aimed at making further payments conditional on reform progress as a way of creating greater ownership on the part of the Afghan partners did not bear fruit. The gap between objectives/intended effects and the funds used to improve living conditions on the one hand and what was achieved on the other raises the question of the reasons for failure on a large scale and sporadic success on a small scale.

In the perception of many players, humanitarian assistance and development cooperation in Afghanistan served to legitimise and strengthen acceptance of the military Afghanistan operation in Germany. The allocation of civilian funds was far below that of the military, which had to finance a self-sufficient infrastructure and heavy equipment. In addition, humanitarian assistance and development cooperation were not strictly separated, meaning that the funds were not clearly allocated. Moreover, the financing was not flexible enough. Small, locally embedded projects worked best in the context of development cooperation. In general, however, there was too much focus on the cities, while the rural areas were neglected. The way in which development cooperation was planned and operationally implemented in some cases also exacerbated existing conflict constellations or helped to perpetuate them, thus tending to promote instability rather than state-building and stability as intended.

Conflict sensitivity and do-no-harm principles – in the sense of efforts to comprehensively understand the context of intervention in Afghanistan and to act accordingly in order to minimise negative effects and maximise positive ones – largely remained theoretical concepts. Beyond the standard tools, such as project-based peace and conflict analyses (PCAs) and context analyses, no specific conflict-sensitive programme development and implementation support was provided. Moreover, no interministerial conflict analyses were conducted and no interministerial country strategies developed as a prerequisite for interministerial action. The implementing organisations of state development cooperation operated according to their own systems, which stood in the way of more efficient dovetailing of activities in the areas of technical and financial cooperation. Since their main contacts were, moreover, state actors, they were largely focused on structure-building development cooperation in the urban centres. The incentive structure for implementing organisations to prove success based on the number of projects – quantity rather than quality – and the volume of funds allocated was misguided. This meant that the governmental implementing organisations for development cooperation, KfW and the Federal Ministry for Economic Cooperation and Development, were always trying to obtain and utilise more money. This also encouraged a culture of positive reporting on what were sometimes only perceived successes. As a result, there was no open error culture either in Germany or in Afghanistan and any insights about failures from which lessons could have been learned were therefore concealed. Evaluations were mostly organised at project level and not at strategic level. Moreover, there was no exit strategy that would define from the outset when and under what conditions the German involvement would end and how the sustainability of the measures and projects would be ensured.

The extreme dependence on foreign funds, the lack of effective control mechanisms on the Afghan side to ensure their use and a discrepancy between Afghan needs and donor interests undermined state-building in Afghanistan from the outset. The high pressure to maintain cash outflows exerted by donors also contrasted with low absorption capacities, which unintentionally fuelled corruption. German development engagement was geared more towards international and domestic political pressure and internal organisational conditions than Afghan needs. As a result, the interests, objectives and needs of the Afghan population were not sufficiently taken into account when drafting project plans. The ownership and political buy-in of the Afghan side (population, government, partner authorities) were limited due to various factors. Although there were academic analyses

relating to Afghanistan, including in German-language research, there was a widespread lack of contextual understanding of the country and societies involved, as well as cross-border conflict dynamics. The concept of comprehensive security as part of the PRT approach and COIN also proved to be counterproductive from the point of view of many civilian non-governmental players, as they felt the loss of trust and acceptance among the population and therefore lost their own protection and had to discontinue projects as a consequence, particularly in rural areas. Overall, Germany's management of expectations regarding the operation was not realistic and the realities on the ground were also inadequately communicated to the public and to many stakeholders.

4.2.6 Dissenting opinion of the CDU/CSU parliamentary group and expert Dr Ellinor Zeino on sections 4.2 and 4.3851

Sections 4.2 and 4.3 offer important insights, but we believe that a more nuanced and differentiated view is required to paint a more complete picture of the issue, as a balanced examination of the role of civil society in the context of state institutions is essential to consider both its strengths and potential weaknesses.

Civil society players make important contributions, but an indiscriminate exaggeration of their role vis-à-vis state actors – as occurred in some cases in the text – is problematic. As the findings show, civil society groups often act as lobby groups with their own interests. The transfer of what are actually government tasks to these players, for example in the form of services of general interest or security services, harbours the risk of a loss of control and the challenge of containing individual interests and avoiding bias. The impact is heavily dependent on the conflict context and the quality and sustainability of the funds and resources provided. Germany should therefore carefully consider the type and scope of its resource allocation in the areas of peacebuilding and diplomacy, peace and conflict research, as well as in development, economic and stabilisation contexts.

This distortion of perception could be caused by among other factors:

The context in which the improvement in living conditions (HDI) was achieved should have been considered in more detail. Criticism of the results of development, stabilisation and economic cooperation should take into account population growth and increasing instability in the country. Even though the size of Afghanistan's population doubled in the period under review, the HDI stabilised and even improved to some extent, which is remarkable.

The changes in areas where German players were primarily active, particularly in the six focus provinces of northern Afghanistan, were not analysed in sufficient detail. A detailed analysis of the effectiveness and impact of specific tools used by the various players involved would have been essential for a comprehensive evaluation.

The analysis conducted does not take enough account of contextual factors such as population growth and instability in the country. Population growth and the simultaneous increase in instability are key factors that need to be taken into account when assessing the success of stabilisation and the improvement in the HDI. In addition, a differentiated review of the changes in the areas influenced primarily by German players would be necessary.

Through its local staff and the implementing organisations, the Federal Ministry for Economic Cooperation and Development interacted extensively with partner organisations in the districts, provinces and partner ministries, based on shuras held with the target group in both urban and rural areas. However, the various instruments of state funding, such as humanitarian assistance and the stabilisation approaches of the Federal Foreign Office and the measures taken by the Federal Ministry for Economic Cooperation and Development in transitional assistance, funding of private agencies, support for the economy and trade and longer-term structural development cooperation were not considered in sufficient detail. The NGOs' demands are aimed at a transformation towards a role for NGOs as implementing organisations similar to GIZ or KfW. In some cases, it is apparent that some NGOs see a trend towards implementing their own programmes with state funding without a mandate from the German Government as desirable.

A realistic and differentiated presentation of development cooperation of the Federal Ministry for Economic Cooperation and Development, stabilisation approaches and humanitarian assistance from the Federal Foreign Office is essential. The various funding instruments and their specific effects should be evaluated in their diversity and complexity in order to make a realistic assessment of their effectiveness and build future strategies on them.

⁸⁵¹ The content of dissenting opinions is the sole responsibility of the submitting parties.

The assessment that development cooperation and humanitarian assistance were provided to legitimise the military operation and not as an end in itself reflects a perspective that was already held by NGOs during the operation. In practice, however, development cooperation measures were developed and implemented in close consultation with target groups and government partners. The flexible use, based on commitment appropriation, of funds in development cooperation offered by the government and the flexibility of the funds of the Stability Pact show that a more differentiated approach is required. The impression postulated in the text that small projects in rural areas alone would have been more effective requires substantiated evidence.

4.2.7 Dissenting opinion of Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and the expert Reiner Haunreiter on sections 4.2.5.3.3.4 and 4.2.5.3.4.1

Dissenting opinion on section 4.2.5.3.3.4852

According to the "Interministerial strategic evaluation of the German Government's civilian engagement in Afghanistan", the Taliban were "supported with resources and indirectly legitimised". 853 The AfD parliamentary group would like two "well-documented mechanisms" to be explicitly noted at this point:

- Wherever international development cooperation measures were implemented, including by Germany, the Taliban always achieved "higher tax revenues".
- 2. In return "for security guarantees", "the Taliban collected an informal registration fee from implementing organisations". Interviews with those involved on the ground revealed that the local partners commissioned by German players, such as construction companies, "paid part of their fees (financed by Germany from tax revenues) as protection money to the Taliban". 854

Dissenting opinion on section 4.2.5.3.4.1855

This wording is irritating to say the least. After reading the transcript given here as a footnote and the statements made by retired General Wolfgang Schneiderhan (Chief of Staff, Bundeswehr, from 2002 to 2009), the AfD parliamentary group would like to clarify, perhaps even in the interest of the author, that a "great deal of attention from the German public" not only "towards the Afghanistan operation", but towards German politics generally is very welcome and by no means "problematic".

4.3 State and government building

4.3.1 Development of statehood in Afghanistan and the initial situation in 2001

After the rapid fall of the Taliban at the end of 2001, the focus shifted to stabilising and rebuilding the war-torn country. The Bonn Agreement of 5 December 2001 created the political framework for this. By organising the Bonn Conference, Germany assumed political responsibility for the reconstruction of the country from the very beginning. As early as during the conference, the Green Foreign Minister Joschka Fischer exerted decisive pressure on the head of the Afghan Northern Alliance, Burhānuddin Rabbāni, to prevent the negotiations from

The content of the dissenting opinion and the sources cited are the sole responsibility of the submitting parties.

Commission printed paper 20(28)38 "Ressortgemeinsamer Evaluierungsbericht Afghanistan final 12.12.2023" [Interministerial evaluation report], p.95.

The content of the dissenting opinion is the sole responsibility of the submitting parties.

failing.⁸⁵⁶ Ultimately, the conference delegates agreed on the formation of an interim administration⁸⁵⁷ under Hamid Karzai, which would represent Afghanistan as the sovereign in terms of domestic and foreign policy.⁸⁵⁸

The Bonn Process that was initiated mandated the Afghan interim administration to establish central government institutions such as the army, Supreme Court, central bank, human rights commission, administrative apparatus and authorities at national, provincial and municipal level with the help of the United Nations and to convene an extraordinary loya jirga to confirm Karzai as president. In 2004, a Constitutional Loya Jirga adopted the country's new constitution. The constitution provided for a centralised presidential system based on democratic principles (participation, gender equality, good governance) in accordance with Islam and a bicameral parliament (Wolesi Jirga, Mesherano Jirga). 859

International reconstruction support was initially limited to Kabul. It was secured militarily by the International Security Assistance Force (ISAF). From the outset, the international community was faced with the enormous challenge of supporting state-building in Afghanistan as a failed state. 860 The majority of the German Government and the Bundestag supported the approach of military-backed state and government building from the beginning.

"Statehood"

"Statehood refers to the ability of a state to lay down and enforce binding rules and the monopoly on the use of force. Consolidated states are continuously in a position to govern in this sense (control). From a historical and global perspective, however, the de facto ability of enforcement of most states is limited – [i.e.] restricted in terms of territories, policy areas or social groups. In these cases, we speak of regions of limited statehood. Statehood must also be distinguished from international recognition. Although this characterises general expectations of the state and has an influence on the means of state power, the international recognition of a state is analytically independent of its ability to govern."861

This definition of statehood must be distinguished from the understanding of the state widely held in Afghanistan. The concept of the (nation) state began to take shape in Afghanistan at the end of the 19th century. Abdur Rahman (1880 to 1901), who is considered the founder of modern Afghanistan, defined his rule by considering himself the "guardian of Islam". Due to social and cultural diversity, Islam represented the lowest common denominator for all Afghans. During the 20th century, this understanding of state rule in the name of Islam was repeatedly put forward successfully in times of crisis and conflict and validated in the process. Conversely, concepts of the state that invoked ethnic groups (especially Pashtuns) or even the democratic will (the people) were repeatedly met with resistance. To this day, many Afghans therefore understand the state primarily as the establishment of a political order in the name of Allah.⁸⁶²

In order to categorise the German contributions to state and government building in Afghanistan from 2001 onwards, it is helpful to outline the history of the state and statehood, the initial situation in Afghanistan in 2001 and previous attempts at external state building before 2001.

The terms interim administration and transitional administration denote different phases. Their meanings are derived from the Bonn Agreement of December 2001 and are also used in United Nations mandate documents. The terms therefore include different tasks, individuals and legitimisations. At the Bonn Conference, an interim administration was established until the holding of an extraordinary loya jirga. This grand council adopted a constitution and appointed Hamid Karzai as president of a transitional administration in June 2002 – which in turn remained in office until the presidential elections in October 2004, see Maaß (2002), p. 8.

⁸⁶¹ Collaborative Research Centre 700 "Governance in Regions of Limited Statehood" (2023).

⁸⁵⁶ See Raijer (2001).

⁸⁵⁸ Classified documents were also accessed on this topic, from which, however, content may not be reproduced either directly or indirectly in accordance with the German Government's Rules on Document Security. Minutes of the Bonn Conference 2001 were not available in the political archive of the Federal Foreign Office.

⁸⁵⁹ See United Nations (2001); Maaß (2002), p. 9; Schetter (2020), pp. 82-90.

⁸⁶⁰ See Maaß (2007), p. 10.

⁸⁶² See Roy (1990). We would like to take this opportunity to thank Prof Dr Conrad Schetter for his support in defining the Afghan understanding of the state.

"State building"

"The United Nations (UN) concept of external state building emerged from the history of Western ideas and governance and is based on the model of the democratic constitutional and welfare state. The UN peacekeeping missions seek to implement this normative requirement with the strategy of 'peace through democratisation, liberalisation and market development'. The approach is based on the assumption that social conflicts can be defused if disputes are no longer fought with weapons but with the political tool of the ballot paper and the forces of the free market promote sustainable economic development and thereby reduce social tensions."

4.3.1.1 Historical development of the state and statehood in Afghanistan

The history of statehood in Afghanistan is characterised by a constitutional tradition from the 20th century onwards, which was accompanied by state centralisation and unification efforts, but repeatedly came into conflict with the de facto political, social and cultural conditions in the country. As a result, Afghan statehood before 2001 was not comparable with that of Western nation states and certainly not with the idea of an "institutional state", i.e. an understanding of the state as an order-creating bureaucratic organisation with a monopoly on the use of force.

According to Western understanding, Afghanistan was historically characterised by rudimentary statehood. As a result, the exercise of the state monopoly on the use of force was negotiated with local armed groups and the penetration of state government and administrative structures never reached down to the local provincial level. Rather, the model of government was based on mechanisms of representation that were de jure parliamentary (1964 constitution), but *de facto* dominated by historically grown personal networks. Nevertheless, due to modernisation efforts in politics and society from the 1960s onwards, reference points were available for the development of a new Afghan state after the military intervention that had begun in 2001; they are outlined below.⁸⁶⁴

The roots of modern-day Afghanistan go back to the empire of Ahmad Khan Durrani, which he founded in 1747. Historically, Afghan statehood was imperial in character, with fluid borders that reflected the expansion and contraction of spheres of influence and indirect rule that functioned on the basis of loyalty in return for support. From the beginning of the 19th century, the British world power repeatedly reached its limits in the struggle between the imperialist powers of Great Britain and Russia for supremacy in Central Asia (The Great Game): In the first Anglo-Afghan War, the British colonial troops were devastatingly defeated in 1842. In the second Anglo-Afghan War, the British troops suffered a defeat in the Battle of Maiwand near Kandahar (1880), which is still very much part of Afghanistan's collective memory today. Afghans were thus denied an independent role for a long time: It was only in the course of the geopolitical demarcation attempts between British India and Tsarist Russia in the 19th century that the territory of present-day Afghanistan was created as a British quasi-protectorate between the two powers. Abdur Rahman, whom the British appointed as emir, subdued opposing tribes with an iron hand within the borders defined by the British, which correspond to the present-day territory of Afghanistan, and established the first centralised state structures. 865

Under King Amanullah (1919-1929), Afghanistan gained formal independence and foreign policy sovereignty and gave itself a constitution for the first time. The most important partner in Amanullah's social and political modernisation policy was Germany, with which a friendship treaty was signed in 1926. King Zahir Shah (1933-1973) explicitly established a constitutional monarchy for the first time in 1964. Folitical parties remained excluded from elections. As a result, communist and Islamist parties emerged to fight the monarchy and gained popularity, especially in the cities. in 1973, the king's cousin, Mohammad Daoud, seized power together with the Marxist People's Democratic Party of Afghanistan (PDPA). Zahir Shah went into exile in Italy. The army

865 See Gerber (2007), pp. 17-19.

Maaß (2007), p. 12; see also Paris (2004), pp. 5-6.

⁸⁶⁴ See Ruttig (2008), p. 12.

⁸⁶⁶ Some literature already speaks of a constitutional monarchy in the context of the Afghan constitution of 1931. "The form of government was (...) not directly named, but everything points to a constitutional monarchy." (See ibid., p. 26.)

and the economy were reorganised with the help of Soviet advisors. The 1977 constitution established Afghanistan as a republic.⁸⁶⁷

in 1978, the PDPA overthrew Daoud. The coup marked the beginning of decades of bloody civil war in Afghanistan. The USSR intervened in 1979 after an internal PDPA counter-coup at the request of the Kabul government, which was unable to hold on to power on its own, on the assumption that it would be able to stabilise the situation within a few weeks. Afghanistan became one of the central conflict zones in the Cold War. The United States, Saudi Arabia and Pakistan massively supported the anti-communist resistance (mujahedeen). A broad mass mobilisation against the Kabul government and its Soviet supporters was successful, as both were seen as anti-Islamic in Afghanistan. Due to the persistent efforts of the resistance and political change in the USSR (glasnost; perestroika), the Geneva Accords specified the rules for ending the Soviet-Afghan war in 1988 (February 1989). 1.3 million Afghan civilians and fighters lost their lives in the war, while around 15,000 soldiers died on the Soviet side. Half of the 15 million Afghans at the time had to flee (around three million to Pakistan and around two million to Iran). See

The communist government in Kabul was able to hold on to power until 1992. It was only when Moscow stopped providing financial support to the Kabul regime that rival mujahedeen parties and warlords succeeded in capturing the capital in April 1994. The new rulers divided the country among themselves and at the same time fought against each other in a destructive civil war, particularly in Kabul (1992-1996). In order to end the civil war in the country, the Taliban movement formed in 1994, initially in the south in the region around Kandahar, before they were able to extend their power to Kabul and almost the entire country by 1996.

The undisputed leader from the beginnings of the movement was Muhammad Omar, who centralised all the powers of the Taliban-led state in his own person. The Kandahar-based Supreme Shura, which was dominated by Omar's close comrades-in-arms – mostly Durrani Pashtuns from the Kandahar region – was the Taliban's most important decision-making body. Under the leadership of Mohammad Rabbāni, the Kabul Shura became the de facto government of Afghanistan. However, as it was subordinate to the Supreme Shura, it had little effective governing power. All strategic decisions were made by Omar. This development was consolidated in October 1997, when the Taliban formally appointed Omar as head of state (Amir al-Mu'minin or Supreme Leader of the Islamic Community) by renaming Afghanistan an Islamic Emirate. The Taliban state ruled with oppressive policies, especially towards women, which manifested in numerous decrees as well as public floggings and executions. Within the bureaucracy, the Taliban replaced high-ranking non-Pashtun officials with unqualified but loyal Pashtuns. This almost completely paralysed the work of the ministries and authorities. The religious police and the army were the only functioning authorities in the Taliban state. 870

4.3.1.2 Reasons for limited Afghan statehood

The Afghan understanding of the state as an Islamic order differs from the West's understanding of a centralised state, which had guided the international community in Afghanistan from the outset. Several reasons can be identified as to why centralised statehood in Afghanistan was historically limited.

Firstly, Afghanistan is a multi-ethnic state characterised by cultural diversity. The Pashtun ethnic group makes up the largest population group. Other large population groups are Tajiks, Uzbeks and Hazara. There are also many smaller ethnic groups, such as Baluchis, Turkmen, Kyrgyz and Sikhs, each with their own language and dialects. The majority of the Afghan population are Sunnis who follow the Hanafi school of law. Most Hazara are Shiites. Since the founding of the state in 1919, the Pashtuns have been the ruling ethnic group. It was an unwritten law in Afghanistan that the country must be ruled by a Pashtun – as king or president. As a result, other ethnic groups in Afghanistan have long seen themselves at a disadvantage. In the course of the civil war from 1989 to 2001, the "ethnic groups became politicised" and radicalised in the name of Islam in the country. Both ideological currents promoted the fragmentation and weakening of the Afghan state. Ethnic and religion-

⁸⁶⁸ See Schattenberg (2017), pp. 535-536.

⁸⁶⁷ See ibid, pp. 20-40.

⁸⁶⁹ See Chiari (2020), pp. 55-68.

⁸⁷⁰ See Rashid (2022), pp. 158-188.

⁸⁷¹ See Gerber (2007), p. 15.

⁸⁷² See Schetter (2022c), p. 5.

based ideological classification therefore represented a central line of conflict at the beginning of the international intervention in 2001.⁸⁷³

In addition to its cultural diversity, Afghanistan has historically been characterised by extreme particularism. "Villages, valleys, clans, tribal groups and religious communities were the most important references for identity and action in Afghanistan, on which patronage and clientele systems were built."⁸⁷⁴ These links to local identity also repeatedly gave rise to aspirations for autonomy and alternative centres of power, which worked against centralised statehood in Afghanistan.

Another indicator of weak statehood in Afghanistan is the urban-rural divide, which can also be described as an area of tension between tradition and modernity.⁸⁷⁵ In the course of the 20th century, the gap between urban and rural areas became increasingly wider in Afghanistan. On the one hand, there were the urban areas, which drove the modernisation of Afghanistan in the 20th century and developed into centres of statehood. On the other, there are the rural districts and provinces, where the administrations responsible have only managed to change existing structures to a limited extent.⁸⁷⁶ The perception of the state administration as a foreign and sometimes hostile entity harmed the development of a pan-Afghan identity and prevented the formation of loyalty to the Afghan state. Attempts at centralisation and modernisation by the various governments in Afghanistan invariably threatened the traditional areas of influence of the clergy, the ulama, in Afghanistan (way of life, jurisdiction, influence on rural areas) and repeatedly led to conflicts with representatives of the ulama.⁸⁷⁷ The assumption of power by the People's Democratic Party of Afghanistan (PDPA) in 1978, combined with an attempt to promote rapid modernisation in the rural, tribal and religious areas of Afghanistan, ultimately led to an open break between the Kabul government and the rural population.

Conflicts over limited economic resources also made it difficult to establish a legitimate and efficient state in Afghanistan. Afghanistan is largely characterised by barren high mountains, deserts and steppe landscapes. Although Afghanistan is rich in natural resources, they are not easily accessible. Areas favourable to agricultural use are oases and river valleys. "Due to the importance of agriculture for survival in this inhospitable region, most conflicts in Afghanistan still centre on access to and ownership of water, land and pasture. Despite ideological charging during the Afghan wars, which have been going on since 1979 (including communists against mujahideen; Taliban against Western intervening forces), disputes over local resource control and distribution are the cause of most of the violent conflicts." As a result, the Afghan state has always had difficulties enforcing its monopoly on the use of force due to a lack of economic resources. In addition to the upheavals caused by the civil war, a lack of tax revenue prevented the country from developing a self-sustaining state-building process. In the course of the 20th century, Afghanistan remained a rentier state which, in 1988 for example, received 26 per cent of its government revenue from development funds granted by other states. The states of the late 1980s onwards, economic practices that benefited from the lack of state control also gradually gained in importance in Afghanistan: so-called civil war economies such as deforestation, smuggling and, above all, opium cultivation.

The invasion of the Soviet Union in 1979 completely destroyed the state monopoly on the use of force in Afghanistan. The ineffective army was replaced by warlords, who led the armed resistance against the Soviet Union. Depending on financial incentives and the political situation, military units constantly changed sides and Afghanistan disintegrated into a multitude of territorial dominions that were almost impossible to define; they were controlled by autonomous rulers and commanders until the mid-1990s.⁸⁸¹

⁸⁷³ See ibid., p. 5.

⁸⁷⁴ Schetter (2022b), p. 12.

⁸⁷⁵ See Schetter (2022c), p. 4.

⁸⁷⁶ See Schetter (2004), p. 8.

⁸⁷⁷ See Gerber (2007), p. 16.

⁸⁷⁸ Schetter (2022c), p. 4.

⁸⁷⁹ See Rubin (2020).

⁸⁸⁰ See Schetter (2004), p. 11.

⁸⁸¹ See ibid., p. 12.

4.3.1.3 Initial situation and distribution of power in Afghanistan in 2001

In 2001, the country's infrastructure was completely destroyed as a result of decades of civil war. Afghanistan was considered one of the poorest countries in the world. The average life expectancy of Afghans in 2001 was 55.8 years (global average: 68 years). At 0.337, the country's Human Development Index (HDI) in 2001 was well below the global average of 0.650 (see section 4.2.5.2.1). Moreover, Afghanistan had no human capital to speak of at the time. In 2001, the average length of schooling was 1.5 years compared to 7 years in the rest of the world. 882 As a result, the country had an above-average illiteracy rate. 883

After four years of the Taliban regime, Afghanistan was considered a fragile state in 2001 due to the lack of security, welfare and the rule of law.

"Fragile state"

"Fragility, according to the OECD, is the combination of exposure to risk and insufficient coping capacities of the state, system and/or communities to manage, absorb or mitigate those risks. It occurs in a spectrum of intensity across six dimensions: economic, environmental, political, security, societal and human."884

Despite the past weakness of the Afghan state, elements and traditions of statehood had nevertheless survived to 2001, on which international and national players could have built in (external) state building. Afghanistan had its own national symbols (flag, anthem etc.). With the exception of the Pashtunistan issue, it also had an undisputed national territory and was internationally recognised and capable of acting in foreign policy matters, which guaranteed the country's external sovereignty (under international law). There were also remnants of a bureaucracy in Afghanistan. The changing regimes of the previous decades had tried to maintain the basic state functions for the population. All parties to the civil war and state actors thus retained the historically established basic structure of the cabinet⁸⁸⁵ and provinces.

In addition to endeavours to establish a democratic state in Afghanistan based on a Western model, the return of former King Zahir Shah as head of state was briefly considered. Shortly after the start of the US-led war against the Taliban regime in Afghanistan, the former monarch offered to mediate in October 2001. He was one of the driving forces that enabled an orderly new beginning by convening a loya jirga, or grand council, among other things. The establishment of a parliamentary democracy with Zahir Shah at the head (who was explicitly not to act as a monarch) was ultimately prevented by the United Staes, although a majority of the delegates at the loya jirga were in favour of the return of the king. 886

After the fall of the Taliban in 2001, power in Afghanistan was divided among several (domestic) actors and was highly fragmented.

The Taliban movement had emerged in the early 1990s in southern Afghanistan around Kandahar. Many of these Taliban of the first hour come from the strict, rural village society and had previously fought as mujahedeen against the Soviet occupiers. Pakistan in particular supported the Taliban, who ruled from 1996 until the international intervention at the end of 2001. The Taliban were mainly recruited from the rural Pashtun population in southern and eastern Afghanistan and controlled 90 to 95 per cent of the country during this period, with the exception of the north-east. In terms of government functions, the Taliban focused primarily on security and justice (jurisdiction) as well as a market economy ideology. [889]

The decision not to include the Taliban in the negotiations at the Bonn Conference in 2001 had far-reaching consequences and undermined the inclusive development of efficient and legitimate state institutions.⁸⁹⁰

The second key player in the state of Afghanistan in 2001 was the former mujahideen, some of whom had become warlords with their own zones of influence during the civil war (including Ahmad Shah Masoud, Ismail Khan

⁸⁸² See United Nations Development Programme – UNDP (2023b).

⁸⁸³ See Schetter (2004), p. 16.

⁸⁸⁴ OECD (2022), p. 11.

⁸⁸⁵ See Ruttig (2008), p. 12.

⁸⁸⁶ See ibid., p. 17.

See Study Commission (2023k), pp. 2-3.

⁸⁸⁸ See Gerber (2007), p. 52.

See Study Commission (2023k), p. 3.

⁸⁹⁰ See Study Commission (2022c), pp. 5, 14; Study Commission (2023l), p. 6.

and Atta Mohammad Noor) and joined forces in the resistance against the Taliban to form the Northern Alliance. Each warlord commanded his own combat unit, which combined occasional fighters along ethnic and denominational lines.⁸⁹¹ These warlords played a central role at the Bonn Conference on the reconstruction of Afghanistan in 2001 and were given important cabinet posts in the interim administration. This reintegration of former warlords thwarted the goal of military-backed state-building and the establishment of a democratic constitutional state from the outset due to the lack of transitional justice.

Pakistan's influence, which channelled Western funds and weapons to the mujahideen resistance in Afghanistan during the 1980s and offered them a safe haven, and also supported the Taliban movement in the 1990s, was also relevant after 2001, when, after initial hesitation, Pakistan allowed the Taliban freedom of movement from 2005 onwards and continued to protect them.⁸⁹²

Regional cooperation and security also played a key role in state and government building in an unconsolidated state such as Afghanistan. In addition to the key competences within the country's borders (powers of force, extraction and law), external competences and therefore the entire spectrum of political behaviour of neighbouring states are another key element of statehood. The failure of both the Afghan interim administration and the international community to build this kind of Afghan external competence meant that not only Pakistan but also other neighbouring countries such as India, Iran and China were not sufficiently involved in the long-term support process for building the Afghan state and government.⁸⁹³

The leader of al-Qaeda, the terrorist group responsible for the terrorist attacks on 11 September 2001 in the United States, enjoyed the right of hospitality in Afghanistan, which is anchored in the Pashtun tribal tradition. He was not extradited, despite US demands, after 11 September 2001 or, previously, after the terrorist attacks by al-Qaeda in East Africa in 1998. According to reports, a high-ranking Taliban leader (Kabir) was considering extraditing Bin Laden, including to Germany. Himmediately after the attacks, however, the United States demanded extradition within 24 hours. The Taliban said that they were unable to meet this demand for logistical reasons. This protection, which the Taliban granted to al-Qaeda, then led to the intervention in Afghanistan by the US-led coalition against terrorism in 2001. The initial focus of the United States in particular on destroying al-Qaeda and the Taliban, but also the security policy interests of the individual international intervening forces, clashed with the goal of building a democratic state in Afghanistan. The allies failed to resolve the disconnect between military counter-terrorism on the one hand (predominantly the United States) and military-backed reconstruction (UN as well as Germany) in external state building.

4.3.1.4 External attempts at state and government building in Afghanistan before 2001

Even before 2001 and the Bonn Conference, there had been international initiatives for state and government building in Afghanistan.

The foundations for relations between Afghanistan and the European Union (EU) and, before that, the European Community (EC) were laid back in the 1950s and expanded in the 1960s and 1970s through the Common Agricultural Policy and increasing food aid.⁸⁹⁷ The initial focus of European support was on humanitarian aid and development in the context of economic modernisation. This support was scaled back following the country's invasion by the Soviet Union in 1979. After the withdrawal of the Soviet Union, the EC (and subsequently the EU) resumed aid measures and development programmes to support Afghanistan, but like other international players, was severely hampered by the deteriorating security situation in the country in the 1990s.⁸⁹⁸

The United Nations (UN) had also launched political initiatives for an inclusive peace process in Afghanistan before 2001. The United Nations Special Mission to Afghanistan (UNSMA), the predecessor mission of the United Nations Assistance Mission in Afghanistan (UNAMA), had already been doing preparatory work for over two years before the Bonn Conference organised by the UN in November/December 2001. Based on its mandate

⁸⁹¹ See Gerber (2007), p. 52 et seq.

See Study Commission (2023k), p. 4 et seq.

⁸⁹³ See Wilke (2006), pp. 385-386.

⁸⁹⁴ See Der Spiegel (2001b).

⁸⁹⁵ See Der Spiegel (2004).

⁸⁹⁶ See Rubin (2023), p. 6.

See Hassan (2023), p. 5.

⁸⁹⁸ See ibid., pp. 5-6.

and using shuttle diplomacy, the UN mission had tried to persuade the two warring parties, the Taliban and the Northern Alliance, to enter into peace talks. After the failure of this process, UNSMA held track-two talks with various Afghan political forces even before 11 September 2001 in order to promote a new intra-Afghan peace process. This preparatory work for a peace solution involving all parties to the conflict and Afghan society formed the basis for the draft of what was to become the Bonn Agreement, which was presented by the UN at the Bonn Conference but excluded the Taliban.⁸⁹⁹

Although Germany had been extensively involved in Afghanistan in the 1960s and 1970s as part of initiatives such as humanitarian aid and development aid, it did not make enough use of this experience and started from scratch, so to speak, with its state-building support, which was ultimately based on the experience gathered in the Balkans in the 1990s. According to Michael Schmunk, Germany's Special Envoy to Afghanistan and the Federal Foreign Office's first Commissioner for Afghanistan as well as head of the Special Task Force for Afghanistan at the Federal Foreign Office from 2002 to 2004, the situation at that time had to be imagined as "a process of being pressurised by the government, by parliament, the German Bundestag, [...] within the framework of our closest allies and in cooperation with the United Nations". 900 In order to prevent a political vacuum following the fall of the Taliban, Germany reacted in concert with the United Nations and, also under pressure from the United States, initiated the Bonn Conference. 901 The German delegation tried to get Afghan civil society more involved in the negotiations for an interim authority at the Petersberg Hotel near Bonn. 902

The initial situation for the development of state and administrative structures was complicated for the Afghan Interim Authority and its international supporters in 2001: On the one hand, the aim was to install a centralised state system based on the Western model. But the other, the low level of local reach meant that the Afghan Interim Administration was barely in a position to touch the political structures outside the provincial capitals. At the same time, the exclusion of the Taliban from the political process undermined the establishment of legitimate and efficient structures. Overall, the international community had entered a black box. Neither the conflict nor the players and structures in Afghanistan were sufficiently understood. To make matters worse, the needs of Afghan civil society were given too little consideration in the reconstruction process, despite mediation by the UN. This meant that the Afghan Interim Administration had no social basis. 903

The sections below analyse and assess in more detail in particular the German contribution to developing the country in the areas of democracy building and the political system, the rule of law and human rights, law enforcement and the monopoly on the use of force, as well as budget and finances in the period from 2001 to 2021.

4.3.2 Political system and democracy building

4.3.2.1 Introduction

The assessment of the success of measures to promote democracy is of key importance to the mandate of this Commission, both in looking back and looking ahead. Arguments centred round the issue of democracy building (alongside universal values) played a dominant role in the Bundestag's debates on participating in and continuing the Afghanistan operation throughout the period between 2001 and 2011.904 Although the discursive link between democracy building and operations abroad has since diminished, particularly as a result of the experience of the Afghanistan operation itself, "advocating democracy, the rule of law, human development and the participation of all population groups as a prerequisite for sustainable security" continues to be an explicit interest of the Federal Republic of Germany.905 Against this backdrop, it is to be expected that democracy building will remain an imperative of the German Government's foreign policy and a key component of the Comprehensive Approach in the future.

In a narrow sense, the assessment of democratisation measures is concerned with the ability of people collectively (the demos) to assert their will politically: "The most visible expression of representative democracy is to hold

⁹⁰¹ See ibid., pp. 2-3.

⁸⁹⁹ See Study Commission (2022e).

⁹⁰⁰ Ibid., p. 3.

⁹⁰² See Bauer (2001); Swiss Peace (2001).

⁹⁰³ See Study Commission (2022c), pp. 7, 9.

⁹⁰⁴ See Müller and Wolff (2011), pp. 207-209.

⁹⁰⁵ German Government (2023), p. 21.

free, fair and universal elections."⁹⁰⁶ Consequently, this section outlines the German Government's support for the organisation of the Afghan presidential and parliamentary elections. Due to the limited significance of the Provincial Council elections, these are not discussed here in any detail.⁹⁰⁷ It will be argued that the high salience of national elections in some cases led to little attention being paid to other aspects of democracy building, in particular democratic institutions and the development of a democratic culture. As this fundamental problem is already largely laid out in the Bonn Process, this section focuses on the course set in the early phase of Germany's mission in Afghanistan and only rudimentarily outlines developments after 2014.

It will be argued that wrong decisions regarding the political system and democracy building in Afghanistan were largely based on a mixture of a lack of knowledge about the country and its political, cultural and social realities on the one hand and erroneous theoretical assumptions about the development of democracy on the other. To this end, a chronological outline of the most important decisions and developments in the political system and the development of democracy in Afghanistan is given first, followed by an analysis.

4.3.2.2 Chronology

4.3.2.2.1 The Bonn Process

Following the capture of Kabul by the Northern Alliance in November 2001 and the imminent collapse of Taliban rule, the question of a political system to replace it arose very quickly. On the basis of Security Council Resolution 1378 (2001) with its emphatic support for the formation of a government that should "be fully representative of all the Afghan people" and cooperate "in international efforts to combat terrorism", 908 invitations were extended to the Afghanistan Conference led by UN Special Representative Lakhdar Brahimi at the Petersberg Hotel near Bonn from 27 November to 5 December 2001. The fact that Germany hosted and funded the conference was attributable in particular to its good diplomatic relations with and reputation among all participants, as well as Germany's chairmanship of the Afghanistan Support Group at the time. The selection of conference participants was to prove to be of extraordinary importance for the political system that was to emerge later. By inviting the Northern Alliance, the royalist Rome Group, the Iran-affiliated Cyprus Group and the Pakistan-affiliated Peshawar Group, an exchange between different Afghan stakeholders was made possible. At the same time, interest groups inside Afghanistan, representatives of Afghan civil society and the voices of Afghan women 910 were barely represented. In addition, the Taliban were completely excluded from the conference.

The composition and negotiations of the conference set the course for the subsequent Bonn Process, but to a certain extent also for the entire political development of Afghanistan over the next 20 years. Germany had deliberately chosen to keep a low political profile at the conference⁹¹¹ and merely assumed observer status. However, its support "behind the scenes" was praised by the UN.⁹¹² Despite this support, its influence must be considered limited. One of the most important decisions taken at the Bonn negotiations was the appointment of Hamid Karzai as Chairman of the Interim Administration.⁹¹³ The Rome Group, which argued in favour of reinstating King Mohammed Zahir Shah as a constitutional figure of integration, was ultimately unable to prevail.⁹¹⁴ Although the Bonn Agreement did not lay down any concrete provisions beyond the transition process

German Government (2010c), p. 58.

Although the Provincial Councils could theoretically have acted as a counterweight to the centralisation of the presidential system, in practice they had little influence for a number of reasons: They included that their constitutional mandate was unclear, they were opposed politically by both the president and parliament and they were financially dependent on the provincial governors, see Qaane and Ruttig (2015). The revision of the law planned from 2014/15 onwards did not solve these problems, but on the contrary, the associated power struggles meant that no Provincial Council elections were held after 2014 (due to repeated postponements) and the council members remained in office well beyond their mandate, see Adili et al. (2021).

⁹⁰⁸ United Nations (2001c), Operative Clause 1.

⁹⁰⁹ See Meienberg (2012a), p. 99 et seq.

Only four women attended in the conference. According to some assessments, the situation of women was treated more as a "side issue". See ibid., p. 107.

⁹¹¹ See ibid., p. 100.

⁹¹² See Kulick (2001).

⁹¹³ United Nations (2001), Annex IV.

The outcome of the struggle over the royal question was included in the Bonn Agreement as a politely worded refusal by the king to become interim chair, see ibid., para. III A. 2.

and certain principles such as the concept of Afghan ownership, 915 it was instrumental in preparing the subsequent centralised presidential system.

Specifically, the Bonn Agreement called for an emergency loya jirga to be held six months after the establishment of the Interim Administration to decide on a Transitional Administration (paragraph I. 4), which duly elected Hamid Karzai as Transitional President on 13 June 2002. Germany provided essential logistical and organisational support for the emergency loya jirga. 916 Although the election of the participants of the emergency loya jirga led to an "incipient change of consciousness in the population", it was nevertheless characterised by "all too obvious power struggles". 917 Apart from Karzai, there was no realistic alternative for the office of Transitional President.

Furthermore, the Bonn Agreement called for the holding of a constituent loya jirga no later than 18 months after the establishment of the Transitional Authority, which was to build on the preparatory work of a Constitutional Commission with UN support (paragraph I. 6). For the interim period, the Afghan Constitution of 1964 was reinstated, with some exceptions (paragraph II. 1). In January 2004, the Constituent Loya Jirga adopted the Transitional Authority's draft constitution (which it presented after the publication of a draft by the Constituent Commission), which was largely based on elements of the 1964 Constitution. In particular, the new Constitution provided for a strong presidential office, which combined the powers of the former offices of king and prime minister. This obviously resulted from the insistence of the President of the Transitional Administration, Hamid Karzai, and his allies that in the present unstable circumstances [...], Afghanistan cannot afford a weak and fragmented central authority. Against this background, a direct line of development can be drawn between Karzai's appointment as Chairman and the future political system.

The two highlights of the Bonn Process were the presidential elections in October 2004 and the parliamentary elections in September 2005, as provided for in the new Constitution. Both were internationally considered a great success. In particular, "the commendable degree of Afghan ownership", "strong voter participation" and "solid international support, particularly in providing security on election day" were seen as decisive for the success of the presidential election. Particularly in addition to increasing the German troop contingent in the run-up to the elections Germany contributed 5.1 million euros to support the process, in particular during voter registration and information campaigns. Despite, or perhaps because of, the great success of the presidential elections, the OSCE pointed out in the same month that the associated high, sometimes unrealistic expectations of the Afghan population could lead to the risk of rapid disappointment with the democratic system.

Although ultimately also considered a success, the organisation of the parliamentary elections posed a greater challenge. Originally scheduled for June 2004, the elections had to be postponed several times, partly due to security concerns, but⁹²⁴ also due to substantive and procedural issues, such as the delineation of the constituencies. P25 In contrast to the voter turnout of around 84 per cent in the previous year, only just under half of registered voters cast their vote. Significant criticism was also levelled at the electoral system itself. Against the advice of Europeans, a system of de facto majority and direct elections (single non-transferable vote system) was introduced, which prevented the formation of parties and parliamentary groups and caused the "fragmentation of parliament". In addition, the use of party names and symbols during the election was banned by the Afghan Independent Electoral Commission. The fragmentation of parliament meant that, due to the generally weak democratic tradition, it was able to fulfil its institutional functions as a counterweight to the

⁹¹⁵ See Maaß (2002), p. 5 et seq.

⁹¹⁶ See ibid., p. 8.

⁹¹⁷ Ibid., p. 12.

⁹¹⁸ See Grote (2004), pp. 902-904.

⁹¹⁹ Ibid., p. 904.

Organisation for Security and Co-operation in Europe (OSCE) (2004), paragraph 7.

⁹²¹ See Deutsche Welle (2004).

⁹²² See German Government (2004b).

⁹²³ See Organisation for Security and Co-operation in Europe (OSCE) (2004), paragraph 9.

⁹²⁴ Even when elections were finally held in September, 34 provinces were classified by the EU as too unsafe for the deployment of election observers. Four candidates fell victim to assassination in the run-up to the event. See Werkhäuser (2005).

⁹²⁵ See Synovitz (2005).

⁹²⁶ See Special Inspector General for Afghanistan Reconstruction – SIGAR (2021a), p. 24.

⁹²⁷ Khalatbari and Ruck (2007), pp. 78-79.

⁹²⁸ See National Democratic Institute for International Affairs (NDI) (2006), p. 8.

executive only to a limited extent. 929 The Bonn Process was considered complete upon the successful organisation of the parliamentary elections.

4.3.2.2.2 Afghanistan Compact

The second phase of international cooperation began when the Afghanistan Compact was adopted at the London Conference on Afghanistan in January and February 2006. Under the subtitle "Building on Success", the Afghan government presented plans in the area of governance (among other measures) for reforming the civil administration, a comprehensive census, strengthening parliament and strengthening future electoral processes. For holding future elections, the country should in particular raise its own finance to a greater extent and the establish a central electoral register. The most important single events within the time horizon of the Afghanistan Compact were the second regular presidential elections between August and November 2009, which were marred by extensive irregularities, and the second parliamentary elections in September 2010.

The 2009 presidential elections were a step backwards compared to 2004 in terms of both quantity and quality. Voter turnout fell from around 84 per cent to 39 per cent. S1 This can be attributed to the population's disillusionment with democratic processes due to insecurity, cases of fraud and abuse of power as well as ignorance of the processes during the first legislative period. In the run-up to the election, the government restricted media coverage on election day and intervened in the work of the Afghan Independent Election Commission (IEC). S13 The UN-led Electoral Complaints Commission (ECC) called for a recount due to uncertainties in the counting after the first round of elections. As a result, it declared the result published by the IEC (which announced an absolute majority in favour of Hamid Karzai) invalid, the resigned, and Karzai was consequently declared the winner on 2 November 2009 without a second round of voting. For the political system, this resulted in President Karzai emerging from the election in a stronger position, albeit on the basis of his personal patronage system. The properties of politics of politics of politics and credible national institutions dictate the course of politics.

The 2010 parliamentary elections largely suffered from the same lack of legitimacy and trust among the population as the presidential elections in the previous year. At the beginning of 2010, President Karzai attempted to curtail the influence of international election observers, particularly within the ECC, and to exert greater government influence over the composition of the IEC by amending the Electoral Act. Even though the Act was originally almost unanimously rejected by the Wolesi Jirga, Karzai was able to push it through by invoking the Afghan Constitution. Voter turnout of just under 35 per cent⁹⁴¹ was similarly low as in the previous year. The result of the elections led to the replacement of two thirds of the lower house and resulted in protests against the IEC by the members who had been voted out. The single non-transferable vote was retained for the parliamentary elections. As a result, no party landscape had developed.

To support the parliamentary elections, the German Government provided nine million euros for the UN's ELECT support programme and 2.5 million euros for the Afghan election observer NGO FEFA. It also financed political foundations and programmes to train independent journalists in order to promote a broad democratic culture in Afghan society. 44

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929
    See Khalatbari and Ruck (2007), p. 79.
    See United Nations Peacekeepers (eds.) (2006), p. 7.
    See Special Inspector General for Afghanistan Reconstruction – SIGAR (2021a), p. 24.
    See Akbar and Akbar (2011), p. 2.
933
    See France 24 (2009).
    See Electoral Complaints Commission (ECC) and Independent Election Commission of Afghanistan (IEC) (2009).
935
    See Electoral Complaints Commission (ECC) (2009).
    See Boone and Tran (2009).
937
    See Humayoon (2010), p. 35.
938
    See ibid., p. 35.
939
    See Akbar and Akbar (2011), p. 3.
    See Democracy International (2011), p. 17 et seq.
940
941
    See Special Inspector General for Afghanistan Reconstruction – SIGAR (2021a), p. 24.
942
    See Khalatbari (2010), p. 4 et seq.
943
    See Federal Foreign Office (2010b).
    See German Government (2010c), p. 60.
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4.3.2.2.3 Kabul Process and beyond

Despite the irregularities of the parliamentary elections, the fact that these were the first national elections organised completely independently in Afghanistan was highlighted as a positive outcome. ⁹⁴⁵ The Kabul Process, which followed the Afghanistan Compact, was characterised by the issue of autonomy and complete sovereignty. In the area of democracy building, the closing statement of the Kabul Conference envisaged in particular a comprehensive electoral reform process within six months. In addition, a wide range of measures was intended to modernise the way appointments are made to government offices and the training of civil servants, ⁹⁴⁶ which should reduce corruption and the political influence of informal networks in the long term.

In the context of the handover of security responsibility resolved at the London Conference in 2010, the international community and the German Government in particular increasingly focused on training Afghan security forces. An increasingly minimalist approach to democracy building was chosen. The German Chancellor at the time, Dr Angela Merkel, made the following statement: "We have no illusions about certain concepts of democracy according to our criteria." Likewise, the government statement in December 2010 by the then Foreign Minister Guido Westerwelle, put it in a nutshell: he suggested that, realistically, good enough governance would have to be accepted. 948

The 2014 presidential elections were again to become significant as an indicator of the political system, as they represented the first peaceful transfer of power since the ousting of the Taliban. President Karzai did not stand for re-election due to the constitutional term limit. The election was held on the basis of amended electoral legislation, which strengthened the ECC in particular. The German Government, which no longer actively supported the conduct of the elections, attested that the ECC had made "significant progress compared to previous rounds of voting". Nevertheless, there were again widespread instances or allegations of electoral fraud. A around 39 per cent, voter turnout was in line with the low trend of previous elections. For the first time, a runoff election was held between the candidates, Abdullah Abdullah and Ashraf Ghani Ahmadzai. Since Abdullah, who had come second, threatened not to recognise the result, President Karzai ultimately mediated a Government of National Unity with Ghani as President and Abdullah as Chief Executive. This irregular mediated solution once again illustrates the weakness of the democratic institutions at the time: "Afghanistan's 2014 presidential election led to a peaceful transfer of power to a new president, but not through a democratic process."

The parliamentary elections originally scheduled for 2015 were postponed several times on the basis of an agreement of the Government of National Unity, which provided for comprehensive reform of electoral law before the elections⁹⁵⁴. Among other things, the reforms passed in 2017 strengthened the IEC's powers to demarcate constituencies and provided for the SNTV to be replaced by a first-past-the-post system.⁹⁵⁵ In addition to being postponed several times, the result of the parliamentary elections held in October 2018 was not announced until almost seven months after the ballot due to a large number of irregularities, and this supported the assessment that the electoral law reforms had failed.⁹⁵⁶Voter turnout was around 45 per cent.⁹⁵⁷

In quantitative terms, the 2019 presidential elections, which had a voter turnout of around 19 per cent, 958 were the biggest failure of the democratisation process No detailed analysis of these elections will be given at this point, as they were already being overshadowed by the Doha negotiations and a significant deterioration of the security situation.

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945
     See ibid., p. 59.
     See The University of Edinburgh (2010), see paragraph 9.
947
    Merkel (2010), p. 5.
    See Westerwelle (2010), p. 1 et seq.
    See Ahmad (2013).
     German Government (2014b), p. 7.
951
     For a detailed explanation, see German Government (2014d), p. 7.
    See Special Inspector General for Afghanistan Reconstruction – SIGAR (2021a), p. 24.
953
     Byrd (2015), p. 2.
     See van Bijlert (2015).
955
     See Adili and van Bijlert (2017).
956
     See Adili (2019).
957
     See Special Inspector General for Afghanistan Reconstruction – SIGAR (2021a), p. 24.
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See ibid., p. 24.

4.3.2.3 Analysis

4.3.2.3.1 Lack of information

"So what knowledge was available was not included, and to this day no effort has ever been made to build up a specific knowledge base on Afghanistan." 959

A key weakness of Germany's mission was that it underestimated its own need for information. Knowledge was obtained as needed, but hardly systematically, and from only a limited number of sources. This led not only to ignorance about the "country and its people", but also to a lack of awareness of this ignorance.

Previous attempts at democracy were not analysed in sufficient depth and therefore misinterpreted

Despite the dominance of the paradigm of Afghanistan as "empty space", ⁹⁶⁰ there was an awareness that the establishment of a liberal democracy could only be successful if Afghanistan's history and collective experiences were taken into account. Historically, the closest the country came to a modern constitutional state was through the Afghan constitution of 1964, which was used almost unchanged as an interim constitution in 2001. ⁹⁶¹ However, this ignored the developments between 1964 and 2001, in particular the political/military/social structures that had formed in response to the Soviet invasion and continued in the civil war of the 1990s. These included new power players who could challenge the centralised power and thus posed a threat to any state structure. ⁹⁶² The interim use of the 1964 constitution must therefore be judged as at least highly optimistic. Although it was a useful starting point, its advantages as well as its limitations should have been reflected more strongly in the new context. As this only happened to a limited extent, the focus of democratisation in Afghanistan was too much on the urban elite, based on the experiences of exile groups abroad who had not set foot in the country for decades, and largely ignored the reality of life of the rural population. This created parallels to past attempts at political modernisation "from above", which is why acceptance was not achieved across the country and society, and increasingly even led to a backlash in parts of society. ⁹⁶³

The prevailing situation and social structure were not sufficiently analysed in 2001

The analysis of the ethnic, cultural and social aspects as well as the social structure and the urban-rural divide was insufficient to develop a concept for the democratisation of Afghanistan. He selection of Afghan players to be heard (especially the weight accorded to the Afghan diaspora) severely limited the view of the prevailing situation (see section 4.3.2.2.1). Large sections of Afghan civil society, especially the interests of Afghan women, were not sufficiently taken into account. He neglect of civil society continued in the following years. Western countries primarily understood this to mean NGOs. In the Afghan context, however, especially in rural areas, "traditional civil society" was rather manifested in "councils of elders, shuras, jirgas, as well as mosque systems". As the cooperation was largely limited to NGOs, for not only did it fail to reach the population in rural areas, it also intervened in intra-Afghan conflicts over distribution. In many cases, NGOs primarily facilitated access to financial resources through clientelism. Ultimately, these social lines of conflict and particularities were not sufficiently taken into account in the German view of Afghanistan. Accordingly, the supposed success could not be sustainable.

⁹⁵⁹ Schetter, Study Commission (2022b), p. 19.

⁹⁶⁰ See Study Commission (2023u), p. 6.

⁹⁶¹ See Ruttig (2008), p. 16.

See Special Inspector General for Afghanistan Reconstruction – SIGAR (2023b), p. 21.

⁹⁶³ See ibid., p. 21 et seq.

⁹⁶⁴ See Schetter (2022c), p. 4.

⁹⁶⁵ One example of this neglect is the short-term planning of the UN Civil Society Conference, which was intended to run alongside the Bonn Conference. It was initiated just eight days before the start of the event and was accordingly described by experts as an afterthought. See Study Commission (2022c), p. 34.

⁹⁶⁶ See ibid., p. 7.

There were certainly some attempts to establish contact with traditional civil society, although some of them were themselves led by NGO structures. One example of this is the Tribal Liaison Office/The Liaison Office, an NGO that was supported by the German Federal Foreign Office and promoted the work of shuras in the provinces. See German Government (2010c), p. 46.

See Study Commission (2022c), p. 33.

The goals that were initially set for democratisation and state building were unrealistic

The goals formulated in the Bonn Process would have meant fundamental reform of the relationship between citizens, state and society in Afghanistan and would have required a much stronger state penetration of social life. There was simply not enough knowledge of Afghan social structures to achieve this. Regardless of the actual potential for democratic structures, the democratisation hoped for by the international allies was not achievable within the desired time horizon or in terms of its ambitious extent. He Afghan state was likewise unable to adequately fulfil key state functions in the medium term. He Afghan state was likewise unable to adequately fulfil key state functions in the medium term. He Afghan society before the 2001 intervention could perhaps have revealed that these goals were overly ambitious. In addition, it would have made it clear that the political and military involvement was in no way appropriate to the ambitions. Against this backdrop, the sober view with which the German Government approached the 2010 London Conference (see section 4.3.2.2.3) can be interpreted either as a course correction or as disillusionment.

In terms of methodology, it is key to the understanding that circumstances are brought to the fore which had an extremely negative structural impact on the development of democracy in Afghanistan. However, a change in these circumstances alone would not have guaranteed a positive development. In particular, better knowledge of Afghanistan, as discussed in this section, is seen as an absolutely critical factor for success, but not sufficient in itself.

4.3.2.3.2 Analytical weaknesses

"The loya jirga is part of Afghanistan's culture. [...] But if we think about civil modernisation around the world, it could have been based more on law than culture." 972

The decision in favour of German mission to Afghanistan and the form this mission was to take cannot be understood without the context of the history of ideas in which it was taken. The 1990s and early 2000s were characterised by a "fourth wave of democratisation", ⁹⁷³ which some already believed to be the ultimate "triumph of democracy", ⁹⁷⁴. The resulting confidence in its own capabilities and in the strength of democratic institutions had far-reaching consequences for the concept of democratisation and state building applied in Afghanistan.

Democracy building focused too superficially on positive Afghan public opinion and too little on democratic institutions

Germany's mission to Afghanistan was based on the assumption that, as long as a sufficient proportion of the population and stakeholders supported the democratisation efforts, they would ultimately be successful. There was a perception that "Afghans had a great will for democracy", 975 although they associated democracy first and foremost with "peace" and "freedom", and only in the second instance with concrete democratic structures. This superficial approval led to an analytical optimism that pushed awareness of the institutional framework into the background. As soon as conflicts of interest between individual social groups actually emerged, these could not be satisfactorily reconciled due to the institutional deficiencies. 977 In the medium term, the political system was therefore seen by the population neither as an expression of the interests of society as a whole, nor as protection against the dominance of individual players, but simply as a new resource that the existing interest groups sought to control. 978

⁹⁷⁰ See Dodge (2011), p. 70.

⁹⁶⁹ See ibid., p. 8.

⁹⁷¹ See Von Hauff (2021), p. 605.

⁹⁷² Dr Habiba Sarabi, in: Study Commission (2022c), p. 6.

⁹⁷³ Von Beyme (2014), p. 83.

⁹⁷⁴ Arenhövel (2002), p. 161.

For example, the high voter turnout in 2004 and 2005; see German Government (2010c), p. 58.

⁹⁷⁶ A "government of the people" was rated by respondents only in fifth place as the most important change brought about by democracy. See The Asia Foundation (2006), p. 38.

⁹⁷⁷ One example is the aftermath of the 2014 presidential election and the Government of National Unity. In order to prevent greater political instability, Abdullah Abdullah had to be satisfied by hastily creating a new government office.

For example, government ministers, who had ratings of around 55 per cent and later below 50 per cent, almost consistently enjoyed the lowest level of trust from the population among the various institutions surveyed. See Hopkins (2014), p. 89. Similarly, "administrative corruption" was ranked first in 2010 (ahead of "insecurity") as the "most important failure of the central government". See Rene (2010), p. 78.

Too little attention was paid to mechanisms for limiting and sharing political power

In the context of the diminishing violent conflict, pacification and stability in Afghanistan were given particular weight in 2001. The aim was therefore to have a strong interim administration in place, which took particular account of military actors from the Northern Alliance. This focus on a strong state that could fend off the Taliban and prevent ethnic fragmentation meant that too little attention was paid to limiting state power. ⁹⁷⁹The constituent process thus gave rise to a "constitution that [...] served the interests of the elite". ⁹⁸⁰ The implicit assumption that checks and balances could be added retrospectively proved to be wrong. On the one hand, the government could be sure of the support of the Western community of states; on the other, it claimed to represent the will of the people, legitimised by elections as intended by the new political system. The need to involve other players was therefore barely recognised by the government. ⁹⁸¹

The legitimisation of state institutions or a government was equated with holding elections

The focus of the early democratisation process was on holding elections, not least because they were easier to notice and could be paraded as a positive. For this reason, the first parliamentary elections in 2005 were considered a great success. 982 However, beyond the simplified "logistical exercise of elections", 983 other sources of legitimisation of a young democracy were not sufficiently taken into account. 984 The weaknesses of this concept became apparent in the 2009 presidential election at the latest. Both the drop in voter turnout and the qualitative shortcomings of the election (see section 4.3.2.2.2) undermined the legitimacy of the new administration. In the preceding years, other democratic institutions should have been established (and democratic forces strengthened), which might have been less conspicuous than elections, but are just as essential. 985

The stability of newly established democracies was overestimated overall

The combination of misguided assumptions of democratic theory and the optimism of the Bonn Process led to excessive confidence in the stability of the young democracy. The unstable security situation was perceived as the primary obstacle to democratisation, but as a consequence the unwillingness of the various social interest groups to cooperate was neglected. Since expectations of the democratisation process had not been adequately managed, self-reinforcing mechanisms of young democracies could not take effect, even though that would have been theoretically possible. The transfer of traditional conflicts of interest into democratic negotiation processes failed to materialise. In contrast, the importance of autonomous power bases outside the political system remained, as these power bases were generally rewarded with influence within the political system as a way to include indispensable players. Overall, the new political system failed to meet the expectations of too many stakeholders and, what is more, this failure was associated with the new system. However, it is questionable whether this problem could have been solved by simply adopting a different approach within the narrow confines of the political system, with all other development engagements unchanged. Not all expectations were of a political nature. A major focus of the population was on the immediate "improvement of their living conditions [...] – i.e. a quick peace dividend." The Comprehensive Approach could have been more effective here.

4.3.2.3.3 Specific mistakes

"If, after the good initiative to host the Bonn Conference, Germany had sat down and brought together the like-minded countries that we have always had as support, including subsequently in

⁹⁸² See Khalatbari (2005), p. 5.

⁹⁷⁹ See Special Inspector General for Afghanistan Reconstruction – SIGAR (2023b), p. 21.

⁹⁸⁰ Study Commission (2022c), p. 9.

⁹⁸¹ See ibid., p. 17.

⁹⁸³ Study Commission (2022c), p. 8.

See Starr (2006), p. 109. "It [the international community, author's note] believed that the main and essential measure needed to establish legitimacy was the holding of national elections. [...] Most Afghans also disagreed about elections. [...] [T]heir role was not so much to create legitimacy as to confirm it."

⁹⁸⁵ See Ruttig (2008), p. 30.

See, for example, the comments on the "inclusion dilemma" in Meienberg (2012b), p. 135 et seq.

⁹⁸⁷ Wulf (2014), p. 195.

the EU framework (the Scandinavians, Canada, as an extension to the EU, so to speak) some things could certainly have been done differently." 988

The ignorance about Afghanistan discussed in section 4.3.2.3.1 was combined with naïve ideas about the development of democracies as mentioned in section 4.3.2.3.2 and therefore led to shortcomings within the associated decision-making process. This resulted in a large number of specific mistakes in the early days of the Afghanistan mission, both on the international and the German side.

Elections were held too early – stabilisation and legitimisation should initially have been ensured by means other than elections

In order to strengthen social cohesion and stabilise the administration, the aim was to legitimise it as soon as possible by holding national elections. It was assumed that a formal expansion of participation rights would strengthen the population's trust in the institutions. Although the timeframe chosen in the Bonn Process was understandable in the context of prioritising early Afghan self-determination (see section 4.3.2.2.1), it was too ambitious given the lack of administrative infrastructure and political structure. For example, the one-off high voter turnout in the 2004 presidential election can in part be attributed to incomplete voter registration, 989 despite the German Government's support of this process (see section 4.3.2.2.1). Overall, the elections were not sustainable: "As an event the election was a success. [...] The enthusiasm and high turnout indicated that Afghans supported the nascent transition. As a vehicle of advancing that transition, however, the elections were less successful," says Scott Smith. 990

The system of transfer payments by the allies to Afghan elites hindered the development of democratic institutions

The monetary support of Afghan stakeholders by foreign players allowed elites to evade the democratisation process. Since they had their own financial basis, there was no need to cooperate with the Afghan central government and no incentive to build constitutional and democratic institutions. Instead of the chosen approach, financial support should have been made more conditional on integration into the democratic system. This fits into an overall picture in which financial resources were simply granted too unsystematically and "without scrutiny". Since they had their own financial resources were simply granted too unsystematically and "without scrutiny". The end, this allowed Afghanistan's political system to remain the democratic façade of a system of patronage.

Germany had little influence on the selection of the form of government at the Bonn Conference

Although Germany provided the venue, its own position on the Bonn Conference negotiation process was deliberately restrained. 993 It was assumed that minimising the influence of foreign players would contribute to strengthening Afghanistan's democratisation and self-determination process. 994 Beyond this political baseline, however, there was a lack of awareness of the indirect but equally strong influence that other players exerted on the process. In the course of the negotiations, new facts emerged that caught delegates by surprise, when Hamid Karzai was connected by telephone and presented as the central reference person and successful fighter on the ground. 995 This framing and the dominance of the Northern Alliance set the course for the presidential system that was subsequently adopted (see section 4.3.2.2.1), and it was hardly possible to influence it in retrospect.

Thomas Ruttig, in: Study Commission (2022c), p. 25.

See the data situation in Special Inspector General for Afghanistan Reconstruction – SIGAR (2021a), p. 24. This means that only around two thirds of the population eligible to vote were recorded.

⁹⁹⁰ Smith (2012), p. 19.

⁹⁹¹ For a detailed explanation of the harmful effects of uncoordinated international financial support, in particular an "elite capture of aid" and the associated promotion of clientelism and corruption, see Hassan (2023), pp. 34–38.

⁹⁹² Study Commission (2022c), p. 16.

⁹⁹³ See Meienberg (2012a), p. 100.

From Foreign Minister Fischer's speech at the opening of the conference: "A necessary condition for such a development, however, is that all other countries stop pursuing competing national interests at the expense of the Afghan people." Fischer (2001).

See Meienberg (2012a), p. 113 et seq.

The introduction of a centralised presidential system at the insistence of the international community did not take into account the interests of Afghan *stakeholders*.

Due to the greater salience of the Afghan diaspora, it was given special consideration in decision-making under the Bonn Process on the future form of government. In addition, the security and stability interests of the international community, and the US in particular, led to a massive influence of the Northern Alliance. This was ultimately reflected in the decision in favour of a strong central state with a presidential system (see section 4.3.2.2.1). Due to these different influences, the interests of internal Afghan stakeholders who did not have their own military power base were not sufficiently taken into account. In particular, measures to limit the power of the dominant players were not adequately anchored in the political system. Likewise, democratic mechanisms hardly extended to subnational levels. For example, provincial governors were not elected but appointed centrally from Kabul. This established a new structure of official patronage and a corrupt "political economy in the country". The central government's approach was neither confidence-building nor administratively efficient, as it created a "blockade between central government and subnational structures". In retrospect, therefore, the decision to opt for the centralised presidential system could not even be justified by its integrative potential.

The political system and constant threats prevented a sustainable party landscape from emerging

The planned disarmament and integration of armed groups outside the government could not be realised within the intended timeframe, ⁹⁹⁹ which meant that the political landscape was characterised by a latent level of violence. In this landscape, democratic parties were able to formulate their concerns safely only to a limited extent. ¹⁰⁰⁰ In addition, the legal situation hindered the work of political parties. The constitution and the 2009 Political Parties Act did not provide sufficient protection against encroachments by the executive or imposed unreasonable bureaucratic requirements. ¹⁰⁰¹ The Electoral Act, in particular the system of the single non-transferable vote, also undermined parties, as it did not provide any structural incentive for candidates to organise themselves in such parties, while the commitment to a party line restricted candidates in their political freedom of action after the election. ¹⁰⁰² The unfavourable starting conditions for parties can be partly explained by the dubious reputation that parties have historically had in Afghanistan, as they themselves were previously often perceived as particularistic violent actors (e.g. communists, mujahideen). ¹⁰⁰³ Due to the lack of knowledge about Afghan history, there was insufficient awareness of this bias.

4.3.2.4 Assessment

As the analysis was meant to show, the German commitment to democracy building suffered from structural deficiencies, particularly with regard to dealing with Afghan social structure and the realities of life. This is by no means to say that the support provided did not have a positive impact, as demonstrated by the logistical support for the organisation of national elections, for example. Nor does it mean that some positive effects could not have been sustainable if more recent developments had taken a different course. The failure of the commitment to building democracy must always be seen in the context of the overall failure of the Afghanistan engagement due to the victory of the Taliban. Nevertheless, from the outset, the promotion of democratisation failed to handle relevant information systematically, did not single out the key conditions for long-term success and lacked realistic awareness of the limitations of its own objectives. There was hardly any systematic access to existing knowledge and too few structures were created to generate new knowledge. Initially, Germany's own involvement was driven by exaggerated optimism and focused on aspects based on its own associations with successful democracy, but which had less or a different significance in the specific case of Afghanistan. Although the promotion of elections must be central to any democracy-building programme, other institutions should also have been given greater consideration. In the end, there was an overall lack of consistency in taking action. The many forms of support were only coordinated to a limited extent. Different subgoals of democracy building were

⁹⁹⁶ See ibid., p. 166.

⁹⁹⁷ Study Commission (2022b), p. 16.

⁹⁹⁸ Ruttig (2008), p. 25.

⁹⁹⁹ See Wulf (2014), p. 198.

See National Democratic Institute for International Affairs (NDI) (2011), p. 44.

¹⁰⁰¹ See ibid., pp. 36-38.

¹⁰⁰² See ibid., p. 39 et seq.

¹⁰⁰³ See ibid., p. 45.

also in conflict with each other (for example, short-term political stability on the one hand and the greatest possible social participation on the other, which was reflected in the issues around the presidential system) and therefore obstructed each other.

4.3.3 Creation of a justice system in Afghanistan from 2001 to 2021

4.3.3.1 Introduction

The invasion by the Soviet Union (1979-1989), the Afghan civil war (1992-1996) and the rule of the Taliban (1996-2001) left the Afghan state severely disintegrated. Both the parties to the civil war and the Taliban had strived for, or realised, a system of rule based on Islamic law. Even in the past, Afghanistan had never had a democratic constitutional state that guaranteed security and welfare. After the fall of the Taliban regime in 2001, the country had neither a legitimate government nor a functioning administration. Where there were judges at all, they mostly applied the norms of Islamic law (Sharia), which they had learned at religious institutions (madrasas). A large proportion of disputes were also settled on the basis of customary law in councils of elders and tribal councils (jirgas or shuras), 1005 i.e. outside the state judiciary.

From the outset, this heterogeneous understanding of the law was given little consideration in the support provided by international donors. Although the Bonn Agreement of December 2001 not only emphasised the rule of law as the objective of rebuilding the Afghan state¹⁰⁰⁶ and also contained an explicit commitment to taking cultural circumstances and historical experiences into account, in its implementation, the focus of (re)building the judiciary was on establishing state structures for the administration and enforcement of justice. The dominance of this so-called institutional approach stood in contrast to the way Afghan society traditionally functioned, as it was characterised to a much greater extent by personal relationships and traditional norms than by state institutions and abstract regulations. From the donors' perspective, the Western concept of the rule of law largely dominated without being adapted to the cultural circumstances, under the assumption that traditional conflict resolution structures essentially tended to be less legitimate than the judicial system of a democratic state governed by the rule of law.

During the intervention, Germany was the second largest donor nation after the US for the civilian reconstruction of the country. 1008 The planning and management of German contributions took place in monthly meetings of state secretaries from the various departments. From 2009 onwards, they were coordinated by the Special Representatives in Afghanistan and Pakistan. Several German Government departments supported the development of the justice system with different objectives. While the Federal Foreign Office focused on stability and the Federal Ministry of the Interior on training the civilian police, the Federal Ministry for Economic Cooperation and Development prioritised sustainable development. There was only occasional alignment of Germany's contributions and interministerial cooperation in the area of building a justice system, for example in the case of temporary cooperation between the rule of law project of the German development agency GIZ and the police project of the Federal Ministry of the Interior to improve cooperation between the public prosecutor's office and the police in selected provinces. 1009 There were no assessments of interim goals for the German contributions to building a system of justice. With the gradual expansion of the ISAF mission to Afghanistan as a whole and Germany's assumption of responsibility for the north of the country in 2006, German contributions to justice and the police were increasingly limited to Germany's own area of responsibility. They often ended at the provincial borders¹⁰¹⁰ and thus thwarted the objectives of promoting the rule of law and establishing a justice system in Afghanistan, both of which were implemented using a top-down approach: state structures and institutions were to be established by the central government from above. 1011 Starting from the central government in Kabul and subsequently with the help of the Provincial Reconstruction Teams (PRTs) in the

¹⁰⁰⁴ Conrad Schetter speaks of a "blank" space, as Afghanistan was perceived by the interveners from 2001 onwards, see Schetter (2022c), p. 9.

¹⁰⁰⁵ See Hellali (2022), p. 157 et seq. The Pashtun code of honour (Pashtunwali) is well known, but other ethnic groups (Uzbeks, Tajiks, Hazara etc.) also have their own traditional rules.

¹⁰⁰⁶ See Bonn Conference (2001).

¹⁰⁰⁷ See Study Commission (2023o), pp. 3, 10.

¹⁰⁰⁸ See Hellali (2022), p. 156.

See Plesmann and Tilmann (2022), p. 78.

¹⁰¹⁰ See Study Commission (2023o), p. 18.

¹⁰¹¹ See Schetter (2022c), p. 9.

provinces, state structures and institutions were to be expanded and local administration and law enforcement promoted. Reconstruction was difficult from the start. Different conceptions of the rule of law and different ideas about how the legal system should be organised between donors and representatives of the Afghan government and international partners, as well as between Kabul and the rest of the country, created lines of conflict from the outset that made it difficult to establish an effective justice system and stood in the way of national integration and reconciliation. ¹⁰¹² The international donors also had different views on what tasks the judiciary and police should take on and, linked to this, on what understanding the new legal system should be based – criminal prosecution, conciliatory dispute resolution or a means of combating insurgency. This example already shows another main problem for building a justice system: there was no working system to find agreement or effective overall coordination of support between the international and national partners. ¹⁰¹³ The steadily deteriorating security situation caused by the Taliban and other insurgents posed additional difficulties for the establishment of a justice system.

In 2021, the Taliban once again took control of Afghanistan. One of the reasons for the Taliban's "success" was that in 20 years no successful way was found of establishing a functioning legal and judicial system that could have served the needs and ideas of justice of the Afghan civilian population. The judicial system that was established was, moreover, quickly gripped by widespread and serious corruption, which further diminished the historically low trust in new institutions throughout the period. The Afghan National Police, whose establishment was initially coordinated under the sole responsibility of Germany, was likewise not a functioning instrument of law enforcement, but in the eyes of many Afghans a dysfunctional, inefficient and corrupt authority that could not be used for law enforcement, but was trained and deployed as a paramilitary force for counterinsurgency.

The next section examines the main reasons for the failure of efforts to create a justice system in Afghanistan between 2001 and 2021.

4.3.3.2 Creation of a justice system in Afghanistan from 2001 to 2021 – developments

4.3.3.2.1 Bonn Process (2001-2005)

International support for the development of justice in Afghanistan began with the Bonn Conference (27 November to 5 December 2001) and the Bonn Process (2001-2005) that was launched as a result. The final document was an agreement on provisional arrangements in Afghanistan until the restoration of permanent state institutions (known as the Bonn Agreement);¹⁰¹⁵ it formed the foundation for support for state-building in Afghanistan on the basis of legal pluralism. It had four normative bases for legal reform: Islamic principles, international human rights standards, the rule of law and Afghan legal traditions.¹⁰¹⁶ With the assistance of the United Nations, the interim administration set up a judicial commission to rebuild the domestic justice system. According to the Bonn Agreement, the judicial system should be independent and vested in a Supreme Court "in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions".¹⁰¹⁷

At the International Conference on Reconstruction Assistance to Afghanistan held in Tokyo in January 2002, the responsibilities for coordinating the five pillars of security sector reform (SSR) were assigned.¹⁰¹⁸ Italy became the lead nation and therefore responsible for coordinating the establishment of a justice system based on the rule of law.

In June of the same year, the Afghanistan Independent Human Rights Commission (AIHRC) was founded. The AIHRC was "a national human rights institution working in the area of protection and promotion of human rights. This Institution was established based on the Bonn Agreement [of 2001], a Presidential Decree and pursuant to Article 58 of the future Afghan Constitution [...]." Its establishment was an important first step in the process

¹⁰¹² See Glatzer (2003), p. 5 et seq.

¹⁰¹³ See Röder (2023a), p. 5.

¹⁰¹⁴ See ibid., p. 3.

¹⁰¹⁵ See United Nations (2001).

¹⁰¹⁶ See Suhrke (2011), p. 14 et seq.

¹⁰¹⁷ Krempel (2010), p. 6.

The lead nation concept was implemented for Afghanistan at the G8 donor conference in Geneva in April 2002, see German Government (2014d), p. 42.

¹⁰¹⁹ European Country of Origin Information Network (2020); see Afghanistan Independent Human Rights Commission (2023).

of coming to terms with the civil war crimes and was intended to initiate a process of reconciliation and peace in Afghanistan. Germany was interested in a transitional justice process in Afghanistan from the outset and supported the Commission through the Federal Foreign Office via the OHCHR and the Konrad Adenauer Foundation (KAS) (2004-2011: 750,000 euros). The German Government also supported projects on women's rights carried out by the AIHRC (2011: 150,000 euros) and civil society (2012: 21,000 euros). ¹⁰²⁰

In 2003, Afghanistan ratified the Rome Statute of the International Criminal Court and thus came under its jurisdiction, but only for crimes committed after 2003. As a result, some of the worst human rights violations committed between 1978 and 2001 were not investigated or prosecuted. 1021

At the request of the Afghan government – and accompanied by demands for more security from almost 80 NGOs¹⁰²² – the operational area of the International Security Assistance Force (ISAF) was expanded in autumn 2003 to ensure security and stability outside Kabul as well. German servicemen and women took over the Provincial Reconstruction Team (PRT) set up by the United States in the northern Afghan province of Kunduz on the basis of a corresponding mandate from the German Bundestag. Following further expansion of the ISAF mandate, the Bundeswehr operated another PRT in Faizabad from summer 2004. Unlike the British and US PRTs, the German PRTs were the only reconstruction teams with dual civilian-military leadership. Following the takeover of the two PRTs, the German contribution to building a justice system increasingly shifted to the northern Afghan provinces.

As violence escalated, initially in the south and east of the country and from at least 2007 and 2008 also in the German area of responsibility, the PRTs were less and less able to fulfil their stabilisation role. In the initial phase, they increased stability in certain parts of the country, provided logistical support, depending on their equipment, for the implementation of development projects and also provided their own resources and financing. As the security situation gradually deteriorated, PRTs increasingly served as counter-insurgency bases, making cooperation with NGOs largely impossible. 1024

The reintegration of former fighters into the newly established Afghan state and its structures was essential for national integration and reconciliation and was to be promoted through various programmes. The Disarmament, Demobilization and Reintegration (DDR) programme from 2003 to 2005 was the first attempt to reintegrate former fighters in Afghanistan. However, the reintegration component of the programme was less well planned and implemented than the disarmament and demobilisation phase. As a result, former fighters were not provided with the necessary resources to integrate into an economy that offered few opportunities to start with. 1025

The new Afghan Constitution of 2004 formed the domestic basis for a state based on the rule of law. Its preamble based the Constitution on the rule of law as a central part and recognised the Charter of the United Nations and the Universal Declaration of Human Rights. However, the Constitution contained a glaring weakness right from the start. It attached an abundance of power to the office of president, thus referring back to the monarchical constitution of 1964. At that time, there was already a many-faceted Afghan legal culture to look back on. In the 1950s and 1960s, the Afghan legal system underwent modernisation, with state law rather than Sharia law becoming the main source of jurisdiction. After the military coup in 1978, the socialist government attempted to introduce a Soviet-style legal system. However, these changes were rejected before they could become established. The subsequent mujahideen government again invoked Sharia law as the basis of the state, which the Taliban expanded and entrenched further while in power. Even though these different regimes utilised the legal systems politically, they nevertheless contributed to a diverse legal culture. On the other hand, the instrumentalisation of legal systems for political purposes – and the corruption often associated with doing so – had the fatal consequence of alienating the population from the state and from a formal justice system. The judicial system that was being established therefore had legitimacy problems from the outset.

¹⁰²⁰ See Federal Foreign Office (2023).

¹⁰²¹ See Sevastik (2019), p. 2.

¹⁰²² See AG Friedensforschung (2003).

¹⁰²³ See Hett (2005), p. 3.

¹⁰²⁴ See Röder (2023a), p. 2.

See Special Inspector General for Afghanistan Reconstruction – SIGAR (2019), p. 14.

See Max Planck Institute for Comparative Public Law and International Law (2004), p. 945.

¹⁰²⁷ See Wardak (2004), p. 319.

¹⁰²⁸ See ibid., p. 338.

Formally, the judiciary consisted of the Ministry of Justice with political responsibility for the judicial sector, the Office of the Attorney General with independent prosecutorial powers and the Supreme Court, the highest judicial authority in the country. The combination of state law and Islamic law is common practice in almost all Muslim countries. The attempt to reconcile modern, state-based law and Islamic law in the Afghan Constitution of 2004 could have led to greater legitimisation of the new legal system. Especially since the Constitution called for the Hanafi school of law to be taken into account within Islamic law and – where appropriate – for the Shi'ite Ja'afari school of law to be observed. Formally, the Constitution followed the basic features of constitutional states under a liberal democracy modelled on the West. Independent justice as well as human and civil rights are anchored in the Constitution. The presumption of innocence (Article 25) and the right to refuse to testify (Articles 29/30) are some prominent examples of rule-of-law standards for the enforcement of human and civil rights. The courts were obliged to apply state legislation (Article 130 et seq.). The inclusion of Islamic law had two functions. Firstly, the government and parliament had to ensure that laws did not contradict the faith and the provisions of Islam (Article 3). Secondly, courts were allowed to apply Islamic rules on a subsidiary basis if the existing laws lacked a norm that was needed to rule on a court case (Article 130).

Nevertheless, normative conflicts remained. For example, in accordance with Article 7 of the Constitution, all state authority was also bound by human rights. This posed considerable challenges for legislation in particular. The judiciary was hardly able to apply the law consistently for the simple reason that the judges were trained in either Islamic or state law and therefore favoured the provisions of one or the other body of law. The application of the law was therefore inconsistent and fragmented. 1032

This is not the only example of how important it would have been to enhance the role and significance of Islam within Afghan society in such a way that it would have been compatible with modern statehood. From the outset, no government succeeded in doing so. In particular, moderate religious scholars (ulama) could have been persuaded to develop an idea for a non-jihadist Afghan version of Islam. This would have been quite possible along historical and religious traditions, as well as with the help of parties involved in religious welfare and on the basis of analyses of radicalisation processes among exiles in Pakistan and in refugee camps. Instead, no standardised curriculum was drawn up and the most ulama training was left to players outside Afghanistan, mainly in the border regions of Pakistan. 1033

In terms of domestic policy, the implementation of legislation and jurisprudence inspired by Islam and in conformity with human rights was sometimes prevented by the courts and parliament. For example, a parliamentary majority of religious fundamentalist forces blocked the reform-oriented initiatives. The implementation of the Afghan Constitution, which was a very challenging project due to the combination of two legal opinions, was therefore made more difficult by political decisions or a lack of legal control, and in some cases prevented for years. ¹⁰³⁴ In addition, the formative role of traditional legal structures and religion for legal practice (including customary law) in Afghanistan was not given sufficient consideration for the reform of the legal and judicial sector. Opportunities to combine different legal cultures (human rights and Islam) were missed. In addition, too little attention was paid to the integration of traditional dispute resolution mechanisms. ¹⁰³⁵ This had far-reaching consequences for the legitimisation of the justice sector among the population.

In terms of building a justice system, this phase was shaped by the term of office of the Chief Justice of the Supreme Court, Fazl Hadi Shinwari. During his term of office, Shinwari caused a stir by selectively appointing judges with purely Islamic training. Until his replacement, Shinwari also repeatedly fuelled the conflict between conservative and progressive forces with his provocative statements and decisions (for example on polygamy and child marriage). In 2006, Shinwari was replaced by the Afghan-American law professor Abdul Salam Azimi. Azimi's term of office was characterised by reforms within the judiciary and greater support for the other legal institutions. ¹⁰³⁶

¹⁰²⁹ See Krempel (2010), p. 11.

¹⁰³⁰ See Röder (2023a), p. 1.

¹⁰³¹ See Hellali (2022), p. 157.

¹⁰³² See ibid., p. 158.

¹⁰³³ See Borchgrevink (2013), pp. 74-76.

¹⁰³⁴ See Röder (2023a), p. 1.

¹⁰³⁵ See Hellali (2022), p. 158.

¹⁰³⁶ See Röder (2023b), pp. 6-7.

In practice, Italy assumed responsibility for coordinating the rebuilding of the justice system in Afghanistan as the lead nation in 2004. The justice project was understaffed and only functioned to a limited extent. This vacuum was partly filled by international organisations and, from 2008 onwards, by the nationally led PRTs. In general, the international community focused on expanding the influence of the justice system nationally. This process largely ignored the existence of plural legal systems at local level. 1037

The PRTs were an important tool for rebuilding. The fact that the PRTs were not equally equipped and had different means and resources to operate with – depending on the respective command of the participating (NATO) forces – led to an uneven distribution of the rebuilding efforts. In addition, the PRTs had clearly defined geographical assignments and rarely operated beyond their provincial borders. PRT resources and personnel assigned to rebuilding the justice system were not coordinated on a supra-regional, sustainable and institutionalised basis. 1038

As already mentioned, the focus of the international community in the area of justice was on building state institutions, which received more than 80 per cent of the funding. Courts were established at district and provincial level and a Supreme Court was installed, which had the right of cassation, sovereignty over the budget and the appointment of judges. The Supreme Court was also responsible for reviewing the constitutionality of laws. The most important state institutions in the area of law and justice were the formally independent judiciary, the public prosecutor's office under the Ministry of Justice, the prison system under the Ministry of Justice, the Huquq units of the Ministry of Justice (with notary and mediation functions), the (criminal) police under the Ministry of the Interior, additional special bodies for criminal prosecution in the areas of anti-corruption, terrorism, military justice and the independent legal profession organised outside of the state. 1039

The intra-Afghan transitional justice process culminated in the announcement of the Afghan government's Action Plan for Peace, Justice and Reconciliation in June 2005. In 2007, Germany (Federal Foreign Office) made a financial contribution of 150,000 euros for the implementation of some aspects of this plan. ¹⁰⁴⁰ Its most important objectives included the investigation and documentation of human rights crimes and the removal of perpetrators from state institutions. ¹⁰⁴¹ None of this happened.

4.3.3.2.2 Afghanistan Compact (2006-2011)

The London Conference in January and February 2006 and the Afghanistan Compact adopted there marked the beginning of a new phase in international support for building the justice system in Afghanistan (2006-2011). The Afghanistan Compact was a politically binding agreement between Afghanistan and the international community governing important security, domestic and development policy goals for the subsequent five years. The Afghan government undertook to create a more efficient, accountable and transparent administration at all levels of government (public administration reform) and to build functioning institutions – including civil administration, police, prisons and a judiciary – in a coordinated manner in all Afghan provinces. Measures were meant to include finalising legislative reforms for the public and private sectors, building the capacity of legal institutions and staff, promoting human rights and legal awareness, and restoring the justice infrastructure. The Afghan government's Action Plan for Peace, Justice and Reconciliation was to be implemented as well.

From 2005 onwards, the peace and reconciliation process was continued by the Disbandment of Illegally Armed Groups (DIAG) programme, the successor to the DDR programme. The Program-e Tahkim-e Sulh (Strengthening Peace Programme (PTS) was launched to run alongside it, from 2005 to 2010. In addition to the renewed neglect of the reintegration component, its impact and participant numbers remained limited. To some extent, these two programmes also unintentionally contributed to further militarisation of Afghan society and the deepening of conflicts at local level. In the contributed to further militarisation of Afghan society and the deepening of conflicts at local level.

¹⁰³⁷ See Barfield (2008), p. 350.

¹⁰³⁸ See Study Commission (2023o), p. 9.

¹⁰³⁹ See Röder (2023b), p. 4.

¹⁰⁴⁰ See Federal Foreign Office (2023).

¹⁰⁴¹ See Government of the Islamic Republic of Afghanistan (2005), p. 8.

See United Nations Peacekeepers (2006), p. 2.

¹⁰⁴³ See Special Inspector General for Afghanistan Reconstruction – SIGAR (2019), p. 14.

¹⁰⁴⁴ See ibid., pp. 92-93.

The National Reconciliation, General Amnesty and National Stability Law, which was passed by the Afghan parliament in 2007 and came into force in December 2009, was a key event in the establishment of a state governed by the rule of law and in Afghanistan's transitional justice process. The law held out the prospect of impunity for war crimes and human rights violations committed during the last three decades (communist era, civil war from 1992-1996, radical Islamic Taliban regime); it was justified to parliament by the intention to create sustainable peace in Afghanistan. This law adversely affected the development of human rights in Afghanistan and undermined one of the key universal principles of the rule of law, which is that the government, its officials, representatives, individuals and private entities are accountable to the law. The Afghan government justified this law by claiming that it was pursuing the principle of peace before justice, even though the government rejected an official peace process at the time.

The problematic nature of the Amnesty Law and the inadequate efforts in terms of transitional justice becomes particularly clear when looking at the choice of Afghan partners by those responsible on the German side. As described at the beginning, the decades before 2001 had been characterised by wars, violence and countless war crimes and human rights violations. The civilian population in particular was defenceless against these crimes, which were committed by players from all parties to the conflict. There were individual considerations and cautionary demands, but never any concrete approaches, let alone completed processes in matters of public condemnation, legal review or possible reconciliation of these crimes. The failure to agree on a binding transitional justice process at the Bonn Conference back in 2001 ultimately had serious repercussions. The consequences of the impunity of many perpetrators of violence and the lack of public acceptance became particularly clear in connection with the dubious choice of some key Afghan partners at the beginning of the operation. 1046

The issue of political reorganisation in Afghanistan was a central theme of the Bonn Conference in December 2001. In addition to "political" elites from exile, the Conference was attended by violent elites in the form of Afghan warlords from the various factions of the Northern Alliance, who had previously received military support from the United States in their fight against the Taliban and in the premature capture of the capital Kabul. Until 2001, most of the military operations in Afghanistan were led by units of the Northern Alliance, which, as the unquestioned winners at the Bonn Conference, received the majority of cabinet posts. In this way, warlords – former civil war commanders and militia leaders – were able to position themselves as key players in the initial political realignment. They also dominated the Constituent Loya Jirga (Grand Council) and were involved in the construction process from the very first decisions. 1047 Despite the subsequent demobilisation, disarmament and reintegration programmes from 2002 onwards, these warlords managed to maintain their private armies informally, even if they were partially integrated into the state police and military structures. Members of the Afghan government actively and continuously undermined the state's monopoly on the use of force and promoted law enforcement based on the "law of the strongest", which was one of the biggest problems for the development of the rule of law. 1048

The involvement of many warlords in the rebuilding of the new Afghan state without an investigation or reconciliation process without a process of transitional justice was one of the most far-reaching mistakes made by the international community. However, warlords with shady political motives were chosen as partners not only at the beginning, but during the entire mission, and false compromises were made that had a negative impact on the establishment of the rule of law. In the German area of responsibility of the PRTs in Kunduz and Faizabad, too, there was cooperation with warlords from the civil war period, which developed to the advantage of local power structures and to the detriment of the Afghan population. ¹⁰⁴⁹ The decision to include warlords from the Afghan civil war was taken by those responsible at the Bonn Conference in 2001. The rebuilding efforts in practice clearly showed that these steps taken in the interests of security and stability led to unintended consequences. ¹⁰⁵⁰ The double standards applied by those responsible with regard to Afghan warlords were clearly noticed by large sections of the Afghan population and made reconstruction more difficult from the very

¹⁰⁴⁵ See Sevastik (2019), p. 8.

¹⁰⁴⁶ See Wardak (2004), p. 331; Schetter (2022c), p. 11.

¹⁰⁴⁷ See Schetter (2022c), p. 11.

¹⁰⁴⁸ See Jensen (2011), p. 936.

¹⁰⁴⁹ See Münch (2013), p. 65.

¹⁰⁵⁰ See Nachtwei (2022), p. 89.

beginning. It was simply not possible to mobilise enough critical mass among the population to support a new legal system when parts of this system relied on proven war criminals and their troops. ¹⁰⁵¹

A report published by the United Nations Development Programme (UNDP) in 2007 stated that 80 per cent of conflicts in the country were handled by councils of elders (shuras/jirgas).¹⁰⁵² In some cases, the Huquq offices of the Ministry of Justice delegated cases to them for conflict resolution at local level. State institutions, into which almost all international donor resources were channelled, were still not sufficiently available at provincial and district level. If they were, they were often perceived by the population as ineffective, corrupt and foreign.¹⁰⁵³

At the Rome Conference in the same year, concrete measures were therefore defined for the building a justice system in Afghanistan that also took into account the subnational level – primarily the provinces. ¹⁰⁵⁴ By the end of the year, a comprehensive national justice programme was to be implemented under the leadership of the Supreme Court, the Ministry of Justice and the Attorney General's Office and financed by the World Bank's Afghanistan Reconstruction Trust Fund (ARTF). From 2001 to 2021, the Kreditanstalt für Wiederaufbau (KfW) paid around one billion euros in 21 tranches from funds of the Federal Ministry for Economic Cooperation and Development into the ARTF fund. ¹⁰⁵⁵ In addition, a process was planned at the Conference to support the Afghan government in effectively linking coordinated donor support with the national justice programme. In addition, a coordinated approach was agreed in central areas and at provincial level through the establishment of a Provincial Justice Coordination Mechanism. In cooperation with the UNDP and UNAMA, the German Federal Foreign Office provided 500,000 euros in 2008 to set up a rule-of-law field office in Kunduz and to advise the Afghan provincial government on judicial reform. ¹⁰⁵⁶

In 2008, the Afghan government adopted its Afghan National Justice Sector Strategy. ¹⁰⁵⁷ This was intended to improve the quality of the Afghan justice system, but also the institutional capacity to provide sustainable justice services and the coordination of the justice system internally and with other state institutions.

The state institutions in the area of law and justice had considerable weaknesses. In many districts, there were no courts of first instance or Huquq offices, which were particularly important for citizens. This hampered access to justice considerably for large sections of the population living there.¹⁰⁵⁸

In addition, criminal justice was at the centre of the international efforts to promote the rule of law. Criminal law was also used as a central instrument in the fight against drug-related crime and corruption. However, the approach of taking punitive action against individuals, even for minor offences, stood in contrast to the Afghan tradition of discussing conflicts in councils of elders and resolving them by consensus, if possible, by reaching a settlement between the parties involved.

4.3.3.2.3 Kabul Process (2011-2014)

The conference held in Kabul in 2010 resolved what became known as the Kabul Process (2011-2014), the third phase of support for state and justice building in Afghanistan. This initiative, which replaced the Afghanistan Compact, was aimed at increasing Afghan ownership. In addition to generally improved access to justice for Afghans, the conference also developed a strategy for linking the national justice system with the informal, traditional justice system in Afghanistan.

The final documents of the international conferences in Bonn (2011)¹⁰⁶⁰ and London (2014)¹⁰⁶¹ both emphasised the relevance of an ongoing Afghan peace and reconciliation process and drew attention to the deteriorating security situation in the country. However, as the Doha process from 2014 onwards demonstrated, the two conferences brought hardly any new concrete steps to support the development of justice in Afghanistan.

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See Study Commission (2023o), p. 9.
See United Nations Development Programme – UNDP (2007).
See Röder (2023a), p. 1.
See Ministry for Europe and Foreign Affairs, France (2023).
See Clausen (2023).
See Federal Foreign Office (2023); German Government (2018), p. 23.
See Islamic Republic of Afghanistan (2008b), p. 13 et seq.
See Röder (2023b), p. 4.
See The University of Edinburgh (2010).
See The University of Edinburgh (2011).
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See Foreign, Commonwealth & Development Office (2023).

4.3.3.2.4 Doha process (from 2014)

The Afghanistan Peace and Reintegration Programme (2010-2016) was one of the few remaining concrete measures to support justice building. It was the follow-up programme to the failed DDR programme and a new attempt to promote transitional justice in the country. It was an internationally supported programme led by the Afghan government to promote reconciliation and security by reintegrating former insurgents – including Taliban. Germany provided ten million euros in support to this programme via the Federal Foreign Office and in cooperation with the UNDP. ¹⁰⁶² Similar to the previous DDR programmes, the APRP did not have the intended effect either. ¹⁰⁶³

The domestic political landscape was also influenced by the return of the leader of the Hezb-e Islami party, Gulbuddin Hekmatyar, in September 2016. Following the signing of a peace agreement between the Government of National Unity and Hezb-e Islami, Hekmatyar returned to Kabul in May 2017 after twenty years in exile. Despite the group's military insignificance, the Afghan government staged the peace agreement as the start of comprehensive national reconciliation. ¹⁰⁶⁴ The peace agreement with Hekmatyar goes back to the peace before justice debate that took place in Bonn and culminated in the government's general amnesty for war criminals in 2007. It was the central objective of German and European Afghanistan policy during this period to support an intra-Afghan peace and reconciliation process. The Hekmatyar Agreement, which was controversial in Afghanistan, was highlighted as a positive development by the German Government and seen as a signal for an advancing peace process in Afghanistan. ¹⁰⁶⁵

Due to the Covid-19 pandemic, the last major Afghanistan conference in Geneva in 2020 was held virtually. ¹⁰⁶⁶ In the final document, the international community pledged to continue supporting the Afghan government in its efforts to improve governance and the rule of law. These measures included transitional justice as an essential part of the ongoing peace process, budget implementation and the fight against corruption throughout the country.

4.3.3.2.5 Acceptance and resonance

Despite years of efforts to build up the justice system, a 2019 survey by the Asia Foundation found that 46.6 per cent of respondents still turned to councils of elders (shuras/jirgas) for dispute resolution. On the one hand, there were formal reasons for this: It was common practice and government policy to delegate dispute resolution and decisions in less serious conflict situations back to the municipal level, as better contextual knowledge was available locally. Secondly, the state courts and judicial bodies were overburdened.

Above all, even in 2019 the population still had greater confidence in dispute resolution by traditional councils of elders than in the decisions of state courts. It is true, the majority (66 per cent) of respondents in a survey of the population conducted by the Asia Foundation stated that the state courts were fair and trustworthy. More than half (57 and 53 per cent respectively) were, moreover, convinced that state courts take standards and values into account and work effectively. However, significantly more respondents (81.2 per cent) were of the opinion that the local shuras or jirgas were fair and trustworthy. The reason given by a large majority (74.7 per cent) for their preference for dispute resolution by councils of elders was that shuras or jirgas would pay more attention to local norms and values. 1070

The aim of the informal method of dispute resolution used by shuras and jirgas was to find solutions within the local community by balancing the interests of both parties. This enables the parties involved to continue living together, for example in the same village, after a conflict has been resolved. Informal dispute resolution was widespread in Afghanistan, but it had two major problems: Firstly, women had hardly any access to and influence

¹⁰⁶² See Federal Foreign Office (2023).

¹⁰⁶³ See Selber (2017), pp. 40-44.

¹⁰⁶⁴ See BBC News (2016).

¹⁰⁶⁵ See German Government (2018), p. 23.

¹⁰⁶⁶ See Ministry for Foreign Affairs of Finland (2020).

¹⁰⁶⁷ See Akseer and Rieger (2019), p. 32.

The above-mentioned survey is useful for assessing acceptance of the justice system among the population, as The Asia Foundation had repeatedly conducted public opinion surveys in Afghanistan since 2004. By 2019, more than 129,000 Afghans had been surveyed in all 34 provinces.

See Akseer and Rieger (2019), p. 146 et seq.

¹⁰⁷⁰ See ibid., p. 146 et seq.

on the councils of elders, and secondly, the legal judgements occasionally violated the individual rights of those affected, as they were not based on international or national law. With regard to the state's dispute resolution institutions and the formal justice sector, however, respondents stated that they perceived them as corrupt and influenced by politics and that proceedings took too long. 1072

The Taliban knew how to capitalise on the lack of trust in formal law among the population. They implemented a parallel justice system that was perceived by many Afghans as fair, legitimate, free of bribery and fast. The Taliban's law enforcement, for example in the form of mobile Taliban courts, was thus able to offer what the state legal system could not: it was effective, easily accessible to the population and recognised as lawful. From the population's point of view, the state courts did not present a good picture in comparison to the Taliban's legal system. They remained hard to access by the people, were ineffective due to a frequent lack of enforcement of court decisions, and applied rules that not even the court staff understood. In addition, they were increasingly permeated and damaged by corruption. According to surveys of the population, judges were among the most corrupt elements within an already corrupt state. 1075

There was no parliamentary debate on the development of justice in Afghanistan in the German Bundestag during the twenty-year Afghanistan operation. Parliamentary groups in the Bundestag submitted three minor interpellations on the rule of law and human rights in Afghanistan in 2008 and another in 2010.¹⁰⁷⁶ Major interpellations were limited to the rebuilding effort as a whole $(2007)^{1077}$ and German support for rebuilding the police in Afghanistan $(2010)^{1078}$. In addition to parliamentary interpellations, there were motions to strengthen human rights in Afghanistan¹⁰⁷⁹ in 2004 and a motion on police and building a justice system in Afghanistan in 2007.¹⁰⁸⁰

4.3.3.3 German involvement in building the justice system

Germany was the second largest donor after the United States (85 million euros since 2004) for the development of a justice system in Afghanistan. As already mentioned, the PRTs effectively led to a regional division of responsibilities, with Germany's focus being on northern Afghanistan. A more detailed list of the measures taken by the Federal Foreign Office (for the period from 2004 to 2021) and the Federal Ministry for Economic Cooperation and Development (for the period from 2002 to 2021), the funds used and the project periods dedicated to state building was made available to the members of the project group.

Germany's involvement ranged from repairing and constructing administrative and court buildings to training judges, improving access to justice and supporting the drafting of legal texts. Support was provided to both the state and civil society. Another focus was on the development and establishment of administrative law, which had previously been unknown in Afghanistan. Overall, however, the contributions were only sustainable and effective to a limited extent. Although, by establishing administrative law or training judges, Germany made important selective contributions to promoting state structures in the justice sector that also took greater account of local partners and needs, the thinking was too short-term. These isolated contributions did not adequately address a complex and long-term process such as the development of a legal system. There were not enough shared objectives for the programmes and the capabilities and resources of the departments involved were not sufficiently prioritised. As a result, the opportunities for the German contributions to provide support and make a difference were carelessly wasted.

In general, with the actions and projects they undertook, the Federal Ministry for Economic Cooperation and Development and the Federal Foreign Office pursued their own strategies in building a justice system, worked with their own partners and had access to their own resources. The ministries had different ways of taking action,

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    See Röder (2023b), p. 4.
    See Akseer and Rieger (2019), p. 146 et seq.
    See Swenson (2017), p. 121.
    See Röder (2023a), p. 6.
    See Braithwaite and Wardak (2019), p. 174.
    See German Bundestag (2008a); (2008e); (2008h); (2010d).
    See German Bundestag (2007a).
    See German Bundestag (2010b).
    See German Bundestag (2003).
    See German Bundestag (2007f).
    Hellali (2022), p. 156; Federal Foreign Office (2023).
    See Study Commission (2023o), p. 24.
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and this was also sometimes reflected in funding practice. It meant that the implementation of short-term development projects could come into conflict with the financing of NGO initiatives, which generally worked with longer-term time horizons and tended to have a more open approach to rule-of-law concepts. For example, they dealt with Afghan dispute resolution through shuras and jirgas. 1083 Although the departments should not be criticised in principle for taking different approaches, the fact that the objectives and efforts of those involved were not coordinated detracted from the effectiveness of German contributions to building a justice system. In terms of implementation, this was reflected in the support given to many fragmented measures and projects, which sometimes did not even know of each other's existence. ¹⁰⁸⁴ In addition to questions of responsibility, this meant that successful projects promoting the rule of law financed by the Federal Foreign Office were not handed over to be continued by the Federal Ministry for Economic Cooperation and Development. 1085 Operational disagreement and institutionalised insufficiency, which took the form of different project durations and priorities, meant that one department rarely took on projects from the other. At the same time, there was little interest in coordinating and harmonising the measures and programmes with one another. 1086 Looking specifically at the German contributions by the Federal Foreign Office, the Federal Ministry of the Interior and the Federal Ministry for Economic Cooperation and Development, it was not evident that measures and projects for building a state based on the rule of law were coordinated in a sustainable way. Despite individual, localised successes, the measures did not help to establish Afghanistan as a constitutional state in the long term.

4.3.3.3.1 Assessments¹⁰⁸⁷

Although the Afghan constitution of 2004 provided a solid foundation for the development of the rule of law as understood in the West, given the different legal concepts in practice, the expectations for building a justice system in a context as fragile and fragmented as Afghanistan were unrealistic from the outset. The removal of a constitutional court, which had initially been planned, from the draft constitution meant that political and ideological conflicts between the government and parliament could not be viably objectified and defused.

With regard to the international and German commitment to building a justice system, it must be noted that, right from the start, there was no in-depth analysis of the legal reality and needs in Afghanistan. As a result, the challenge to building a justice system posed by legal systems prevailing in parallel was underestimated. This had far-reaching consequences for the ability to make the constitution connect with the Afghan population and for enforcing and legitimising the rule of law and the justice system. It was therefore not possible to reconcile the demands formulated in the constitution – i.e. the harmonisation of liberal, modern legal concepts with Islamic law and customary tribal traditions – with the reality of life for the majority of the population. Instead, the Afghan constitution was modelled too closely on Western examples. For this reason, the constitution was unable to fulfil the Afghan population's need for justice. The question of whether and, if so, how these different world views can be reconciled remains unanswered. The lack of coordination of measures for building a justice system was exacerbated by the failure to recognise or include these lines of conflict. Moreover, the rule-of-law concept was too narrowly focused on a law-and-order approach, and there was greater emphasis on criminal law than on civil law. As a result, the Afghan state was predominantly perceived by the population as a sanctioning and regulating entity, and this further undermined the acceptance of rule-of-law institutions in Afghan society.

There was no structured and systematic cooperation at international level either. Firstly, donors failed to coordinate their measures effectively among themselves, and secondly, there was too little coordination between the international and national players. Instead, over time, the centralised approach of justice sector reform turned into a regional "patchwork" of different support practices, which in its fragmentation undermined a coordinated and coherent approach to building a justice system and promoting the rule of law. Connections between relevant government departments in Germany and exchanges and cooperation among the players in building a justice system were established rather sporadically at a local level as a result of individuals taking the initiative.

lbid., p. 26 et seq.; see Plesmann and Tilmann (2022), p. 79.

¹⁰⁸³ See Röder (2023a), p. 4 et seq.

¹⁰⁸⁴ See Study Commission (2023o), p. 27.

¹⁰⁸⁵ See ibid., p. 26.

A dissenting opinion on this section has been submitted by Bundestag Members Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter.

See Study Commission (2023o), p. 7.

What is more, outside of the criminal justice system, few Afghans came into contact with the rule of law at all, which, along with corruption in the police and judiciary, meant that the population did not develop any sense of trust in state institutions and instead continued to rely on family relationships and informal authorities. By excluding existing legal cultures from efforts to build a state based on the rule of law and develop the legal system, the opportunity was missed to overcome the cultural divide between the centralised state and the regions, as well as between urban and rural areas. ¹⁰⁸⁹ Many people saw the implementation of a formal legal system as an imposition of central government authority. 1090

Another reason for the legitimacy problem of the formal legal system from the outset was that the different needs and requirements of the various population groups with regard to the rule of law and their different understandings of the law were not taken into account when the laws were formulated. Afghans were supposed to obey laws that they had not been involved in making and that they did not understand. As a result, they had no confidence in the justice system from the outset. Rampant corruption in the judiciary and police did the rest. 1091

Afghan women were particularly marginalised in legal practice. Especially the delegation of conflict resolution processes in family and inheritance law matters to the local level, where elders and religious authorities assumed the judicial function as members of shuras, had a negative impact on women. As a rule, they rarely received justice. With the emphasis on local, tribal forms of organisation and order as international programmes and donors turned to traditional justice formats, the legal discrimination against women, especially in rural areas, was further perpetuated. International donors only recognised this very late, following an evaluation of various programmes by the UNDP. It was only in the course of reconstruction that efforts were made to represent the largest possible proportion of the Afghan population in the development of the legal system, for example by establishing shuras for women. 1092 This was an important step towards greater acceptance. However, this intervention came too late to ensure a functioning and legitimate legal system.

4.3.3.4 Summary and lessons learned

Establishing the rule of law during the more than twenty-year operation was a mammoth task: In addition to a new constitution, the necessary infrastructure in the form of court buildings had to be built and judges, police and other judicial personnel had to be trained and deployed. These efforts at national and subnational level were supported and financed by a large number of different international players. All of this took place against the backdrop of a difficult security situation characterised by terrorism and counterinsurgency. A closer look at how a state based on the rule of law was developed reveals problems of a fundamental nature: at the beginning of the assignment, neither the German and international decision-makers nor most of the personnel deployed were sufficiently familiar with the cultural conditions "on the ground" and the complexity of Afghan society and its traditions. The parallel legal systems, which have been anchored in Afghan society for centuries and shaped by Islamic, customary and tribal traditions, were not sufficiently taken into account, and attempts to harmonise them with liberal, modern legal concepts by integrating them into measures and initiatives for building a justice system were made too late or not at all. To make matters worse, there was a serious conflict between the focus on criminal law and the need for reconciliatory dispute resolution, which is widespread among the Afghan population.

This contributed to the fact that a large part of the Afghan population could not identify with the legal system modelled on liberal-democratic constitutional states and that this constitutional state was in part perceived as illegitimate. Impunity for former warlords and the failure to take social and legal steps to deal with war crimes are likely to have undermined a new social beginning from the outset. The choice of partners for building a justice system was not sufficiently considered either. As a result of appointing warlords, some of whom had created their power base through massive violence, to important positions in the judiciary and police, participation and acceptance by the Afghan population were neglected in favour of supposed stability.

¹⁰⁸⁹ See Hellali (2022), p. 158.

¹⁰⁹⁰ See Barfield (2008), p. 348.

¹⁰⁹¹ See ibid., p. 350.

See Study Commission (2023o), p. 15.

4.3.4 Development of the Afghan security sector

4.3.4.1 Initial situation

4.3.4.1.1 State of affairs

Functioning state institutions could only have been established in Afghanistan in the long term and national security could only have been guaranteed on the condition that the government had and could enforce the state monopoly on the use of force. To achieve this, the Afghan security sector had to be reformed from the ground up. Germany initially took on a leading role in the civilian area of security sector reform – in building up a police force – but never carried out this task for the whole of Afghanistan. The following section will therefore initially focus on this topic. The support for building up the military given by the Bundeswehr is described in the following section.

International support for the development of Afghan security institutions was prepared at a meeting of the G8 donors in Geneva in spring 2002. The basis was created for a donor programme consisting of five pillars, each of which was to be managed by a lead donor nation: Military reform (US), police reform (Germany), counternarcotics (UK), judicial reform (Italy) and disarmament, demobilisation and reintegration of former combatants (Japan and the United Nations Assistance Mission for Afghanistan, UNAMA). There was no cross-sectoral strategy for building Afghan security institutions at the time, and no such strategy was subsequently developed. Initially, a light-footprint approach was the guiding principle for the security sector: the Afghan institutions were to be independently responsible for ensuring security in the country. At the same time, the international donors would limit their involvement to providing support for the development and training of the various legal and security institutions at the invitation of the Afghan government in an environment perceived as fundamentally friendly. A mandate as far-reaching as that of the previous UN mission in East Timor, for example, was to be avoided.¹⁰⁹³

The initial situation for international support was extremely poor. After more than 20 years of war, mismanagement, staff shortages and destruction of infrastructure, the state of Afghanistan's security institutions was abysmal. Numerous militias and armed groups played central roles, although their loyalty was not to the central state but to regional rulers. ¹⁰⁹⁴ For example, available estimates put the size of the Afghan police force in 2001 at up to 150,000 personnel, many of whom were soldiers, mujahideen and militias who had been integrated into Afghanistan's informal power system of warlords. ¹⁰⁹⁵ Corruption was also widespread throughout the Afghan government. Since Afghanistan was included in the Corruption Perceptions Index in 2007, the country has consistently been rated as one of the ten most corrupt states in the world. ¹⁰⁹⁶ In the security sector in particular, this had serious negative consequences for the development of Afghan security institutions during the course of the international mission. ¹⁰⁹⁷

An initial fact-finding mission conducted by Germany in January 2002 identified key problems: the Afghan police was short of all the necessary resources; there had been no systematic training for around 20 years, meaning that an entire generation of police officers had had no training; there was a shortage of transport and communication means, technical equipment and weapons. What is more, the destruction of police infrastructure, the absence of a salary system and the extremely poor relationship with the Afghan population contributed to the desolate impression of the Afghan National Police (ANP). The state of the Afghan National Army (ANA) in 2001 was also characterised by poor equipment and training and a lack of motivation among the servicemen and women. The state of the Afghan National Police (ANP).

¹⁰⁹³ See German Government (2003a), p. 1; Perito (2009), p. 2; Maaß (2007), p. 11.

¹⁰⁹⁴ See e.g. Sedra (2004), p. 1.

¹⁰⁹⁵ See e.g. Murray (2007); Murray (2009); Wilder (2007), p. vii.

¹⁰⁹⁶ See Hassan (2023), p. 36.

See Special Inspector General for Afghanistan Reconstruction – SIGAR (2016), p. 10. Some of the corruption within the Afghan National Police centred on drug trafficking. Other forms of corruption included the sale of posts in the police force, the sale of supply contracts with the Ministry of the Interior and the existence of "ghost police", where police officers are registered in the personnel files (tashkil) but do not turn up for work, see Perito (2009), p. 7; Giustozzi and Isaqzadeh (2015), p. 37.

See Fact Finding Mission Afghanistan (2002), pp. 6-7.

¹⁰⁹⁹ See e.g. Plank (2003), p. 6.

¹¹⁰⁰ See Murray (2009), p. 188.

Germany's role in establishing the Afghan monopoly on the use of force was special in that the country had had a long-standing involvement in development cooperation (DC) - Afghanistan had been a priority country for German DC since the 1970s - and a historical commitment to the Afghan security sector. In its previous intervention, in the 1950s and 1960s, a national police force had been established with external assistance and modelled on European state structures - with the support of the Federal Republic of Germany and the German Democratic Republic, among others. This support initiative was not very successful either and these police structures collapsed after the Soviet invasion of Afghanistan. ¹¹⁰¹ In this context, numerous Afghan police officers had been trained in West Germany. 1102 After the Soviet Union came to power, West Germany was replaced by the East Germany in this field. 1103 However, friendly relations between Germany and Afghanistan date back to the time of the German Empire. As early as in the late 19th century, Kaiser Wilhelm II sent German police officers to Afghanistan to help establish a central police force there. 1104 As a result of these historical ties, Germany was from the outset a key player in the development of the Afghan police in particular and was asked by the Afghan Interim Authority (AIA) to take on a leading role in the creation of the police force. 1105 According to the report of the fact-finding mission, the leadership of the Afghan police, other countries and the UN (letter from UN Special Envoy for Afghanistan Lakhdar Brahimi to Foreign Minister Joschka Fischer dated 2 January 2002) also assumed that Germany would play a leading role. 1106

4.3.4.1.2 Assessment

Key prerequisites for the success of international support for the development of Afghan security institutions had not been met in Afghanistan. The weakness of the Afghan state, the prevalence of patronage and corruption and the poor state of the Afghan security and armed forces were key factors that contributed to the failure of the German involvement in building up the Afghan security sector. The objectives of the international donors were guided by ambitious, but ultimately unrealistic expectations about the influence and effectiveness of external support measures in Afghanistan.

The light-footprint approach initially chosen by the donor nations also contributed to the failure of the mission: In addition to the funding and personnel policy, which proved inadequate for the far-reaching goals of international donors in the security sector, the lead nation approach of the 2002 Geneva Donor Conference also led, from the outset, to the compartmentalisation of the various goals and programmes and to insufficient consultation and cooperation among the donor nations. The development support was not managed and overseen across the different structures.

Civilian aspects of the development of the Afghan justice and security sector (e.g. judicial reforms, establishment of a civilian police force, demining, demobilisation and reintegration) were given lower priority in favour of military operations. There was an imbalance in the provision of international support to the military and civilian sectors. This neglect of civilian aspects of security sector reforms subsequently proved a "major burden on the transition in Afghanistan". 1108

4.3.4.2 Organisation of the Afghan National Police

4.3.4.2.1 State of affairs

The creation of the police force in Afghanistan was supported by various bilateral and multilateral programmes and missions. Between 2002 and 2005, around 25 countries and international organisations were involved, while for the overall period up to around 2014, the figures vary from 37¹¹¹⁰ to over 40 active international players. The years 2002-2013 were key to the development. After 2014, the number of players involved fell

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    See Sedra (2003), p. 32.
    See Permanseder (2013), pp. 28-29.
    See Burchard (2009), p. 32.
    See Eckhard (2015), p. 60.
    See Caldwell and Finney (2010), p. 122.
    See Fact Finding Mission Afghanistan (2002), p. 14.
    See e.g.: International Crisis Group (ICG) (2007), p. 6; Stapleton and Keating (2015), p. 1.
    Overhaus and Paul (2012), p. 8; see also Murray (2007), p. 116; Sedra (2006), p. 94 et seq.
    See Wilder (2007), p. 18.
    See European Court of Auditors (2015), p. 19.
    See German Government (2014d), p. 14.
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sharply. The most relevant donors were the United States, Germany, the European Union (EUPOL Afghanistan) and NATO (NATO Training Mission – Afghanistan, NTM-A). Other countries involved included Australia, France, the United Kingdom, Italy, Canada, Norway and Turkey.¹¹¹²

4.3.4.2.1.1 Mandate, organisation and scope of the German mission¹¹¹³

In 2002, Germany assumed a role as lead nation in rebuilding the police force on the basis of the resolutions of the Bonn Conference, with the aim of supporting the "orderly restructuring" of the Afghan police. Germany's support for the Afghan police was based on a Seat and Status Agreement between the Federal Ministry of the Interior and the Ministry of the Interior of the Afghan interim administration. Germany's area of responsibility as defined in this document was in particular "1. advising the Afghan security authorities in an effort to rebuild an Afghan police force which is bound by rule-of-law principles and has respect for human rights, and on combating drug cultivation, drug processing and drug trafficking; 2. assisting in the training of police recruits in the light of the principles mentioned in 1. above; 3. assisting in the setting up of a police academy; 4. implementing bilateral police funding assistance; and 5. co-ordinating the international support for the establishment of the Afghan police force."

The Kabul Police Project Office was set up in 2002 on the basis of the Seat and Status Agreement in order to implement this extensive mandate. The Project Office began its work in April 2002 with a staff of twelve police officers (six from federal state police forces, four from the Federal Criminal Police Office, two from the Federal Border Police) and an annual budget of twelve million euros, laying the foundations for the German police programme in Afghanistan. Subsequently, the German Police Project Office (GPPO) was established in the same year; it was renamed the German Police Project Team (GPPT) in 2007 with the launch of EUPOL. 1117 The work initially focused on helping to set up a police academy and training Afghan trainees and leaders in the police force, supplemented by accompanying equipment supplies. 1118 Initially, the work focused on the region around Kabul, partly due to the low levels of financial and human resources. In the following years, Germany also participated in the EU's police mission EUPOL (from 2007) and deployed bilateral police advisors (from 2008) to four locations (Kabul, Mazar-e Sharif, Kunduz, Faizabad). 1119 The number of German police officers working in Afghanistan increased from the initial 12 to up to 40 officers in the GPPO by 2006. In 2008, ten German police officers were working for the bilateral GPPT, while there were around 30 German officers working for EUPOL. In 2010, the German contingent grew to up to 200 officers, but this also included short-term trainers who were deployed to teach specific training content. This made the GPPT the second largest bilateral police project in Afghanistan in 2010 after that of the United States. 1120 Officers from the German Federal Police, the Federal Investigation Department and almost all federal state police forces were involved in the work. 1121 After that, the GPPT continued to exist until 2021 with an increasingly declining number of officers. 1122

Between 2013 and 2021, the Federal Ministry of the Interior's budget for building Afghanistan's police force totalled 109,199,447.43 euros; between 2002 and 2012, Germany invested around 337 million euros in building up the ANP.¹¹²³ Germany's mission to Afghanistan for building up the police was based on two financial pillars. The first consisted of allocations from the Federal Foreign Office to the Federal Ministry of the Interior under the Afghanistan stabilisation pact, to the Federal Ministry of the Interior budget line 0501 687 28 (total amount

See European Court of Auditors (2015), p. 18; International Police Coordination Board of Afghanistan (IPCB) (2023).

Due to the patchy nature of the information available in the public domain and the lack of relevant evaluation reports, only a cursory overview of central German police building measures can be given here, which does not claim to be exhaustive. The first comprehensive evaluation of German support for rebuilding the police force is in the process of being prepared and was not yet available at the time of writing.

See Federal Ministry of the Interior (2003), pp. 2-3; Ritter (2011), p. 1.

See Federal Ministry of the Interior (2003), p. 1.

Federal Ministry of the Interior (2008), p. 287-288. The second version of the Seat and Status Agreement from 2006 did not deviate significantly from the objectives of the first agreement.

¹¹¹⁷ See e.g. Permanseder (2013), p. 29; Perito (2009), p. 3.

See Federal Foreign Office (2002), p. 6; German Government (2002a), p. 10.

See Committee on Internal Affairs (2008), p. 13.

¹¹²⁰ See Ritter (2011), p. 2.

¹¹²¹ See ibid., p. 2.

See Study Commission (2023m), p. 12.

¹¹²³ See Permanseder (2013), p. 31.

for the years 2013 to 2021: 72,658,242.97 euros), the second from funds of the Federal Ministry of the Interior (transferred to Federal Police 73) under budget line 532 04 for additional personnel costs incurred abroad (total amount for 2013 to 2021: 36,541,204.46 euros). With regard to the second financial pillar, it should be noted that, in addition to funds for the GPPT, the expatriate remuneration of the head of the GPPT and, between 2013 and 2016, expenses for EUPOL were also provided.¹¹²⁴

According to the Federal Ministry of the Interior, Germany gave training and further training to more than 73,000 Afghan police officers in total between 2002 and 2014. By 2021, more than 80,000 Afghan police officer had received training and further training. 1126 It should be noted here that record-keeping for police officers who received training and further training by Germany ended with the transfer of the training and further training facilities to Afghan responsibility. 1127 Upon transfer to Afghanistan of responsibility for the Police Training Centre in Faizabad in 2012, the PTC Kunduz in 2013 and the Sergeant Training Centre (STC) in Mazar-e Sharif in 2014, the training of the Afghan police by German police officers was largely completed. But even after 2014, with the end of ISAF and the handover of security responsibility to the Afghan government and the subsequent launch of the NATO Resolute Support Mission (RSM), the GPPT continued to operate in Afghanistan. The RSM was meant to continue to support the Afghan security forces through a train, advise and assist approach, 1128 an approach that was also reflected in Germany's support for rebuilding the police force. In 2016, the GPPT still had 54 advisors from the federal and state governments, 43 of whom worked in Kabul and eleven in Mazar-e Sharif. In 2018, up to 50 police officers were in the country. Work focused on the police academy in Kabul and the STC in Mazar-e Sharif as well as the Afghan border police, training in airport security, support for the partnership projects between the police academy and the Federal Police Academy in Lübeck as well as between the Federal Police at Düsseldorf Airport and the airport in Mazar-e Sharif and between Cologne-Bonn Airport and the airport in Kabul; advice was also provided to the Afghan Ministry of the Interior and the Criminal Investigation Department (CID).¹¹²⁹ In addition, Germany continued to fund projects in all 34 provinces for literacy development in the Afghan police and the promotion of citizen-oriented police work; it was the only international donor after the withdrawal of UNICEF. 1130 After almost 20 years of bilateral police support, the last 22 German police officers left Afghanistan in April 2021. 1131

4.3.4.2.1.2 Implementation of the German mandate: police work in practice

From the very beginning, a core project of Germany's police engagement was to establish the police academy in Kabul and to develop and conduct training courses there. According to observers, the academy was set up quickly, in a proficient and visible process; it was widely perceived as a flagship project with German and international support, in which the police officers deployed showed a high level of personal commitment throughout. The work of the German Federal Agency for Technical Relief (THW) during the early years of the operation in Afghanistan is also rated very positively; five to six of its employees built the academy in Kabul, among other projects, in a very short space of time with the help of more than 500 employees. The THW was involved in the reconstruction of the police station on behalf of the Federal Ministry of the Interior. It had its own engineering and planning office to provide on-site construction support. The building in which the office of the German police project was located was also constructed by the THW.

The courses at the police academy were explicitly not aimed at recruits, but at the higher-ranking officers of the Afghan police. In particular, German support focused on the "group of people [...] who already have [German] police training, but whose level of knowledge corresponds to that of 1970. This [...] group of people is to be trained in seminars with the aim of enabling them to take over the training of recruits completely." The training courses for Afghan police officers in the saran grade ("higher intermediate service", three + two years, initially

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See Federal Ministry of the Interior (2023).
See German Government (2018), p. 13.
See Federal Ministry of the Interior (2021); Federal Ministry of the Interior (2023).
See Federal Ministry of the Interior (2023).
See Federal Ministry of the Interior (2023).
See NATO (2022); see also German Bundestag (2014b), p. 4.
For details, see German Government (2018), p. 13-14.
See ibid., p. 14.
See Nachtwei (2023), p. 131.
See e.g. Study Commission (2023h); Study Commission (2023i).
See e.g. Nachtwei (n.d.), p. 6; Wilder (2007), p. 19.
See Federal Agency for Technical Relief (THW).
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Federal Ministry of the Interior (2003), p. 4.

1,500 apprentice officers) and satanman grade ("intermediate service", one year)¹¹³⁶ were in essence geared towards teaching civilian police skills and competences. The courses were based "on the OSCE training plans for the missions in Bosnia and Herzegovina and Kosovo". ¹¹³⁷

Another objective of the reform activities was the integration of women into the Afghan police force: this included the construction of a building for women in the police academy and the appointment of a gender officer in the academy. Childcare facilities were set up in the training centres in Kabul and Mazar-e Sharif. The number of female police officers deployed in Afghanistan rose from 180 to 1551 between 2005 and 2013, so at least quantitative progress was made in this field. Nevertheless, out of a total of 157,000 police officers in 2013, fewer than one per cent were women. It addition, there is a more critical assessment of the actual effectiveness of these measures. Other practical police work projects were developed locally through the involvement of the Police Office, including the mentoring projects between the Lübeck and Kabul police academies and between Cologne/Bonn, Düsseldorf, Mazar-e Sharif and Kabul airports. In addition, Germany was involved in other construction and infrastructure projects as well as equipment supply projects.

In addition to the police, Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH (German technical cooperation) and GIZ also participated in police training by providing accompanying literacy courses, given that the majority (around 70 per cent, data quality unclear) of Afghan police officers were illiterate. For example, GIZ set up a literacy and basic education programme for police officers and in 2012 offered literacy courses in all 114 districts in the nine provinces of the Regional Command North. As the operation went on, the Bundeswehr military police were also involved in building the police force. A further training project supported by the Bundeswehr was pursued by the project office's field office in Kunduz, in which Afghan police officers (future multipliers) were trained in standard police measures with the support of the Bundeswehr military police from the Kunduz PRT. 1144 The training provided by the military police complemented the measures of the European Police Mission (EUPOL), which had been active since 2007, and of other bilateral training and equipment aid. After 2007, the German police and military police also participated in the German mission as part of the Focused District Development programmes (FDD) under the lead of the Combined Security Transition Command – Afghanistan (CSTC-A, see below). As part of the FDD, police units at the level of Afghanistan's 400 districts were to be trained and educated in regional training centres for a period of two months.

Since 2006, the security situation in the German area of responsibility had deteriorated to such an extent, particularly in northern Afghanistan, 1146 that the protection of personnel deployed to Afghanistan was prioritised. The strengthening of insurgent forces and their growing support from a population disappointed by the poor performance of the Afghan government 1147 not only made the practical implementation of German police-building efforts more difficult, but also shifted the focus of international support to counterinsurgency at the expense of providing police services to the population. 1148

4.3.4.2.1.3 International police-building support 1149

For a long time, the United States was the most important donor to Afghan police development. Parallel to the German management of the police development programme, US involvement in the police sector began to expand in 2003. Frustrated by the German approach, but unwilling to criticise it directly, the US State Department

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1136
    See Federal Ministry of the Interior (2005b), p. 11.
    Federal Ministry of the Interior (2003), p. 3.
    See e.g. Study Commission (2023j).
    See Oxfam Germany (2013a), p. 19.
1140
    See Oxfam Germany (2013b).
    See ibid.
1142
    See Committee on Internal Affairs (2008), p. 13.
    See Deutsche Gesellschaft für Internationale Zusammenarbeit – GIZ (2012b), p. 1.
1144
    See e.g. German Bundestag (2006b), p. 62.
    See German Bundestag (2008d), p. 33.
1146
    See German Government (2010c), p. 9.
1147
    See ibid., p. 12.
    See Murray (2011), pp. 44-45; Special Inspector General for Afghanistan Reconstruction – SIGAR (2021b), p. 66.
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Since it is outside the scope of this paper to deal with other international participation in the development of the ANP in any more detail, please refer to the relevant, high-quality publications of the Special Inspector General for Afghanistan Reconstruction (SIGAR), currently John F. Sopko, of the US government.

launched its own police reform programme in 2003, according to an evaluation report by the Special Inspector General for Afghanistan Reconstruction (SIGAR). However, this programme faced difficulties from the outset, as although the State Department was the lead agency, it did not have its own team of police-building experts. Instead, it outsourced this task to private security service providers and had progress monitored only to a very small extent, if at all. ¹¹⁵⁰ While the German involvement was aimed at higher ranks, the State Department (Bureau of International Narcotics and Law Enforcement Affairs, INL) trained the lower ranks of the Afghan police in particular. As early as 2004, financial and material aid from the United States significantly overshadowed the thorough but slow bilateral German police programme. In April 2005 – at the urging of Secretary of Defence Donald Rumsfeld¹¹⁵¹ – lead responsibility for training and restructuring the ANP was transferred from the INL to the Pentagon. The Combined Security Transition Command – Afghanistan (CSTC-A), which pursues a more military-orientated training objective, took the lead in police training. ¹¹⁵² The CSTC-A trained both the ANP and the ANA, although the term Afghan National Security Forces (ANSF) semantically expresses the mixing of police and military. The US mission significantly accelerated police training, with the result that almost 150,000 Afghan police officers were trained between 2003 and 2008. ¹¹⁵³ The police training was primarily implemented by the private security company DynCorp, which had already taken on similar contracts in the Balkans.

In addition, the NATO Training Mission – Afghanistan (NTM-A, since 2009) also pursued an overall concept to build up the Afghan security forces, consisting of the army and the police. Specifically, the NTM-A coordinated police training at district level (Focused District Development, FDD).¹¹⁵⁴ The CSTC-A was partially integrated into the NTM-A, as the commander of the NTM-A was also the commander of the CSTC-A.¹¹⁵⁵ Under the FDD, Germany also participated in the training and further training of Afghan police officers in the districts. Here, police mentoring teams, each consisting of up to four police officers, up to four military police officers, a protection component and two language mediators, looked after districts or neighbourhoods in the provinces of Balkh and Badakhshan for periods of one year.¹¹⁵⁶ The participation of German police officers in the FDD ended in October 2011.¹¹⁵⁷

Alongside the simultaneous massive increase in the primarily military-orientated training of police forces by the United States and the NATO mission, the EU's police mission EUPOL Afghanistan took over the coordination of international civilian police development from the German police mission in 2007. EUPOL's operations continued until the end of 2016; it had no executive powers and, like the GPPT, provided advice and support after the transition to the RSM in 2015. With an initial contingent of up to 220 people (according to plan), including 160 police officers, EUPOL was intended to bring the civilian police reform activities of the European states under a common umbrella and harmonise them. Other key areas were the development of the Criminal Investigation Department, the fight against corruption and the improvement of cooperation between the police and the public prosecutor's office. Up to 400 experts were involved in the mission, around two thirds of whom were police officers and one third legal experts. 1158 The overarching goal was to contribute to the creation of sustainable and efficient civil police structures under Afghan responsibility to ensure appropriate cooperation with the broader criminal justice system.¹¹⁵⁹ However, as was usual for CSDP missions at the time, EUPOL did not have its own budget and was therefore dependent on the implementation of operational tasks and support by other donors: "All the projects that we initiate, drive and that we mentor and then support and bring to a conclusion are financed through bilateral ventures. A key partner here is the German bilateral project, which ultimately funds the projects and also supports them by sending experts."1160

In addition, the UNDP-managed Law and Order Trust Fund for Afghanistan (LOTFA) was responsible for coordinating support for police salaries. Through LOTFA, the international community funded the salaries of police officers and judicial staff in prisons. The European Commission (EC) was the largest single donor for police salaries, contributing almost half of the 330 million dollars channelled by donors through LOTFA between

¹¹⁵⁰ See Special Inspector General for Afghanistan Reconstruction – SIGAR (2022c), p. xii.

¹¹⁵¹ See ibid., p. xiii.

See German Bundestag (2010g), p. 1.

¹¹⁵³ See Friesendorf (2011), p. 85.

See German Bundestag (2010g), p. 7.

¹¹⁵⁵ See ibid., p. 2.

See German Government (2010c), p. 28.

¹¹⁵⁷ See Nachtwei (n.d.), p. 14.

See German Government (2013).

See European Court of Auditors (2015), p. 11.

¹¹⁶⁰ Committee on Internal Affairs (2008), pp. 11-12.

2002 and 2006.¹¹⁶¹ Germany was the fourth largest donor here after the United States, Japan and the European Union, at around 60 million euros annually. ¹¹⁶²

4.3.4.2.1.4 Establishment of political control and supervision of the police

Promoting control of the Afghan security sector was not a priority for international donors. From the outset, international support was focused on strengthening the operational capabilities and capacities of the police and armed forces, rather than on strengthening and reforming the relevant ministries. The ministries relevant to the control of the security agencies (Ministry of the Interior, Ministry of Defence) in particular were characterised by weak enforcement, patronage and corruption. Isolated international attempts to support internal reform processes or get external reform efforts off the ground were unable to fundamentally change this poor state of affairs.

The first steps towards strengthening political control over the security sector were the establishment of a National Security Council (NSC) and a National Security Advisor (ONSA) in 2002. However, these bodies had very limited authority and became increasingly marginalised. In 2004, a new constitution made the President of the Republic the commander-in-chief of the armed forces. Parliament was given the right to question ministers on security issues, ¹¹⁶³ but parliamentary control mechanisms over the security agencies remained rudimentary and ineffective ¹¹⁶⁴. Overall, the development of government structures in the security sector was strongly dominated by operational objectives. ¹¹⁶⁵ As a result, efforts to reform the Afghan Ministry of the Interior (MoI) lagged far behind efforts to train and equip the Afghan police. Political resistance to reforming the MoI from the Afghan government and a lack of donor coordination contributed to this failure. ¹¹⁶⁶ In the early phase of the operations, the MoI was a "[...] largely dysfunctional institution that can only compete with the Ministry of Defence in terms of corruption and mismanagement. According to available personnel statistics, the ministry employs 93,000 people nationwide, but has no coherent salary payment system, no basic equipment and no coherent organisational structures."¹¹⁶⁷

This situation hardly changed in the subsequent years. In 2010, there were still no clear ideas about the structural organisation of the police, structures and processes for monitoring the Afghan police (administrative oversight, code of conduct) or a separation between police duties and ministerial tasks. Anecdotal evidence shows that in 2003 and 2004 at least one German advisor was active in the Ministry of the Interior; there is no precise information on the work of the GPPO or GPPT with the MoI. But what is known, for example, is that Germany and the United States, also in 2003 and 2004, developed parallel programmes to reform the Ministry of the Interior, although neither side had a clear idea of how the proposals should relate to each other and how the proposed reforms should be implemented. Such poorly coordinated initiatives by different donors on similar issues were not an isolated case.

4.3.4.2.1.5 International donor coordination by Germany

Another central aspect of Germany's leadership role in the field of police development was the coordination of international support. From 2002 onwards, Germany played a leading role in international coordination. Coordination was initially the responsibility of the Kabul Police Project Office¹¹⁷² and subsequently that of the GPPO. Initially, a Special Envoy from the German Embassy in Kabul coordinated international police cooperation through weekly meetings between all local police forces, UNAMA and other ambassadors based in

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See Wilder (2007), pp. vii-viii.
See German Government (2018)
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¹¹⁶² See German Government (2018), pp. 12-13.

See The Geneva Centre for the Democratic Control of Armed Forces (2011), p. 5.

¹¹⁶⁴ See Sedra (2013), p. 378.

¹¹⁶⁵ See Overhaus and Paul (2012), p. 25.

¹¹⁶⁶ See Perito (2009), p. 12.

¹¹⁶⁷ Sedra (2004), p. 10; similarly Wilder (2007), p. 52.

¹¹⁶⁸ See Overhaus and Paul (2012), p. 25.

See Giustozzi and Isaqzadeh (2013), p. 49.

See Special Inspector General for Afghanistan Reconstruction – SIGAR (2022c), p. 60.

See Giustozzi and Isaqzadeh (2013), pp. 140-141.

See Federal Ministry of the Interior (2003), p. 13.

Kabul.¹¹⁷³ Later, the Interagency Police Coordinated Action Group (IPCAG) was set up by Germany to act as the main political and diplomatic body for police reform issues and to improve international coordination. Chaired by Germany, the IPCAG held meetings every three weeks, which were attended by representatives of the LOTFA donors, the EU and UNAMA. Italy, the United Kingdom and Japan also took part in order to establish links to the other pillars of security support.¹¹⁷⁴ Following the establishment of the EU's EUPOL mission in 2007, Germany's role as coordinator and lead nation was integrated into this mission. Germany's leading coordination role was therefore limited to the first years of the Afghanistan operation, until 2007. Following its establishment in 2007, donor coordination was also intended to take place within the framework of the International Police Coordination Board (IPCB). From 2009 onwards, international donor coordination in operational terms was largely taken over by the NATO Training Mission – Afghanistan (NTM-A)/CSTC-A (where it was assigned to the CTAG-P).¹¹⁷⁵ External assessments have rated the success of the IPCB's work as mixed, being limited to the exchange of information rather than real coordination.¹¹⁷⁶ In practice, the influence of the IPCB diminished considerably after NTM-A/CSTC-A took over the lead role in police building in 2009.¹¹⁷⁷ Several GPPT officers were assigned to various NTM-A/CSTC-A positions over the years, and this is said to have improved communication and coordination between the German and American components of the police building effort.¹¹⁷⁸

4.3.4.2.1.6 Deployment, management and coordination of police work in Germany

The work of the Kabul Police Project Office – and subsequently the GPPO/GPPT – was accompanied and supported under the joint leadership of the Federal Ministry of the Interior and the Federal Foreign Office. 1179 The German police project was operationally part of the Police Battalion, and subsequently of the Federal Police Battalion (Division B4). 1180 Its personnel were recruited and managed by the Office of the Interioral Police Missions Working Group (GS AG IPM), which is part of the Federal Ministry of the Interior. 1181 The Federal Foreign Office created the position of a police ambassador based in Kabul, who was active in the years 2002-2007 and reported to the Federal Foreign Office. A "Police Reconstruction Aid for Afghanistan" project group was set up in the Federal Ministry of the Interior as a coordination centre for the Federal Criminal Police Office (BKA) and the Federal Border Police (BGS) and as a liaison office between the Kabul project office and the federal states, other countries and the UN. 1182 The GPPT was headed by a member of the higher service of the Federal Police and also had a dual role as Senior Police Adviser at the German Embassy in Kabul 1183, although this position only existed until 2013.

Due to the chosen structure, the German police project was tied to two government departments and was therefore dependent on their cooperation for its work. While there are almost consistently positive comments about the cooperation on the ground, there are mixed reports about the exchanges and the mood between the Federal Ministry of the Interior and the Federal Foreign Office departments – and later also the Federal Ministry of Defence – in Berlin. The role of the German Bundestag in overseeing and monitoring the operation was limited: On 9 November 2007, the German Bundestag debated the police build-up in Afghanistan for the first time; this was also the first ever Bundestag debate on police operations abroad. The Committee on Internal Affairs of the German Bundestag first dealt with the issue of police in Afghanistan in December 2008 and, according to its own statement, was not systematically provided with the available interim and progress reports on steps taken in building up the police. Overall, there was little public interest in the work of the German police in Afghanistan.

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1173 See Study Commission (2023i).
    See e.g. Wilder (2007), p. 25.
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    See German Bundestag (2010g), p. 10.
See e.g. Special Inspector General for Afghanistan Reconstruction – SIGAR (2022c), p. 48.
<sup>1177</sup> See Hughes (2014), p. 7.
    See Wilder (2007), p. 26; Ritter (2011), p. 4.
1179
    See Federal Ministry of the Interior (2003), p. 8.
<sup>1180</sup> See e.g. Study Commission (2023j); Ritter (2011), p. 2.
1181
    See Ritter (2011), p. 2.
1182
    See Federal Ministry of the Interior (2003), p. 2.
1183
    See Ritter (2011), p. 2.
1184
    See e.g. Löwenstein (2008) in an article in the FAZ; Nachtwei (n.d.), p. 17.
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    See Nachtwei (2017a), p. 137.
    See Committee on Internal Affairs (2008), pp. 42-43.
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Based on the guidelines for the deployment of German police officers in international peace missions, personnel were selected for the work in Afghanistan and their deployment was prepared and followed up. 1187 In addition to a two-week basic preparation programme for operations abroad, German police officers were prepared for their deployment in Afghanistan in seminars lasting up to four weeks. 1188 This training took place at the Federal Police Academy in Lübeck, which is one of three German police training centres responsible for the preparation and follow-up of foreign assignments. 1189 Recruiting state and federal police officers to volunteer for the operation in Afghanistan was a key challenge for the German police operation from the outset. On the one hand, the opinion or perception prevailed among German police officers that – despite the accompanying high financial incentives – an assignment abroad would tend to be negative for career development at home. 1190 On the other hand, there were sometimes massive problems with the recruitment and deployment of police, particularly from the state police forces, which have the majority of police personnel in Germany. 1191 Although, based on resolutions passed by the Conference of Interior Ministers and also on the above-mentioned guidelines, the federal states agreed to provide two thirds (up to 450 police officers) of the personnel to be deployed for foreign operations (allocated according to the Königstein distribution formula), some federal states (e.g. Bavaria, Brandenburg, Hesse) did not deploy any personnel for missions in Afghanistan, at least at times. For example, the Brandenburg Interior Minister at the time, citing statements by the then Foreign Minister, decided not to send any more state police officers to Afghanistan in 2010 as there was a war going on there. 1192

4.3.4.2.1.7 Effectiveness of support for rebuilding the police force

The lack of relevant sources makes it difficult to assess the short- and long-term effectiveness of Germany's involvement in building up the Afghan security sector. Difficulties in analysing the German operation arise even when compiling the various resources (inputs) that were used for German police work in Afghanistan. Few – and sometimes inconsistent – reports are available on the quantitative results of German police work (outputs): among other things, how many police officers were trained, which buildings were constructed, which courses were offered, and how many women were accepted onto those courses. The question of whether these concrete, quantifiable results were able to achieve the intended benefit and long-term outcomes (impact) is not considered in the available reports of the German Government. The complete lack of comprehensive evaluations – which have repeatedly been called for over the years, not least by peace and conflict researchers as well as, just as an example, by police experts at a hearing in the Bundestag's Committee on Internal Affairs in 2008¹¹⁹³ – contributes to this problem.

There are no reliable reports, especially on the critical indicators of the short- and long-term effectiveness of the German mission: in particular, there is no reliable data on the deployment, whereabouts and acceptance of the security forces trained by Germany: Where were the forces deployed, what impact were they able to have, how did the Afghan civilian population – the primary target group of the reform activities – view the development of the ANP? Firstly, anecdotal evidence indicates that, although police officers trained in Germany received good training in civilian police work, they were subsequently "very often not deployed for their traditional police duties". Secondly, there is an opinion that more servicemen and women or gendarmerie should have been trained to improve security. 1195

What is more, the ANP suffered very high casualties from the outset. While the fact itself is not in dispute, figures that can be fully validated are not available either. For example, the Costs of War project estimates that 69,000 police officers and servicemen and women (rounded down) died in the period from 2001 to 2021. Other sources estimate that between 69,800 and 73,800 Afghan security forces (ANA and ANP) were killed between

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    See Wehe (2008), p. 1.
    See Feilke (2022), p. 8.
    See ibid., p. 7.
    See Neubauer (2022), p. 13.
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See Thomas de Maizière in Study Commission (2023am).

¹¹⁹² See Friesendorf et al. (2013), p. 25.

See Committee on Internal Affairs (2008), pp. 19-20.

Vollmer, Study Commission (2023m), p. 10.

See Jördening, German Bundestag, Online Services (2023).

¹¹⁹⁶ See Research and Legislative Reference Services of the German Bundestag (2022), p. 283; see also Bateman (2022).

2007 and 2020.¹¹⁹⁷ As from 2017, these figures are only estimates, as they were subject to confidentiality from that point onwards. It was not possible to find any precise information relating only to the number of casualties in the ANP. However, it can be assumed that the number of casualties was significantly higher in the ANP than in the ANA: A report from 2007 mentions a casualty total that is 25 times higher in the ANP.¹¹⁹⁸ In comparison with the figures announced for German police training, one observer points out that Germany was able to provide training for around 1,400 prospective police officers at the beginning of its operation. In the same period, from 2002 to 2003, around the same number of police officers were killed in the line of duty.¹¹⁹⁹

Often deployed in counterinsurgency operations without adequate training, equipment or protection, the ANP's annual attrition rate had already reached around 20 per cent in 2009 due to casualties, desertion, illness or other causes. ¹²⁰⁰ As the main target of attacks, ANP members were at extreme risk. In the words of a senior ANP officer: "The ANP is trained 'to go to war and be killed'". ¹²⁰¹ Under these conditions, German police officers were reluctant to get involved in embedded partnerships in the field, ¹²⁰² as envisaged by the Focused District Development Programme, for example. ¹²⁰³ Even in the relatively safe districts (here: Balkh) – as just one example – more than a dozen of the 90 or so police officers trained by Germany no longer turned up for duty. Other trained police officers had been assigned as bodyguards by the provincial governor and were therefore lost to the district. ¹²⁰⁴

The effectiveness of police building should be particularly evident among the key target group of the German mission: the Afghan civilian population, whose protection is at the centre of a civilian police model. Here, too, little knowledge is available, and the validity of the few surveys of the population that do exist is disputed. One main source, the Asia Foundation's Survey of the Afghan People, draws a comparatively positive conclusion in 2007, in which the public has a positive opinion of both the ANP and the ANA. ¹²⁰⁵ This assessment deteriorates in the years thereafter: The number of respondents who fully agree that the ANP is helping to improve security in Afghanistan fell to 36.4 per cent, the lowest level since the 39.3 per cent recorded in 2018 and around 25 per cent lower than in 2007. ¹²⁰⁶ The UNDP's Police Perception Survey presents a more positive picture of the situation in 2011: "Sizable majorities, ranging from 74 to 81 per cent of Afghans, see the ANP favourably." Overall, these figures must be viewed with great caution, because at the same time there are statements that a majority of Afghans surveyed still perceived their police as corrupt, unprofessional and poorly trained. ¹²⁰⁸

4.3.4.2.2 Assessment

An overall assessment of Germany's involvement in building up the Afghan police force clearly shows that it did not have a long-term and sustainable positive effect on the development of the Afghan police. While quantitative indicators on the number of police officers trained and the building up of police infrastructure (outputs) and reports on the quality of German police involvement are positive and point, among other things, to the great motivation of German trainers and the generally high quality of German training (inputs), the overarching goal of contributing to the development of an Afghan police force committed to the rule of law and respect for human rights remained out of reach. As a result, the intended effect of the mission (outcomes, impact) was not achieved. A combination of factors contributed to this:

• **Personnel and resource approach**: Germany was unable to realise its ambitious goal of contributing to an orderly restructuring of the Afghan police force in the long term. A key factor contributing to the failure of the ambitious German goals was the totally inadequate level of personnel and resources (initially twelve police officers and twelve million euros in annual funding). A lack of political attention to the field of police

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See Nachtwei (2007).

See Study Commission (2023m), p. 5.

See Perito (2009), p. 9.

International Crisis Group (ICG) (2008), p. 8.

See Friesendorf (2011), p. 88.

The police voices quoted in a media report from 2010 were also critical: "FDD means: going to die", Der Spiegel (2010).

See Friesendorf and Krempel (2010), p. 27.

See The Asia Foundation (2007), p. 37.
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See Research and Legislative Reference Services of the German Bundestag (2022), pp. 276-277.

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See Akseer and Rieger (2019), p. 65.
 United Nations Development Programme – UNDP-Afghanistan (2011), p. 3.

Overhaus and Paul (2012), p. 17.

The objective of "literally" building "a police force committed to the democratic rule of law that would act as a well-trained civilian police force [...] was never achieved", Jördening, Deutscher Bundestag, Online Services (2023).

building, particularly after the start of the Iraq war in 2003 and before the deterioration of the security situation in Afghanistan from 2006 onwards, meant that the area of police building led a niche existence during critical years. Although it was widely recognised at operational and ministerial level that the operation required more funding and personnel, the political decisions of the German Government did not allow for that. There were also major challenges in recruiting police officers for the operation abroad. Against this background, Germany's mission to contribute as lead nation to the establishment of a functioning civilian police force was illusory and never had an impact on Afghanistan as a whole.

Nevertheless, even under those very difficult starting conditions, many of those involved on the Afghan, international and German sides were extremely committed to the complex task of building up the police force. As the former head of the GPPT, Peter Jördening, put it, "the offer made to the Afghan side in connection with the German mission to support the police build-up with personnel and material expertise [...] applied across the entire operational area. [...] Our Afghan partners explicitly highlighted this continuity and reliability of Germany's mission at the farewell ceremony at the end of April 2021."¹²¹⁰

- Coordination of the work of international donors: Germany was unable to fulfil its mandate to coordinate the other donor nations as lead nation in building up the police. There was no effective and efficient coordination of the various international police-building efforts at the strategic level. 1211 There was also a lack of joint approaches and coordination among the donor nations in operational deployment. The operational business of police training and mentoring was carried out by different actors with divergent approaches to police reform; they often worked at cross purposes or were unaware of each other. 1212 The implementation of very different approaches by German and American police assistance programmes contributed further to the fragmentation of the security sector. While Germany for a long time focused exclusively on civilian police work, the paramilitary police training provided by the United States led to a focus on counterinsurgency, but not to civilian police work, understood as broad-based support for the population. These short-term needs masked the long-term need for reform and the actual needs of the Afghan police and population. 1213
- Appropriateness of the German civil police approach: German support pursued a decidedly civilian policing approach, which differed in key aspects from the support measures of other donors, particularly the United States. In the context of the deteriorating security situation in Afghanistan, training based on the German civilian police model was no longer appropriate for the difficult situation of Afghan police officers on the ground. The German police were unable to enable the Afghan police to take robust action against the existing threat situation. The extremely high number of ANP casualties demonstrates this clearly. In an environment of illiteracy and poor security conditions, it was also very difficult to find enough qualified personnel for the ambitious three-year training course at the German police academy. Overall, the German civilian policing model as the basis for German involvement in the Afghan security sector had not been sufficiently adapted to the needs on the ground.
- Political leadership and results monitoring: Germany's police engagement in Afghanistan lacked ongoing, honest results monitoring and impact assessments. The fact that no evaluation system was implemented, apart from individual assessments in daily practice, contributed to the absence of an overall strategic view of the challenges in achieving Germany's ambitious goals. There was no realistic analysis of the fact that, under the prevailing conditions on the ground, even a higher level of funding and a better

¹²¹⁰ Jördening (2023), pp. 6-7.

See German Bundestag (2010g), p. 1; European Court of Auditors (2015), p. 19.

[&]quot;One former police advisor described a chaotic situation: It was very difficult to ever synchronise or coordinate. Most of the time we would be at the police station, doing our mentoring, and the German [military police] would show up, the [European Union Police Mission] guys would show up, even our [DynCorp personnel]. State Department people would just show up. And it was just frustrating on the Afghan side as well, because an Afghan police chief told me, 'You know, I've got Americans trying to tell me what to do, I've got Germans showing up telling me what to do, I've got [DynCorp] telling me what to do, and they're all telling me different things. Who do I listen to and what do I do?' ... You listen to us, of course. And since we could live there for three, four, five, six days at a time, we were basically able to elbow everybody else out. But it was not easy. The minute we would leave to refit for a couple, three days, the Germans would start to show up again.", Special Inspector General for Afghanistan Reconstruction – SIGAR (2022c), p. 102.

¹²¹³ See Murray (2011), p. 45.

¹²¹⁴ See Study Commission (2023m), p. 9.

coordinated international strategy would have been far from sufficient to ensure success in building the Afghan police force. Overall, there was no clearly assigned political responsibility or conceptual leadership for a mission that was very difficult from the outset. The work of the German police in Afghanistan could therefore ultimately not be sustainable. Only the investments made in brick and mortar have so far survived – for better or for worse. ¹²¹⁵

4.3.4.3 Organisation of the Afghan National Army

4.3.4.3.1 State of affairs

"After the invasion by Soviet troops in 1979, there were decades of war and civil war in Afghanistan, followed by five years of Taliban rule. State structures that existed before then were either completely destroyed or left in a completely dysfunctional state. Before the international involvement began, there were no functioning governmental and administrative structures at either national or subnational level." ¹²¹⁶

This description also applied fully to the Afghan armed forces in the years from 2001 to 2003. At the end of the Bonn Conference in 2001, there were de facto no Afghan armed forces, apart from the armies of the warlords and other local militias. The structure had to be built from scratch. To this end, it was decided that the armed forces should in future consist of professional and regular servicemen and women. The standard period of service for a regular serviceman or woman was to be three years. As this was the majority of the servicemen and women, this meant that the majority of the regular servicemen and women had to be replaced every three years or so and therefore completely retrained. The size of the military was initially set at around 50,000 servicemen and women. The majority of servicemen and women were illiterate (around 52 per cent). in 2007, the target size was almost reached and then raised shortly afterwards to around 100,000 due to increased Taliban activity. Following the strategic analysis by NATO and COMISAF Stanley McChrystal, this was increased again to around 140,000 in line with the COIN strategy.

While, in the initial years from 2002 up to and including 2005, the training of the ANA was almost entirely carried out by the United States as the lead nation for training the armed forces, the expansion of the NATO/ISAF mission to the whole of Afghanistan meant that a large part of the training was transferred to the countries responsible in the respective regional areas. The Regional Commands were primarily focused on supporting and training the staff and troop units in planning, preparing for and executing operations against the Taliban. A Regional Command and its personnel at the various levels would normally work closely with an Afghan corps staff and the unit under its control in all training, planning, command and control and implementation matters and also went into battle with the Afghan kandaks (battalions). COMISAF US General David McKiernan (2008/2009) and COMISAF US General Stanley McChrystal (2009/2010) had called for additional troops for a successful military development to stabilise the country. They were granted by President Obama in two steps. When announcing the second increase on 1 December 2009, the President also announced that the withdrawal would begin in July 2011.

While troop training – structured by CSTC-A – was supported in the period from April 2006 to September 2009, primarily through intensive training at lower levels and through partnering, the NTM-A took over this task from the beginning of October 2009, including a significant proportion of police training, in response to the increase in personnel of the ISAF mission by up to 8,000 personnel, including the participation of the Gendarmerie (France), the Guardia Civil (Spain), the Carabinieri (Italy) and the Marechaussee (Netherlands). In this change of responsibility, the training of the Afghan National Army Air Corps (ANAAC) and the Afghan Special Forces remained with CSTC-A and the United States respectively. The US President's decision in favour of the surge and the withdrawal, which began 18 months later, was controversial among NATO military personnel and also among US military personnel¹²¹⁷ and was in part what initiated the reduction in support for the Afghan security

The latest available reports on what has happened to the infrastructure set up by Germany after the Taliban took over indicate that the police academy in Kabul is still being used to build up the Afghan security forces. Photos from March 2022 show Sirajuddin Haqqani, Minister of Interior of the current Afghan government and leader of the Haqqani terrorist network, making his first ever public appearance at a graduation ceremony at the police academy in Kabul, Der Spiegel (2022).

¹²¹⁶ Hopp-Nishanka (2023a), p. 6.

David Petraeus to Special Inspector General for Afghanistan Reconstruction – SIGAR (2021b), p. 30. "The timeline was just sprung on us. We had no discussion of that during the process. Two days before the president made the [announcement] ...we all got called

forces from July 2011 until the transition to the Resolute Support Mission from January 2015 for domestic political reasons in the participating states. The years 2010 and 2011 in particular delivered initial successes in the training of the ANA thanks to the COIN concept (shape-clear-hold-build) in combination with close partnering with the ANA units and better contact with the population. Partnering was simply no longer possible after the troop reductions that began in 2012 and given the new troop numbers in the Resolute Support Mission (RSM); the train, advise and assist concept came too soon for the Afghan armed forces, even though the transition of responsibility had been initiated.

4.3.4.3.2 Personnel, pay and training

In 2002, the Afghan armed forces started from "zero" in almost all respects. Even though the United States assumed the role of lead nation for the Afghan armed forces at the conference in Geneva in April 2002, this did not mean that structural guidelines, plans or schedules could have been presented and implemented. During this time, the United States was primarily a donor for the costs of the Afghan armed forces, from personnel (including pay) to equipment. Up to and including 2005, the personnel strength of the ANA did not exceed 30,000. Parallel to the expansion of NATO throughout Afghanistan, the ANA corps were established, each with a corps staff and two to three brigades, with a maximum of four infantry kandaks (battalions) each. The following corps staff were established: 201st Corps in the Regional Command (RC) Capital, 203rd Corps in RC East, 205th Corps in RC South, 207th Corps in RC West and 209th Corps in RC North. The regular servicemen and women to be recruited for these units were hired for three years. This meant that apart from the individual officers and a few noncommissioned officers, the bulk of the personnel had to be recruited, hired and trained every three years. The creation of good training guidelines was also of little help in this context, as the majority of the newly recruited personnel could neither read nor write. CSTC-A therefore introduced reading and writing courses from 2007 and scheduled these before the actual basic military training. Since the recruitment problems persisted, the pay of Afghan servicemen and women was significantly increased by the United States in 2007 in consultation with the Ministry of Defence and was given a grade-related scale. As a result, the number of applicants for the ANP fell, as it was unable to compete with this level.

Actual numbers for the ANA almost never matched the target strengths. There were two reasons for this: Firstly, there were servicemen and women who did not exist de facto; their pay was usually pocketed by their superiors. Secondly, there was always a considerable number of servicemen and women who were absent without leave (AWOL). Their numbers reached up to 20 per cent of the total strength, especially if the servicemen and women had been called up far from their home towns, as volunteer numbers there were insufficient. The ethnic and tribal relationships between superiors and subordinates also played a role that should not be underestimated.

The Regional Commands, and in particular the lead nations responsible there, took the leading role in group and unit training. Since there was no joint command and/or training above this level, the roles of the Afghan Ministry of Defence and the Afghan General Staff were and remained doubtful. However, a relatively high number of foreign consultants from various countries were active in both organisations at all times. It was not until the progressive build-up of the Afghan armed forces from 2007 onwards that the focus shifted from infantry training and the planning activities required for this purpose to the development of capabilities in the areas of combat support, engineers and logistics. The Bundeswehr was also involved in all of these areas.

4.3.4.3.3 Assessment

• The build-up of the Afghan armed forces from "zero" (in 2001) was carelessly neglected in the first few years (until around 2005). It was only with the establishment of the CSTC-A and the ANA Training Command (both in 2006) that more targeted and structured training of regular servicemen and women and command personnel began (four lost years). Local conditions were not taken into account and their importance was underestimated.

and were told to be in the Oval Office that night for the president to lay out what he would announce two evenings later. And he laid it out, there it is. Take it or leave it. He said, we're going to begin the drawdown in the summer of 2011. None of us had heard that before. And we were then asked, are you all okay with that? He went around the room and everyone said yes. And it was take it or leave it. Until that point in the review, nobody ever thought this was going to last forever, but nobody presumed we would begin drawing down in July 2011."

- It was only when the expansion of the ISAF mission, which the UNSCR had transferred to NATO, was completed on 1 October 2006 that the state bodies had access to 31 of 34 Afghan provinces; UNAMA had had a presence in only 24 provinces at that time. It was only from then on that it would have been possible to speak of an attempt to establish a monopoly on the use of force by the Afghan government, let alone apply or enforce it beforehand.
- It was only as a result of providing the Afghan forces with planning, leadership, combat and logistical support that they were able to conduct operations within their area of responsibility (Regional Command), e.g. through partnering or Operational Mentoring and Liaison Teams (OMLTs). In this context, the accompanying foreign servicemen and women played a decisive role in terms of operational readiness and morale. The troop reduction for domestic political reasons in the sending countries meant that ISAF was partially deprived of these opportunities from as early as July 2011 and lost them completely by around 2013. The establishment of the ANA is an example of how not to build effective security forces in crisis states
- Corruption within the ANA, at the level of the Ministry of Defence, but also in the strings of command, was underestimated, although there were many signs pointing to it. Funds for equipping the ANA were "diverted" already at the highest level. But even commanders and company commanders cheated "their" servicemen and women out of their pay or forced them to hand over part of their meagre pay. In addition to the intentional ethnic mix, which led to more tensions, this was not a basis for a "trusting relationship" between subordinates and their commanders.
- The officially stated strengths of the ANA as a whole, as well as in the troop units, were never achieved. The reason was the high turnover of personnel due to the system of short-term service (three years), but also "ghost soldiers" who did not exist and whose pay was pocketed by superiors, as well as the constantly high number (between 10 and 20 per cent) of servicemen and women absent without leave (AWOL).
- Too little attention was paid to the fact that, in large parts of Afghanistan, people did not sufficiently identify with the central state, which was detrimental to the attitude of the servicemen and women, their morale and, as a result, the operational readiness of the troops. This fact, as well as close ties with the Taliban, probably also led to the surprisingly rapid collapse of the Afghan armed forces during the Taliban's advance in 2021.
- In 2010 and 2011, close support, partnering and joint operations, including with the local Afghan forces, led to some successes, but after the rapid withdrawal of troops¹²¹⁸ by 2014 and in particular given the strengths of the Resolute Support Mission, these could no longer be achieved and, combined with the lack of presence, this led to the isolation of the Afghan security forces as well. This deficit could not be compensated for by the reintroduction of local militias, ¹²¹⁹ which David Petraeus had started again as COMISAF in the second half of 2010. This approach was rather counterproductive in terms of the previous DDR process.
- Overall, it must be recognised that training of the ANA with the necessary intensity was started too late. It was only from 2006 onwards, when it was established with insufficient resources by the CSTC-A and the ANA Training Command, and subsequently due to the expansion of the NATO/ISAF mission to cover the whole of Afghanistan and the switch to the COIN approach from October 2009 that the necessary successes could have been achieved. The clear-shape-hold-build strategy and partnering could have been the right concept for successful training of the ANA, if ISAF troop reductions had not meant that, from as early as mid-2011, this concept could no longer be maintained because the ISAF mission had insufficient troop numbers. The even lower troop levels of the Resolute Support Mission from 2015 onwards no longer allowed for the necessary broad-based support of the ANA. 1220

¹²¹⁸ Schroeder (2013), p. 30.

¹²¹⁹ Ibid., p. 32.

Information also supplied on request by retired General David Petraeus at the hearing of the Study Commission (2023ac).

4.3.5 Budget and finances

4.3.5.1 Introduction

The conditions for state-building in Afghanistan were difficult for a number of reasons.

Afghanistan is a landlocked country in which a war economy had developed as a result of the chaos of war since the Soviet invasion in 1979, and it flourished again after the US intervention in the country in 2001. The production of civilian and military goods competed for the same scarce resources (personnel, money, weapons, natural resources, etc.). The war itself was the most important economic factor; the drug economy became the country's most important source of finance. 1222

The establishment of formal structures was thwarted by corruption. Attempts to curb corruption began as early as in 2002. They did not lead to any notable success. The issue of corruption is explained in detail in an expert report commissioned by the Study Commission. Further information can also be found in section 5.8.

The twenty-year conflict hampered the development of a self-sustaining economy and, in particular, prevented Afghanistan's raw materials from being exploited to any significant extent. As the state did not have sufficient tax revenue, it remained dependent on international payments, and there was little motivation for a large part of the political elite to change this (see below).

To make matters worse, the objectives of NATO countries in Afghanistan in particular were not clearly defined and changed over time. This also affected the question within the international community as to what extent the establishment of a modern Afghan state should be an objective at all (see below).

Parallel to the Afghan state created and supported by the US-led alliance, the Taliban's power structures continued to exist to some extent throughout the 20 years of the international presence; initially sporadically and then increasingly on a large scale.

In simplified terms, Afghanistan therefore had not one, but at least three "public-sector" budgets: the official national budget, the international direct aid budget, which was not managed in Afghanistan and used to pay for a considerable proportion of civilian and military services in the country, and the budgets of the shadow governments of the armed opposition, which had their own tax systems.

Enormous sums were mobilised for the Afghanistan mission in order to bring about the desired changes in the thicket of conflict, the war and drug economy, corruption and parallel budgets. According to calculations by Brown University, the US government spent a total of 2.313 trillion US dollars on the Afghanistan mission between 2001 and 2021. This corresponds to almost a multiple of Afghanistan's gross domestic product of 4.37 billion US dollars in 2002. Around 2 trillion US dollars went to the five largest US defence companies: Lockheed Martin, Raytheon, General Dynamics, Boeing and Northrop Grumman.

The German Government estimates the total cost of the German operation in Afghanistan at 17.3 billion euros. Here, too, the lion's share, 12.3 billion euros, was attributable to the Ministry of Defence. 1226

4.3.5.2 Geographical and economic features of Afghanistan: a poorly developed country

Afghanistan's geography (Hindu Kush, landlocked country) has always hampered the country's economic development. Since 1957, more than 40 per cent of government revenue had come from abroad, mostly from development aid. After ten years of armed conflict from 1979-1989, the country's economy was in ruins. The subsequent civil war did the rest. When the Taliban took power in 1996, the Afghan economy was essentially a basic subsistence economy. Present and social prerequisites for the development of an essentially self-sustaining modern state were not in place in 2001, partly due to the destroyed infrastructure.

¹²²¹ See Hippler (2001); Ruttig (2022b).

See Information Service Vienna (2006); Maaß (2010).

¹²²³ See Watson Institute for International and Public Affairs (2021).

¹²²⁴ See Statista (2023a).

¹²²⁵ See Semler (2021).

¹²²⁶ See German Bundestag (2021c), p. 29.

¹²²⁷ See Schetter (2004), p. 13.

¹²²⁸ See Khan (2021).

In addition, there was a challenging geopolitical situation between regional and major powers with sometimes very divergent interests. In order to develop Afghanistan economically, there should have been regional concepts, closely coordinated with all relevant regional players at an early stage. This was also recognised in the German Government's progress report of December 2010: "Lasting regional stabilisation requires the constructive involvement of neighbouring countries and all influential players in the region." At the same time, the ninth year of the international presence seems to have brought the correct insight: "So far, there have only been some patchy beginnings." One example is the Kabul Declaration on Good-Neighbourly Relations of 2002 (signed by Afghanistan, China, Iran, Pakistan, Turkmenistan, Uzbekistan and Tajikistan). Existing or emerging structures – such as the Afghanistan Contact Group of the Shanghai Cooperation Organisation – were also underutilised.

In 2010, the formation of a regional forum was considered as a first step towards a regional approach to conflict resolution. ¹²³¹ A concrete development towards greater regional coordination was initiated by Afghanistan and Turkey in 2011 with the Heart of Asia – Istanbul Process. In preparation for the Bonn Conference in December 2011, Germany made efforts to involve Afghanistan's neighbouring countries more closely. Regional initiatives were slow to develop. For example, Germany supported the Regional Economic Cooperation Conference on Afghanistan (REECA). In 2017, a trilateral mechanism was agreed at ministerial level between China, Afghanistan and Pakistan. in 2018, an agreement was reached on the construction of a transit link from Afghanistan to Turkey: the Lapis Lazuli corridor. The draft of the Turkmenistan-Afghanistan-Pakistan-India (TAPI) gas pipeline project was approved in 2020. Other important initiatives include the Central Asia South Asia (CASA 1000) electricity transmission project and the link between Afghanistan and the port of Gwadar (Pakistan). In its negotiations with the Taliban, the United States involved countries important for the region in the Extended Troika, Quadrilateral Coordination Group and Moscow Format dialogues. But these developments came too late to stabilise the Afghan government, which was largely propped up by the Americans and Europeans.

4.3.5.3 The country's wealth of raw materials could not be utilised

The US Task Force for Business and Stability Operations estimated the value of Afghanistan's mineral resources at almost 1 trillion US dollars in 2010. Even if not all resources could actually be exploited, the reserves of copper, iron ore, gold, silver, chrome, zinc, lead, uranium, precious stones, coal, oil and gas would be sufficient to make the war-torn country an important supplier of raw materials. ¹²³² The German Government also recognised that there is long-term potential in the mining sector for Afghan exports and for Afghanistan's economic development as a whole. ¹²³³ In its 2010 progress report, it identified the greatest opportunities in copper and iron ore mining. ¹²³⁴ For example, the German Federal Ministry for Economic Cooperation and Development advised the Ministry of Mining on issues such as "promoting good governance in Afghanistan's commodities sector". ¹²³⁵ With copper mining from the Aynak mine by a Chinese company expected, at the time, to start in 2013, "400 to 450 million US dollars in annual concession fees, plus significant additional tax revenues from mining and downstream industries, were expected for the Afghan treasury". ¹²³⁶

In practice, only a very small proportion of the available mineral resources were economically exploited. Most of any small-scale mining that took place was informal and illegal. ¹²³⁷ In the last few years of the international presence, revenues from mineral resources averaged 42 million US dollars a year, accounting for less than two per cent of total government revenues. In contrast to the Afghan government, mining was the Taliban's most important source of income after the drug trade, according to some sources. ¹²³⁸ According to UN estimates, the Afghan government could have earned a total of 123 million US dollars from mineral extraction in 2017 if it had succeeded in taxing informal mining and the exports derived from it alone. ¹²³⁹ The reasons for the low

¹²²⁹ German Government (2010c), pp. 5-6.

¹²³⁰ Ibid., pp. 5-6.

¹²³¹ See ibid., pp. 5-6.

¹²³² See United Nations Development Programme – UNDP (2020), p. 3.

See German Government (2010c), p. 85.

¹²³⁴ See ibid., p. 85.

¹²³⁵ Deutsche Gesellschaft für Internationale Zusammenarbeit – GIZ (2012a).

¹²³⁶ German Government (2010c), p. 85.

See United Nations Development Programme – UNDP (2020), p. 3.

¹²³⁸ See ibid., p. 5.

¹²³⁹ See ibid., p. 4.

development of this potentially important economic sector were the high risks the fighting posed to life and limb, but also to capital goods, 1240 coupled with high levels of corruption and weak statehood and the associated lack of legal certainty and risks to capital assets. These factors largely prevented both national and international investment in the Afghan economy. Where there was any investment, investors had to be encouraged to take risks by charging very low prices for mining licences.

4.3.5.4 The international framework

Foreign countries involved in Afghanistan pledged to support the country in training administrative staff, drawing up a budget financed from its own resources and developing control mechanisms for the public administration. At conferences held in London and Kabul in 2010, the Afghan government undertook to step up its efforts in the areas of financial administration, governance and the fight against corruption and in return received commitments of long-term support from the more than 70 participating countries. It was signalled that the promised support would increasingly be channelled through Afghanistan's national budget if the measures the country had committed to taking were successfully implemented. Afghanistan benefited from several debt cancellations. In March 2010, for example, the country was granted debt relief of 1 billion US dollars under the Heavily Indebted Poor Countries Initiative. At the December 2011 Bonn Conference, the International Community affirmed the special status of Afghanistan to receive donor assistance from Transition through Transformation in greater measure than similarly situated nations.¹²⁴¹ In 2012, benchmarks for the management of public finances were agreed under the Tokyo Mutual Accountability Framework. At the Brussels Conference on Afghanistan in October 2016, the participating countries reaffirmed their intention to continue their civilian support for the stabilisation, reconstruction and development of Afghanistan.

In 2016, the Afghan government adopted the Fiscal Performance Improvement Plan. A joint review of Afghanistan's public finances by the World Bank and the European Union, among others, noted significant improvements in Afghanistan's public financial management in 2018, in particular by "establishing the legal, institutional and operational framework for PFM [public financial management] and ancillary functions, and introducing the modern budget tools and automated payments", 1242 but also criticised "low budget credibility, imperfect disclosure of public finances, poor asset and liability management, anomalies in budget execution, low standard of financial reporting, and lack of audit independence". 1243 The review also found that the predictability of the flow of donor funds was undermining the credibility of the budget as a whole, which was reflected in the high expenditure deviations. The government hardly had any control over the projects financed and executed by foreign donors. in 2018, the World Bank and the government of Afghanistan agreed on a support programme under the FPIP, which provided for grants totalling 100 million US dollars to improve the execution of the development budget, increase tax revenues and strengthen the government's capacities. 1244

4.3.5.5 The German contribution

From 2002 onwards, Germany deployed advisors to Afghan ministries to support the development of the Afghan state. ¹²⁴⁵ In September of each of the years 2003, 2006, 2007 and 2008 as well as in November 2009, the German Government adopted concepts of its Afghanistan policy. From 2004 onwards, Germany provided funds from the Stability Pact Afghanistan for building up the Afghan justice system. From 2010 onwards, the Federal Foreign Office supported the secondment of German-Afghan experts to key positions at all levels of the Afghan administrative authorities and ministries. The implementing organisation was the Centre for International Migration (CIM). ¹²⁴⁶

¹²⁴⁰ See Study Commission (2023am), p. 19.

¹²⁴¹ See Australian Government, Department of Foreign Affairs and Trade (2012), p. 1, item 3.

Public Expenditure and Financial Accountability (PEFA) (2018), pp. 10-11.

¹²⁴³ Ibid., pp. 10-11.

¹²⁴⁴ USD 25 million from the International Development Association (IDA), the World Bank Group's fund for the poorest countries, and a grant of 75 million US dollars from the Afghanistan Reconstruction Trust Fund (ARTF), which is managed by the World Bank on behalf of 34 donors, The World Bank (2018).

See German Government (2010c), p. 43.

¹²⁴⁶ See ibid., p. 49.

"The project-related networked cooperation between the Federal Ministry for Economic Cooperation and Development and the Federal Foreign Office was slow at the beginning. However, this improved substantially from around 2011. The transfer of the SPNA, which was funded by the Federal Foreign Office, to the DDF programme, which was funded by the Federal Ministry for Economic Cooperation and Development, was exemplary. Four workshops were organised between the Federal Foreign Office, the Federal Ministry for Economic Cooperation and Development, the KfW and GIZ. The involvement of the Federal Ministry for Economic Cooperation and Development in the Pakistan Afghanistan Tajikistan Regional Fund (PATRIP) set up by the Federal Foreign Office and KfW was another successful step." 1247

At the 2016 Afghanistan Conference in Brussels, Germany pledged additional funding of up to 1.7 billion euros by 2020 for development cooperation with Afghanistan and the civilian Stability Pact Afghanistan.

Over time, German payments to Afghanistan became increasingly conditional. Direct payments to the Afghan national budget were linked, for example, to improvements in financial administration, governance or progress in the fight against corruption. From 2016, the Self-reliance through Mutual Accountability Framework (SMAF) reform agenda agreed with the Afghan government formed a benchmark here. However, it turned out that these requirements were met only very patchily or not at all. There can be no question of an effective fight against corruption by the Afghan government (especially as payments in return for good political behaviour were also systematically used by the intervention powers, above all the United States). The Afghan financial administration and governance in general always had to consider the financial interests of the ruling elite in Kabul. The example of the Kreditanstalt für Wiederaufbau (KfW) shows that the German allocation of resources and the disposition funds were reviewed by auditors.

Through its financial involvement in the World Bank's Afghanistan Reconstruction Trust Fund (ARTF), Germany had an indirect share in state building in Afghanistan through the Federal Ministry for Economic Cooperation and Development and KfW. One successful informal coordination format was the five + three format of the major donors. The positions of the EU member states were coordinated via the delegation of the European Union in Kabul.

The German Government estimates the total cost of the German operation in Afghanistan at 17.3 billion euros. 1248 At 12.3 billion euros, the Federal Ministry of Defence accounted for the lion's share, of which 1.076 billion euros went to Operation Enduring Freedom (OEF), 9.059 billion euros to the International Security Assistance Force (ISAF) and 2.212 billion euros to the Resolute Support Mission (RSM). 1249 The German Government reported costs of 2.477 billion euros for the Federal Foreign Office and of 2.464 billion euros for the Federal Ministry for Economic Cooperation and Development. 1250 The government spent 33 million euros on projects run by the Federal Ministry of Food, Agriculture and Consumer Protection together with the Food and Agriculture Organisation and the Bundeswehr.¹²⁵¹ However, the costs stated by the German Government only refer to "operational additional expenditure" (Federal Ministry of Defence) or "project-related personnel and operating costs" (Federal Foreign Office). 1252 A 2010 study by the German Institute for Economic Research (DIW) already suggested that the actual costs of the Afghanistan mission were higher. The DIW criticised the fact that the costs of warfare were barely part of the public debate. However, it was only if that happened that there could be an objective debate about what Germany was prepared to provide in terms of funding for an international mission and settling the conflict. The German Government's official Afghanistan budget for 2010 totalled 1,059 million euros. The official figures do not include expenditures of various other departments, such as financing costs, consultancy costs and opportunity costs due to investments not being made. 1253

A comprehensive evaluation of German involvement in Afghanistan, which was carried out by the German Institute for Development Evaluation (DEval) in 2014, showed, among other things, that no fewer than 40 per cent of German development aid payments related to governance and, included in that figure, particularly to the

¹²⁴⁷ Clausen (2023), p. 6.

See German Bundestag (2021c), p. 28 et seq.

¹²⁴⁹ See ibid., p. 28 et seq.

¹²⁵⁰ See ibid., p. 28 et seq.

¹²⁵¹ See ibid., p. 28 et seq.

¹²⁵² See also the information provided by the Federal Ministry of Defence of 2021 in: Federal Ministry of Defence (2021); German Bundestag (2021c).

¹²⁵³ See Brück et al. (2010).

development of judicial and administrative authorities.¹²⁵⁴ In the DEval report, these kinds of programmes in the Federal Ministry for Economic Cooperation and Development's preferred area of capacity development (CD) were found to have little lasting impact and there was little appetite for CD among the Afghan elite. According to the report, this was also confirmed by the experience of other donor countries.¹²⁵⁵

Major sectoral progress was made "in the German development cooperation and stabilisation priority areas of energy, urban water supply and sanitation, subnational governance and health (hospitals). In 2021, in stark contrast to 2001, the cities of northern Afghanistan and Kabul largely had good schools and qualified teachers, electricity, water supply and sanitation, urban and interregional rural roads, trained government employees and hospitals." ¹²⁵⁶

4.3.5.6 Public spending by the Afghan state

As a consequence of the developments described above, public spending was extremely high in relation to gross domestic product and compared to other low-income countries and could not be maintained. 1257 The Research and Legislative Reference Services of the German Bundestag stated that there had been a large funding gap in Afghanistan's national budget over the entire period of the foreign military presence in Afghanistan. In the 2005 and 2006 financial years, government revenue of 377 million US dollars covered only 34 per cent of expenditure – not even including the development budget. ¹²⁵⁸ In 2018, grants accounted for more than 75 per cent of all public spending. 1259 Government expenditure of 11 billion US dollars stood against government revenue of around 2.5 billion US dollars, 1260 In the 2020 and 2021 financial years, the Afghan government was only able to cover 40 per cent of its costs from its own resources. The remainder was covered by foreign donors, with Germany, the United States, the UK and Japan being the most important donors between 2015 and 2019. According to the figures available up to 2019, Germany was the third largest donor over the period of deployment, while Afghanistan was the largest beneficiary of German development aid, receiving a total of 3.5 billion euros over the 2001-2021 period. 1261 Nominal public spending increased by 150 per cent between 2010 and 2018. Public spending amounted to around 58 per cent of gross domestic product in 2018 and was therefore much higher than in other low-income countries, where the share was around 10-30 per cent. 1262 Official development aid alone is said to have accounted for two thirds of Afghanistan's GDP in 2011. 1263 Due to the high proportion of expenditure outside the regular budget and a number of countries donating sums in the high double-digit range, there was no ultimate overview of the total funds available. This made it more difficult to allocate expenditure in an economically sensible way and increased the risk of political fragmentation. 1264

Stronger economic performance of the country was also hindered by the fact that the security apparatus took up around one third of total government spending. At 30 per cent of the national budget (probably on average for the years 2010-2018), the share of expenditure for the security sector was ten times higher than in other low-income countries (3 per cent). Of the equivalent of 135 US dollars in public spending per Afghan resident, 50 US dollars was spent on the security sector. Expenditure on infrastructure totalled 21 US dollars, education 17 US dollars and health 8 US dollars per capita. ¹²⁶⁵ Even if a shift in spending from the security sector to infrastructure could be seen in the last few years of the US and European presence in Afghanistan, this was essentially a repeat of a mistake made by the Soviet Union, which was also correctly recognised in the German Government's 2010 progress report: "The Soviet occupation (1979-1989) had tried unsuccessfully to reorganise the state according to its model, including a security apparatus of around 400,000 men. This imposed order

¹²⁵⁴ See Kirsch (2014), pp. X, 14 et seq.

¹²⁵⁵ See ibid., p. 40.

¹²⁵⁶ Clausen (2023), p. 6.

¹²⁵⁷ See Haque (2019), p. 6.

See Reference and Research Services of the German Bundestag (2022), p. 305.

Public expenditure: "Public expenditure is spending made by the government of a country on collective or individual needs and wants of public goods and public services, such as pension, healthcare, security, education subsidies, emergency services, infrastructure, etc." Based on: Akran (2011).

¹²⁶⁰ See Haque (2019), p. 6.

See Reference and Research Services of the German Bundestag (2022), p. 305.

¹²⁶² See Haque (2019), p. 6.

See International Crisis Group (ICG) (2011), p. 1.

²⁶⁴ See Verheijen et al. (2022), p. 7.

¹²⁶⁵ See Haque (2019), p. 2.

collapsed in 1992 at the latest, after the fall of the Soviet Union, when the financial and material support from Moscow, which had initially continued after the withdrawal, stopped. Within a very short time, the police and army dissolved into competing camps of different ethnic and political affiliations." ¹²⁶⁶

The ratio between police and military spending and other spending becomes even clearer when you consider that, according to a report published by the World Bank in 2019, 66 per cent of Afghan security spending (and 34 per cent of civilian spending) from international donors bypassed the Afghan budget. However, it was a political decision – also in the context of NATO and UN missions – to prioritise the fight against terrorism and thus also the security approach. The COIN (counterinsurgency) strategy pursued by the United States, i.e. the approach of allocating 80 per cent of expenditure to the civilian sector and 20 per cent to security and military tasks, could only have taken effect after 1 October 2009 (change of strategy). However, this goal was never achieved, as the personnel and material costs of the ANA continued to be paid almost entirely by the United States.

4.3.5.7 Finance as a means of intervention

The huge sums of money that flowed into Afghanistan every year in the form of international funds for troop deployment, budget support, development aid and humanitarian aid far exceeded the economic absorption capacity of the Afghan economy. As a result, inflation and capital flight were de facto induced to the detriment of the economic situation of the low-income population. According to reports by returning American aid workers, the United States spent large sums of money on projects that were not needed - with generous margins for contractors and civil servants. 1268 In the Afghanistan Papers, Craig Whitlock describes how the US Army published a manual in 2009 entitled Commander's Guide to Money as a Weapons System, which quotes General Petraeus in the introduction: "Money is my most important ammunition in this war." 1269 Between 2002 and 2020, Afghanistan's nominal GDP in US dollar terms grew from around 4.3 billion US dollars to 20.1 billion US dollars. Flat growth to around 7 billion US dollars can be seen up to around 2006, followed by steeper growth to around 20 billion US dollars by 2012, before stagnating at around 20 billion US dollars by 2020 after a slight decline. It can furthermore be assumed that the transfer payments from donor countries and the direct expenditure of foreign military and development aid workers and their service providers in Afghanistan had a considerable influence on the nominal increase in GDP up to 2012 and the fact that it remained on a plateau of around 20 billion US dollars in the period thereafter. The fact that the presumption of such a correlation cannot be completely dismissed becomes clear when you look at the changes in GDP per capita and the number of US troops in Afghanistan, for example.

The same is true if you correlate US spending (military and civilian) with GDP and GDP per capita. A certain, albeit relatively small, percentage of the expenditure on military operations and reconstruction, which at its peak totalled up to 112 billion US dollars, appears to have remained in the Afghan economy and increased GDP in line with population growth from around 4 billion US dollars in 2001 to 20 billion US dollars in 2012.

¹²⁶⁶ German Government (2010c), p. 19.

¹²⁶⁷ See Haque (2019), p. 8.

¹²⁶⁸ See Whitlock (2021), p. 211.

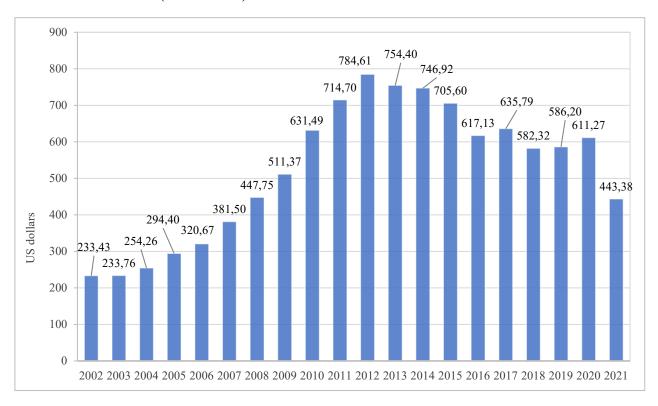
¹²⁶⁹ Ibid., pp. 217-218.

98 97 100 78 80 60 60 USD billion 47 40 38 36 40 32 20 20 20 15 15 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 ■ Kosten Militäreinsatz ■Kosten Wiederaufbau

Figure 9: US spending on military operations and reconstruction in Afghanistan, 2002 to 2021.

Source: U.S. Cost of War and Reconstruction in Afghanistan. $^{1270}\,$

Figure 10: Afghanistan: Gross domestic product (GDP) per capita in current prices from 2002 to 2021 (in US dollars). 1271



¹²⁷⁰ Found in: Special Inspector General for Afghanistan Reconstruction – SIGAR (2022b), p. 37.

¹²⁷¹ See Statista (2023a).

Although the inflation rate initially fell from 35 per cent to 6.8 per cent after the intervention in Afghanistan, it then rose to 26.4 per cent in 2008 as a result of the massive increases in troop and reconstruction funding; it levelled off subsequently at 5 per cent per year. Comparing Afghanistan's inflation rate with that of western industrialised countries, where an inflation rate of up to 2 per cent is considered stable in terms of monetary value and an inflation rate of 5 per cent on average is considered unstable and damaging to the economy, is of course only of limited use. Compared to the inflation rates of emerging and developing countries, particularly those in the region, the fluctuations mentioned were high. 1272

The sometimes strong nominal growth was therefore eroded considerably by high inflation in some cases. At the same time, according to several sources, Afghanistan's population rose from around 20 million people in 2001 to around 40 million in 2021.

Accordingly, despite massive foreign cash inflows, growth in real GDP per capita was relatively flat. Calculated in Afghani, the Afghan national currency, i.e. adjusted for changes in the exchange rate against the US dollar, Afghanistan's GDP denominated in Afghani probably rose steadily in line with population growth. While in 2010 around 43,000 Afghani were paid for one US dollar, this rose to around 78,000 Afghani in 2020. With high inflation and high capital flight from the country, there was obviously continuous devaluation pressure on the Afghan currency.

4.3.5.8 Banking system and payment transactions

According to a UNDP report from November 2021, the situation of the Afghan banking system before the Taliban retook power was as follows:

"Afghanistan's financial system continues to be underdeveloped, in the context of its growth over the last 15 years. At the end of 2020, the total assets to GDP ratio was approximately 22 percent. The banking industry dominates the financial system, with 12 banks: six private commercial banks, one private Islamic bank, three state-owned banks, and two foreign bank branches. There are over 400 branches, the majority of which are in Kabul, Herat, and Mazar-e-Sharif. While private domestic banks had roughly 67 percent of overall banking sector assets as of the end of 2020, stateowned banks held around 27 percent. The banking system's activities were primarily focused on money transfers and deposit collection. Despite the international credit guarantee plan, the overall loan to GDP ratio was around 3 percent, the lowest in the world. The total loans to banking system assets ratio was only 13.4 percent at the end of the first quarter of 2021. In 2019 and 2020, the return on equity was around 4.5 percent, but in the first quarter of 2021, it was approximately zero. The banking system's capital adequacy ratio, on the other hand, was roughly 27 percent, which is quite high by worldwide standards. Demand deposits are the banking system's primary liability. The loan-to-deposit ratio was only around 17 percent at the end of the first quarter of 2021. The banks hold most of their liquidity with the Central Bank (DAB) in the form of necessary reserves, free deposits, or capital notes purchased from the DAB."1273

This is further evidence that the Afghan economy was not sufficiently trustworthy for investors. Afghan banks provided hardly any loans needed to build a self-sustaining economy, and the currency, the Afghani, was essentially used only for transaction and unit of account purposes, but not as a store of value. However, the fact that the currency was not convertible is not unique to Afghanistan; this also applied and still applies to a number of other countries. In Afghanistan, however, foreign involvement and the associated introduction of the US dollar as a parallel currency meant that parts of the Afghan elite preferred to invest their money abroad for security reasons, primarily in environments with tax advantages and in the Persian Gulf, and used traditional financial intermediation channels based on cash transactions (hawala banking, courier services, etc.). This resulted in capital flight.

Instead of investing in their own country, members of the Afghan elite legally and illegally transferred huge sums of foreign currency abroad. This large-scale organised capital flight was at the same time an extraordinary money laundering machine for illegal cash flows. The capital exports officially declared at Kabul airport in 2011 alone totalled 4.6 billion US dollars, almost as much as the entire national budget.¹²⁷⁴ This perpetuated a rentier state

¹²⁷² See, for example, Bangladesh Länderdaten.info; or Pakistan macrotrends.net.

¹²⁷³ United Nations Development Programme – UNDP (2021), pp. 1-2.

¹²⁷⁴ See Green (2012).

whose elites were often not interested in self-sustaining development. This caused immense economic damage and strengthened the Taliban's support among the population. A prominent example of Afghan elites helping themselves was the New Ansari Money Exchange, one of Afghanistan's largest financial institutions. The Afghan anti-corruption agency, which carried out a search in 2010, calculated that cash couriers had transported around 2.78 billion US dollars out of the country for New Ansari between 2007 and 2010. 1275 Another example is the Kabul Bank. In 2010, it had to be refinanced by the central bank with almost 1 billion US dollars - roughly one twelfth of Afghanistan's economic output at the time – after employees and shareholders, including a brother of Afghan President Karzai, had enriched themselves with customer deposits. 1276 The governor of Afghanistan's central bank at the time wrote in his memoirs that Afghanistan was "hostage to a mafia-controlled group of politicians who enriched themselves from the precious international aid payments that were supposed to improve people's lives."1277 Corruption and money transfers abroad increased further after Karzai's re-election in 2009, in which UN and EU observers estimate that hundreds of thousands to 1.5 million votes may have been rigged. 12781279 According to information provided by the US Congressional Research Service (CSR), an estimated 4.5 billion US dollars flowed out of Afghanistan in 2011. 1280 The Deputy Governor of Afghanistan's Central Bank estimated that around 8 billion US dollars was transported out of the country every year. 1281 A large part of the money was transferred to Dubai. 1282 Even in 2020, there were no customs checks at Kabul Airport for particularly high-ranking individuals. The NZZ wrote at the time of the Taliban takeover in August 2021: "Greed for power and corruption among the political elite explain why the Taliban are advancing so quickly in Afghanistan."1283 The Research and Legislative Reference Services of the German Bundestag wrote with reference to this period: "In fact, the Kabul government's efforts to fight corruption are virtually non-existent." 1284 The Afghan Attorney General, appointed by President Karzai, prevented numerous corruption investigations. 1285

4.3.5.9 Informal taxation – an important source of income for the Taliban

The collection of taxes at import and export points (border crossings, airports) had long been a major source of income in Afghanistan. The Taliban lost formal control of this at the end of 2001, but were able to re-establish informal control by building up the capability to conduct military operations against international transport corridors and generate income (protection money) from this. Local suppliers to the US military were the main victims of these protection rackets. Every month, between 6,000 and 8,000 lorries were on the road to supply the 200 or so military bases in Afghanistan with everything they needed for the war effort: ammunition, fuel, office supplies, toilet paper, television sets. The massive supplies were largely handled by private companies on the basis of the Host Nation Trucking contract, which was concluded by the US Department of Defence with civilian service providers in March 2009. The order volume amounted to 2.16 billion US dollars, or 16.6 per cent of Afghanistan's gross domestic product in 2009. A spokesman for the International Security Assistance Force (ISAF) explained: "We don't know anything about the contractors' networks. We don't know if they pay the Taliban for safe passage. We put in billions, and it's possible that millions end up in the hands of the insurgents."1286 Some analysts, who consider the estimates of the Taliban's income from drug trafficking to be greatly exaggerated, instead identify tax on the legal transport of goods as the main source of income. For example, David Mansfield wrote in 2021 that the tax on foreign trade with Iran alone had generated revenue of 83.4 million US dollars for the Taliban in 2019. In Nimroz, a stronghold of opiate and methamphetamine production, the Taliban's revenue from taxing drugs totalled 5.1 million US dollars in 2020, while revenue from taxing the legal trade on the road from Zirani to Delarem amounted to 40.1 million US dollars. 1287 An American white-collar crime task force, which investigated 3,000 Department of Defence contracts worth 106 billion US

¹²⁷⁵ See Whitlock (2021), p. 249.

¹²⁷⁶ See Hasrat-Nazimi (2012); Kazim (2010).

¹²⁷⁷ Whitlock (2021), p. 254.

¹²⁷⁸ See Tagesschau (2009).

¹²⁷⁹ See Whitlock (2021), p. 241.

¹²⁸⁰ Quoted in: Reference and Research Services of the German Bundestag (2022), p. 312.

¹²⁸¹ Quoted in: ibid., p. 312.

¹²⁸² See Whitlock (2021), p. 241.

¹²⁸³ Quoted in: Reference and Research Services of the German Bundestag (2022), p. 313.

¹²⁸⁴ Quoted in: ibid., pp. 312-313.

¹²⁸⁵ See Whitlock (2021), p. 249.

¹²⁸⁶ Imbert (2010).

¹²⁸⁷ See Mansfield (2022), p. 1.

dollars, found that about 18 per cent of the money went to the Taliban and other insurgent groups. Afghan ministers thought larger sums were involved. The task force estimates that a further 15 per cent of the money went to organised crime and corrupt Afghan officials. However, only few US officials would have wanted to hear about it.¹²⁸⁸

The drug economy¹²⁸⁹ 4.3.5.10

With regard to the drug economy in Afghanistan, please refer to the drug report (section 5.8).

Assessment¹²⁹⁰ 4.3.5.11

From an economic perspective, the decades-long conflict in Afghanistan hampered the development of a selfsustaining economy and, in particular, prevented Afghanistan's raw materials from being exploited to any significant extent.

The political decision by the US government under President Bush in favour of a central state and the introduction of a presidential democracy negated Afghanistan's history and culture. The Americans and Europeans set up a centralised budgetary and financial system in Afghanistan, which was primarily intended to enable functioning national state, financial and banking sectors in the first place. This strong centralisation of public finance management in Afghanistan was an obstacle to development that prevented many Afghans from trusting the government. In order to develop Afghanistan economically, there should have been regional concepts, closely coordinated with all relevant regional players at an early stage.

The huge sums of money that flowed into Afghanistan every year in the form of international funds for troop deployment, budget support, development aid and humanitarian aid also far exceeded the economic absorption capacity of the Afghan economy. As a result, inflation and capital flight were de facto induced to the detriment of the economic situation of the low-income population. Instead of investing in their own country, members of the Afghan elite legally and illegally transferred huge sums of foreign currency abroad. This enormous organised capital flight was at the same time a huge money laundering machine for illegal cash flows.

The establishment of formal structures was thwarted by rampant corruption. There can be no question of an effective fight against corruption by the Afghan government.

State and government building in Afghanistan did not fail due to a lack of financial support from the international community. Rather, corruption, the drug economy and the old warlords' retention and abuse of power systematically undermined the population's trust in the new democratic state. The Taliban were increasingly perceived as the lesser evil.

4.3.6 Dissenting opinion of Members of the Bundestag Jan Nolte (AfD) and Joachim Wundrak (AfD) and the expert Reiner Haunreiter on sections 4.3.3.3.1, 4.3.5.10 and 4.3.5.11

Dissenting opinion on section 4.3.3.3.1¹²⁹¹

The Afghan constitution of 2004 is regarded by the AfD parliamentary group as an "unstable foundation" due to its extensive room for interpretation and the various legal interpretations. In particular Article 3 of the Afghan Constitution ensured from the outset that neither a modern constitutional state nor a functioning democracy could develop. According to this norm, referred to as the "Sharia clause", all political and sovereign measures had to comply with the principles of Islamic law, otherwise the author could be accused of violating "holy law" and even be sentenced to death. The assumption by German politicians that Afghanistan would now be built up democratically and under the rule of law on the basis of the new constitution proved increasingly unrealistic. But for a long time, hardly anyone wanted to admit this.

See Whitlock (2021), p. 246.

A dissenting opinion on this section has been submitted by Bundestag Members Jan Nolte (AfD) and Joachim Wundrak (AfD) and

A dissenting opinion on this section has been submitted by Bundestag Members Jan Nolte (AfD) and Joachim Wundrak (AfD) and expert Reiner Haunreiter.

The content of dissenting opinions is the sole responsibility of the submitting parties.

Dissenting opinion on section 4.3.5.10¹²⁹²

From the perspective of the AfD parliamentary group, the very detailed report on "Afghanistan's drug economy" contains extremely interesting findings. Three aspects deserve particular attention:

Firstly, the Bundeswehr deliberately avoided engagements with drug traffickers and transporters due to the political mandate, which focused on a stabilisation mission. This put servicemen and women in a difficult conflict of interest. Ultimately, a situation arose that was not conducive to the "state-building project" (on page 41 of the report dated 8 February 2024).

Secondly, the report shows that Germany's reputation in northern Afghanistan declined as the population increasingly no longer perceived the German contribution as helpful, but rather as support for illegitimate rule (on page 44 of the report dated 8 February 2024).

Thirdly, "not talking about 'war" and "the effort to present the mission as a purely an aid measure" ... was sometimes perceived "by the public as disrespectful" (on page 48 of the report dated 8 February 2024).

Dissenting opinion on section 4.3.5.11¹²⁹³

According to the AfD's analysis and assessment, the findings of the Study Commission on "budget and finances" fall short in essential parts. Germany participated in military-supported state and government building in Afghanistan, but the German Government and the Bundestag used the legitimisation of human rights and the promotion of democracy as a kind of moral compensation for the use of lethal military force. 1294

In economic terms, the country was poorly developed by international and regional standards in 2001 and had remained so by 2021. 1295 The political decision by the US government under President Bush in favour of a central state and the introduction of a presidential democracy negated Afghanistan's history and culture. The Americans and Europeans set up a centralised budgetary and financial system in Afghanistan, which was primarily intended to enable functioning national state, financial and banking sectors in the first place. This strong centralisation of public finance management in Afghanistan was an obstacle to development that prevented many Afghans from trusting the government. In order to develop Afghanistan economically, there should have been regional concepts, closely coordinated with all relevant regional players at an early stage.

The Afghanistan operation cost the lives of around 243,000 people and the United States alone spent a total of around 2.313 trillion dollars. This merely bought a twenty-year interregnum in the Taliban's rule over the country. The end of the operation was perceived worldwide as a defeat for the US-led Western alliance, which joins a history of unsuccessful military interventions in Vietnam, Iraq, Syria and Libya.

The German Government estimates the costs for Germany at 17.3 billion euros. ¹²⁹⁷ However, this figure does not include a number of costs (including financing costs, consulting costs, opportunity cost, i.e. the loss of other investment opportunities). ¹²⁹⁸ If these were taken into account, a further 2.5 to 3 billion euros would have to be assumed for each year that Germany continued to participate in the war, meaning that total costs of up to 47 billion euros could have been incurred. Although the German Government has now put the costs at 17.3 billion

¹²⁹² The content of dissenting opinions is the sole responsibility of the submitting parties.

The content of dissenting opinion and citation of sources are the sole responsibility of the submitting parties.

¹²⁹⁴ See transcript of the 5th session of the Study Commission, 21 November 2022 (in German) https://www.bundestag.de/resource/blob/927700/13727d76e165d018764975944b2a965d/Wortprotokoll_21-11-2022-data.pdf (retrieved on: 1 February 2024), p. 9.

See the figures for 1990 to 2018 in a global comparison (in German) https://weltbevoelkerung.info/HDI/data.aspx (retrieved on: 1 February 2024) and for 2021 (in German) https://www.laenderdaten.de/indizes/hdi.aspx (retrieved on: 1 February 2024). Afghanistan ranks 180th out of 191 countries.

¹²⁹⁶ For details on the figures, see https://www.nzz.ch/international/der-krieg-in-afghanistan-forderte-240000-tote-ld.1640684 (in German) (retrieved on 1 February 2024) and the sources mentioned there.

¹²⁹⁷ See Bundestag printed paper 19/32643, p. 28 et seq.

See Brück, Tilman et al.: "Eine erste Schätzung der wirtschaftlichen Kosten der deutschen Beteiligung am Krieg in Afghanistan" [A first estimate of the economic costs of German participation in the war in Afghanistan], in: https://www.diw.de/documents/publikationen/73/diw_01.c.356888.de/10-21.pdf (in German) (retrieved on 1 February 2024), p. 2 et seq.

euros, some journalists continue to hold on to the DIW's estimate. 1299 Despite a difference of 29.7 billion euros between the two figures, there is little public interest in the total German costs, while the United States' war expenditure attracts more attention. The cost of the US war in Afghanistan has also been assessed in different ways, with a possible cost total of over 2 trillion dollars, including civilian aid. 1300 The different totals show that the calculation of the total costs depends on how the expenses are allocated. As there is no generally accepted definition of "input costs", there is no generally accepted figure either. Even the German Federal Audit Office was unable to confirm any of the sums circulating when asked. Germany's costs vary between 17.3 and 47 billion euros, depending on how they are measured. In view of the United States' amounts, the DIW's estimate of 47 billion euros from 2010 seems more realistic than the official figure from the German Government. In order to obtain a complete picture of the costs of Germany's involvement in Afghanistan, the consequences of a considerable increase in immigration from Afghanistan to Germany would also have to be taken into account.

The Study Commission correctly states that the huge sums of money that flowed into Afghanistan every year exceeded the economic absorption capacity of the Afghan economy. However, the overall context also needs to be considered. "Spending money as a weapon", which Western armed forces had been doing, especially since Obama's presidency and his change of strategy in Afghanistan, predictably led to an increase in overall monetary demand, which far exceeded the absorption capacity of the underdeveloped national economy, which still had strong features of an agricultural subsistence economy, and triggered corresponding inflationary effects due to the goods and factor gap in the national economy. From an economic perspective, the decades-long conflict hampered the development of a self-sustaining economy and, in particular, prevented Afghanistan's raw materials from being exploited to any significant extent.

It should also be noted that the international engagement in Afghanistan was not, as demanded by the German Government in 2010, "long-term, plannable and aligned with Afghan priorities" The German side could have designed projects during the American-led intervention and held out the prospect of financing them for the period after the end of the fighting. Afghanistan would have needed "trade, not aid"!

¹²⁹⁹ See zdf info: "Der Preis des Krieges: Afghanistan Doku (2020)" [The price of war: Afghanistan documentary (2020)], "Ein Film von Nicole Alibayof" [A film by Nicole Alibayof] et al., available on: https://www.youtube.com/watch?v=wkmzwX4G6Ug (in German) (retrieved on 1 February 2024), minute 38:30-38:47.

https://watson.brown.edu/costsofwar/figures/2021/human-and-budgetary-costs-date-us-war-afghanistan-2001-2022 or Matern and Wetzel 2021, in: https://www.sueddeutsche.de/politik/afghanistan-usa-biden-1.5346471 (in German) or Weimer 2021, in: https://www.focus.de/politik/ausland/20-jahre-afghanistan-mission-die-bilanz-ist-ein-desaster_id_14213913.html (in German) (each retrieved on: 1 February 2024).

Goods gap: Total demand for consumer and capital goods at given prices exceeds the supply of goods available at full utilisation of production potential; factor gap: Demand for production factors (labour, capital, raw materials) exceeds the factor supply, which can hardly be increased in the short term. https://www.wirtschaftslexikon24.com/d/inflatorischeluecke/inflatorische-luecke.htm (in German) (retrieved on: 1 February 2024).

German Government: "Fortschrittsbericht Afghanistan zur Unterrichtung des Deutschen Bundestags. Dezember 2010" [Progress Report on Afghanistan to brief the German Bundestag. December 2010] https://www.auswaertiges-amt.de/blob/240050/7fac3ec5b0dddaaa12c932d5a0b44efc/fortschrittsbericht-2010-data.pdf (in German) (retrieved on: 1 February 2024), p. 102.

5 The German mission in Afghanistan – public hearings with external experts

In eleven public meetings, the Study Commission heard 35 external experts who held positions of responsibility inside and outside Afghanistan during the international operation between 2001 and 2021. They worked for NGOs or as consultants, scientists and in think tanks. They included former Afghan ministers and politicians, Special Representatives of the United Nations, heads of UN and EU missions, German diplomats and Bundeswehr executives, three ministers of the German Government, a president of the Federal Intelligence Service and four chairmen of the Bundestag committees responsible for the mission. The experts were invited following agreement among the parliamentary groups and a decision by the Study Commission. 1303

The Commission initially proceeded chronologically and then set a number of thematic priorities. In doing so, it considered the role of the German Bundestag, the role of the German Government and independent evaluations of the twenty-year operation.

The Commission's questions to the experts were aimed at assessing Germany's involvement in the various phases and in the different policy areas. The experts reported on their experiences and assessments, put the successes and failures of the German contribution in Afghanistan in context, drew conclusions, made suggestions for institutional changes and gave advice for future comprehensive action in German foreign and security policy.

Below are summaries of the key statements made by the experts at the public hearings. The Commission expressly does not endorse the guests' reviews. Its own assessments can instead be found in chapter 3: Assessment of and lessons learned from the operation from page 17 onwards and in chapter 4: The German operation in Afghanistan – analysed in the project groups from page 25 onwards.

5.1 The start of the international operation in Afghanistan in 2001

The first two public hearings of the Study Commission on 21 November 2022 and 12 December 2022 dealt with the initial situation at the beginning of the international engagement in Afghanistan after the attacks of 11 September 2001.

The Commission had reached a cross-party agreement to consult three external experts on this issue. On 21 November 2022, these were Professor Conrad Schetter, Director of the Bonn International Centre for Conflict Studies, Michael Steiner, retired Ambassador, and Carl-Hubertus von Butler, retired Lieutenant General. On 12 December 2022, the Commission heard the following individuals: Thomas Ruttig, Afghanistan Analysts Network (AAN), Dr Habiba Sarabi, Minister of Women's Affairs and Minister of Culture and Education under President Hamid Karzai, and Dr Susanne Schmeidl from Swiss Peace.

Michael Steiner, foreign policy advisor to Chancellor Gerhard Schröder at the time, explained that there had never been any doubt about Germany's participation in the fight against al-Qaeda and the Taliban for the German Government out of solidarity with the United States and because of its duty to render military assistance within NATO. 1304 A few days after the attack of 11 September 2001, he had travelled to New York City and Washington, D.C. on behalf of the Federal Chancellor to find out how the United States would react and what support it expected. 1305

Deployment of the Bundeswehr after a short preparation period

Consideration of what contribution Germany could make had then led to the mandate for participation in the Operation Enduring Freedom (OEF) mission, which the Bundestag adopted on 16 November 2001, and in the International Security Assistance Force (ISAF), which the Bundestag adopted on 22 December 2001. 1306

¹³⁰³ See Summary of the hearings (section 6.12).

¹³⁰⁴ See Michael Steiner, Study Commission (2022b), p. 7.

¹³⁰⁵ See Michael Steiner, ibid., p. 7.

¹³⁰⁶ See Michael Steiner, ibid., p. 8.

Due to the rapid international military response, the Bundeswehr had had little time to plan the mandated missions in October 2001 and December 2001, explained Brigadier General Carl-Hubertus von Butler, who led the first ISAF contingent to Afghanistan. Also due to the difficult political decision-making process, visible operational preparations were largely avoided, which in his opinion would have exposed the servicemen and women on the ground to particular risk and should be avoided as far as possible in future operations. 1307

The first ISAF units of the Bundeswehr had flown to Afghanistan on 6 January 2002. Their mission had been to build up a national contingent of up to 1,200 servicemen and women in order to show a presence in the city with patrols and initial aid projects. This would have to be achieved despite not knowing where the Taliban and al-Qaeda had been located, what the structures and relationships in Kabul had looked like and how the population would behave, von Butler described. They had felt their way forward step by step. 1308

Civilian forces had not initially been on site. The first task forces in Kabul had identified that as a shortcoming. According to von Butler, the predominance of the military in Kabul was a missed opportunity to win over the population in favour of the international community's involvement in Afghanistan. ¹³⁰⁹

"The aim was to help the country develop a self-sustaining security architecture based on the most democratic structures possible. Of course, I was already aware at the time that I was directing the Western European gaze towards a country that was incompatible with us in almost every respect. However, the question of what was actually achievable did not occur to us at the time. Rather, the task at hand was to tackle a huge package of tasks. Step by step, the fog lifted. And progress was made relatively quickly." 1310

Carl-Hubertus von Butler, retired Lieutenant General.

According to von Butler, the extraordinary loya jirga in June 2002 was a "particular touchstone" at the end of his assignment. It had been held in cooperation between ISAF and Afghan security forces without any serious security incidents: "So we handed over the mission to our successors with great confidence." ¹³¹¹

From Ambassador Steiner's point of view, too, "everything seemed to be going well on the ground at first" in 2002. The Taliban had gone and terrorism had lost its base in Afghanistan. Security seemed to be guaranteed, people were able to move freely on the streets of Kabul and schools had been opened. Von Butler also reported that the international forces had felt welcome and that there was a sense of optimism among the population. 1313

However, the claim made in 2002 that "militarily Afghanistan had run its course" had been a misjudgement. At that time, the United States had turned its attention to Iraq and Saddam Hussein. That had shifted attention away from Afghanistan and towards Iraq. However, the United States was "by far the biggest factor" in Afghanistan politically, financially and militarily, Steiner explained. 1314

At the time, Germany had had a "relatively narrow foreign policy axis". From a German perspective, there had been Europe, NATO and peace policy. And suddenly the country had been confronted with international terrorism and Afghanistan. Germany had been completely unprepared for that. Unlike the Americans, the French and the British, who had had "a much more global foreign and security policy perspective and a more global security policy radius of action".¹³¹⁵

At that time, the EU had not yet seen itself as a security policy actor either. Things were different today. ¹³¹⁶ It had not played a major role at the time, nor had the United Nations. According to Steiner, the UN should have been involved to a greater extent from the outset. ¹³¹⁷

"Back then, after Nine Eleven, there was an international consensus: This attack had such a dimension that it justified a response, including a military one. This was evident in the Security

¹³⁰⁷ See Carl-Hubertus von Butler, ibid., pp. 10, 22.

¹³⁰⁸ See Carl-Hubertus von Butler, ibid., p. 3 et seq.

¹³⁰⁹ See Carl-Hubertus von Butler, ibid., p. 12.

Carl-Hubertus von Butler, ibid., p. 11.

¹³¹¹ Carl-Hubertus von Butler, ibid., p. 3 et seq.

¹³¹² Michael Steiner, ibid., p. 10.

¹³¹³ Carl-Hubertus von Butler, ibid., p. 3 et seq.

¹³¹⁴ Michael Steiner, ibid., p. 8.

¹³¹⁵ Michael Steiner, ibid., p. 13 et seq.

¹³¹⁶ Michael Steiner, ibid., p. 26.

See Michael Steiner, ibid., p. 18.

Council resolutions, in NATO's positioning and far beyond. I believe there was no alternative to the original approach after Nine Eleven. The mistakes crept in during the next phase." ¹³¹⁸

Michael Steiner, retired Ambassador

Steiner explained that democratisation, human rights, civil society and women's rights in Afghanistan had been central to the Germans. In his opinion, the Afghan population would have wanted security, economic development and school attendance for girls in the cities. But the people would not have wished for a Westernstyle model of democracy with a different scale of values to be brought to their "grown society, which was real and not a black box". 1319

Contextual understanding and regional understanding

According to Professor Conrad Schetter, too little consideration was given to cultural and ethnic diversity and the urban-rural divide with Western-oriented urban milieus and a conservative rural population in the preparations for the Afghanistan mission. The same had applied to the central conflicts in the country: Despite the long years of war, these had constantly been conflicts over the scarce resources of water, land and pasture.

1320 It had also not been sufficiently understood that the idea of statehood in the Western sense played no role at all in the lives of the majority of the population.

1321

"Thus the international community repeatedly reduced the country's past to rather crude lines of conflict [...]. There were few attempts to develop a historical understanding of the context. What is particularly striking is in how many policy areas – such as the security sector or education – the interveners pursued the same policy as the Soviet occupiers in the 1980s without even realising it." 1322

Professor Conrad Schetter, Bonn International Centre for Conflict Studies

In Schetter's perception, little of the existing expertise on Afghanistan was consulted. Specific knowledge banks were not created in subsequent years either. 1323

The Bonn Conference

The first international conference on the future of Afghanistan took place at the invitation of the United Nations and under the chairmanship of the UN Special Representative for Afghanistan, Lakhdar Brahimi, from 27 November to 5 December 2001 on the Petersberg mountain near Bonn. The German Government had played an important role as host and through its previous efforts to start a peace process, reported Thomas Ruttig, who attended the conference as a member of the United Nations delegation. 1324

Dr Habiba Sarabi noted that the Bonn Conference had laid the foundation for all the achievements, the constitution, women's rights and everything else that had been accomplished in 20 years. As far as people were able to follow developments, Afghan society had had high hopes for the Bonn Process. 1326

"That was a dark era. People had no hope. But the Bonn Conference was a light at the end of the tunnel. And they thought that there would be development and prosperity in Afghanistan and that people would be able to enjoy their lives. So they were very excited about the outcome of this conference." 1327

Dr Habiba Sarabi, Afghan politician and women's rights activist

¹³¹⁹ Michael Steiner, ibid., p. 9.

¹³¹⁸ Michael Steiner, ibid., p. 27.

¹³²⁰ See Professor Conrad Schetter, ibid., p. 18.

¹³²¹ See Professor Conrad Schetter, ibid., p. 7.

¹³²² Professor Conrad Schetter, ibid., p. 6.

¹³²³ See Professor Conrad Schetter, ibid., p. 19.

¹³²⁴ Thomas Ruttig, Study Commission (2022c), p. 19.

¹³²⁵ See Dr Habiba Sarabi, ibid., p. 5.

¹³²⁶ See Dr Habiba Sarabi, ibid., p. 5.

¹³²⁷ Dr Habiba Sarabi, ibid., p. 5.

According to Schetter, the fact that the Afghan warlords of the Northern Alliance were able to assert their claims to government positions and influence at the Bonn Conference, even though some of them were considered responsible for violence and war crimes during the civil war between 1992 and 1996, made it difficult for society to make a fresh start and subsequently also prevented proper analysis of the war years.¹³²⁸

Dr Sarabi also described this as a problem. The warlords were armed and most of them had not given up their weapons during the subsequent demobilisation in the country. This resulted in human rights violations everywhere. 1329

Many representatives of the Northern Alliance had been at the head of the military, the defence forces and the security authorities in both the interim administration and the transitional government. Many governors had also been former warlords. They had tried to push back the Taliban. The Taliban had feared revenge and begun to mobilise again. 1330

The fact that Hamid Karzai was appointed head of the interim administration at the Bonn Conference was also criticised. ¹³³¹ He was seen by many as a person without popular support. ¹³³²

In addition to the Northern Alliance, three delegations from various Afghan and political forces had been invited, consisting mainly of former politicians and exiled Afghans. There had initially been no plans to include civil society groups, explained Thomas Ruttig. ¹³³³ The UN had tried to rectify that quickly at a second conference in Bad Honnef. ¹³³⁴ Civil society had also wanted crimes committed in the past to be investigated. According to expert Dr Susanne Schmeidl, the participants at the Bonn Conference rejected this, however. ¹³³⁵ The fact that this parallel meeting took place at all was largely due to the support of the German Government. ¹³³⁶

"No, there were no attempts at national reconciliation because the elites were not interested in that. [...] When you are in power, you don't want to be held accountable. I think that the opportunity to deal with the past was missed. Most Afghans you talk to have a very long memory and can tell you when they have been wronged in the past. [1337]

Dr Susanne Schmeidl, Swiss Peace, Basel

Some participants and observers saw the fact that the Taliban, as the central party to the conflict, were not present at the Bonn Conference as a mistake that had favoured the subsequent resurgence of the Taliban. However, their participation had been "politically unthinkable" at the time. The United States and other key players had made it clear that they would not negotiate with them. The United States are under the players had made it clear that they would not negotiate with them.

"In my opinion, it is an inherent defect of the Bonn Conference that the Taliban did not participate, but actually even more so that the democratic forces that also existed in Afghanistan, including organised civil society, were not allowed to have a say at this major forum held in Bonn. That was the real strategic mistake and the wrong course right from the start." ¹³⁴¹

Thomas Ruttig, Afghanistan Analysts Network

Thomas Ruttig believes that Germany could have "asserted itself more forcefully" after the good initiative of organising the Bonn Conference and tried to rally allied countries, for example to support the democratic processes in Afghanistan together with them. 1342

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See Professor Conrad Schetter, Study Commission (2022b), p. 13.
See Dr Habiba Sarabi, Study Commission (2022c), p. 13.
See Dr Habiba Sarabi, ibid., p. 20.
See Dr Habiba Sarabi, ibid., p. 9.
See Thomas Ruttig, ibid., p. 11 et seq.
See Thomas Ruttig, ibid., p. 16.
See Thomas Ruttig, ibid., p. 9.
See Dr Susanne Schmeidl, ibid., p. 14.
See Dr Susanne Schmeidl, ibid., p. 7.
Dr Susanne Schmeidl, ibid., p. 18.
See Dr Habiba Sarabi, p. 5; Thomas Ruttig, ibid., p. 10.; Professor Conrad Schetter, Study Commission (2022b), p. 16.
See Michael Steiner, Study Commission (2022b), p. 8.
See Dr Habiba Sarabi, Study Commission (2022c), p. 17.
Thomas Ruttig, ibid., p. 14.
See Thomas Ruttig, ibid., p. 25.
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Susanne Schmeidl, who had helped organise the civil society conference called at short notice on behalf of the UN, pointed out that the concept of civil society was understood differently in Afghanistan than in the West. In Bonn, the groups that would have helped the population in Afghanistan the most had been excluded. She was referring to religious and traditional groups, including councils of elders, shuras, jirgas and mosque systems.¹³⁴³ She said that she had come to the realisation that, although the role of civil society was valued, it was often used as a "fig leaf" to make things look more emancipatory. The opinion of civil society was invited, but decisions were made by others.¹³⁴⁴

5.2 Stabilisation and cooperation within the alliance – 2002 to 2008

The two public hearings of the Study Commission on 23 January and 27 February 2023 shed light on the years of stabilisation in Afghanistan and raised the question of cooperation within the international alliance. Following cross-party agreement, three external experts were invited: On 23 January 2023, Lakhdar Brahimi, UN Envoy to Afghanistan from 2001 to 2004, retired General Wolfgang Schneiderhan, Chief of Staff, Bundeswehr, from 2002 to 2009, and Dr Almut Wieland-Karimi, Director of the Friedrich Ebert Foundation in Kabul from 2002 to 2005, addressed the Commission. On 27 February, the Commission heard the following experts: Ambassador Hermann Nicolai, civil head of the PRT in Kunduz from 2009 to 2010/11, Lieutenant General Bernd Schütt, commander of the PRT in Faizabad, Afghanistan, e.g. in 2006, and Dr Sima Samar, former Afghan minister and head of the Afghan Independent Human Rights Commission.

The United Nations in Afghanistan

After 23 years of war and destruction, there were no functioning institutions for government and administrative business left in Afghanistan, said Dr Sima Samar, explaining the initial situation for the interim administration at the beginning of 2002. At the end of 2001, many of the positions in ministries and administrations had been occupied by people who had arrived in Kabul first together with the militias.¹³⁴⁵

Lakhdar Brahimi, the UN Special Representative, described coordination among the various UN organisations as difficult.¹³⁴⁶ Good coordination was one of the main elements of the Brahimi Report from 2000, which was named after him and dealt with proposals for UN peacekeeping missions.¹³⁴⁷

In connection with the Bonn Conference, he wanted to express his appreciation for the generous support and encouragement of the German Government and people then and now, as he put it. That had contributed significantly to the successes achieved in Afghanistan over the past 20 years.¹³⁴⁸

The most important goals of the Bonn Conference, such as the extraordinary loya jirga (June 2002) and the Constituent Loya Jirga (December 2003), had been achieved. Brahimi said that, in June 2003, he had suggested a critical review a year and a half after the first conference to adapt the programmes at a second conference. The United Nations had primarily wanted to achieve a more characteristic representation of the Afghan population in the transition process and to push back the dominance of the Northern Alliance. The proposal was welcomed by several parties, but was ultimately not implemented. 1349

Brahimi also stated that he had mooted involving the Taliban in further negotiations, but without success. The idea had been opposed not only by the United States, but also by other important countries such as Russia, India and Iran as well as by the representatives of the victorious Afghan groups. ¹³⁵⁰ In 2021, shortly after the Taliban marched into Kabul on 15 August, he had heard for the first time that the Taliban had originally offered interim President Karzai that they would accept the new order on one condition, namely that they could return to their villages and live there undisturbed. He had not received this information at the time. ¹³⁵¹

¹³⁴³ See Dr Susanne Schmeidl, ibid., p. 6 et seq.

See Dr Susanne Schmeidl, ibid., p. 7 et seq.

See Dr Sima Samar, Study Commission (2023n), p. 5.

¹³⁴⁶ See Lakhdar Brahimi, Study Commission (20231), p. 26.

¹³⁴⁷ See Lakhdar Brahimi, ibid., p. 26.

¹³⁴⁸ See Lakhdar Brahimi, ibid., p. 5.

¹³⁴⁹ See Lakhdar Brahimi, ibid., p. 6.

¹³⁵⁰ See Lakhdar Brahimi, ibid., p. 14.

¹³⁵¹ See Lakhdar Brahimi, ibid., pp. 5, 23.

He described not involving the Taliban at the Bonn Conference as the original sin.

"Although it cannot be claimed today that all Taliban would have joined the peace process, it can be assumed that the majority would have cooperated with the loya jirgas we organised in June 2002 and December 2003. I firmly believe that the failure to open up to the Taliban at this early stage played an important role in everything that happened subsequently, right up to the catastrophic ending on 15 August 2021." 1352

Lakhdar Brahimi, UN Special Representative for Afghanistan, 2001 to 2004

In general, he explained, he had come to the conclusion that it was necessary to talk to all sides, and this applied in particular to the United Nations. The example he mentioned was the International Committee of the Red Cross, which always talked to all parties to a conflict. 1353

When asked, Brahimi explained that the promotion of democracy had not been a priority for the United Nations at the beginning of the international operation in Afghanistan. Rather, the priority had been to create a functioning state. Above all, it needed a police force and a judicial system, and both had to be efficient and not corrupt. In his opinion, the outcome had not been good on either point.¹³⁵⁴

Dr Almut Wieland-Karimi, Director of the Friedrich Ebert Foundation in Kabul from 2002 onwards, confirmed this aspect. Initially, it had not been about democratisation, but above all about stability. 1355

She took a critical view of the decision in favour of a presidential system with a strong president in a large and fragmented country with an ethnically very diverse society. It had also been a mistake to opt for an electoral system in which parties were not permitted and individuals were preferred. Parties and democratic groups had been neglected in this process. Is 1357

Protection of human rights and democratisation

The work of the Independent Human Rights Commission, which had been resolved in the Bonn Agreement of 2001, had repeatedly been obstructed, noted Dr Sima Samar, who chaired the Human Rights Commission from 2002 to 2005. The Afghan parliament had thwarted a 2006 action plan to come to terms with the past – which had been intended not only to deal with criminal justice, but above all with redress and recognition of the suffering of the people – by passing an amnesty for members of parliament in 2007. Parliamentarians who had been involved in acts of violence in the past could therefore no longer be prosecuted. 1358

The Ministry of Women's Affairs had received little support within the government. Achieving something for women had been difficult because President Karzai had had to and had wanted to show consideration for the conservatives. Committed women in Afghanistan and many international donors had agreed that access to education, health and family planning for women had been central to the country's development. development.

"I believe that our approach to promoting and protecting human rights, especially for women, was essential. It is not just a nice phrase to say that the inclusion of women guarantees security, stability and democracy in a country. That's the unfortunate – or fortunate – truth." ¹³⁶¹

Dr Sima Samar, former Afghan Minister of Women's Affairs

Wieland-Karimi explained that German civil society organisations had been intensively involved in the efforts to democratise Afghanistan, as had the party-affiliated political foundations, including those for women and young people and for free media. Motivation was high: many of those involved had seen it as a historic

¹³⁵² Lakhdar Brahimi, ibid., p. 5 et seq.

¹³⁵³ See Lakhdar Brahimi, ibid., p. 27.

¹³⁵⁴ See Lakhdar Brahimi, ibid., p. 13 et seq.

Dr Almut Wieland-Karimi, Study Commission (2023ai), p. 26.

¹³⁵⁶ See Dr Almut Wieland-Karimi, Study Commission (20231), p. 14.

¹³⁵⁷ See Dr Almut Wieland-Karimi, ibid., p. 8.

¹³⁵⁸ See Dr Sima Samar, Study Commission (2023n), p. 21.

¹³⁵⁹ See Dr Sima Samar, ibid., p. 7.

¹³⁶⁰ See Dr Sima Samar, ibid., p. 16.

¹³⁶¹ Dr Sima Samar, ibid., p. 16.

¹³⁶² See Dr Almut Wieland-Karimi, Study Commission (2023l), p. 14.

opportunity to accompany a country on its path to peace. In the beginning, we had also seen great progress in the areas of education, health and infrastructure.

There had been no clear agreements, either among themselves or in dialogue with German ministries and international players. At the same time, they had worked together pragmatically on the ground and lived the Comprehensive Approach – without calling it that at the time. There had been talk of civil-military cooperation. Neither the foundations nor GTZ could have been active if it had not been for the German ISAF contingent. The need for a truly comprehensive approach had been recognised in Afghanistan at the time. 1364

Many international NGOs had come to Afghanistan and numerous new ones had been established. They had competed for employees and poached skilled workers by offering higher wages. The volume of funds flowing into the country for civilian projects had "certainly contributed to corruption in the country". 1365

There had been great progress in the beginning, but there had never been a systematic evaluation, says Wieland-Karimi. 1366

"Investments are risky in general, including in a fragile, dysfunctional state. Nevertheless, the prevailing logic was that every project – whether civilian, police, military or developmental – had to be a success. There were no failures and there was no real error culture. That certainly also led to the subsequent whitewashing in the reports, because everything was always a success." ¹³⁶⁷

Dr Almut Wieland-Karimi, Director of the Friedrich Ebert Foundation in Kabul, 2002 to 2005

Retired General Wolfgang Schneiderhan, Chief of Staff, Bundeswehr, from 2002 to 2009, commented on Germany's growing responsibility during the mission. He pointed out that NATO had only taken over command of ISAF in 2003 after the UN Security Council had extended the operational area to the whole of Afghanistan at the request of the Afghan government. From that point onwards, the operation was intended to ensure stability and security even outside Kabul.

The Provincial Reconstruction Teams, PRTs

During this phase, the Bundeswehr's importance in the alliance grew when the German Government received approval from the Bundestag in October 2003 to participate in the expansion of the international mission with one, and later two, Provincial Reconstruction Teams (PRTs) in northern Afghanistan.¹³⁶⁹

The takeover of the ISAF command in northern Afghanistan on 1 June 2006 had been another important step for the Bundeswehr. It meant that Germany had been in charge of one of the four large regional commands and had taken on additional responsibility. 1370

The German Government's Afghanistan policy paper of 1 September 2003 had been decisive for Germany's overall contribution during that phase. The aim had been to support Afghanistan in building a functioning state in all areas. There had, however, been no specific implementation guidance or more clearly defined targets and timelines¹³⁷¹ – just as there had generally been no consistent strategic, operational or even national communication process. Everything had been meant to be coordinated, but nobody wanted to be coordinated, emphasised Schneiderhan.¹³⁷² With regard to international coordination, he said:

"National interdepartmental coordination also had to be synchronised with the United Nations, with the United States and with all the other partners, which had now grown to over 40 in number; there

¹³⁶³ See Dr Almut Wieland-Karimi, ibid., p. 8.

¹³⁶⁴ See Dr Almut Wieland-Karimi, ibid., p. 9.

¹³⁶⁵ Dr Almut Wieland-Karimi, ibid., p. 9.

¹³⁶⁶ See Dr Almut Wieland-Karimi, ibid., p. 8.

¹³⁶⁷ Dr Almut Wieland-Karimi, ibid., p. 8.

<sup>See Wolfgang Schneiderhan, ibid., p. 10.
See Wolfgang Schneiderhan, ibid., p. 16.</sup>

¹³⁷⁰ See Wolfgang Schneiderhan, ibid., p. 20.

¹³⁷¹ See Wolfgang Schneiderhan, ibid., p. 11.

¹³⁷² See Wolfgang Schneiderhan, ibid., p. 12.

were also many more troops in the Regional Command North other than NATO. And as a result, the different philosophies brought a lot more cultural differences into the military." ¹³⁷³

Wolfgang Schneiderhan, retired General, Chief of Staff, Bundeswehr, from 2002 to 2009

Lieutenant General Bernd Schütt, commander of the PRT in Faizabad in 2006, and Hermann Nicolai, civil head of the PRT in Kunduz from 2009 to 2011, described the mission of the PRTs, i.e. reconstruction teams consisting of military personnel and civilians.

According to Lieutenant General Schütt, his main task had been to create a secure environment on the ground, support the provincial governments and coordinate security issues and development projects with all state and non-state actors on the ground. Disarming illegal groups, humanitarian aid and emergency management had also been added. 1374

The reconstruction teams had had the necessary freedom for implementation on the ground. He had found that successful work depended above all on a strategy that was as interdepartmental and internationally coordinated as possible, on patience and implementation in small steps, and on responsibility taken by the partners in order to avoid excessive demands on the one hand and disappointments on the other.¹³⁷⁵

The forces on the ground had to be appropriately equipped for the situation. According to Schütt, it was the objectives and capabilities, not maximum limits, that should have determined how the mandates were allocated. 1376

"In my view, the overriding realisation should be that the deployment of military forces can only temporarily stabilise the security situation. The actual resolution of a conflict can only be achieved through politics and diplomacy as well as through the society of the crisis country in conjunction with appropriately facilitated, visible development." ¹³⁷⁷

Bernd Schütt, Lieutenant General, Commander of the ISAF Operation, Faizabad, Afghanistan, 2006

Hermann Nicolai categorised the PRTs as a feasible implementation of the Comprehensive Approach, which had been appropriate in Afghanistan. 1378

In his view, the answer to the question of whether the concept of PRTs had proved its worth depended on the perspective. Locally, there had been a number of successes, for example in healthcare and school attendance for children. The most important thing was the understanding within the PRTs that they were on the ground to support Afghan government policy and help implement it. According to Nicolai, the PRT had not been intended to be perceived as a separate, independent actor, but the aim had been to support the provincial administration "discreetly so that people would go to the governor, the director of education or the director of health and raise their concerns there". The director of the director of health and raise their concerns there ". The director of the director of health and raise their concerns there".

However, not all countries had pursued this approach equally and its implementation had enjoyed "very mixed success" across the country. Close internal coordination and a uniform approach to the provincial administration had been important for the PRT. That had also been achieved to varying degrees in the different provinces, but had worked well in the German-led PRTs. ¹³⁸¹

In addition to internal networking, networking with other local players had also been key. 1382

"Networking with the United Nations and non-governmental organisations on the ground was very important. For the PRT to function well, it always seemed particularly important to me that the civilian part and the civilian activities were very visible to the servicemen and women. They drew

¹³⁷³ Wolfgang Schneiderhan, ibid., p. 11.

See Bernd Schutt, Study Commission (2023n), p. 8.

¹³⁷⁵ See Bernd Schütt, ibid., p. 8.

¹³⁷⁶ See Bernd Schütt, ibid., p. 12.

¹³⁷⁷ Bernd Schütt, ibid., p. 12.

¹³⁷⁸ See Hermann Nicolai, ibid., p. 12.

¹³⁷⁹ See Hermann Nicolai, ibid., p. 12.

¹³⁸⁰ Hermann Nicolai, ibid., p. 13.

¹³⁸¹ See Hermann Nicolai, ibid., p. 13.

¹³⁸² See Hermann Nicolai, ibid., p. 13.

a lot of their motivation for the hard work on the ground from the fact that they saw that something was happening in terms of development and stability."¹³⁸³

Hermann Nicolai, civil head of PRT in Kunduz, 2009 and 2010/11

5.3 Expansion, escalation and transition – 2009 to 2014

The public hearings of the Study Commission on 27 March and 24 April 2023 focused on the expansion of the German mission in the context of a change in strategy and a worsened security situation in Afghanistan, as well as the handover of the mission to Afghan responsibility. Following cross-party agreement, three external experts were invited to each hearing. On 27 March 2023, the Commission heard the following: Dr Barnett Rubin, Advisor to the Special Representative for Afghanistan and Pakistan in the US State Department from 2009 to 2013, Brigadier General Jared Sembritzki, Commander of the Quick Reaction Force 5, ISAF, in 2010, and Florian Broschk, Security Advisor to the German Government's development cooperation in Mazar-e-Sharif and Kabul from 2010 to 2015. Peter Jördening, Head of the German Police Project Team (GPPT) in 2021 and 2022, Stefan Recker, Head of the Caritas Germany office in Afghanistan, and Dr Tilmann J. Röder, Managing Director of JustPeace gGmbH, addressed the Commission on 24 April.

United States reviewing its strategy

Dr Barnett Rubin reported on decisions made by the US government from 2009 onwards. At the time, the analysis had suggested that the United States and the Afghan government were "slowly losing the war in Afghanistan". The amount of territory under their control had continued to decrease. It was felt that the United States had invested too little in Afghanistan – partly due to the distraction caused by Iraq. Barack Obama had been elected president on a campaign promise to end the war in Iraq and devote more resources to Afghanistan, Rubin said. The strategies had been adapted accordingly. Iss

However, there had initially been no consensus within the US government when the Afghanistan strategy was reviewed in 2009. The contradiction between the objective of fighting terrorism and that of reconstruction had been a recurring topic. For the new President, the priority had been to rectify the situation so that the United States could withdraw militarily from Afghanistan. The military's aim had been to organise the strategy in such a way that the United States could win the fight against the Taliban. However, all the approaches discussed had ultimately led to more troops being needed. This had led to operation The Surge, the expansion of US troops in Afghanistan. 1387

In 2010, the decision had been made to support a political settlement of the war in Afghanistan and to enter into talks with the Taliban to this end. ¹³⁸⁸ These had subsequently failed. The attempt at a political solution had been based on the idea that the government of Afghanistan, given its resources, "would never be able to maintain sufficient security forces to cope with the threat posed by the Taliban". In the absence of a political solution, there were fears of a "collapse of the institutions". ¹³⁸⁹

When asked whether the United States' mission in Afghanistan had been successful, Rubin replied that some things had failed and others had succeeded. 1390

"We never sufficiently succeeded in formulating a political interest that could be addressed by diplomatic and economic rather than military means. Once the usefulness of military means was exhausted, there was no carefully defined strategy left at all." ¹³⁹¹

¹³⁸³ Hermann Nicolai, ibid., p. 13.

¹³⁸⁴ See Dr Barnett Rubin, Study Commission (2023r), p. 6.

¹³⁸⁵ See Dr Barnett Rubin, ibid., p. 6.

¹³⁸⁶ See Dr Barnett Rubin, ibid., p. 6.

¹³⁸⁷ See Dr Barnett Rubin, ibid., p. 5.

¹³⁸⁸ See Dr Barnett Rubin, ibid., p. 5.

See Dr Barnett Rubin, ibid., p. 14.

<sup>See Dr Barnett Rubin, ibid., p. 29.
Dr Barnett Rubin, ibid., p. 22.</sup>

Barnett Rubin, Advisor to the Special Representative for Afghanistan and Pakistan in the US State Department, 2009 to 2013

Bundeswehr takes more offensive action against insurgents

The conditions for German servicemen and women had also changed in 2010, explained Brigadier General Jared Sembritzki. In spring 2010, the Bundestag had decided that the Bundeswehr could take more offensive action against insurgents. The extended mandate had led to operations outside the camps in unsecured areas. The example that Sembritzki described was Operation Post North, north of Pol-e Khomri in Baghlan province, which the Bundeswehr had set up from 2010. The mission of the up to 700 German servicemen and women had been to ensure a permanent presence in the area together with other international forces, to stabilise the security situation in the region and to involve the Afghan National Security Forces (ANSF), i.e. the police and military, in the operations and to take joint action with them. ¹³⁹²

There had been no Comprehensive Approach designed to combine economic, political and police resources. During the six-month mission, no representatives from other areas had been on site, apart from the German and international soldiers and the Afghan security forces. Instead, police, military and aid projects had been carried out alone, roads had been cleared, schools built and mosques financed. He himself had taken part in the local political meetings. All this had taken place following the change in strategy, the Counterinsurgency Operations (COIN).¹³⁹³

That was also when partnering with Afghan military personnel had begun. The initial aim had been to build trust, which had been followed by the first joint operations a few weeks later.¹³⁹⁴ Together with Afghan forces, they had succeeded in penetrating areas that had previously been Taliban heartland. Counterattacks had led to weeks of heavy fighting, in which the American troops now stationed in the north as a result of The Surge had been a great help.¹³⁹⁵

In summary, Brigadier General Sembritzki stated that these missions had increased the acceptance of the Bundeswehr among its international allies.

"The change in strategy towards offensive operations, with active cooperation from the Afghans and the transfer of more responsibility to local military leaders, led to massive recognition and respect at the military level. Even the forces from other nations operating with us were happy that we were on the ground, helping them wherever necessary, and that we were able to fight successfully together." ¹³⁹⁶

Jared Sembritzki, Brigadier General

Changing security situation and development cooperation

The fact that the Taliban had spread again in some areas of northern Afghanistan from around 2007 to 2009 also posed a threat to development cooperation (DC), reported Florian Broschk from the German development agency, Gesellschaft für Internationale Zusammenarbeit (GIZ). Although the Afghan security forces in the cities had exercised a sufficient degree of control over where the personnel's offices and accommodation were located, the work in the DC had meant that the personnel had regularly had to move outside the cities. 1397

Many organisations had reacted to the changed security situation by reducing their movements in the regions. According to Broschk, the German Government's development cooperation had opted for a different approach, "i.e. to analyse the local context in as much detail as possible and adapt the measures accordingly" and had therefore maintained its own security system with Risk Management Offices (RMOs) from 2008 onwards. International and Afghan experts had worked specifically on the ground to network with local stakeholders and

¹³⁹² See Jared Sembritzki, ibid., p. 8.

¹³⁹³ See Jared Sembritzki, ibid., p. 8.

¹³⁹⁴ See Jared Sembritzki, ibid., p. 8.

¹³⁹⁵ See Jared Sembritzki, ibid., p. 9.

¹³⁹⁶ Jared Sembritzki, ibid., p. 10.

¹³⁹⁷ See Florian Broschk, ibid., p. 11.

communities and build trust in the projects. ¹³⁹⁸ In difficult areas, public safety guarantees had also been requested, and traditional councils, for example, had responded by issuing them. ¹³⁹⁹

"A system equipped with sufficient resources that analyses and processes the local context down to the level of village and family associations would be my most important recommendation for future engagement in similar contexts. This can be supported by training specialists. We could really have used a cadre with proven country expertise and language skills in the years from 2009 to 2014." ¹⁴⁰⁰

Florian Broschk, Deutsche Gesellschaft für internationale Zusammenarbeit

According to Broschk, the implementation of the Comprehensive Approach between 2009 and 2014 had had a positive impact on the work to ensure the security of the development cooperation. In his view, the departments involved had coordinated well with each other. A "pragmatic, benevolent exchange characterised by mutual appreciation" had also taken place on the ground. 1401

Development cooperation had benefited above all indirectly from the presence of the Bundeswehr, partly because it had strengthened the Afghan security forces. However, it was not primarily and directly dependent on the international military or the Bundeswehr. Conversely, the idea of the contribution of development cooperation to a positive development of the security situation had "sometimes been one-sided, short-sighted and mechanistic", Broschk explained. The development in some regions showed that it was not poverty and a lack of education, but often "political interests and historical lines of conflict" that had led to the resurgence of the Taliban. 1403

Germany as lead nation in police building

Peter Jördening explained to the Commission Germany's commitment to the police in Afghanistan and referred to the initial conditions in 2002 and 2003. At that time, experience with such a build-up in the context of international peacekeeping missions had been "rudimentary". The year 1999, following the experience made in Kosovo, had seen the birth of civilian crisis engagement in the European Union. 1404

In 2002, Germany had taken over the development of the Afghan police force as the lead nation. The aim had been to train a civilian police force. That had not been a matter of course, as at that point there had not been a functioning police force in Afghanistan for at least 15 years and the role of the police had largely been unknown among the population. Nevertheless, there had been some connections because both West and East Germany had provided support for police training in Afghanistan in the past.

The police academy and many other authorities and police stations that had been reduced to rubble had been built "from the ruins" very quickly, said Jördening. However, the sustainable approach for a civilian police force could not be maintained when the military and civilian operations of the Provincial Reconstruction Teams had been scaled up. However, the sustainable approach for a civilian police force could not be maintained when the military and civilian operations of the Provincial Reconstruction Teams had been scaled up. However, the sustainable approach for a civilian police force could not be maintained when the military and civilian operations of the Provincial Reconstruction Teams had been scaled up.

In addition, the United States had already started an eight-week training programme for ordinary patrol officers in 2003. Alongside general security, the protection of "the economically and militarily vital" ring road had been a weighty argument for the United States in favour of a faster deployment of personnel, and the Afghan side had followed suit. 1408

Without denying the necessity of the faster build-up, Jördening explained that, in his opinion, this had meant turning away from a qualified civilian police force in favour of a quantitative increase in resources for short-term stabilisation. 1409

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See Florian Broschk, ibid., p. 11.
See Florian Broschk, ibid., p. 12.
Florian Broschk, Broschk (2023), p. 9 et seq.
Florian Broschk, ibid., p. 3.
Florian Broschk, ibid., p. 5.
Florian Broschk, ibid., p. 7.
See Peter Jördening, Study Commission (2023u), p. 5.
See Peter Jördening, ibid., p. 6.
Peter Jördening, ibid., p. 6.
See Peter Jördening, ibid., p. 4.
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As the operation was expanded into the provinces, it had been recognised that the police build-up would have to be put on a broader footing. That was why the European Union Police Mission Afghanistan (EUPOL) was founded in 2007. The mission had lasted only ten years. Germany, on the other hand, had continued to honour the commitment it had made in 2003 to support the Afghans as a lead nation in building up the police force even during the years of realignment.

However, it was impossible to keep such a broad promise due to the many factors that could not be influenced. Smaller, more modest goals that could be realised by those who were supposed to implement them were much more promising, Jördening concluded.¹⁴¹⁰

"The political, economic and especially the security situation, as well as continuity in personnel and organisational matters, including coordination, as well as the willingness and ability of those getting the advice to accept and ultimately assume responsibility, are critical to success, but can only be influenced to a limited extent by those providing the support. Based on what I know today, external support can do no more than contribute to the development." 1411

Peter Jördening, Head of the German Police Project Team in Afghanistan, 2020 to 2021

NGOs and Comprehensive Approach

Stefan Recker, head of the Caritas country office in Afghanistan, reported to the Commission on his work in Afghanistan. In the experience made by Caritas, which had been working in the country since 1984, local projects with "small, manageable goals" were preferable to large projects, especially in the area of state building. These findings were also supported by a meta-study by the Federal Ministry for Economic Cooperation and Development, which had analysed projects between 2008 and 2018.¹⁴¹²

Caritas did not pursue the comprehensive security approach. The organisation was convinced that security for non-governmental organisations was achieved through acceptance. That meant working with small offices and small projects that were not exposed. Those were good security measures, said Recker. Caritas always worked with partner organisations and local communities. 1413

Recker was critical of the PRTs, which had institutionalised cooperation between civilian and military players for the first time. From the outset, the dominance of military and security policy interests had become clear. That had been reflected in the financial resources deployed and the ratio of military to civilian personnel. In some cases, projects had only been funded in regions where the German Government had had responsibility for security. In the view of many humanitarian and development organisations, that was an "extremely worrying subordination" of development cooperation and humanitarian aid to security and foreign policy interests. ¹⁴¹⁴

"The comprehensive approach to security simply doesn't work in my view. You can't mix military or police security with aid organisations. That poses a problem, especially in a conflict situation. The security of the aid organisations is to a very significant degree guaranteed by acceptance by the population, but of course also by the parties to the conflict. If they see someone constantly interacting with a PRT or doing things with the military, acceptance is undermined." ¹⁴¹⁵

Stefan Recker, Head of the Caritas Germany office in Afghanistan

Overall, most of the German Governmental and non-governmental development cooperation and humanitarian aid projects had been quite well adapted to local needs, said Recker. In some cases, "last-minute planning cycles, overambitious targets and frequently changing strategies" had led to problems. ¹⁴¹⁶ Overall, there had been very good cooperation between the various German players in Afghanistan. ¹⁴¹⁷

Dr Tilmann J. Röder from JustPeace addressed on behalf of the Commission the question of how robust state structures in Afghanistan were in comparison to informal structures. According to Röder, the state structures had

¹⁴¹⁰ See Peter Jördening, Study Commission (2023u), p. 7.

¹⁴¹¹ Peter Jördening, Jördening (2023), p. 6.

¹⁴¹² See Stefan Recker, Study Commission (2023u), p. 8.

See Stefan Recker, ibid., p. 8.

¹⁴¹⁴ See Stefan Recker, (2023), p. 2.

¹⁴¹⁵ Stefan Recker, Study Commission (2023u), p. 20.

¹⁴¹⁶ See Stefan Recker, ibid., p. 5.

¹⁴¹⁷ See Stefan Recker Stefan Recker, ibid., p. 8.

been weakened by various factors. One of those factors had been the armed struggle. Between 2009 and 2014, between 22 and 26 per cent of the state budget had been spent on the security sector. 1418

However, the biggest problem by far had probably been corruption. The World Bank had estimated for 2010 that around 30 per cent of financial aid had been lost as a result. Another factor was informal structures, including tribal structures, warlords and religious authorities. Röder described the transfer of positions from radical Islam to politics and the judiciary as "highly problematic". Another informal structure, the drug networks, had led to politics and administration becoming increasingly corrupt.¹⁴¹⁹

The state's judicial institutions had been "perceived by parts of the population as ineffective, corrupt and alien" and therefore shunned. In rural areas in particular, many people had continued to turn to traditional councils of elders and increasingly also to the Taliban's mobile courts, which had been competing with the state's judicial system. The decisions of the Taliban judges, who travelled around the country by motorbike and offered dispute resolution at village level, had been perceived as fair. The use of these judges had been a key element in the Taliban's strategy. 1420

Introducing a legal culture and separation of powers in a country like Afghanistan was difficult of course. Short project durations were understandable due to budgetary law. But it was worth thinking about how improvements could be achieved. 1421

"These are very, very long processes. I have always thought in terms of at least one generation. That would be twenty-five to thirty years. We may not have had that much time back then, but we should have planned for it and perhaps approached the matter differently. That's easy to say in hindsight, but it's one conclusion you can draw from it." ¹⁴²²

Dr Tilmann J. Röder, JustPeace gGmbH

In general, Röder said, it seemed important to him to place people and their interests, rather than institutions, at the centre of similar missions in the future and to also provide for smaller-scale approaches and projects. State-building should be preceded by a peace process. 1423

Realignment, adjustment and withdrawal from 2015 to 2021: objectives, adjustments and dynamics at international, national and local level

On 22 May and 19 June 2023, the Study Commission dealt with the phase from 2015 to 2021. At the meeting on 22 May, it focused on the dynamics at international, national and local level. The Commission had reached crossparty agreement to hear three external experts on this issue: Zarifa Ghafari, founder of the non-governmental organisation Assistance and Promotion of Afghan Women, Dr Ulrike Hopp-Nishanka, former Deputy Head of the Afghanistan/Pakistan Division in the German Federal Ministry for Economic Cooperation and Development, and retired US General David H. Petraeus, Commander of the United States Central Command (2008-2010) and Commander of the US Forces in Afghanistan and ISAF (2010-2011).

The second hearing on 19 June focused on Germany's role in the multilateral context and considered the withdrawal and negotiations. The Commission also heard three external experts at this meeting: Andreas von Brandt, diplomat of the Federal Foreign Office and Head of the EU Delegation in Kabul (2020-2021), Jan Hendrik van Thiel, diplomat of the Federal Foreign Office and Chargé d'Affaires of the German Embassy in Afghanistan (2021), and Deborah Lyons, Ambassador of Canada to Afghanistan (2013-2016) and United Nations' Special Representative for Afghanistan and Head of the UN Assistance Mission in Afghanistan (2020-2022).

¹⁴¹⁹ See Tilmann J. Röder, ibid., p. 9.

¹⁴²⁰ See Tilmann J. Röder, Röder (2023b), p. 4.

¹⁴¹⁸ See Tilmann J. Röder, ibid., p. 9.

¹⁴²¹ See Tilmann J. Röder, Study Commission (2023u), p. 16.

¹⁴²² Tilmann J. Röder, ibid., p. 16.

¹⁴²³ See Tilmann J. Röder, ibid., p. 10.

Lack of strategic patience

Retired US General David H. Petraeus presented his assessment of the international engagement in Afghanistan. He emphasised that the German emergency services had acted "very competently". 1424 Overall, he described the "military aspect" of the mission as "pretty good". 1425 One problem had been "that the overarching strategic approach, namely the repeated search for a way out, [had undermined] the capability" for military action. In Iraq, "things [had been] done much better" because there had never been any talk of withdrawing. 1426

The United States had already (re)focused its attention, means and resources on Iraq at an early stage and only concentrated on Afghanistan again at the end of 2008.

Petraeus said that it had to be recognised that it had taken nine years – from the end of 2001 to the end of 2010 – to create the "right conditions" in Afghanistan. These included the strategy, the amount of resources, the organisational structure of the various programmes and the preparation of the armed forces. 1427

According to Petraeus, the United States had not placed any emphasis on long-term state-building despite the recognised necessity. In general, he spoke of a lack of "strategic patience". 1428

"How long do you think it would have taken? I don't know, you can't predict that. (...) But to say that we are talking about several decades, or generations, would perhaps be more accurate, I think. You just have to have the patience. (...) That is the biggest strategic mistake, because it is anything but easy. Frankly, we have forgotten the lessons we learnt the hard way in the past in countries like Vietnam." ¹⁴²⁹

David H. Petraeus, retired US General

Petraeus noted other factors that had made successful action in Afghanistan more difficult, such as the composition of the Afghan government. The exclusion of the Taliban had been a mistake that had already been made at the Bonn Conference. Afghan shortcomings, a particular corruption, had also posed a challenge. The fact that Pakistan could not be dissuaded from serving as a retreat for the Taliban and Haqqani network also had also proved to be difficult.

The realisation that it would not be possible to win in Afghanistan and achieve all intended goals had not led to thinking "that we could simply manage the situation. That had resulted in the terrible diplomatic agreement negotiated by the United States." ¹⁴³⁴

Afghan civil society

Zarifa Ghafari described the situation of Afghan society, and in particular the conditions for women, in an increasingly deteriorating security environment.

She began by noting positively that, as a result of the international engagement, "a new majority generation has been formed in Afghanistan, which not only gained access to the digital world, but also to the modern world of education. Women became part of society and enjoyed political participation." We had been confident that this new generation would be able to assume social responsibility and political leadership in Afghanistan. However, the Doha Agreement "sold all their efforts in one day" 1436.

¹⁴²⁴ David H. Petraeus, Study Commission (2023ac), p. 27.

¹⁴²⁵ See David H. Petraeus, ibid., p. 34.

¹⁴²⁶ See David H. Petraeus, ibid., p. 34.

¹⁴²⁷ See David H. Petraeus, ibid., p. 25.

¹⁴²⁸ See David H. Petraeus, ibid., p. 25.

¹⁴²⁹ See David H. Petraeus, ibid., p. 35.

¹⁴³⁰ See David H. Petraeus, ibid., p. 26.

See David H. Petraeus, ibid., p. 32.
 See David H. Petraeus, ibid., p. 26.

See David H. Petraeus, ibid., p. 26.

See David H. Petraeus, ibid., p. 25.

¹⁴³⁵ See Zarifa Ghafari, ibid., p. 5.

¹⁴³⁶ See Zarifa Ghafari, ibid., p. 5.

Zarifa Ghafari saw the "open support by the international community for the arms barons, gangsters, smugglers, the mafia and war criminals" as a major obstacle to the emergence of an open and liberal society. ¹⁴³⁷ The younger generation, and women in particular, had, by contrast, not been sufficiently supported and encouraged.

Ghafari criticised the treatment of the rural population. They had been ignored and had not been told about values such as democracy, human rights and internationalism. The communication of such values had not been possible "because they were not reached and were not offered a platform". People had felt forgotten and neglected. That had paved the way for the return of the Taliban.

"It is no exaggeration to say that the main reason for the failure of our joint efforts during the last 20 years in Afghanistan was that we ignored the people in the rural areas, but supported projects in the big cities and worked mainly in the central areas." ¹⁴³⁹

Zarifa Ghafari, founder of the non-governmental organisation Assistance and Promotion of Afghan Women

With the withdrawal of the international community from Afghanistan, women had lost all rights and hopes, Ghafari stated. Afghanistan was the only country in the world where women were denied access to education and where they were "stoned and killed by men in stadiums after illegal trials". Women's existence had changed "from the role of a free individual to the role of a slave for the benefit of a male-dominated society". Women and children were the main victims of the Afghan conflict.

Looking back, said Zarifa Ghafari, the failure in Afghanistan had been a failure shared by all. However, the larger share was due to the international community giving "the wrong kind of support". 1442

Development cooperation

Dr Ulrike Hopp-Nishanka reported that the development policy engagement had been sustainable and effective within the "very limited scope of action". 1443 She referred to statistics published by the Federal Ministry for Economic Cooperation and Development showing improvements in life expectancy, school attendance, child mortality, immunisation rates and water supply.

The claim to sustainability of the engagement had always been there. For example, it had not just been about building a school, but also about understanding the context and ensuring that children could go to school.

When it came to meeting basic needs, "we will have to see to what extent they leave their mark on the present and future of Afghanistan" 1444.

"However, the progress made in 20 years of engagement in Afghanistan could not make up for what was not possible militarily and politically, nor could it achieve what development policy was not responsible for. I'm referring to enforcing statehood and the monopoly on the use of force and bringing about a political agreement on power-sharing as part of a peace process and an inclusive and just social contract." ¹⁴⁴⁵

Dr Ulrike Hopp-Nishanka, former Deputy Head of the Afghanistan/Pakistan Division in the German Federal Ministry for Economic Cooperation and Development

Hopp-Nishanka explained that development cooperation (DC) was aimed at resilience and self-governance in addition to basic needs. And it had been intended to help strengthen acceptance of the state. It was not yet possible to say whether the impact of the projects in this area would "leave its mark" on the future of Afghanistan.

¹⁴³⁷ See Zarifa Ghafari, ibid., p. 6.

¹⁴³⁸ See Zarifa Ghafari, ibid., p. 7.

¹⁴³⁹ See Zarifa Ghafari, ibid., p. 7.

¹⁴⁴⁰ See Zarifa Ghafari, ibid., p. 6.

See Zarifa Ghafari, ibid., p. 6.

See Zarifa Ghafari, ibid., p. 0.

See Zarifa Ghafari, ibid., p. 20.

¹⁴⁴³ See Dr Ulrike Hopp-Nishanka, ibid., p. 8.

¹⁴⁴⁴ See Dr Ulrike Hopp-Nishanka, ibid., p. 8.

¹⁴⁴⁵ Dr Ulrike Hopp-Nishanka, ibid., p. 8.

She emphasised that Afghanistan was a generational project that would take more than 20 years to complete and referred to the need for strategic patience. 1446

Hopp-Nishanka explained that, due to the deteriorating security situation, the room for manoeuvre was becoming increasingly narrower from the 2010s onwards. 1447

With regard to joint interministerial action, she noted that new ideas and methods for development cooperation and cooperation between the Federal Ministry for Economic Cooperation and Development and the Federal Foreign Office had been found in the course of the Afghanistan operation. A "significant learning process for the German Government's crisis engagement [had taken] place". A "significant learning process for the German Government's crisis engagement [had taken] place".

Hopp-Nishanka concluded by saying that the coordination and harmonisation processes of the ministries had contributed to a "coherent presence of the German Government". On the other hand, there had been no coherent picture of the international community with regard to security policy and geo-strategic objectives. It was therefore important to "apply much deeper thinking to the strategic context and realise your own opportunities to influence the international engagement as a whole [...]" in joint analysis and planning. ¹⁴⁵¹

Role of UNAMA

Deborah Lyons reported on the engagement in Afghanistan from the perspective of the United Nations. In accordance with the UN mandate, the United Nations Assistance Mission in Afghanistan (UNAMA) had seen itself as a coordinator and mediator that brought together the various international players in Afghanistan – NATO and countries involved in the operation. The regular meetings mainly focused on political, security and human rights issues. The exchange had ensured that the members of the international community had a "common knowledge base" so that they "were pulling in the same direction wherever possible". ¹⁴⁵²

According to Lyons, this coordinating role had been implemented well overall, but had had its limitations due to the mandate. The members of the UN Security Council had never been able to agree on a leadership role for UNAMA. That meant that UNAMA's room for manoeuvre had been limited. 1453

"UNAMA's efforts to take the lead in central areas, even informally, were often hampered by the dynamics of member states, particularly the major powers and countries in the region." ¹⁴⁵⁴

Deborah Lyons, former Canadian Ambassador to Afghanistan and the United Nations' Special Representative for Afghanistan and Head of the UN Assistance Mission in Afghanistan

Lyons stated that during the initial cooperation between UNAMA and NATO, when the military operation had been the main focus, it may have been "difficult for NATO to take UNAMA as seriously as it [would have] deserved to be taken". Later, in 2015, the relationship had been co-operative, despite differing assessments of the Afghan security situation – NATO's assessment of the situation had consistently been more positive than UNAMA's – and despite ongoing debates about UNAMA's human rights reports on the protection of the civilian population. Later

In her view, NATO and UNAMA could have played a leading role together in establishing more serious institutions. She concluded that "better guidelines [were] needed for future joint political missions between NATO and the United Nations". 1457

¹⁴⁴⁶ See Dr Ulrike Hopp-Nishanka, ibid., p. 8.

¹⁴⁴⁷ Dr Ulrike Hopp-Nishanka, ibid., p. 16.

See Dr Ulrike Hopp-Nishanka, ibid., p. 1 et seq.

¹⁴⁴⁹ Dr Ulrike Hopp-Nishanka, ibid., p. 27.

¹⁴⁵⁰ Dr Ulrike Hopp-Nishanka, ibid., p. 10.

¹⁴⁵¹ Dr Ulrike Hopp-Nishanka, ibid., p. 10.

¹⁴⁵² Deborah Lyons, Study Commission (2023al), p. 24.

Deborah Lyons, ibid., p. 25.

Deborah Lyons, ibid., p. 25.

Deborah Lyons, ibid., p. 26.

¹⁴⁵⁶ See Deborah Lyons, ibid., p. 26.

Deborah Lyons, ibid., p. 26.

Germany had been "a strong, co-operative and highly respected partner for UNAMA, NATO and the Afghans themselves". 1458

Corruption had been a "daily and omnipresent challenge". Lyons described it as a "silent terrorist", which had undermined international engagement and "destroyed" credibility among the population. ¹⁴⁵⁹ In future operations, more attention would have to be paid to combating corruption.

Furthermore, according to one of her conclusions, neighbouring countries should be more closely involved in future operations and all those involved in international peace missions would ultimately have to work together on a sustainable strategy.¹⁴⁶⁰

Withdrawal from Afghanistan

Andreas von Brandt, Head of the EU Delegation to Afghanistan in 2020 and 2021, explained when, in his view, the idea of a political solution to the conflict in Afghanistan had prevailed. The conviction that there should be negotiations with the Taliban had repeatedly come to the surface in a generalised form over the course of the twenty-year mission. Talks had already taken place in 2010 and 2011, albeit in secret. After the announcement of a South Asia Strategy by US President Donald Trump and the appointment of US Special Representative Zalmay Khalilzad in 2018, the idea of negotiations had dominated the discourse. 1461

"Calls for peace negotiations by the West seemed to me to be primarily motivated by domestic politics, and that was perfectly legitimate. In my opinion, a specific genuine political analysis of Afghan politics and a possible reconciliation of interests between different groups, including within the insurgency movement, never took place to a sufficient extent [...]." 1462

Andreas von Brandt, diplomat in the Federal Foreign Office and former Head of the EU Delegation in Kabul

From the EU's perspective, Germany had played an important supporting role in bringing the Taliban to the negotiating table. However, the Doha negotiations had primarily been aimed at the withdrawal of US troops. They had, however, not been about "serious, comprehensive peace negotiations". 1464

Von Brandt reported that, when he arrived in Kabul in September 2020, he had found a "very heterogeneous EU" in terms of the views of EU ambassadors on peace negotiations. There had been agreement in principle that negotiations were necessary, but not on how to get there and not on what concessions would be required from the Taliban. 1465

Brandt had considered it "illusory" that the Taliban would consent to an agreement with the representatives of the Afghan Republic before the United States withdrew. At least, this had been "inadequately" prepared for. 1466

The Afghanistan debate within NATO at the time of the peace negotiations had been characterised by "twenty years of difficult non-progress", said von Brandt. In this respect, it had been no surprise that they had wanted to end the operation in Afghanistan. There had been a great deal of "Afghanistan fatigue". 1467

Ambassador Jan Hendrik van Thiel, Chargé d'Affaires of the German Embassy in Kabul in 2021, described to the Commission how he had organised the assessments of the situation on the ground in the final phase of the operation. There had been a large number of pictures of the situation, which had been fed from numerous "bilateral and multilateral levels". 1468

¹⁴⁵⁸ Deborah Lyons, ibid., p. 26.

Deborah Lyons, ibid., p. 26.

¹⁴⁶⁰ See Deborah Lyons, ibid., p. 26.

¹⁴⁶¹ See Andreas von Brandt, ibid., p. 8.

¹⁴⁶² Andreas von Brandt, ibid., p. 8.

Andreas von Brandt, ibid., p. 8.

¹⁴⁶⁴ Andreas von Brandt, ibid., p. 8.

Andreas von Brandt, ibid., p. 9.Andreas von Brandt, ibid., p. 8.

Andreas von Brandt, ibid., p. 8.

Andreas von Brandt, ibid., p. 11.

¹⁴⁶⁸ Jan Hendrik van Thiel, ibid., p. 6.

He himself had arrived there in 2021 with a "relatively robust picture of the situation". He had realised that the operation in Afghanistan would soon come to an end and that there would only be a short period of time to initiate an evacuation. His colleagues at the embassy had told him that they were not prepared and that there was no evacuation plan. He had realised that

According to van Thiel, they had had a "different perspective" in Berlin at the time.¹⁴⁷¹ The Federal Foreign Office had not shared the views of the embassy in Kabul regarding the urgency and need to take immediate action. The feedback from there had been that it would not be pressurised. It did not want to weaken the Afghan government.¹⁴⁷²

Van Thiel emphasised that the fundamental question of whether there would have to be one or several pictures of the situation and whether these would have to be consistent was a question that "ultimately had to be asked in Berlin". He also knew from other national contexts that there could be multiple pictures of the situation and considered that "relatively normal". In his view, the joint assessment of the situation on the ground had "worked quite well", but there had indeed been a "falling out with Berlin". There was a need to resolve that for the future.¹⁴⁷³

In general, he was in favour of examining the Afghanistan operation as would be done in an error culture.

"I think it's important after a mission like this to actually have this kind of debate: What did we really want? What have we achieved? Why were some things not achieved? What mistakes were made? And that you then draw the conclusions from this." 1474

Jan Hendrik van Thiel, Diplomat of the Federal Foreign Office and former Chargé d'Affaires of the German Embassy in Afghanistan

5.5 Political responsibility structures: the Afghanistan mission in the German Bundestag – the role of parliament, information and strategic investigation

At its 19th meeting on 12 June 2023, the Study Commission discussed in detail the role of the Bundestag in foreign missions. The public hearing focused on parliamentary oversight over the Afghanistan mission.

The Commission had reached cross-party agreement to hear four external experts, all of whom had held important parliamentary functions and offices during the Afghanistan mission: 1475 Tom Koenigs, Member of the Bundestag from 2009 to 2017, former Chairman of the Committee on Human Rights and Humanitarian Aid (2009-2013); Hellmut Königshaus, Member of the Bundestag from 2004 to 2010, former group coordinator on the Committee on Economic Cooperation and Development (2005-2009), former Parliamentary Commissioner for the Armed Forces (2010-2015); Ruprecht Polenz, Member of the Bundestag from 1994 to 2013, former Chairman of the Committee on Foreign Affairs (2005-2013); and Reinhold Robbe, Member of the Bundestag from 1995 to 2005, former Chairman of the Defence Committee (2002-2005), former Parliamentary Commissioner for the Armed Forces (2005-2010).

The hearing focused primarily on the information and oversight options available to MPs, issues of better integration of German foreign and security policy within the framework of the Comprehensive Approach, the key role of the Bundestag in mandates for foreign missions, as well as possible institutional adjustments and any new bodies that may be necessary.

Information and oversight options of the Bundestag in international operations

The experts presented their views on the oversight and information options available to MPs in relation to foreign and security policy issues and operations in particular. The German Bundestag was one of the parliaments with the strongest oversight and information rights in the world. ¹⁴⁷⁶ It had a wide range of instruments at its disposal,

¹⁴⁶⁹ Jan Hendrik van Thiel, ibid., p. 6.

Jan Hendrik van Thiel, ibid., p. 7.

Jan Hendrik van Thiel, ibid., p. 6.

Jan Hendrik van Thiel, ibid., p. 5.

Jan Hendrik van Thiel, ibid., p. 17.

Jan Hendrik van Thiel, ibid., p. 8.

¹⁴⁷⁵ See Michael Müller, Study Commission (2023ai), p. 4.

¹⁴⁷⁶ See Tom Koenigs, ibid., p. 5.

including various rights to ask questions, the possibility to hold hearings and take delegation trips, the Parliamentary Commissioner for the Armed Forces, the Research and Legislative Reference Services and much more. 1477 There had been regular briefings by ministers, state secretaries and the Federal Intelligence Service. 1478 However, the Research and Legislative Reference Services were somewhat underutilised, and the knowledge of think tanks and research could be incorporated to a greater extent into parliamentary work. The US Congress was a role model here. 1479 With reference to the armed forces, Reinhold Robbe added that

"[n]ot least with the help of the Parliamentary Commissioner for the Armed Forces, parliament can at all times obtain a comprehensive, realistic picture of the people in the Bundeswehr and of the working and living conditions of servicemen and women". 1480

Reinhold Robbe, Member of the Bundestag from 1995 to 2005, former Chairman of the Defence Committee (2002-2005), former Parliamentary Commissioner for the Armed Forces (2005-2010)

This was possible in particular through unannounced troop visits, as planned parliamentary trips often presented a falsified and to some extent staged picture of the Bundeswehr and the situation on the ground. 1481

Overall, a broad spectrum of information had been available. The information opportunities for specialised politicians had generally been comprehensive and sufficient. However, the information available on the security situation – especially outside the Bundeswehr's immediate area of responsibility – had been sparse in some cases, making it difficult to assess the overall situation realistically. Various research knowledge bases that were generally available had not been accessed, and in general too little had been learned, or had wanted to be learned, from the failed Soviet occupation of Afghanistan. Other aspects such as the role of Pakistan and dwindling support for the Afghan government among the population had not been identified either.

The Comprehensive Approach and mandates for foreign missions

The Bundestag's involvement in the deployment of armed forces as a parliamentary army was unique in the world, said Tom Koenigs. 1486 The experts discussed the role of the parliament in issuing mandates and the Comprehensive Approach:

Firstly, it should be noted that the Bundestag could accept or reject the German Government's proposals for the deployment of German armed forces, but could not amend them. Since the principles of a mission were generally decided within a multilateral framework – by way of a resolution of the United Nations' Security Council or by NATO – a stronger role for parliament would be neither sensible nor necessary here. However, since approval was required, parliament also had an informal influence on the creation of mandates; this of course applied in particular, but not exclusively, to the parliamentary groups in the government.

However, these mandates should not be too detailed; it was about the "whether" and the general "how", i.e. political and strategic principles such as the mandatory multilateralism of missions, but not about the details such as specific types of troops or military equipment. Those details were difficult for parliament to answer on its own authority and could also change very quickly. It was problematic if parliament were to interfere too much in operational matters. 1491

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<sup>1477</sup> See Tom Koenigs, ibid., p. 5.
    Ruprecht Polenz, ibid., p. 9.
    See Tom Koenigs, ibid., p. 20.
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    Reinhold Robbe, ibid., p. 11.
<sup>1481</sup> See Reinhold Robbe, ibid., p. 12.
1482
    See Tom Koenigs, ibid., p. 6.
    See Reinhold Robbe, ibid., p. 11.
1484
     See Tom Koenigs, ibid., p. 25.
    See Tom Koenigs, (2023), p. 8.
<sup>1486</sup> See Tom Koenigs, Study Commission (2023ai), p. 5.
1487
    See Ruprecht Polenz, ibid., p. 9.
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    See Tom Koenigs, ibid., p. 5.
    See Reinhold Robbe, p. 11; and Ruprecht Polenz, p. 17, Study Commission (2023ai).
<sup>1490</sup> See Ruprecht Polenz, ibid., p. 9.
    See Hellmut Königshaus, ibid., p. 7.
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Hellmut Königshaus emphasised that a coherent approach was necessary right from the start, when planning a mission and issuing the mandate. The problem was that the German Parliamentary Participation Act, and therefore the mandates, only covered the military part; that needed to be changed, said Königshaus.¹⁴⁹²

"My recommendation is that in future, when parliament takes the mandate decision, it should prepare it [...] differently and actually proceed in a more coordinated manner than has been the case to date." 1493

Hellmut Königshaus, Member of the German Bundestag from 2004 to 2010, former group coordinator on the Committee on Economic Cooperation and Development (2005-2009), former Parliamentary Commissioner for the Armed Forces (2010-2015)

Other experts agreed with this assessment. Ruprecht Polenz emphasised that, in his opinion, the Comprehensive Approach had "not been sufficiently discussed and developed across departments even at government level" and that parliament had not overcome its compartmentalisation either. As a first step, the government needed to work more closely across departments and improve coordination; a coordinating committee such as a National Security Council could contribute to that. Addition, the military had been too much in focus in the Bundestag and that had also characterised the public debate. Networking had also failed because parts of the government had not supported it and some development non-governmental organisations had even rejected it. That needed to be improved. Tom Koenigs also said that in addition to a coherent, interministerial strategy, it was important not to neglect the exit strategy either:

"You learn from operational experience that there has to be an operational strategy and an exit strategy at all times." ¹⁴⁹⁸

Tom Koenigs, Member of the Bundestag from 2009 to 2017, former Chairman of the Committee on Human Rights and Humanitarian Aid (2009-2013)

Ruprecht Polenz also emphasised the need for an ongoing, independent evaluation of missions, which also had to include qualitative factors. Such an evaluation did not necessarily have to be carried out by parliament, but could and should be requested by the German Government.¹⁴⁹⁹

A security committee for the Bundestag?

There was broad agreement among the four invited experts that the mandates should in future be "overseen by a separate committee" in the Bundestag and "not only [be] discussed every six months when the discussion about the extension appears on the agenda", noted Tom Koenigs. 1501 Based on his experience as former Chairman of the Committee on Foreign Affairs, Ruprecht Polenz made a concrete proposal for such a committee:

"The National Security Council could then form mandate-specific working groups to support the respective missions across departments. An assessment could then be made whether the German Bundestag could also set up a general security committee based on the same criteria and also work with subcommittees for the individual mandates." ¹⁵⁰²

Ruprecht Polenz, Member of the Bundestag from 1994 to 2013, former Chairman of the Committee on Foreign Affairs (2005-2013)

¹⁴⁹² See Hellmut Königshaus, ibid., p. 25.

¹⁴⁹³ Hellmut Königshaus, ibid., p. 8.

Ruprecht Polenz, ibid., p. 9.

¹⁴⁹⁵ See Tom Koenigs, p. 10 and Ruprecht Polenz, pp. 10, 17-19, Study Commission (2023ai).

¹⁴⁹⁶ See Ruprecht Polenz, ibid., p. 19.

¹⁴⁹⁷ See Hellmut Königshaus, ibid., p. 8.

Tom Koenigs, ibid., p. 19. This also included the corresponding military capabilities, according to Ruprecht Polenz, ibid., p. 29.

¹⁴⁹⁹ See Ruprecht Polenz, Study Commission (2023ai), pp. 10 and 24.

¹⁵⁰⁰ Tom Koenigs, ibid., p. 8.

¹⁵⁰¹ Tom Koenigs, ibid., p. 8.

Ruprecht Polenz, ibid., p. 10.

This general security committee would have to be recruited from members of the relevant committees under an expanded definition of security. ¹⁵⁰³ He cited a subcommittee for the ongoing Mali mission as an example. ¹⁵⁰⁴ However, Polenz was also sceptical, as the "egoism of the committees involved" was just as pronounced as the competition between the ministries in the German Government. ¹⁵⁰⁶ In contrast to a security committee, Polenz considered joint meetings of the relevant committees to be of little use and also difficult to implement in organisational terms, as this would involve a very large number of MPs and would hardly allow for in-depth discussions of substantive issues. ¹⁵⁰⁷

Hellmut Königshaus agreed with this analysis, stating that it was hardly feasible to involve hundreds of MPs, especially in sensitive security issues. It was more expedient if "a joint subcommittee [was] set up to support the mandate and monitor these matters, in which knowledge [could] be stored and passed on"¹⁵⁰⁸ and in this way continuously supported the mission. ¹⁵⁰⁹ Tom Koenigs confirmed this. ¹⁵¹⁰ Reinhold Robbe added that, during his time as committee chairman, there had been efforts to hold joint meetings of at least the Foreign Affairs and Defence Committees, but that this initiative had failed due to the apparent lack of interest from the leaders of parliamentary groups supporting the government. ¹⁵¹¹ However, the Study Commission could provide important impetus here.

5.6 The role of the Federal Chancellery and the German Government

At its 24th meeting on 3 July 2023, the Study Commission discussed the role of the German Government in detail. The public hearing focused on the responsibility structures of the Afghanistan operation within the government and the Chancellery.

The assignment covered several German Governments, starting with the red-green coalition until 2005, the subsequent CDU/CSU and SPD coalition (2005-2009), the CDU/CSU and FDP coalition (2009-2013) and the two grand coalitions from 2013 to 2021.

The Commission had reached cross-party agreement to hear four external experts on this issue: Joschka Fischer, former Federal Minister of Foreign Affairs and Vice-Chancellor (1998-2005), Heidemarie Wieczorek-Zeul, former Federal Minister for Economic Cooperation and Development (1998-2009), Dr Thomas de Maizière, former Federal Minister for Special Tasks and Head of the Federal Chancellery (2005-2009) as well as Federal Minister of the Interior (2009-2011 and 2013-2018) and Federal Minister of Defence (2011-2013), and Gerhard Schindler, former President of the Federal Intelligence Service (2012-2016).

The hearings focused primarily on Alliance solidarity, interministerial cooperation within the German Government and the capabilities of the Bundeswehr.

Foreign policy and Alliance solidarity

Retired Federal Minister Joschka Fischer explained the foreign policy risk the Federal Republic of Germany would have taken if it had not acted in solidarity with the Alliance after 11 September 2001.

The fact that some of the attackers had spent a long time in Hamburg-Harburg had also contributed. With regard to the Afghanistan operation, Mr Fischer made it clear that this had initially been an invasion by the Americans and British; the Alliance's mission had only come at a later date. The decision to participate was "anything but easy" for the German Government at the time¹⁵¹², Fischer explained. Today in particular, it was clear how much "we depend on the United States for our security and will continue to do so for some time to come" The other invited experts agreed on the lucidity of this point. Former German Development Minister Heidemarie

¹⁵⁰³ See Ruprecht Polenz, ibid., p. 19, Tom Koenigs also supported this analysis (pp. 19-20).

¹⁵⁰⁴ See Ruprecht Polenz, ibid., p. 22.

¹⁵⁰⁵ Ruprecht Polenz, ibid., p. 9.

¹⁵⁰⁶ See Ruprecht Polenz, ibid., p. 24.

¹⁵⁰⁷ See Ruprecht Polenz, ibid., p. 9.

¹⁵⁰⁸ Hellmut Königshaus, ibid., p. 20.

¹⁵⁰⁹ See Hellmut Königshaus, (2023), p. 4.

¹⁵¹⁰ See Tom Koenigs, (2023), p. 5.

¹⁵¹¹ See Reinhold Robbe, (2023), p. 7.

¹⁵¹² Joschka Fischer, Study Commission (2023am), p. 6.

¹⁵¹³ Joschka Fischer, ibid., p. 6.

Wieczorek-Zeul, for example, said that it would de facto not have been possible to refuse to participate in the Afghanistan operation. 1514

The former Federal Minister of the Interior and Defence, Dr Thomas de Maizière, explained that, as head of the Federal Chancellery, he had regularly spoken on the phone to the White House Chief of Staff, as well as to the US Secretaries of Defence and the Secretary of Homeland Security.

De Maizière emphasised that the US Americans had saved many German soldiers' lives, not only through reconnaissance, but often enough by rescuing German soldiers from difficult situations. In terms of airspace, the Europeans would never have been able to do that alone. Nevertheless, Germany's role had carried weight. For example, the German Government had twice dissuaded the United States from withdrawing prematurely and without coordination.

Heidemarie Wieczorek-Zeul criticised what she saw as a lack of coordination in the former Joint Coordination and Mentoring Board, i.e. between the representative of the UN, the Afghan government and the international community. In Kabul, too, there had not been enough coordination between the international players. She rejected the concept of Provincial Reconstruction Teams as practised in Afghanistan.

Joschka Fischer said that, looking back, he did not regard the mission as a mistake. It was true that public attention had tended to wane as a result of the war in Iraq, and the focus of aid for the Afghan population had also been scaled back. However, Germany had continued to provide assistance, for example with police missions.

Fischer explained that the situation within Afghanistan had been an issue from the very beginning, not only for the German Government but also for the UN. The international Afghanistan conferences had always dealt with that issue. There had also been intensive discussions between the German Government departments. However, Germany had "not come into this with a large reservoir of substantive expertise". It had been a "leap in the dark" – not only in terms of military and development policy, but also diplomatically. Before his time as a Federal Minister, he himself had hardly dealt with Afghanistan at all. "That was of no consequence, neither here in Germany nor in the Bundestag." Fischer: "You are sitting in Brussels and suddenly the request comes that we are declaring solidarity with the United States as an ally under armed attack in accordance with Article 5. When I got up in the morning, I didn't think this would be on the agenda." ¹⁵¹⁶

According to Fischer, contact with other governments had usually also been very close, either through telephone calls or at the level of specialised civil servants. That applied not only to the Federal Foreign Office, but also to the Federal Ministry of Defence and the Federal Chancellery. He assumed that NATO had also had such close consultations. This was precisely one of the advantages of multilateralism.

"I don't think our mission was a mistake. If we hadn't gone along, we would have paid an enormously high price for this in the Alliance." ¹⁵¹⁷

Joschka Fischer, retired Federal Minister for Foreign Affairs

Mr Fischer made it very clear that, although participation in the Afghanistan operation had not been without an alternative, the price would have been the "complete shakeup of Germany's security architecture". Fischer: "No German Government could have taken this risk." He explained his stance as a process of realisation, even for himself. Germany's commitment to the Alliance had been the result of German history, the division of Germany, the Cold War and everything that had resulted from it. But, according to the former foreign minister, it was "a positive element for European development". ¹⁵¹⁹

Development policy and reconstruction

Heidemarie Wieczorek-Zeul described her impressions of the first years of the Afghanistan operation. Her political focus had been "to help end the disenfranchisement of women and to help secure their human rights in a very traditional, very patriarchal environment". ¹⁵²⁰ Strengthening women's rights led to a systematic

¹⁵¹⁴ See Heidemarie Wieczorek-Zeul, ibid., p. 27.

¹⁵¹⁵ Joschka Fischer, ibid., p. 26.

¹⁵¹⁶ Joschka Fischer, ibid., p. 26.

¹⁵¹⁷ Joschka Fischer, ibid., p. 6.

¹⁵¹⁸ Joschka Fischer, ibid., p. 26.

¹⁵¹⁹ Joschka Fischer, ibid., p. 26.

¹⁵²⁰ Heidemarie Wieczorek-Zeul, (2023), p. 1.

improvement in civil society structures and thus, according to the former development minister, indirectly to the stabilisation of institutions and statehood.

Wieczorek-Zeul explained that, from the beginning of her mission in Afghanistan, German state development cooperation had worked together with the Afghan central government as soon as the Afghan state structures had been established. This had taken the form of consultations or government negotiations, for example. Initially, Germany's work had focused on fulfilling people's immediate basic needs: energy, health, access to clean water, the economy, access to credit, education and the empowerment of women. Much had been achieved, particularly in the field of education, which was to this day benefiting women in Afghanistan in particular.

Thomas de Maizière stated that the civilian policy development had been the least successful. The most successful projects had been the construction of wells, the development of healthcare and education. No one had promoted a functioning Afghan administration.

"The Bundeswehr was expected to do too much. Armed forces can help secure the development of a state, but they cannot carry it out themselves." ¹⁵²¹

Dr Thomas de Mazière, retired Federal Minister of the Interior, Federal Minister of Defence, Federal Minister for Special Tasks and Head of the Federal Chancellery

The former President of the Federal Intelligence Service, Gerhard Schindler, saw no positive trend in Afghanistan's economic development; only the drug trade had flourished. This had in turn led to an even more dangerous security situation overall, which the Federal Intelligence Service had repeatedly pointed out.

Heidemarie Wieczorek-Zeul commented on the role of the police, stating that it would be important to also deploy police from the federal states for certain operations. However, if a police officer was then missing there, that was in turn problematic, for example in terms of funding for the police officers who were then made available.

"I think it's very difficult to believe that everything can only be done militarily. The police are extremely important." ¹⁵²²

Heidemarie Wieczorek-Zeul, retired Federal Minister for Economic Cooperation and Development

Interministerial cooperation and skills

The "lack of military strength we experienced at the time" should be viewed self-critically, ¹⁵²³ said former Foreign Minister Fischer. That had had a concrete impact on military capabilities not only on the ground, but had also reduced political influence. He described this as a lesson he had learned: "that we simply have to be prepared and have the skills ready for these kinds of more difficult missions." ¹⁵²⁴ He did not see any contradiction between civilian reconstruction, civilian aid, police deployment and a robust military presence.

Thomas de Maizière said that he had been to Afghanistan 13 times during his time in office. He said it was difficult for him to look back at the decision-making stages of government action at that time from today's perspective.

De Maizière primarily described his actions as head of the Federal Chancellery. There had been several kidnappings of German citizens in Afghanistan during this time, and three police officers had also been killed in an explosive attack. Finally, there had been the tanker bombing near Kunduz in 2009 – he had been extremely involved in Afghanistan.

The development of the operation had been a weekly topic in briefings on the intelligence situation and meetings with the heads of the security authorities – in that respect, the Chancellery's focus had primarily been on the security situation, while reconstruction had been more of a focus in the ministries, such as the Federal Ministry for Economic Cooperation and Development. The Federal Ministry for Economic Cooperation and Development had not been represented in the briefings on the intelligence situation, nor had it wanted to be. In his opinion, that should be different in future. However, he had always maintained very close contacts, especially with the Federal

¹⁵²¹ Dr Thomas de Mazière, Study Commission (2023am), p. 10.

Heidemarie Wieczorek-Zeul, ibid., p. 18.

¹⁵²³ Joschka Fischer, ibid., p. 26.

¹⁵²⁴ Joschka Fischer, ibid., p. 26.

Foreign Office and the Federal Ministry of Defence. A new white paper had also been jointly developed during this phase. He had always tried to reconcile foreign and domestic policy arguments in the coordination talks. With hindsight, De Maizière was in favour of setting up a National Security Council, which existed not only in the United States, but also in other democracies such as Italy and the UK.

Joschka Fischer conceded that, of course, domestic political opportunities had played a role, and of course there had been disputes within the coalition and also internally within the parties themselves. At the same time, however, the close cooperation at ministerial level had meant that there was always a "down-to-earth approach". There had also been intensive dialogue and meetings between the Federal Ministry of Defence, the Federal Ministry for Economic Cooperation and Development and the Federal Foreign Office. In addition, there had been a number of trips to Afghanistan and there had been close exchanges with the German Armed Forces, diplomats and others on the ground.

With regard to coordination between the German ministries involved, Heidemarie Wieczorek-Zeul explained that the concept of the Comprehensive Approach had not yet existed in 2001 and that the debate had primarily centred on the relationship between military strategy and civilian reconstruction. Nevertheless, there had, for example, been joint papers from the ministries involved. Personally, it had always been important to her that development cooperation employees were not subject to instruction from the military. "That would have contradicted all the convictions and guiding principles of German development cooperation." Instead, the concept of "shared responsibility, separate roles of the ministries" had been developed, which had also proven itself in practice in the PRTs.

Wieczorek-Zeul also mentioned some "niggles between the ministries", specifically the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development. But the reason that the "population was ultimately driven back into the arms of the Taliban" was not a lack of coordination between the ministries, but rather military operations.

Wieczorek-Zeul gave a positive assessment of the concept of the Comprehensive Approach "between development cooperation, foreign policy and the Ministry of Defence". Such a concept had to be an urgent conclusion for the future of operations. And there would also have to be a monitoring system for military operations – similar to the evaluations of development cooperation.

Thomas de Maizière's assessment of the Afghanistan operation covered five points: The military strength of the Taliban had been underestimated and the political strength of the Afghan government overestimated. Secondly, in Germany, the Afghanistan operation "and its harsh reality [had been] totally suppressed until the tanker incident" occurred. De Maizière referred to the term stabilisation mission, which masked the fact that it had been a combat mission. The third point was the excessive demands placed on the Bundeswehr; there had been a lack of appropriate military equipment, for example combat helicopters. Furthermore, in his opinion, the Bundeswehr servicemen and women had been under the impression that they had to carry out state-building — which they were unable to do. They were responsible for security, not implementation.

The fourth point made by the former minister was that all sides had underestimated the fact that Afghanistan was not a true nation state – the tribal and federal differences had not been given sufficient attention. But finally, as a fifth point, the mission could not be assessed exclusively from a German perspective. There had been almost no assessment in which Germany had determined any position alone; it had always done so jointly, and not only with NATO, but often with 50 other countries. And despite changing US strategies, there had always been a common assessment.

De Maizière also commented on the role of the Federal Police and explained that the Federal Police had not been able to do many of the things that had been required in Afghanistan. The federal state police units could have done that, but they would not willingly have become involved in the operation. And police officers could not be ordered to go to Afghanistan, as this would require the consent of the staff councils, for example. The high level of corruption among Afghan police officers had also been problematic. All of this had played a role in why the numbers of German police officers had been relatively low.

¹⁵²⁵ Heidemarie Wieczorek-Zeul, (2023), p. 21.

Heidemarie Wieczorek-Zeul, ibid., p. 2.

¹⁵²⁷ Heidemarie Wieczorek-Zeul, Study Commission (2023am), p. 18.

¹⁵²⁸ Dr Thomas de Mazière, ibid., p. 9.

De Mazière explained the different forms of reporting on developments in Afghanistan by the German Government. The reports of the Federal Intelligence Service, for example, had often been classified as secret, which had meant that certain dangerous developments could not be made public. However, progress reports on education, health or nutrition had always been publicly available. In addition, the operation had been wanted not least for Alliance reasons, which is why the situation had always been described in such a way that it made sense to continue the operation. Incidentally, an exit strategy had to be accompanied by conditions that are consistent with each other, and that had not been the case, for example on how to deal with the Taliban. To demand an exit strategy before going into an operation would mean the end for international operations.

Mr de Maizière explained the coordination and decision-making processes within the German Government in detail. The regular meeting of State Secretaries had been sufficient for decisions, but not for good cooperation between the ministries. The civilian side had essentially been the responsibility of the Ministry for Economic Cooperation and Development and the Federal Foreign Office. The Ministry of Economic Affairs and the Ministry of the Environment had not been involved, nor had the Ministry of Education and the Ministry of Transport, even though the latter would have been good at building tram tracks or tunnels, for example. According to the former minister, IT, critical infrastructures and the overview of raw materials as well as civil aviation had already been part of the interministerial coordination at a very early stage. From that he concluded that a National Security Council that could coordinate all of that at a working level would be a great advantage today.

Intelligence services reconnaissance

The former head of the German foreign intelligence service, Gerhard Schindler, voiced clear criticism when he made his comments on the role of the Federal Intelligence Service during the Afghanistan operation. The Federal Intelligence Service had been deployed in a variety of ways, especially in the regions. In its work, the service had time and again been hampered by the "grotesque regulations on matters such as keeping logbooks, different overtime compensation regulations or on healthcare costs for local staff". Schindler said it also had to be ensured that the security forces deployed in such foreign operations could work in the right general conditions. Ten years into the operation, these general conditions had still not been right for the Federal Intelligence Service – which for him "was not a good sign for the ultimate assessment of the operation". Schindler said it also had to be

The service had provided comprehensive reports on Afghanistan in various formats to the German Government, the Bundeswehr, the Federal Chancellery in particular, to the State Secretaries' Round Table as well as to individual members of parliament or ministers. The coordination between the Federal Foreign Office, the Bundeswehr and the Federal Ministry of Defence had always been excellent on the ground. Most of the briefings on the situation had begun with a map of Afghanistan, on which the area conquered by the Taliban had grown larger and larger over time. Even visually, none of those involved could have thought that something was going well.

"Judging by the way this mission was organised – at least during my term of office – the question of its purpose could not be answered convincingly. During my time in office from 2012 to 2016, I had doubts about the usefulness of our engagement in Afghanistan. And I still have these doubts today." ¹⁵³¹

Gerhard Schindler, retired President of the Federal Intelligence Service

In the Federal Intelligence Service – and that also concerned him personally – people were increasingly asking themselves what the point of the Afghanistan engagement actually was; it had not been possible to stop the country's decline, especially not with a training mission. In this respect, the service had limited itself to its reconnaissance task and to protecting the lives of the servicemen and women with operational reconnaissance on the ground. As President, he had arranged for documentation on how many attacks had been prevented – the total had been 19 specific attacks on German servicemen and women.

The Federal Intelligence Service had learned a lot in Afghanistan and collaborative interaction between and with other Western intelligence services had its origins in the joint mission in Afghanistan.

¹⁵²⁹ Gerhard Schindler, ibid., p. 11.

¹⁵³⁰ Gerhard Schindler, ibid., p. 11.

¹⁵³¹ Gerhard Schindler, ibid., p. 12.

5.7 International evaluations of the Afghanistan operation

The experiences and results of evaluations already carried out by Norway and the Netherlands on military and civilian engagement in Afghanistan, as well as the findings of a meta-study on research into the success of civilian support measures, for which Professor Christoph Zürcher, University of Ottawa, Graduate School of Public and International Affairs, was responsible, were the subject of the public hearing of the 25th Commission meeting on 18 September 2023. Ambassador Bjørn Tore Godal, Chair of the Norwegian Commission on Afghanistan, Oslo, former Ambassador to Germany and Minister of Foreign Affairs and Defence of Norway, explained the findings of the report "A Good Ally: Norway in Afghanistan 2001-2014", which was published under his leadership. Joost Flamand, Director for Security Policy Department, Ministry of Foreign Affairs of the Netherlands, The Hague, summarised the results of the evaluations already carried out in the Netherlands.

The effect of stabilisation measures

How successful was the stabilisation mission in Afghanistan? Bjørn Tore Godal emphasised the central conclusion of the evaluation of the Afghanistan operation, which had been compiled under his leadership back in 2016:

"Despite 15 years of international engagement, the situation in Afghanistan remains disappointing. Militant Islamist groups continue to influence parts of the country and the Taliban are stronger than at any time since 2001. Ongoing hostilities continue to undermine the potential for economic and social development, threaten to undo progress made and weaken the possibility of building a stable, functioning and democratic government." ¹⁵³²

Bjørn Tore Godal, Ambassador, Chair of the Norwegian Commission on Afghanistan, former Ambassador to Germany and Minister of Foreign Affairs and Defence of Norway

Based on the research findings on this issue, Professor Christoph Zürcher, author of the above-mentioned metastudy, fundamentally doubted that stabilisation measures could have a stabilising effect.¹⁵³³ In the case of Afghanistan, most of the funding was used to build up the police force and civil infrastructure projects. Stabilisation was assumed in scientific studies when a reduction in violence and an increase in the legitimacy of state institutions could be ascertained.¹⁵³⁴ According to Zürcher, the approach pursued in Afghanistan could not lead to pacification and increased legitimacy of the state. The Taliban would "not be convinced to become more peaceful if we build wells and schools".¹⁵³⁵

That did not mean that international aid to improve living conditions was not useful. However, it would have to be freed "from this incredibly political burden" of "simultaneously having to stabilise" and "create peace", let alone establishing democracy, said Zürcher. His meta-analysis showed that measures in the areas of primary education, access to basic medical care and improving living conditions in rural areas led to "considerable" successes in some cases. However, the projects aimed at good governance, promoting democracy and the rule of law, fighting corruption, promoting economic development, gender equality and stabilisation had not been successful. His While the Federal Ministry for Economic Cooperation and Development had adjusted its funding practice from 2017 onwards, a large proportion of the Federal Foreign Office's funding had been channelled into stabilisation measures right up to the end. Likewise, the stabilisation concept published by the Federal Foreign Office in 2022 took neither the scientific findings nor the experiences in Afghanistan into account. His House to the stabilisation into account.

Discrepancy between situation picture and evaluation

The invited experts attributed the fact that neither the picture of the situation painted in Norway's evaluation of 2016 nor the results of scientific research gave rise to an adjustment of the strategic objectives of the Afghanistan

¹⁵³² Bjørn Tore Godal, Study Commission (2023ao), p. 3.

¹⁵³³ See Professor Christoph Zürcher, Study Commission (2023am), pp. 9, 18.

See Professor Christoph Zürcher, ibid., p. 15.

¹⁵³⁵ Professor Christoph Zürcher, ibid., p. 18.

¹⁵³⁶ Professor Christoph Zürcher, ibid., p. 28.

Professor Christoph Zürcher, ibid., p. 8.
 See Professor Christoph Zürcher, ibid. p.

¹⁵³⁸ See Professor Christoph Zürcher, ibid., p. 8.

¹⁵³⁹ See Professor Christoph Zürcher, ibid., p. 8.

operation¹⁵⁴⁰ in particular to over-optimistic political communication. Joost Flamand summarised the common conclusion of all deployment evaluations in the Netherlands as being that a "falsified picture" was being painted of the prospects of success, and that communication was "too positive" and "not frank enough". 1541

This was confirmed by Ambassador Godal. In the case of Norway, too, "falsified reports" had led to an incorrect assessment of developments in Afghanistan over the years. 1542 The report of the commission he chaired had then caused a "shock", which, according to Ambassador Godal, "would not have been necessary if we had a culture of continuous evaluation". 1543

Alliance solidarity as the main motive for participating in the operation

The experts attributed the excessively positive assessments of the reality of the operation in particular to the fact that there had been a state of defence under Article 5 of the North Atlantic Treaty and that the primary aim of the United States' allies was to demonstrate Alliance solidarity within NATO. Ambassador Godal recalled the conclusion of Norway's report ("A Good Ally") that the "first and most important objective was to support the US and help secure the continued relevance of NATO" had been achieved overall, while the fight against terrorism had only been partially successful and the establishment of a stable and democratic state in Afghanistan had failed completely. 1544

Christoph Zürcher also suspected that, in the case of Germany, "high international pressure, peer pressure, group thinking, the need to be a good ally of the United States" were the main reasons why the strategic objectives were not revised during the years of deployment. 1545

Joost Flamand added that the mandates for operations within the Alliance were always the result of a political compromise and therefore difficult to change. 1546

Domestic and structural reasons for an overly positive picture of the situation

Flamand recapitulated how foreign missions had triggered five major government crises in the Netherlands since 2002. 1547 This was another reason why there was "basically a tendency to report success" and "not to give parliament and the ministers any bad news". 1548

Christoph Zürcher agreed with this observation. There was an "incentive and reward system" that led to "good news being rewarded":

"I don't think the problem is that we don't know or can't know or didn't know that. The problem is that this knowledge very often doesn't make its way through the organisations." ¹⁵⁴⁹

Professor Christoph Zürcher, University of Ottawa, Graduate School of Public and International

In this context, Joost Flamand reported on considerations in the Netherlands to "promote critical thinking, to make it part of the decision-making process", for example through "people who are paid to think critically".1550

Possibilities and limitations of regular evaluations

The three experts argued in favour of external evaluations of foreign operations. 1551 Christoph Zürcher emphasised that these evaluations should also begin earlier in the operation. ¹⁵⁵² According to Ambassador Godal,

¹⁵⁴⁰ See Professor Christoph Zürcher, ibid., p. 9. ¹⁵⁴¹ Joost Flamand, ibid., p. 7.

¹⁵⁴² Bjørn Tore Godal, ibid., p. 11.

¹⁵⁴³ See Bjørn Tore Godal, ibid., p. 11.

See Bjørn Tore Godal, ibid., pp. 3-4.

Professor Christoph Zürcher, ibid., p. 9.

¹⁵⁴⁶ See Joost Flamand, ibid., pp. 11-12.

¹⁵⁴⁷ See Joost Flamand, ibid., p. 7.

¹⁵⁴⁸ Joost Flamand, ibid., p. 12.

¹⁵⁴⁹ Professor Christoph Zürcher, ibid., p. 12.

¹⁵⁵⁰ Joost Flamand, ibid., p. 17.

¹⁵⁵¹ See Bjørn Tore Godal, p. 11; Joost Flamand, p. 24; Professor Christoph Zürcher, p. 25, Study Commission (2023ao).

¹⁵⁵² See Professor Christoph Zürcher, Study Commission (2023am), p. 25.

continuous evaluation of Norway's mission could have prevented his report from causing such a "shock" in 2016. 1553 With regard to the Netherlands, Joost Flamand remarked that the introduction of independent evaluations provided a more realistic picture of the situation:

"We have had four public and independent evaluations since 2020. Before that, we conducted them ourselves. And that's like the butcher assessing the quality of his own meat. I therefore think it is a very good idea to have external evaluations carried out that take a critical look at the actual work of the government and at whether the goals set by policymakers have brought the desired results. In my opinion, that is the essence of a functioning democracy." 1554

Joost Flamand, Director of the Security Policy Department, Ministry of Foreign Affairs of the Netherlands

However, there were also limits to the evaluation of foreign missions within the Alliance. According to Flamand, it was "almost impossible" to establish a "direct link between a country's own participation and the outcomes achieved". Many contextual factors that you could not influence were more important and relevant than your own actions. More frequent evaluations also meant shorter periods between them, something that was not easy to realise in practice, especially when observing long-term processes. Some aspects also concerned issues of operational security. Some aspects also concerned issues of operational security.

Finally, Christoph Zürcher generally assumed that existing evaluations "are not always taken into account politically". Nevertheless, they were "of central importance". 1558

5.8 Drug economy and corruption in Afghanistan

In accordance with the resolution of the German Bundestag for its establishment, the Commission also dealt with the two topics of the drug economy and corruption. The Commission agreed to investigate the impact of drug cultivation and widespread corruption on the international and, in particular, the German operation. It also wanted to find out how Germany and the international community reacted to the drug economy and corruption and what lessons could be learned for future missions in crisis regions with fragile state structures.

At the Commission's public hearings, various invited experts have already addressed the drug economy and the fight against it, as well as the consequences of corruption for the Afghanistan mission. The key statements of these experts are summarised below. Two expert reports were ordered by the Commission to analyse these two problem areas in greater depth.

5.8.1 Drug economy, combating drugs and drug cultivation

Afghanistan is a key cultivation country for the opium poppy, from which raw opium and subsequently heroin are produced. More than 80 per cent of global heroin production comes from Afghanistan and the country is the main supplier to Europe. The production volume of opium fluctuated during the Afghanistan operation, but tended to increase overall. In addition to opium, cannabis and synthetic drugs such as methamphetamine and ephedrine are also produced in Afghanistan. Drug smuggling also affects neighbouring countries, whose populations increasingly consume drugs produced in Afghanistan. The number of drug addicts also went up in Afghanistan.

¹⁵⁵³ Bjørn Tore Godal, ibid., p. 11.

¹⁵⁵⁴ Joost Flamand, Study Commission (2023ao), p. 24.

¹⁵⁵⁵ See Joost Flamand, Study Commission (2023am), p. 14.

See Joost Flamand, ibid., p. 17.

See Joost Flamand, ibid., p. 17.

¹⁵⁵⁸ Professor Christoph Zürcher, Study Commission (2023ao).

House of Lords (2021), p. 40; European Monitoring Centre for Drugs and Drug Addiction (2023).

¹⁵⁶⁰ Statista (2023b).

European Monitoring Centre for Drugs and Drug Addiction (2021), p. 5 et seq.; European Monitoring Centre for Drugs and Drug Addiction (2020), p. 23 et seq.

¹⁵⁶² See Dr Tilmann J. Röder, (2023b), p. 58.

¹⁵⁶³ German Government (2010c), p. 76 et seq.

Dr Tilmann J. Röder, Managing Director of the non-governmental organisation JustPeace gGmbH, which operates in Afghanistan, explained that both the Taliban and groups allied with them, and the warlords who held high office in the new state, had financed themselves from drug production.¹⁵⁶⁴

"Officially, the production and trafficking of drugs was banned, but the Afghan authorities had little chance of taking effective action against these practices, as Afghan politics benefited from the drug economy up to the highest levels and protected the criminal networks from prosecution." ¹⁵⁶⁵

Dr Tilmann J. Röder, Managing Director, JustPeace gGmbH

During the Afghanistan operation, the structures associated with the drug economy were an important context for the actions of the international community and Germany. The relevant questions facing the Study Commission therefore include both the Afghan drug economy and its protagonists as well as the measures to combat drugs and drug cultivation in Afghanistan. Successful efforts to establish a state system and the rule of law that can enforce the state's monopoly on the use of force also require knowledge of the links between the drug economy and corruption.

"All the armed groups were involved in opium production and smuggling, which, apart from the weapons, is the real reason for the instability. Karzai was a hostage of these powerful people." ¹⁵⁶⁶

Dr Sima Samar, former Afghan Minister of Women's Affairs

The Afghanistan Conference in Tokyo on 21/22 January 2002 assigned the role of lead nation in the fight against drugs to the United Kingdom. In addition to attempts to offer farmers wheat or saffron as alternatives, there were also repressive measures, including the destruction of poppy fields. What was Germany's role in the fight against drugs and drug cultivation? Lieutenant General Bernd Schütt, currently Commander of the Bundeswehr Joint Forces Operations Command and in 2006 Commander of the Provincial Reconstruction Team in Faizabad, described the initial situation at the beginning of his mission: "a rudimentary police force with a catastrophic state of equipment and training, if it had any at all, and a police chief involved in drug smuggling, who literally made off overnight with several bags of opium and heroin halfway through my deployment." About the German PRT's mission to combat drugs and drug cultivation, Schütt said that that had been a hot topic at the time, but that the instructions had been clear: "no active participation and also no sharing of coordinates of drug fields". 1569

At the police level, the cooperation between Germany and the United Kingdom in the fight against drugs had worked well, said Klaus-Peter Jördening, Head of the German Police Project Team in Kabul from 2020 to 2021. In particular, the build-up work carried out by the Federal Criminal Police Office had very closely interlinked with the British experts in Afghanistan.¹⁵⁷⁰

Informal structures such as drug networks had played a problematic role, as politics and administration had become increasingly corrupted. "Sometimes quite openly so, for example under the warlord Matiullah Khan in Uruzgan, but also in other places where the Bundeswehr operated, for example in the case of Nasri Mohammad in Badakhshan", explained Dr Tilmann J. Röder. ¹⁵⁷¹ In the province of Uruzgan, which had been heavily characterised by the drug economy and where "warlords had been in charge", a reversal of the situation had therefore hardly been achievable. There had also been an internal conflict in the PRT there because, while the

¹⁵⁶⁴ See Dr Tilmann J. Röder (2023b), p. 55; Schetter and Mielke (2022), pp. 102-105. For information on the financing of the Taliban, see.

¹⁵⁶⁵ Dr Tilmann J. Röder, (2023b), p. 55.

¹⁵⁶⁶ Dr Sima Samar, Study Commission (2023n), p. 6.

¹⁵⁶⁷ House of Lords (2021), p. 42; Sedra (2007), p. 3.

¹⁵⁶⁸ Bernd Schütt, Study Commission (2023n), p. 9.

Bernd Schütt, ibid., p. 19. The mandate of the German Bundestag for the deployment of the Bundeswehr in Afghanistan did not provide for any active measures to combat drugs, as this was not to be regarded as a military task. German Government (2010c), p. 78

¹⁵⁷⁰ See Klaus-Peter Jördening, Study Commission (2023u), p. 6.

Dr Tilmann J. Röder, ibid., p. 10. "Officially an army general and mayor, Mohammad was known as a suspected arms and drug trafficker. Nevertheless, he received extensive orders as a service provider from the German PRT. A similar example is the police chief of Uruzgan at the time, Matiullah Khan, who also controlled the drug trade in his area of influence and at the same time secured transports of the Australian PRT. This kind of cooperation damaged the credibility of the international commitment to democracy and the rule of law." Röder (2023b), p. 56.

Dutch did not want to work with the warlords, the Australians were more willing since they had promised them the safety of their convoys. Afghanistan had had numerous such dilemmas. 1572

5.8.2 Expert report on combating drugs and drug cultivation

At its meeting on 22 May 2023, the Study Commission resolved to order an expert report on the fight against drugs and drug cultivation in Afghanistan. The aim of the report is to present Germany's role in the fight against drugs and drug cultivation and to analyse the reasons why development policy alternatives to repressive measures were not able to prevail.

The contract for providing the expert report was awarded to the private lecturer Dr Florian P. Kühn (Bayreuth) on 18 October 2023 following the conclusion of an award procedure. It was submitted on 5 December 2023 and presented to the Commission on 11 December 2023. The report is available on the Commission's website. 1573

5.8.3 Corruption

"Many people know that corruption was one of the reasons for the collapse. Germany and the EU could do a lot here. But many things weren't possible either." 1574

Dr Habiba Sarabi, Afghan politician and women's rights activist

In Afghanistan, corruption hampered the establishment of reliable state structures. Large parts of the international funds seeped away. ¹⁵⁷⁵ Insufficient measures against the obvious self-enrichment and impunity of Afghan actors undermined the population's trust in the international intervention, which paid too little attention to good governance, accountability and the fight against corruption. ¹⁵⁷⁶ On the other hand, there were also indications in Afghanistan of at least temporarily stabilising effects of patronage and clientelism. ¹⁵⁷⁷

Patronage relationships played a major role in public life in Afghanistan, in which influential people used their position to promote the interests of their clientele as a way to secure their loyalty, which in turn consolidated their own position of power. A comprehensive understanding of how corruption, patronage and clientelism work is therefore important for analyses and attempts to explain why the international engagement in Afghanistan failed in many places and did not succeed in establishing sustainable state and economic structures.

"But you know yourselves about the breadth of this corruption, which spread like a cancer through all levels, at the lower and upper levels, and we have never been able to manage it. And perhaps we didn't always look at things the way we could have done." ¹⁵⁷⁹

Klaus-Peter Jördening, 2020-2021 Head of the German Police Project Team Kabul

In future crisis operations, military and civilian forces are also likely to have to deal with fragile state structures and therefore also with widespread corruption. Understanding what options and tools, if any, international actors have to counter corruption is fundamental to the objectives and strategy of a mission in a fragile state. Considerations in this regard must be included in the preparations from the outset.

"Corruption is the silent terrorist that undermines our efforts and destroys our credibility in the eyes of the people on the ground." ¹⁵⁸⁰

Deborah Lyons, Head of UNAMA, 2020-2023

Using the example of road construction, Dr Sima Samar reported that "the main projects, for which a lot of money was available, were awarded to the warlords or their relatives". Florian Broschk, security advisor to the

¹⁵⁷² Dr Tilmann J. Röder, Study Commission (2023u), p. 22.

¹⁵⁷³ See: https://www.bundestag.de/ausschuesse/weitere_gremien/enquete_afghanistan (in German).

¹⁵⁷⁴ Dr Habiba Sarabi, Study Commission (2022c), p. 26.

¹⁵⁷⁵ See Dr Tilmann J. Röder, Study Commission (2023u), p. 9.

¹⁵⁷⁶ See Stefan Recker, (2023), p. 6.

¹⁵⁷⁷ Mehran (2018), p. 92.

¹⁵⁷⁸ Broschk (2020), p. 149.

¹⁵⁷⁹ Klaus-Peter Jördening, answer to the question by Commission member Jörg Vollmer as to what the German police team had done to combat corruption. See Study Commission (2023u), p. 13 et seq.

¹⁵⁸⁰ Deborah Lyons, Study Commission (2023al), p. 26.

¹⁵⁸¹ Dr Sima Samar, Study Commission (2023n), p. 7.

German development cooperation in Mazar-e-Sharif and Kabul from 2010 to 2015, emphasised that external interventions in a historically established and fragile balance always had a number of side effects: "If construction companies make huge profits from a patronage system, this may pose a threat to rival solidarity groups in a conflict perceived as a zero-sum game." 1582

"This dollar rush that everyone was in at the time certainly contributed to corruption – not only in civil society, but also there." ¹⁵⁸³

Dr Almut Wieland-Karimi, Director of the Friedrich Ebert Foundation in Kabul, 2002-2005

Stefan Recker from Caritas International criticised the fact that attempts by "international military structures such as PRTs" to "buy loyalty, access and information through massive funding" had substantially undermined civil society efforts. This had been perceived as uncoordinated by the local population or even led to alienation and conflict escalation as well as to the loss of legitimacy for government structures, as well as for NGOs and IOs. 1584

"For a long time, we overlooked the effects of corruption. Why didn't we think it wasn't okay for a highly corrupt government to keep getting our money, our support? Why didn't we build accountability structures into the system?" 1585

Susanne Schmeidl, Swiss Peace

Tilmann Röder described his medium-term strategy against corruption: "We tried to prioritise legal training in the hope that a new generation would grow up that may be able to extricate itself from corruption networks in the future." It was difficult to introduce a new legal culture. "I have always thought in terms of at least one generation." 1586

Zarifa Ghafari, founder of the Afghan NGO Assistance and Promotion of Afghan Women (APAW), also favoured a generational change, seeing "the only chance to fight corruption in the presence, promotion and leadership of the young generation inside and outside the government, especially women". Instead, the formation of an open and liberal society had been prevented because the international community had openly supported "the arms barons, gangsters, smugglers, the mafia and war criminals". The young generation, and women in particular, had been marginalised. The international community had handed over the Afghan government's power, money and support to "former criminals and the murderers of the people". 1587

A key finding of his comprehensive meta-review of 148 evaluations on Afghanistan was that the measures used to combat corruption had not been very effective, explained Professor Christoph Zürcher. There had been procedures to "minimise or prevent petty corruption". Germany had worked very carefully on that. However, if large flows of cash were channelled into a corrupt country, then that cash would be "exploited by this country, these corrupt systems". That was not something you could influence. That raised the question of the do-no-harm principle. It was known that corruption was unintentionally fuelled by the flows of cash. 1589

"We have promoted corruption through the large flows of cash." 1590

Professor Christoph Zürcher, University of Ottawa

For Joost Flamand from the Dutch Ministry of Foreign Affairs, the best way to fight "corruption and all the elements associated with it" would therefore have been to help the Afghan government "survive economically on its own". 1591

Bjørn Tore Godal from the Norwegian Commission on Afghanistan emphasised: "A lot can be said about the Taliban, but they are against corruption." That did not mean that they themselves had never been corrupt. But

¹⁵⁸² Florian Broschk, opinion of 23 March 2023, Annex 2, Study Commission (2023r), p. 45.

¹⁵⁸³ Dr Almut Wieland-Karimi, Study Commission (20231), p. 9.

¹⁵⁸⁴ Stefan Recker, Study Commission (2023u), p. 35.

¹⁵⁸⁵ Susanne Schmeidl, Study Commission (2022c), p. 24.

Dr Tilmann J. Röder, Study Commission (2023u), p. 15 et seq.

¹⁵⁸⁷ Zarifa Ghafari, Study Commission (2023ac), p. 6.

¹⁵⁸⁸ Professor Christoph Zürcher, Study Commission (2023ao), p. 12.

¹⁵⁸⁹ Professor Christoph Zürcher, ibid., p. 30.

¹⁵⁹⁰ Professor Christoph Zürcher, ibid., p. 19.

¹⁵⁹¹ Joost Flamand, ibid., p. 30.

¹⁵⁹² Bjørn Tore Godal, ibid., p. 31.

unlike President Karzai and others, they had pursued a programme to fight corruption. As Afghanistan's finance minister, Ashraf Ghani had had a good instinct for corruption, but had lost the fight against it internally when he became president. 1593

"The leaders of the democratic side were discredited, above all by corruption. When asked whether the Taliban or the government is actually more corrupt, every Afghan answered: the government." ¹⁵⁹⁴

Tom Koenigs, Head of UNAMA, 2006-2007

Dr Ulrike Hopp-Nishanka (Federal Ministry for Economic Cooperation and Development) described the efforts to avoid misuse by means of a detailed examination of project tenders. In addition, the Afghan administration had been trained to be able to carry out a correct inspection of goods and services provided after the completion of road construction projects, for example. Attempts had been made to establish anti-corruption authorities and to strengthen their capacities through counselling. However, short project cycles had limited the structural effectiveness of the measures. One of the aims had also been to find ways of imposing sanctions if those in power attempted to divert funds. However, the process had always had to start from scratch. There had also been conflicts of interest between strengthening Afghan ownership and responsibility and the role of the externally staffed project implementation units in the Afghan administrative structures. She estimated the corruption risks for large and small projects to be basically the same. 1595

Retired US General David H. Petraeus, former Commander of the US and ISAF troops in Afghanistan, commented on the fact that efforts to rebuild the country had not been sustainable. Attempts had been made to do many things right and task forces had been created to fight corruption and drugs and to establish the rule of law. But the programmes were not sustainable in the long term. The former head of UNAMA, Deborah Lyons, also criticised the fact that the focus had repeatedly been lost in the fight against corruption. Indicators and benchmarks had been defined but not followed up. In future, more careful and determined action would have to be taken against corruption so that the other side could not evade expectations. The support of the support of

"Repeated efforts by the United States to leave the country had a negative impact because they instilled short-sightedness in Afghans, fuelled corruption and incentivised individuals to take what they could get when they could get it, rather than take a longer-term approach." ¹⁵⁹⁸

David H. Petraeus, retired US General, Commander of ISAF, 2010-2011

5.8.4 Expert report on corruption, patronage and clientelism

The Study Commission sees a need for systematic knowledge about the causes and consequences of corruption, patronage and clientelism in Afghanistan and the effectiveness of countermeasures. At its meeting on 22 May 2023, it therefore resolved to order a corresponding expert opinion. In addition to analysing the effects of corruption and the countermeasures taken by Germany, it is also intended to examine the extent to which a different understanding of the phenomenon of corruption inside and outside Afghanistan stood in the way of an effective fight against it. Ultimately, based on the situation in Afghanistan, conclusions are to be drawn for intervention scenarios in other crisis countries and it is also to be determined whether the police and judicial instruments for combating corruption need to be adapted.

The Bonn International Centre for Conflict Studies gGmbH (BICC) was engaged to prepare the report following the conclusion of an award procedure. The report is to be presented to the Commission in the first half of 2024.

Tom Koenigs, Study Commission (2023ai), p. 7.

¹⁵⁹³ Bjørn Tore Godal, ibid., p. 31.

¹⁵⁹⁵ Dr Ulrike Hopp-Nishanka, Study Commission (2023ac), pp. 9, 14, 23, 59.

David H. Petraeus, ibid., p. 33.

See Deborah Lyons, Study Commission (2023al), p. 31.

¹⁵⁹⁸ David H. Petraeus, Study Commission (2023ac), p. 32.

6 Annexes

6.1 Glossary¹⁵⁹⁹

Afghan interim and transitional administration

The Bonn Agreement of 5 December 2001 stipulated that an interim administration under the politician Hamid Karzai would run the government and administrative affairs in Afghanistan until June 2002. On 13 June 2002, a Grand Council, or Loya Jirga, with 1,551 delegates from all over Afghanistan confirmed Karzai as president of a transitional government, which ruled the country until the first parliamentary elections in October 2004.

Afghan population

The Afghan population is made up of a large number of ethnic groups and tribes. It is very young overall. There are no concrete figures for a breakdown of the 55 ethnic groups, but Pashtuns are the largest ethnic group in Afghanistan (estimated at around 50 per cent of the total population of 40 million). Pashtuns live mainly in the border region with Pakistan, most of them follow the Sunni school of Islam and define themselves according to Pashtunwali. The second largest group, making up around 25 per cent of the population, is the Tajiks in northern and western Afghanistan. Among them are both Imamite Shiites and Sunnis. They speak New Persian. Uzbeks make up around ten per cent of the population. The majority of them live in the Republic of Uzbekistan. Uzbeks are Turkic-speaking and predominantly Sunni Muslims. The Hazara make up around 15 per cent of the Afghan population. They live in the central regions of the country (Hindu Kush) and, as they are of Shiite faith, are regarded as enemies by fundamentalist Pashtuns.

Al-Qaeda

The history of al-Qaeda goes back to a recruitment office run by Osama bin Laden and Abdallah Azzam in the 1980s, which recruited international mujahedeen to fight against the Soviet occupation of Afghanistan. The name "al-Qaeda", which translates as "the base", is said to have originally referred to a list of names of these anti-Soviet fighters. In response to the Gulf War and the permanent stationing of US troops in Saudi Arabia, the group around Bin Laden became increasingly anti-American and declared a "holy war" ("jihad") against the United States in 1996. In their propaganda, all conflicts affecting Muslims were integrated into one major conflict narrative. Muslims around the world were being attacked by their enemies and had to defend themselves with violence ("jihadism"). After attacks on the US embassies in Kenya and Tanzania in 1998 and on the USS Cole in the Gulf of Aden in 2000, among others, al-Qaeda was responsible for the attacks on the World Trade Center in New York City and the Pentagon in Washington, D.C. on 11 September 2001. In the years following these attacks, a network of decentralised al-Qaeda offshoots formed, which are active in several regions of the world. Their agenda is determined by the regional conflict contexts.

Assuming responsibility/ownership

Ownership refers to one of the principles of development cooperation. Projects and plans can only be successful and sustainable if the partner organisations are closely involved in the planning and implementation in their country and are given and assume responsibility.

Bonn Agreement

See "Bonn Conference".

Bonn Conference

International Conference on the Future of Afghanistan, which was held on the Petersberg mountain near Bonn from 27 November to 5 December 2001. Under the leadership of the United Nations, representatives of Afghan groups and the international community agreed on a political transition process and preparations for free elections. The final document, referred to as the Bonn Agreement, also contained a request to the UN Security

¹⁵⁹⁹ The glossary was compiled by the secretariat of the Study Commission.

Council to send an international military mission to Afghanistan. What was to become the "International Security Assistance Force" (ISAF) was intended to support the Afghan government in guaranteeing security in Kabul and the surrounding area.

Brahimi Report

Report by a panel of experts chaired by Lakhdar Brahimi. It was commissioned by the UN Secretary-General in 2000 to draw up proposals for the future organisation of UN peacekeeping operations and has since been regarded as a key document in this area. The report suggests that, faced with entirely new types of conflict, the operations should be given a more robust mandate, be more clearly formulated and adequately equipped. The competent departments at the United Nations should be better equipped. The recommendations also included the requirement for member states to become more involved and to have military, police and civilian personnel ready for deployment at short notice.

Brain drain

Describes the migration of highly qualified labour from one country to another. For the countries from which the well trained people emigrate, this may lead to skills shortages, damage competitiveness and thus the economy. Brain drain can benefit both affected countries if emigrated skilled workers return to their countries of origin after a certain period of time.

Bundestag mandate/parliamentary scrutiny reservation/Parliamentary Participation Act

The deployment of German servicemen and women abroad is subject to a "parliamentary scrutiny reservation". This means that the members of the German Bundestag must approve any armed deployment of the Bundeswehr abroad. The German Government prepares the relevant mandates and forwards them to the Bundestag for a final decision. The Parliamentary Participation Act of 2005 governs the details. Among other things, it stipulates that the mandates must contain precise information on the area of deployment, the legal basis, the duration of the operation and the planned number of servicemen and women.

CIMIC (Civil-Military Cooperation)

CIMIC stands for Civil-Military Cooperation. It refers to civil-military cooperation between governmental and non-governmental organisations and the military, for example during missions abroad. In Germany, cooperation in international crisis management is also referred to as comprehensive action. In a narrower sense, CIMIC also refers to small emergency aid projects that were implemented in the Provincial Reconstruction Teams in Afghanistan to support the Afghan population, create a civilian assessment of the situation and advise the military leadership.

Civil society

Civil society comprises social groups that organise themselves independently of the state and the private sphere for common goals and interests. They include NGOs, citizens' initiatives, associations and foundations, religious groups and social movements. The groups are committed to charitable causes. They are often involved in politics, but their members do not aspire to political office. An independent and strong civil society is considered indispensable for the advancement of modern democracies. The importance of civil society groups is also increasing in international cooperation, for example in the context of peace missions. They are seen as reliable partners in the endeavour to establish democratic structures based on the rule of law, free media and the implementation of human rights. Local civil society groups are important contacts for the implementation of aid or peace projects, for example. It can prove problematic if local civil society is narrowed down to NGOs, while traditional civil society, which is recognised and influential in the communities, is not reached or involved at all.

Clientelism

See "Corruption".

Comprehensive action/comprehensive approach/comprehensive engagement

Describes the fundamental principle of German Government action in international crisis and conflict management. It refers to the close coordination of all parties involved and the use of a range of political, military, diplomatic and development policy instruments in international operations. Networking is seen as a prerequisite for ensuring security and stability in a violent conflict and achieving peace and development. The concept extends beyond the national level to multilateral operations within the EU, NATO and the United Nations. In addition to governmental organisations, non-governmental organisations are also included in the group of those who are intended to network their activities. The approach is viewed critically by some civil development and peace policy organisations. They fear that cooperating with the military could jeopardise their neutrality and acceptance among the population in the country of deployment.

Corruption

Corruption is defined as the abuse of a position of trust in politics, administration, justice, business or civil society organisations for personal gain or advantage. It involves bribery and accepting or giving personal advantage. Corruption is closely related to clientelism and patronage, which refer to an informal relationship of mutual benefit in which a person of higher social standing grants advantages, for example in awarding offices, and expects something in return, for example in the form of votes. Finally, nepotism is the direct favouring of relatives and close associates, for example in the filling of offices and jobs. All three phenomena occur worldwide. In the context of international missions that support countries in building state structures, the fight against corruption is a key issue. The extent to which corruption is also reinforced by external intervention plays an additional role here.

Counterinsurgency (COIN)

The earliest concepts of counterinsurgency (COIN) were developed in the context of British and French colonial rule; they describe approaches and techniques for suppressing armed resistance. The military challenge of counterinsurgency lies in the asymmetrical nature of warfare by conventionally inferior opponents who resort to tactics of guerilla war or terrorism. In Afghanistan, a concept formulated by US generals David H. Petraeus and James F. Amos, which had previously been applied in Iraq, was to be implemented with the aim of isolating the insurgents from the civilian population. The aim was to work together with local leaders and local security forces in order to win the "hearts and minds" of the population as a way to obtain information about the perpetrators of violence. The concept has been criticised because it cannot be applied under conditions of social and identity-political lines of conflict. The successful implementation of the approach in Afghanistan was said to have been undermined by the civilian victims of the military operation and the corruption of the Afghan government.

DDR (Disarmament, Demobilization and Reintegration)

DDR refers to programmes for the disarmament, demobilisation and social reintegration of combatants from previously armed parties to a conflict. The programmes are a central component of UN peacekeeping missions. They include the surrender of weapons and a return to civilian life as well as long-term support for the affected people in their search for work and an economic livelihood. It also includes reconciliation between previously hostile population groups.

Diaspora

The term diaspora (ancient Greek for "dispersion") originally described religious and ethnic groups who were forced to leave their homeland and lived scattered across several countries and regions. Today, the term is often applied to migrants who have emigrated from their country, often under duress, and continue to maintain relations with their countries of origin. In the context of the Study Commission, it refers to Afghans who lived abroad, many of whom returned to their home country after 2001.

Do no harm

Do no harm is a method aimed at preventing negative effects of peace and development projects. Measures and programmes are analysed with regard to the conflict situation and, if necessary, adapted so that they actually help

to contain the conflict and do not unintentionally lead to negative consequences for the population or exacerbate the violent situation.

Doha Agreement

Agreement between the United States and the Taliban, entered into on 29 February 2020. The agreement regulated the withdrawal of US and all other foreign troops by the end of April 2021. The Taliban pledged that in future there would no longer be any threat from Afghan soil to the security of the United States and its allies, for example from al-Qaeda. The Taliban also agreed to begin intra-Afghan negotiations with unspecified Afghan representatives on a political roadmap for Afghanistan. The Afghan government was not involved in the negotiations and is not mentioned in the agreement.

Evaluation

Evaluation means assessment. In a political context, it refers to comprehensive and systematic results monitoring and an assessment of government action. In relation to the German operation in Afghanistan, evaluation means examining the German Government's civilian and military involvement in Afghanistan and determining whether and to what extent it succeeded in stabilising the country as part of the international mission and in supporting the establishment of a democratic state. Evaluations are carried out by independent institutions.

Failed state

See "Statehood".

Fragile state

See "Statehood".

Gender mainstreaming

Strategy for gender equality. Gender mainstreaming refers to the obligation to take into account the different effects on women and men of political and administrative action and to take measures with the aim of achieving equality. The background is the assessment that there are no gender-neutral effects. In 1995, the strategy was adopted at the United Nations World Conference of Women in Beijing. Since then, it has been binding on member states.

Good governance

Good governance refers to the democratic, transparent and efficient management of governments and public administrations for the benefit of citizens. It includes democratic decision-making, effective public services, access to due legal process, the protection of minorities and political oversight by a critical public. It also includes the prevention of arbitrariness and the fight against corruption and nepotism. Good governance is a guiding principle in development cooperation and is enshrined in numerous bilateral and multilateral agreements between states or between international organisations and states. The background to this is the conviction that international support for peacebuilding and the development of state structures can only be effective if good governance is guaranteed in the country concerned.

Guerrilla

Guerrilla – from the Spanish: "small-scale warfare" – refers to a form of combat in asymmetric conflicts. Mostly local, irregular combat units avoid open decisive battles against the conventionally superior army of an invading and occupying power or their own government. Instead, they rely on wearing down their opponents with repeated small-scale ambush attacks, after which they retreat again (hit and run). The attacked army then faces the challenge of identifying and localising the guerrilla fighters (see "Counterinsurgency").

Hazara

See "Afghan population".

International Security Assistance Force (ISAF)

International military mission in Afghanistan established by UN Security Council Resolution 1386 of 20 December 2001. The mission's task from January 2002 was to support the reconstruction of Afghanistan and create a secure environment for the work of the Afghan government and international organisations, initially in Kabul and the surrounding area, and from 2003 nationwide. NATO took over the command of ISAF in August 2003. Germany was one of the largest troop contributors. The first Bundestag mandate of 22 December 2001 provided for the deployment of up to 1,200 servicemen and women. The number rose to a peak of 5,350 by 2010 and was subsequently gradually reduced again. ISAF ended on 31 December 2014.

Islamic State (IS)

The history of the "Islamic State" and its predecessor groups begins in 1999 and 2000, when the Jordanian Abu Musab Az-Zarqawi travelled to Afghanistan and ran a training camp for jihadists in Herat. In the situation of the civil war that followed the US invasion of Iraq in 2003, Zarqawi's At-Tauhid group became one of the strongest players among the insurgents and, in 2004, became the official offshoot of al-Qaeda in Iraq. The relationship between the al-Qaeda leadership and the group in Iraq was always tense, especially as al-Qaeda headquarters demanded a focus on international attack targets, while Zarqawi prioritised the fight against Shiites. The group remained active as the Islamic State in Mesopotamia even after Zarqawi's death. From 2013, it increasingly succeeded in gaining control of areas in north-west Iraq and expanding into Syria, which was at the centre of a civil war. In 2014, Abu Bakr Al-Baghdadi proclaimed a new "caliphate" in the name of the group now known as the Islamic State in Iraq and Al-Sham (ISIS) and subsequently simply as the Islamic State (IS), which was intended to restore the imagined order of early Islam and thus laid claim to a political-religious authority that was binding on all Muslims. While an anti-IS coalition led by the United States and Kurdish fighters in particular successfully pushed back IS in Iraq and Syria until 2018, it propagated international terrorist attacks and, like al-Qaeda, established offshoots in various regions of the world. These regional IS offshoots have since 2015 also included the "Islamic State in Khorasan Province" (ISKP). The ISKP competes with the Afghan Taliban and accuses them of being too moderate in their religious policy, of not pursuing "global jihad" and the establishment of a universal caliphate, and of cooperating with the Inter-Services Intelligence (ISI), Pakistan's military intelligence service, and the Iranian Revolutionary Guards.

Jirga

Traditional councils of elders and tribal leaders at which community matters are discussed, see also "Loya Jirga".

Lead nation

The concept of "lead nations" in the reform of the security sector in Afghanistan was based on the resolutions of the Bonn Conference in December 2001. The international community's aim was to support the Afghan government in building a functioning, independent state. Multinational formations are therefore led by a (major) partner, or lead nation, while other countries provide additional capabilities. Individual countries took on the lead role or the role of lead donor country for each of the five pillars of security sector reform: military reform (United States); police reform (Germany); counternarcotics (United Kingdom); judicial reform (Italy); disarmament, demobilisation and reintegration of former combatants (Japan/UNAMA). Germany also took on a military lead nation role: the country led the ISAF Regional Command North (RC North) from June 2006. In practice, the responsibility associated with the idea of a lead nation was interpreted in different ways.

Loya Jirga

The Loya Jirga is a traditional Grand Council meeting. It is part of Afghanistan's culture and is made up of local dignitaries from the various ethnic, religious and tribal communities in Afghanistan (delegates). The Loya Jirga is a centuries-old institution that is convened in times of national crisis or to resolve national issues. In the past, it has been used to declare wars, elect a new king or head of state, adopt a new constitution (as happened in 2003), or implement far-reaching social or political reforms. According to the Afghan constitution, the Loya Jirga is considered the Afghan people's highest expression of will.

Madrasa

A madrasa, also known as a madrasah, is a teaching institution – usually financed by foundations – that is intended to teach the principles of Islamic law (Sharia). Arabic grammar and natural sciences may also be taught there. In Afghanistan, madrasas mainly refer to the Koran schools of a mosque; there are only a few Islamic universities. Heads and teachers are usually local clerics (mullahs) or senior scholars (Mawlawis). During the 1980s, the Afghan refugee population in Pakistan was exposed to radical Islamist influences through education in Pakistani madrasas, which were often financed by Muslims abroad. As a result, the madrasas became highly politicised. Many of their graduates became followers of jihadist movements, e.g. the Deoband school, which is the theological basis of the Taliban movement and its current rulers.

Mujahideen

In the context of Afghanistan, the term became established as a self-designation of fighters against the Soviet occupation in the 1980s. In addition, members of the violent-prone jihadist movement against an asserted Western supremacy and secular social order see themselves as mujahideen.

Northern Alliance

Founded in 1996 by various mujahideen representatives, the "National Islamic United Front for the Salvation of Afghanistan", colloquially known as the Northern Alliance, is a coalition of rival Tajik, Uzbek and Hazara warlords and their combat units. They had previously fought against each other in a civil war in the 1990s. The nationwide advance of the opposing Taliban and their capture of Kabul in 1996 led to an alliance of convenience between the former parties in the Afghan civil war. United by the common goal of resisting the Taliban, a military alliance was formed between former opponents and allies. Its power and recruitment base was primarily in northern Afghanistan. With strong support from the West (especially the United States and the United Kingdom), the Northern Alliance launched its military offensive against Taliban rule in 2001.

Official development assistance (ODA)

Official development assistance (ODA) is the internationally used term for the extent of a country's official development assistance. The ODA ratio expresses the percentage of economic output that the respective country spends on development cooperation. According to a target set by the United Nations, the ODA ratio should be 0.7 per cent of gross national income.

Operation Enduring Freedom (OEF)

Military operation against international terrorism following the attacks of 11 September 2001. On 7 October 2001, US and UK troops began their intervention in Afghanistan with the aim of destroying the al-Qaeda terrorist network and overthrowing the Taliban regime. This was based on UN Security Council Resolution 1368 of 12 September 2001 and the declaration of the state of NATO collective defence in accordance with Article 5 of the NATO Treaty on 2 October 2001. The Bundestag's first OEF mandate provided for the participation of up to 3,900 servicemen and women. Other OEF missions took place in the Horn of Africa, in the Sahara and in Africa south of the Sahara, and in the Philippines. OEF ended in December 2014.

Ownership

See "Assuming responsibility".

Parliamentary Commissioner for the Armed Forces

The Office of the Parliamentary Commissioner for the Armed Forces is an auxiliary body of the German Bundestag enshrined in the Basic Law (Article 45b). Elected by parliament for a five-year term of office, Parliamentary Commissioners for the Armed Forces, who can be neither members of parliament nor civil servants, play a special role in exercising parliamentary oversight over the armed forces. Their mission is to protect the basic rights of servicemen and women. They check compliance with the principles of leadership development and civic education and act on their own responsibility or on the instructions of the Defence Committee or Parliament. Once a year, the Parliamentary Commissioner for the Armed Forces reports to the Bundestag on the situation in the Bundeswehr.

Parliamentary Participation Act

See "Bundestag mandate".

Parliamentary scrutiny reservation

See "Bundestag mandate".

Pashtuns

See "Afghan population".

Pashtunwali

The Pashtunwali is the code of honour of the Pashtuns, the largest ethnic group in the Afghan population. It contains the unwritten rules and cultural values of Pashtun society, although its norms – such as the right of hospitality or forms of blood revenge – are also widespread among other population groups in Afghanistan. Alongside customary law and Sharia law, Pashtunwali still presents a guideline for social interactions in everyday life for many people in Afghanistan and is therefore a component of the legal pluralism that is widespread in Afghanistan.

Patronage

See "Corruption".

Peace diplomacy

Peace diplomacy describes international efforts to resolve violent conflicts and the support of peace negotiations. Conflicts today often take place not between, but within states. This is why civil society groups play an increasingly important role in peace diplomacy alongside governments and international organisations. They are often anchored locally, have personal contacts and can build trust with the parties to the conflict. Peace talks often involve negotiations on several social levels (tracks). This is based on the experience that as many social groups as possible must be involved in order to achieve sustainable peace. The first level (Track One) comprises the respective political and military leadership of the conflicting sides. Track Two talks involve personalities who are recognised in society and religious communities as well as regional rulers. Track Three comprises civil society actors.

Post-traumatic stress disorder (PTSD)

Post-traumatic stress disorder (PTSD) is a mental illness that can occur after a terrible and stressful event (trauma), such as war and violence. It may manifest immediately, but also weeks or months after the event. Those affected often repeatedly relive the horror they have suffered, are nervous and tense and withdraw from social life. The disorder can usually be treated with psychotherapy.

Provincial Reconstruction Teams (PRTs)

From 2006, the Provincial Reconstruction Teams in Afghanistan were under the command of ISAF and before that partly under the Combined Forces Command – Afghanistan (CFC-A). The personnel strength of the teams varied and depended on the situation on the ground. They were set up in selected provinces from 2003 onwards. The PRTs were intended to support the reconstruction of Afghanistan. This included the implementation of mostly small-scale infrastructure improvement measures, support in coordinating and assessing the needs of aid projects in close cooperation with national and international aid organisations, and training for the police and authorities. PRTs also had a military mission, which involved both maintaining a secure environment and intensifying cooperation with Afghan security forces. The individual nations were responsible for determining how the mandate was implemented.

Rentier state

In a rentier state, the state's income essentially consists of inflows from outside (rents). One example is money from development assistance. Rents flow directly to the state apparatus, making it financially independent of its own population. They are often used to privilege certain sections of the population and to maintain power rather than for the economic and social development of the state. Over the course of the 20th century, Afghanistan developed into a rentier state, with over 40 per cent of government revenue coming from development aid from the 1950s onwards.

Resolute Support Mission (RSM)

NATO-led training mission to train, advise and support the Afghan security forces. It succeeded ISAF from 1 January 2015 and ended for the last German servicemen and women on 30 June 2021. The Bundeswehr assumed responsibility for the north of the country at the Train Advice Assist Command (TAAC) North in Mazar-e Sharif. Up to 1,300 German soldiers were involved in the mission.

Rühe Commission

"Commission [set up by the German Bundestag from 2014 to 2016] to review and safeguard parliamentary rights when mandating Bundeswehr deployments abroad". The Commission was chaired by Volker Rühe, former Federal Minister of Defence. Its mandate was to examine how parliamentary rights could be safeguarded during Bundeswehr operations abroad in view of the ongoing integration within NATO and the EU. Among other things, the Commission proposed excluding training missions in safe areas from the mandates. The Commission wanted to expand the German Government's reporting obligations, for example through interministerial evaluations of missions. Although civilian components of missions were not meant to become part of the mandates requiring approval, they were to receive more attention in parliamentary deliberations. The Commission's proposals, which were intended to lead to a reform of the Parliamentary Participation Act, were not implemented.

Rules of conduct

See "Rules of engagement".

Rules of engagement/rules of conduct

"Rules of engagement" (sometimes referred to as "rules of conduct") are rules for armed forces that contain guidelines for the use of force in military operations. These rules are communicated to the soldiers involved in the operation by means of pocket cards, which explain in particular the use of firearms, the principle of proportionality as well as requirements and prohibitions under international law. The rules of engagement for the German Bundeswehr's deployment in Afghanistan have been criticised as ambiguous and too limited.

Security Sector Reform (SSR)

Security sector reforms are a central component of international United Nations peace missions. As part of peacekeeping missions, post-conflict countries are supported in establishing a functioning security apparatus and in training the police and armed forces. The aim is to ensure that the state can exercise its monopoly on the use of force and ensure the security of the population. Among other things, the aim is to ensure that the security forces are committed to the rule of law and democratic principles. The reforms are seen as a prerequisite for societies to achieve stability and lasting peace after violent conflicts.

Sharia law

The term "Sharia" (derived from Arabic) refers to Islamic law, which arises from the interpretation of the Koran and the Sunnah (the entirety of the traditional sayings, behaviour and practices of the Prophet Mohammed). Since there is no consensus on these interpretations, Sharia law is not a codified, fixed legal system; rather, independent schools of law have been established for the various interpretations. While some states in the Islamic world recognise Sharia as a source of law alongside others – the constitution of the Islamic Republic of Afghanistan, which existed from 2004 to 2021, stipulated that legal regulations must not contradict Islam – others, such as Saudi Arabia, Pakistan or the Taliban's transitional government since 2021, see it as the main source of state law.

Shura

Shura is a principle of Islamic law. Shura can also mean advisory committee. Following the tradition of the Prophet, the ruler should consult with this committee on important issues. However, the ultimate decision-making power remains with the ruler. Today, the term shura also stands for the organisation of state institutions, for example committees that advise the government. The Shura Council is made up of the ulama.

Special Forces

See "Special Forces Command"

Special Forces Command

The special forces in the Special Forces Command, which are part of the special forces unit of the Bundeswehr; they are trained for special tasks of strategic interest. The Special Forces Command – which has been operating in this form since 1996 – is one of the Bundeswehr's most important crisis and risk management instruments. It is mainly involved in offensive and covert operations on the front line and in a critical environment, which are subject to secrecy. Parliament is also not informed about the details of its missions – which has repeatedly prompted criticism. The Special Forces Command has five core missions: freeing German hostages abroad, combating high-value targets of strategic or operational importance, arresting target individuals, training selected partner special forces abroad and obtaining key information for the strategic and operational management level. Depending on the mission, the commando forces work together with their own specialised units from the Special Forces Command support companies and specialised army forces with extended basic capabilities. Commandos are parachutists, explosives experts, lone fighters; they also have other special skills relevant to their mission. The British Special Air Service, the US Special Operations Forces and the German Federal Police Special Forces (GSG 9) are said to have served as models for the formation and organisation of the Special Forces Command.

Stabilisation

Academics understand stabilisation as a trend in a political conflict situation in which violence in the affected society decreases and the population's recognition of the government and state institutions increases. During the Afghanistan operation, the military and civilian stabilisation of Afghanistan was defined and implemented in different ways by the countries involved in the operation. in 2010, the German Government of the time published the position paper "Paving the way for a responsible handover: Germany's Engagement in Afghanistan after the London Conference", in which it defined "greater security for Germany through the long-term stabilisation of Afghanistan" as one of Germany's objectives. This could only succeed if "efficient, legitimate and citizen-orientated state structures" could be established together with the Afghan partners. In the 2016 White Paper and in the 2017 guidelines "Preventing Crises, Resolving Conflicts, Building Peace", stabilisation was presented as a central approach of the German Government to support peaceful conflict resolution. Accordingly, civil and military stabilisation measures should contain violence, reduce refugee movements and, according to the guidelines, also "serve to consolidate legitimate political authorities".

State building/nation building

See "Statehood".

State of collective defence

Article 5 of the North Atlantic Treaty provides that an "armed attack" against one or more members of NATO is considered an attack against all members. The Allies are obliged to provide assistance in the event of such an attack, but decide at their own discretion how to provide support. In response to the al-Qaeda attacks of 11 September 2001, the members of NATO unanimously declared a state of collective defence under Article 5 on 2 October 2001 – the only time to date this has been done. The state has so far not been lifted.

Statehood

Statehood is defined by the existence of a monopoly on the use of force that is considered legitimate by the population and a state's ability to provide central public goods. We speak of fragile, disintegrating or even failed

statehood when the monopoly on the use of force is weak, under attack or non-existent. In recent years, states or international organisations have perceived the humanitarian or security consequences of fragile, disintegrating or failed statehood as a problem of international politics and have attempted to engage in external state-building. By establishing security and administrative structures, such as in Afghanistan, the government is to be enabled to enforce a monopoly on the use of force in its territory. "State building" is often equated with "nation building", although "nation building" aims to develop a common national identity that goes beyond state functions. State building in the sense intended here is often criticised for transferring modern Western ideas of centralised and bureaucratic statehood without regard for traditional structures or for defining democracy, the rule of law, the welfare state and a free market economy as elements of the statehood to be built up. Under conditions of fragile or weak statehood, non-state actors can pursue a strategy of establishing parallel state structures that accelerate the failure of centralised statehood. The Taliban in Afghanistan, for example, levied taxes and offered quasi-governmental services such as jurisdiction and dispute resolution.

Surge

The increase in US troop numbers in Afghanistan after the new US President Barack Obama took office in 2009 is referred to as the "surge". The increase was a response to the aggravated security situation in Afghanistan and part of a new strategy under which the United States initially wanted to significantly expand its support for the Afghan security forces to facilitate a military withdrawal at a later date.

Tajiks

See "Afghan population".

Taliban

The Taliban, which translates as "students", are a militant religious movement in Afghanistan and Pakistan that emerged as a result of the civil war in Afghanistan in the 1990s. In a situation of competition among former mujahideen and the resulting political fragmentation, they advocated, under their first leader Mullah Omar, the territorial unity of Afghanistan, a fundamentalist orientation towards Islamic law dating from early Islamic times and Pashtun tribal traditions (Pashtunwali). The majority of the Taliban come from the lower social classes and were socialised in the madrasas (Koran schools) of Afghanistan and Pakistan during the 1980s and 1990s. The Taliban succeeded in conquering large parts of the country and rule over their proclaimed "Islamic Emirate of Afghanistan". As the Taliban gave refuge to Osama bin Laden and members of al-Qaeda and thus facilitated the planning of international terrorist attacks, they became the target of the military operation legitimised by the UN Security Council and led by the United States in the wake of the attacks of 11 September 2001. Although the United States and its allies quickly succeeded in beating back the Taliban, they were able to reorganise themselves in the years that followed. They benefited from a safe haven in Pakistan and financial support from Saudi Arabia, the United Arab Emirates and Qatar. From the 2010s onwards, the Taliban were also supported by Iran and Russia. Since the intervention or even the "surge" (see glossary entry) was unable, from 2009 onwards, to weaken the Taliban insurgency, talks were held with them about sharing power and distancing themselves from al-Qaeda. After the Bonn Conference in 2001, the Taliban never recognised the Afghan government and always demanded a complete withdrawal of international troops. In 2020, they eventually concluded the Doha Agreement with the United States. In the summer of 2021, they took control of Afghanistan, largely without a fight.

Terrorism

Definitions of terrorism differ in their assumptions about what actors want to achieve what objectives by what means. The term is also often used to delegitimise political opponents. It is not clearly defined under international law. For this reason, the phenomenon of terrorism is scientifically defined in particular in distinction to other forms of political violence, such as conventional or guerrilla warfare. Terrorist methods are accordingly those that are intended to achieve political objectives by spreading fear beyond the actual victims and places of destruction.

Transitional administration

See "Afghan interim and transitional administration".

Transitional justice (TJ)

Transitional justice refers to very different tools, mechanisms and processes that are intended to deal with human rights violations, violence and suffering after a war, civil war or dictatorship and repressive political regimes. Dealing with the past is often seen as a prerequisite for the sustainable reconstruction of a country and peaceful social coexistence in the future. The process includes prosecuting war crimes, compensating victims, reforming the judiciary and security apparatus and removing incriminated individuals from office. Social recognition of the suffering is also part of the transition process. Truth commissions and public remembrance work, for example, can also provide support.

Ulama

The ulama are scholars of Islamic law. They usually hold high government offices in a Muslim country and are the highest religious authority. The main task of the scholars is to interpret the Sharia; in addition, they perform judicial and other administrative duties. Although the power of the ulama has declined, their influence in Muslim countries is still considerable.

United Nations Assistance Mission in Afghanistan (UNAMA)

Civilian political mission of the United Nations tasked with assisting Afghanistan. It was established on the basis of UN Security Council Resolution 1401 of 28 March 2002. UNAMA's task at the beginning of the international operation was to implement the Bonn Agreement of 5 December 2001 and to assist Afghanistan in drafting a new constitution and preparing for presidential elections in 2004 and parliamentary elections in 2005. The mission was also intended to support the Afghan government in implementing the resolutions on human rights, the rule of law and equality as well as social reconciliation programmes. Its mandate was adapted in the course of the international presence. UNAMA provided humanitarian, reconstruction and development aid. After the withdrawal of international troops in 2021, the mission focused on humanitarian aid.

Uzbeks

See "Afghan population".

Warlord

A warlord is a regional ruler who exercises military, economic and political control over certain areas of a fragile and disintegrating state in which the government cannot enforce its monopoly on the use of force. Warlords command non-state military formations. Often, as in Afghanistan, they also hold high public office, while at the same time pursuing and asserting their political and economic interests in the regions under their control.

6.2 Chronology/timeline of important events

This timeline presents important political and security policy events and decisions relating to Germany's engagement in Afghanistan between 2001 and 2021. It is divided into three levels: international events (top), events relating specifically to Germany's engagement in Afghanistan (centre) and events relating specifically to Afghanistan (bottom). The individual events are arranged in chronological order.

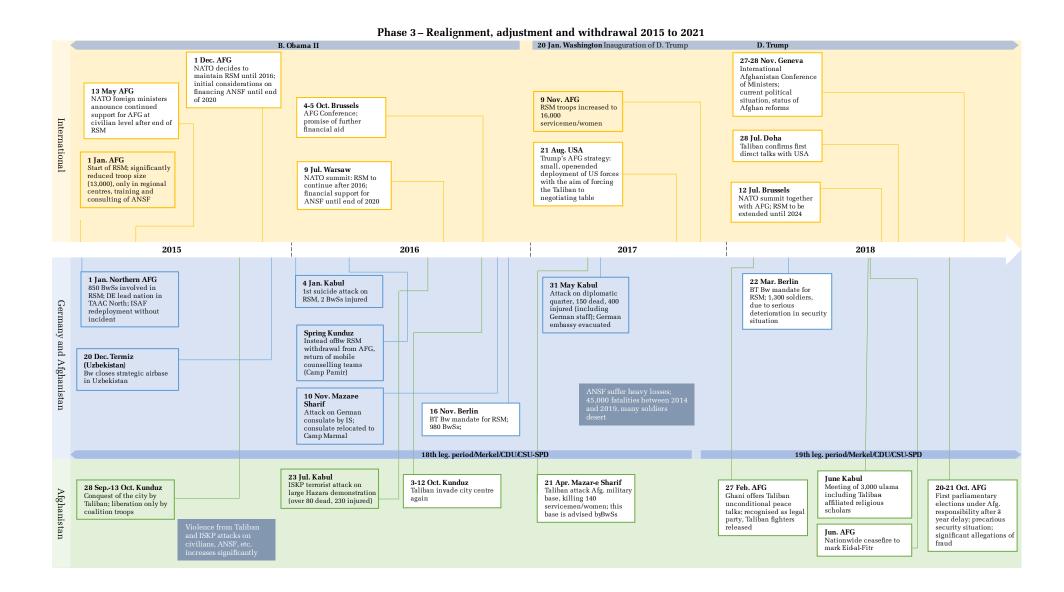
Phase 1 - Stabilisation 2001 to 2008 G. W. Bush I 20 Jan. Washington Inauguration of G. W. Bush 20 Dec. UN Security 2 Ian. Kabul 13 Oct. UN Security Council ISAF assessment team 1 May Iraq Council Start of ISAF; limited to arrives End of fighting Nationwide expansion Kabul and surrounding area of ISAF 21-22 Jan. Tokyo 29 Oct. 16 Apr. AFG Donor Conference for 27 Nov.-5 Dec. Bonn 11 Aug. AFG NATO decides to take over AFG 1st AFG Conference builleadership of ISAF NATO takes over ISAF ding of state structures, command. Operational initiation of "Bonn Process" 28 Mar. UN Security management by IFC Council Brunssum 1 Oct. Northern AFG UNAMA resolved 20 Mar. Iraq Start of USmilit intervention 7 Oct. AFG Expansion of ISAF in Start of OEF invasion of AFG northern AFG Nov. AFG 18-19 May Doha USA begins setting up Conference on Regional PRTs Cooperation and 1 Feb. AFG 31 Mar.-1 Apr. Berlin State of NATO collective Reconstruction of the Afg. 1st PRT AFG Conference: defence declared under Art. 5 2 Dec. Bonn Police established by polit. reconstruction, 2nd AFG Conference: USA improvement of build-up of security security situation structures 2001 2002 2003 2004 10 Feb. Kabul 14 Jan. Kabul DE and NL take over ISAF First patrol by Germany and Afghanistan command 16 Nov. Berlin Bundeswehr 4 Dec. Berlin 1 Sep. Faizabad BT Bw mandate servicemen/wome Fed. Min. of Defence PRT opened n (BwSs) for OEF; renewed Struck: "Germany's 1 Sep. Berlin annually until security will also be Fed. Gov. creates 1st AFG 2008 defended in the Hindu concept (Foreign, Defence, 15 Nov. Talogan 2 BwSs die while Kush" 29 May Kabul Developmt, Interior PAT established 22 Dec. Berlin defusing Soviet Drive on mine; firstBwS Ministries) BT Bw mandate bomb dies due to external 20 Dec. Berlin for ISAF, up to influence BT Bw mandate for 24 Jan. Berlin 1.200 BwSs: ISAF, 2.500BwSs BT Bw mandate for ISAF; April AFG DE lead nation in renewed annually northern expansion; until 2014 2,250 BwSs; creation of police buildup; Kunduz PRT 21 Dec. Kabul 7 Jun. Kabul start of GPPO Suicide attack on bus; 4 Helicopter crash; (office), from 2007 GPPT (team) 7 BwSs die BwSs dead, 29 wounded 14th leg. period/Schröder/SPD-Alliance 90/The Greens 15th leg. period/Schröder/SPD-Alliance 90/The Greens 11-19 Jun. Kabul 9 Dec. AFG Loya Jirga: Confirmation of 14 Dec. AFG Constitution adopted by Loya Kandahar falls: end of Taliban 1 May Kabul Karzai as Consultations on Jirga, incl. quota for women in regime AFG accedes to ICC Afghanistan president/transitional constitution begin parliament administration 17 Dec. AFG Dissolution of Islamic Emirate of AFG Karzai wins presidential 22 Dec. Bonn/Kabul election; appointed on Interim administration with Karzai appointed

Phase 1 - Stabilisation 2001 to 2008 G. W. Bush II 8 Jun. Brussels 31 Jul. Southern AFG 3 Apr. Bucharest 1st Meeting of NATO Expansion of ISAF to NATO summit, strategic vision for AFG: Defence Ministers southern AFG; allies Long-term support Strengthening AFG's responsibility demandBw contingent for south Promoting Comprehensive 27-28 Feb. Doha Approach Cooperation with neighbouring Conference of countries ministers on border Dec. USA management in AFG Field Manual 324 COIN doctrine Sep. AFG Expansion of 31 Jan-1 Feb. ISAF to western London 5 Oct. Eastern AFG AFG Conference: Expansion of ISAF to AFG 12 Jun. Paris 2-3 Jul. Rome political eastern AFG-> ISAF AFG Conference: AFG justice agreement(AFG responsible for whole Mid-term review of AFG conference; rule of law Compact) on of AFG Compact in AFG development plan for 5 years 2005 2006 2007 2008 18 Mar. Berlin 9 May Mazare Sharif 9 Mar. Berlin 15 Aug. Kabul Parliamentary DE ISAF force shifts BT Bw mandate for 1 Jul. Northern AFG Participation Act passed Bomb attack; focus from Kunduz to Tornado mission Bw provides ORF: 3 German police Mazar-e Sharif involved in numerous officers dead Germany and Afghanistan 25 Jun. Kunduz/Rustag 25 Oct. Berlin firefights 2 BwSs dead after 15 Apr. Mazar-e Bw white paper uses 4 Sep. Berlin explosion of Soviet Sharif term "comprehensive 16 Oct. Berlin Fed. Gov.'s AFG concept; 1 Jun. Northern AFG Reconnaissance approach to security" for ammunition BT Bw mandate for Bw takes over ISAF focus on reconstruction and first time in official gov. flights by Tornados ISAF; 4,500BwSs command of northern training 7 Aug. Kabul document AFG (Regional 1 BwS dead, traffic Command North);Bw 19 May Kunduz 30 Oct. Berlin 29 Oct. Berlin accident relocates from Kabul to BT Bw mandate for ISAF; 3 BwSs dead after BT Bw mandate for Dec. Berlin 6 Aug. Kunduz Mazar-e Sharif 28 Sep. Berlin BT Bw mandate for suicide attack combined with Tornado OEF: no moreBwS AFG state secretaries' Meeting of Fed. Gov. Suicide attack orBw mission, 3,500BwSs participation in AFG convoy; 1 soldier dies ISAF: 3.000BwSs: 14 Aug. Kunduz NATO OMLT later from deployment possible consequences throughout AFG (only established: training 30 May Brussels 14 Nov. Kabul 20 Oct. Kunduz under certain conditions Nov. Berlin and counselling of Afg. EU resolves EUPOL AFG police mission 1 BwSs dead after Suicide attack on if outside German area of Police training debated in suicide attack armed forces patrol; 2BwSs dead responsibility BT for first time 15th leg. period/Schröder 16th leg. period/Merkel/CDU/CSU-SPD 13 Jun. Kandahar From 2005 onwards, the security situation deteriorates noticeably assaults, suicide bombings and Taliban storm Sarposa prison and free 400 of Afghanistan their fighters, among 28 Sep. AFG 19 Dec. AFG others Parliament 1 Feb. Kabul provincial convenes: Decision on amnesty elections -> Bonn Process law, comes into force Aug. Kabul concluded Security resp. for Kabul transferred to AFG

Phase 2 - Expansion, escalation and transition 2009 to 2014 20 Jan. Washington Inauguration of Obama 1 Dec. USA Autumn AFG 20 Jul. AFG Dec. AFG 28 Ian. London ISAF adopts COIN doctrine Obama announces surge; AFG-NATO IntegalBoard ISAF soldiers reach max. 30,000 US troops (withdrawn in July 2010); for operationaltactical AFG Conference: handover established to coordinate number 31 Mar. The Hague of security resp. to AFG; counterinsurgency handover of security resp. (131,300, 90,000 USA, prospect of withdrawal of ISAF troop reinforcements, AFG Conference; merging operations 5.063 DE) of civilian and military aid: all troops in summer 2011; future focus on civilian other countries increase by greater involvement of political reconstruction 3-4 Apr. Strasbourg/Kehl PAK in fight against 7,000 servicemen/women International 19-20 Nov. Lisbon terrorism NATO summit; more 20 Jul. Kabul NATO summit: new trainers to AFG; 5000 AFG Conference; security strategic concept, additional soldiers as withdrawal date for ISAF resp. to be transferred to trainers and to secure troops in 2014; from 2011 presidential elections AFG; London resolutions 21 Nov. AFG to 2014 handover of 27 Mar. USA reaffirmed, ISAF to end in NATO training mission 2014 security resp. to AFG. Obama announces new formally begins continuing cooperation after end of ISAF AFG strategy; new focus: AFG; additional troops and trainers to AFG ICG established for AFG and PAK 2009 2010 April Berlin Appointment of Special July AFG Fed. Gov. Representatives 1 Aug./1 Nov. Relaxation of the restrictive 26 Feb. Berlin 31 May Berlin Germany and Afghanistan for AFG and PAK Kunduz/Mazar Bw: end of ORF, start of deployment regulations of BT Bw mandate for ISAF, Resignation of Fed. Pres. Köhler after comments on German contingent max 5 350 BwSs: more training and protection 29 Apr. Kunduz offensive action by AFG 24 Nov. Berlin hattalion training 1 BwS dead: first soldier (partnering) of ANSF and First PTSD officer of Fed. killed in firefight 4 Sep. Kunduz protection of Afg. civilian Ministry of Defence Bombing of tanker on population appointed 2 Apr. Kunduz Colonel Klein's orders; June Kunduz/OP North 3 BwSs dead in Good 23 Jun. Kunduz numerous civilian 7 Oct. Baghlan 3 self-propelled howitzers Friday Battle; Fed. Min. of 3 BwSs dead in car 30 Nov. Mazare Sharif casualties trigger stationed 1 BwS killed by suicide accident during combat Defence speaks controversy Tornado mission ends: "colloquially of war"; more Bw trainers to AFG considered a turning point 25 Jul. AFG 31 Oct. Chahar Darreh 3 Nov. Berlin July AFG Bw decides against Red Operation 'Halmazag' with Fed. Min. of Defence GPPO/T target size 15 Apr. Baghlan Cross markings on USA and AFG; first offensive Guttenberg: "Warlike reached; 200 (shortterm) 4 BwSs killed by IEDs and ambulances for security planned and carried out by conditions in Afghanistan trainers assault DE since WW II. 16th leg. period/Merkel/CDU/CSU-SPD 17th leg. period/Merkel/CDU/CSU-FDP July/Aug. Kabul Shia Personal Status Law and Elimination of 20 Aug. AFG Afghanistan Sep. AFG Violence against Women Karzai wins presidential Law (EVAW) adopted Foundation of the High 11 Feb. Kabul election, many Peace Council in AFG Coordinated Taliban attack irregularities; runoff 18 Jan. Kabul 2-4 Jun. Kabul 21 Nov. AFG on government building election is cancelled Peace Loya Jirga Coordinated Taliban attack Officialfinal resultof because opposing on ministries Consultation on peace and parliamentary elections, 18 Sep. AFG candidate withdraws; on reintegration programme; 25% of votes declared Parliamentary elections. Nov start of 2nd term of "Kabul Process" invalid (fraud) 40% voter turnout

B. Obama I B. Obama II 8 Jul. Tokyo AFG Conference; assurance 31 Dec. AFG of civ. aid subject to ISAF ends after 13 years conditions (reciprocal 22 Jun. AFG obligations) Obama: withdrawal of 17 Jul. AFG 33,000 (surge) soldiers by Security resp. for first 21 May Chicago summer 2012 province transferred to NATO summit; exit strategy; pledge of support 12 Dec. UN Security International AFG Council after end of ISAF (RSM) Sep. Wales Welcomes RSM by passing June AFG NATO summit; resolution Secret negotiations confirmation of support between USA and Taliban 5 Dec. Bonn after end of ISAF begin; fail in 2012 AFG Conference; post 4 Dec. London 1 Apr. Mazar-e Sharif ISAF period; decade of AFG Conference; reforms Regional Police Training transformation 20152024 and renewed partnership Centre handed over to 1 May PAK in decade of Osama Bin Laden killed transformation 2011 2012 2013 2014 26 Jan. Berlin BT Bw mandate for ISAF: Germany and Afghanistan 18 Feb. Baghlan/OP 30 Ian. Mazare Sharif 4.900 BwSs North Tiger combat helicopters deployed, mission: CAS, 15 Jun. Baghlan/OP 3 BwSs killed by ANA North soldiers securing the rescue of 3 Apr. Taloqan Handover of PAT to AFG Handover to AFG wounded 28 May Talogan 2 BwSs killed in attack 18 Dec. Berlin 13 Jul. AFG/Trabzon BT Bw mandate for RSM; (TUR) 850 BwSs; renewed 9 Oct. Faizabad 31 Jan. Berlin Start of redeployment annually until 2021 Handover of field camp to 2 Jun. Baghlan BT Bw mandate for ISAF: AFG; closure of PRT; end 1 BwS killed by IED 4,400 BwSs; last extension of permanent (German) 6 Oct. Kunduz military ISAF presence in Kunduz camp handed over region to AFG:Bw ends 4 May Baghlan/OP North permanent presence in 1 BwS (Special Forces Kunduz; closure of PRT Command) dead in attack 17th leg. period/Merkel/CDU/CSU-FDP 18th leg. period/Merkel/CDU/CSU-SPD 26 Jan. Kabul 2011/2012 Taliban are pushed back by more largescale offensive operations, partnering and rapid aid projects pushed back from German area of responsibility. Security incidents decrease; from 2012, security resp. to be transferred from DE to AFG 30 Sep. AFG Jan. Doha Opening of parliament AFG-NATO Agreement; Taliban open official Afghanistan Jun. AFG legal framework defined representative office; signs 1 Feb./1 Apr. AFG AFG oversees all military by RSM of successful talks with Ground Force Command Apr. Kandahar operations; ISAF focuses on and Afg. National Defence 475 Taliban escape from training and COIN operations; University established to Sarposa prison Taliban-US talks resumed; 28 Dec. AFG 21 Sep. AFG take over security resp. and criticised by AFG government Ghani wins presidential AFG takes over full Mar. Doha officer training election; opposing candidate security resp. at end of Taliban suspend talks Abdullah becomes head of government

Phase 2 - Expansion, escalation and transition 2009 to 2014



20 Jan. Washington Inauguration of J. Biden 9 Dec. USA Afghanistan Papers published 29 Feb. Doha Agreement between USA and Taliban, without participation of Afg. gov.

Release of 5,000 Taliban fighters by Negotiations interrupted again after death of US, International Taliban warn of increase in Withdrawal of all NATO troops by 1 May AFG attacks May 2021 Start of withdrawal of Assurance that AFG will no longer 30 Sep. AFG international troops pose terrorist threat RSM ends when Talks between Taliban and Afg. withdrawal of all int. government agreed 7.-8 Jul. Doha 2 Sep. Doha troops completes 14 Apr. USA USA breaks off peace talks with Taliban after nine Doha Dialogue (intra Biden announces withdrawal of all troops by 11 September; NATO Afghan dialogue conference), organised by rounds of negotiations; Germany and Qatar resumed in Oct. 2019 follows suit 2019 2020 2021 25 Mar. Berlin BT Bw mandate for RSM extended for last time Germany and Afghanistan 2 Sep. Kabul Nov. Kunduz Attack on Green Village, branch of German dev. Scheduled withdrawal **30 Apr. AFG** End of RSM; redeployment of Bw back to DE begins; to from Camp Pamir agency GIZ and GTTO/T affected: German be completed by mid development aid August infrastructure badly hit; GIZ flies out almost all staff 29 Apr. Kabul GPPO/T leaves AFG 29 Jun. AFG Last BwSs leave AFG: marks end of RSM for DE 20th leg. 19th leg. period/Merkel/CDU/CSU-SPD 30 Apr.-3 May AFG Loya Jirga, discusses peace 12 Sep. Doha Afghanistan talks, Taliban invited but 18 Feb. AFG Start of intraAfg. peace do not attend Result of the pres. elections talks From **16 Aug.-27 Aug. AFG** Bundeswehr conducts evacuation mission and flies out over 5,000 people; a total of over 120,000 people are evacuated Ghani wins narrowly, 20% turnout (less than 1 million votes; opponent does not 28 Sep. AFG Government releases 5,100 Taliban (Doha Agreement) recognise result at first Postponed April presidential elections held

Phase 3 - Realignment, adjustment and withdrawal 2015 to 2021

6.3 Resolution of establishment of 5 July 2022 (Bundestag printed paper 20/2570)

Motion

by the SPD, CDU/CSU, Alliance 90/The Greens and FDP parliamentary groups

to set up a Study Commission on "Lessons from Afghanistan for Germany's Comprehensive International Engagement in the Future"

The Bundestag is requested to adopt the following motion:

The German Bundestag sets up a Study Commission on "Lessons from Afghanistan for Germany's Comprehensive International Engagement in the Future".

I. Initial situation

The terrorist attacks of 11 September 2001 marked a major turning point in Germany's international crisis management. No other violent event between the fall of the Berlin Wall and Russia's invasion of Ukraine had a greater impact on Germany's foreign, security and development policy than the terrorist attacks on the United States more than 20 years ago. In response to the attack by the al-Qaeda terrorist organisation on the United States of America, the state of NATO collective defence was declared for the first time. In the Bundestag, Federal Chancellor Gerhard Schröder assured the United States of Germany's unreserved solidarity, while Federal Foreign Minister Joschka Fischer emphasised that, if serious crimes were committed, action had to be taken, and that applied "also to global governance". For two decades, Germany was involved in various operations and missions in Afghanistan, mandated by the German Bundestag and on the basis of cabinet resolutions, to fight terror and stabilise the country, where the Taliban, who ruled at the time, were harbouring the al-Qaeda terrorist organisation. From the very beginning, Germany's involvement was closely integrated into that of the international community. This took place within the structures and on the basis of United Nations resolutions, but above all within the framework of the operations organised and led by NATO, in which NATO member states as well as a large number of other countries took part. These missions intensified international military cooperation, particularly within NATO, but also between NATO and other partner countries, and took it to a new political level. Germany's engagement in its previous form ended with the withdrawal of the Bundeswehr and allied countries in summer 2021 as a result of the Doha Agreement negotiated between the United States under then President Donald Trump and the Taliban leadership and the withdrawal of US troops finalised by the Biden administration.

The parliamentary process for reviewing the evacuation from Afghanistan will be the subject of the 1st Committee of Inquiry of the 20th legislative term (Evacuation Mission of the Afghanistan Operation of the Bundeswehr – "Afghanistan"; printed paper 20/2352), which the parliamentary groups bringing the motion consider

necessary, because the hasty termination of the international operation jeopardised the lives and health of people in Afghanistan and caused foreign policy damage for the Federal Republic of Germany and its partners. The Study Commission, on the other hand, is tasked with comprehensively analysing Germany's entire foreign, security and development policy engagement in Afghanistan between 2001 and 2021. The aim of this comprehensive review under scientific supervision is to draw lessons for Germany's future military and civilian international engagement and for the Comprehensive Approach from the more than 20 years of Germany's multifaceted operation in Afghanistan, which was embedded in its international engagement. The mission is therefore aimed at analysing both military and civilian engagement in its entirety. With regard to Germany's military engagement, the different phases of the missions are to be analysed, i.e. the contribution to the fight against international terrorism as part of Operation Enduring Freedom (OEF), the deployment as part of the International Security Assistance Force (ISAF) stabilisation mission and the Resolute Support Mission (RSM). The military and civilian tools, i.e. intensive diplomatic and development policy efforts, should complement each other as part of the Comprehensive Approach. Civilian engagement involved many different intensive international and development policy efforts to support the Afghan government in creating sustainable security and stability and to achieve goals such as poverty reduction, economic development, promoting the rule of law and improving governance in Afghanistan.

The Study Commission is to analyse the various phases of Germany's entire civilian and military engagement in Afghanistan to establish what objectives were set and subsequently achieved. Particularly in view of the continuously changing objectives over the more than 20 years of engagement, the expenditure of funds and the increasing interdependence between military and civilian engagement in the context of foreign and development policy measures over the course of this engagement, the focus will also be on analysing the extent to which objectives were achieved. The question of why the military and civilian stabilisation measures following the obvious success of the military operation against the Taliban's tyranny at the beginning of the operation and the successful fight against al-Qaeda and other terrorist networks did not contribute to lasting peace in the country is part of the investigation.

Such an independent and comprehensive joint review of Germany's civilian and military contributions is necessary in order to formulate lessons for a future policy of strategic foresight, conflict prevention, crisis management, post-crisis rehabilitation and stabilisation as well as the fight against terrorism and the establishment of democratic structures that safeguard human rights. This is also an obligation towards the servicemen and women, police officers, diplomats and employees of humanitarian aid organisations and development cooperation who were sent on an extremely demanding and risky mission on behalf of the German Government and the German Bundestag.

The core element of Germany's international military and civilian action is the Comprehensive Approach, whose conceptual genesis and enhancement were to a significant extent shaped by Germany's engagement in Afghanistan. This includes the coordination and harmonisation of military, police, diplomatic, development and humanitarian resources, which should be deployed in a focused, targeted and thus optimised manner. It should be considered in particular how the following pillars interlock and interact with each other:

- 1. Security and stabilisation: fight against terror, military stabilisation and creation of a secure environment, development of effective Afghan armed and security forces
- 2. Peacebuilding: diplomatic engagement, regional integration, support for the peace process and civil conflict management, reconciliation
- 3. State-building, good governance and instruments of democracy promotion
- 4. Fight against drugs and corruption
- 5. Reconstruction and development

The interaction between different players at local, regional, multinational and international levels, the choice of cooperation partners, cooperation between civil and military stakeholders and the coherence of leadership, coordination and responsibility structures should also be considered.

The security, social, economic, legal and humanitarian progress made in Afghanistan has been severely jeopardised and in some cases already reversed since the Taliban took power. Some of the mission's own targets set were not achieved. The experience of the Afghanistan operation is therefore also a serious turning point for the German Government's international action and the principle of the Comprehensive Approach. At the same time, the Comprehensive Approach remains the guiding principle of the German Government's involvement in international crisis management.

A forward-looking policy should draw lessons in its decisions from the wealth of experience gathered during the engagement in Afghanistan and thus do everything possible to avoid mistakes, undesirable outcomes and conceptual and systemic problems in the future. With this in mind, the Study Commission on "Lessons from Afghanistan for Germany's Comprehensive International Engagement in the Future" is tasked with analysing the engagement in Afghanistan in an interdisciplinary manner and also, but not exclusively, developing lessons for the Comprehensive Approach on this basis and – where necessary – drawing up recommendations for adaptation and enhancement. To this end, the Study Commission will also draw up proposals for the development, supplementation and enhancement of standards and systems for the ongoing and future evaluation of operations.

Based on the experiences in Afghanistan, the Study Commission is to draw up proposals for efficient, coherent and comprehensive cooperation and communication among the departments involved. The Study Commission should also seek dialogue with important international partners, in particular from the EU and NATO, the G7, UN organisations, the development banks operating on the ground and important bilateral partners and, where such work has already taken place, include this in the Study Commission's analysis. Conclusions should also be drawn for the exchange of information and cooperation at international and European level.

Where justified, the Study Commission must have access to internal government documents. The German Government is requested to examine which documents can be removed from their classification and made available to the Study Commission.

II. Mandate

The German Bundestag commissions the Study Commission – independently of and in addition to current legislative procedures and parliamentary resolutions – to examine the Comprehensive Approach using the example of the engagement in Afghanistan, and in particular the Bundeswehr's missions and the associated challenges, and to analyse the lessons learned from the twenty-year engagement in Afghanistan, also in

order to draw conclusions for Germany's current and future international military and civilian engagement:

A. Review of engagement in Afghanistan

Guiding strategies and interests

- Presentation of the overall strategy in the respective phases of the engagement
- Coordinating and embedding the German approach in the engagement of the international community
- Identification of the guiding national and international interests that motivated the above overall strategies
- Assessment of the initial conditions, including the Bonn Conference in December 2001

Objectives of military operations and civilian involvement in its various facets

- Definition of objectives
- Identification of conflicts of interest
- Assessment of the realistic and foreseeable achievability of the objectives
- Assessment of the harmonisation and coordination of objectives with local, regional and international partners

Adjustments to objectives and ongoing review of engagement

- Reviewing, adapting or redefining objectives to reflect the passage of time and changes in the situation
- Review of monitoring and evaluation of the engagement and the overall national situation in Afghanistan
- Review of the resources provided, their appropriateness and impact
- Review of cooperation mechanisms within the international and multilateral framework
- Interdependence of the different ways of formulating evaluations and objectives within the German Government and with local and international partners

Tools used

- Analysis of the different foreign, security and development policy instruments in the specific circumstances of Afghanistan and their usability
- Analysis of the national instruments and capacities used in the multinational context and any unavailable capabilities
- Adjustments to the instruments in the course of the engagement and analysis of their adaptability to the specifics of the engagement and the objectives specified
- Review of requirements on personnel, pre-deployment training including intercultural skills of personnel to be deployed, the impact of staff turnover and the role of local personnel
- Assessment of the impact of the engagement on the structure, organisation and functioning of the instruments involved in German foreign, security and development policy action (including the long-term consequences of psychological damage)
- Question of possible political limitations of the general conditions for the fulfilment of the mandate and achievement of objectives by the organisations and instruments involved on the ground and the effects on the achievement of objectives

Organisation of operations

- Organisation and coordination mechanisms for embedding Germany's engagement in that of the international community, in particular the UN and NATO
- Organisation and ongoing adjustments to structures, volumes, skills and resources, including overarching/central management/coordination of the engagement
- Interaction and communication among the departments, subordinate authorities and intelligence services involved
- Organisation of responsibilities/competencies and of international coordination/consultation

Progress and possible end of operations

- Measurement and parameters of target achievement, impact indicators
- Definition of possible criteria for discontinuing the operation, timings and strategies
- Analysis of the interdependencies of national decisions and decision-making processes with those of international partners and organisations
- B. Lessons for Germany's comprehensive engagement

Potential and limits of the Comprehensive Approach

- Analysing the specifics of Afghanistan to put into context the conclusions for the effectiveness of the Comprehensive Approach
- Embedding and enforcing security and stability, democracy, pluralism, human rights, individual fundamental rights, participation of all, etc.
- Options for action between value-driven and interest-driven international measures
- Time factor and time horizons, short-term versus long-term instruments and requirements, and their cost factors
- Division of tasks, cooperation, role of prevention, strengthening of resilience and human security
- Potential opportunities and best practice examples
- Recommendations for possible limited scenarios for purely security-related engagements, if the situation so requires

Institution building

- Recommendations for action to build functioning institutions, administrations and decision-making structures (local, regional, national) based on the expectations of those affected
- Analysis of the influence of formal and informal political structures in Afghanistan
- Security sector reform, financing, development and support of armed and security forces, strengthening of democratic control
- Analysis of the effectiveness of the build-up of security forces
- Recommendations for action to prevent corruption in Afghan institutions and in the international engagement
- Importance and role of bilateral and international financial support and donor coordination, especially in the case of weak state partner structures
- Strengthening of parliamentary, civil society and private sector institutions and of independent media

Empowerment and inclusion of women and girls

- Recommendations for action for the sustainable advancement of women and girls, also with a view to safeguarding and guaranteeing rights
- Recommendation for action to take greater account of the role of women as key players in comprehensive engagement

Objectives, analysis and evaluation

- Recommendations for defining operation-specific objectives of the Comprehensive Approach
- Development of parameters that can be put into operation for evaluating the
 objectives associated with the Comprehensive Approach, including contextrelated realistic time horizons, target indicators for the different points in time and
 aspects of the Comprehensive Approach, including with regard to the resources
 used
- Development of interdisciplinary and comprehensive analysis mechanisms
- Evaluation of the "Afghanistan progress reports" for their usefulness in setting objectives, analysing and continuously evaluating the engagement
- Parliament and the public: informing parliament and strategic review in the committees of the German Bundestag, use of available sources of information
- Significance of the possible phenomenon of groupthink
- Recommendations for the development of exit strategies, including for subcomponents; required general conditions for continuing civilian measures when the military component ends, role of continued civilian engagement for stabilisation and stability
- Proposals for the targeted involvement of Parliament in the strategic organisation of comprehensive engagement

Interaction of the Comprehensive Approach practised by Germany with other players

- Analysis of systems and aspects of comprehensive engagement with allies and multilateral organisations
- Identification of synergies and points of conflict

Interaction of the different aspects of the Comprehensive Approach

- Identification and analysis of tipping points that require a reassessment of the required resources and strategies
- Interactions between non-military and military aspects of the Comprehensive Approach
- Basic security policy requirements for successful non-military engagement
- Positive and negative effects of non-military aspects on security and stability

Interaction with international players, alliances and the countries of the region

- Interests and engagement of key NATO partners and their impact on Afghanistan's development and Germany's engagement
- Interests of and influence exercised by regional states, especially Pakistan, on Afghanistan's development and the chances of successful engagement by the international community
- Interests of and influence exercised by important global state players on Afghanistan's development and the chances of successful engagement by the international community
- Decision-making mechanisms and dynamics within NATO regarding the Alliance's objectives and engagement in Afghanistan
- Expectations of Germany and Germany's role within the engagement of the

international community in Afghanistan and their impact on the formulation of German objectives and strategies

• Factors limiting German participation within the engagement of the international community

Interaction with the local population and local governance structures

- Identification of mechanisms for effective approaches and constructively cooperative decision-makers with a view to the role and function of local, regional as well as national power structures
- Development of practice-based mechanisms for feeding back experiences/demands/expectations on the ground and in the local population into the future organisation of operations, including at higher management levels
- Importance and potential of participation and local and regional approaches for the various components of comprehensive engagement
- Assessment of the need and extent of mechanisms to create flexibility in military and civilian support

III. Recommendations for action

The Study Commission is intended to be a place where politicians, together with representatives of institutions involved in the engagement, experts from institutions involved in the engagement and academics from the relevant disciplines, can analyse the strengths and weaknesses of the German military and civilian engagement and the interplay of these within the framework of the Comprehensive Approach – against the background of the engagement in Afghanistan –, take up proposals from practice, research, civil society and wider society, and develop concrete ideas and recommendations for action for political decision-makers. On the basis of its findings, the Study Commission should identify the need for government action at national, European and international level.

IV. Composition and public access

The Study Commission consists of twelve members of the German Bundestag and twelve experts. The SPD parliamentary group nominates three members, the CDU/CSU parliamentary group three members, the Alliance 90/The Greens parliamentary group two members, the FDP parliamentary group two members, the AfD parliamentary group one member and DIE LINKE (the Left Party) parliamentary group one member.

One deputy member may be appointed for each member of the German Bundestag. The experts are appointed by agreement between the parliamentary groups. If agreement cannot be reached, they are appointed by the parliamentary groups based on the above allocation.

The continuous acquisition of insights and the findings of the Study Commission are to be made accessible to the public in a suitable format that takes into account the needs arising from information and findings that require particular protection. In addition, a website and other suitable digital channels are to provide information, documents etc.

in several languages. This can facilitate feedback to Afghan civil society and our international partners, among others.

In order to make the best possible use of the learning opportunities offered by the review, the Study Commission should draw up proposals on how the implementation of the recommendations can be pursued at appropriate intervals.

V. Timeline

The Study Commission is to be constituted immediately and present its findings and recommendations for action after the parliamentary summer break in 2024 at the latest.

Berlin, 5 July 2022

Dr Rolf Mützenich and parliamentary group Friedrich Merz, Alexander Dobrindt and parliamentary group Katharina Dröge, Britta Haßelmann and parliamentary group Christian Dürr and parliamentary group

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6.6 Dataset

	Dataset: Aid (ODA) disbursements to countries and regions		
2	[DAC2a]		
3	Aid type ODA: Total Net		
4		art 1 : Part I - Developing	
5		e Constant Prices	
6	Uni	it US Dollar, Millions, 2021	
7	Dono	DAC Countries, Total	DAC Countries, Total Germany
9	Recipien	it Afgha	nistan
10		L	
11	2001	590,03	78,37
12	2002	1557,23	154,06
13	2003	1696,32	112,49
14	2004	2221,82	92,59
15	2005	2811,16	121,74
16	2006	3009,12	142,76
17	2007	3549,4	236,73
18	2008	4562,61	301,46
19	2009	5967,8	351,78
20	2010	6222	511,75
21	2011	6365,48	553,66
22	2012	5950,95	564,14
23	2013	4495,45	570,08
24	2014	4274,78	540,29
25	2015	4049,52	433,93
26	2016	3567,3	596,58
27	2017	3158,47	548,56
28	2018	2869,68	470,31
29	2019	3288,42	453,57
30	2020	2506,18	399,04
31	2021	3385,53	619,12
32	Data extracted on 14 Sep 2023 14:39 UTC (GMT) from OECD.Stat	76099,25	7853,01

6.7 List of abbreviations

AA Auswärtiges Amt (Federal Foreign Office)

AAF Afghan Air Force

AAN Afghanistan Analysts Network

ABP Afghan Border Police

AFG Afghanistan

AIA Afghan Interim Authority

AIHRC Afghanistan Independent Human Rights Commission

AISA Afghan Investment Support Agency

ALP Afghan Local Police
AMF Afghan Military Forces
ANA Afghan National Army

ANAAC Afghan National Army Air Corps

ANATC Afghan National Army Training Command

ANC African National Congress

ANCOP Afghan National Civil Order Police

ANDS Afghanistan National Development Strategy
ANDSF Afghan National Defence and Security Forces

ANP Afghan National Police

ANPA Afghan National Police Academy
ANSF Afghan National Security Forces

APAW Assistance and Promotion of Afghan Women
APRP Afghanistan Peace and Reintegration Programme

ARTF Afghanistan Reconstruction Trust Fund

ASB Ausbildungs- und Schutzbataillon (training and protection battalion)

ASFF Afghan Security Forces Fund

AUAF American University of Afghanistan

AWOL Absent without Leave

Bengo Advice Centre for non-governmental organisations (NGOs) working in the field of

development co-operation

BGS Bundesgrenzschutz (Federal Border Police)

BKA Bundeskriminalamt (Federal Criminal Police Office)

BMI Bundesministerium des Innern und für Heimat (Federal Ministry of the Interior and for Home

Affairs)

BMVg Bundesministerium der Verteidigung (Federal Ministry of Defence)

BMZ Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (Federal Ministry for

Economic Cooperation and Development)

BND Bundesnachrichtendienst (Federal Intelligence Service)

BPOL Bundespolizei (Federal Police)

CD Capacity Development

CDC Community Development Council

CIA Central Intelligence Agency

CID Criminal Investigation Department

CIM Centrum für internationale Migration und Entwicklung (Centre for International Migration and

Development)

CIMIC Civil-Military Cooperation

CJSOTF-S Combined Joint Special Operations Task Force-South

COIN Counterinsurgency
COMISAF Commander of ISAF

CSDP Common Security and Defence Policy

CSIS Center for Strategic and International Studies

CSR Congressional Research Service

CSTC-A Combined Security Transition Command – Afghanistan

CTAG-P Command Training Advisory Group-Police

DAAD Deutscher Akademischer Austauschdienst (German Academic Exchange Service)

DAB Da Afghanistan Bank

DAC Development Assistance Committee

DC Development cooperation
DDF District Development Fund

DDR Disarmament, Demobilisation and Reintegration

DED Deutscher Entwicklungsdienst (German Development Service)

DEval Evaluierungsinstitut der Entwicklungszusammenarbeit (German Institute for Development

Evaluation)

DIAG Disbandment of Illegal Armed Groups

DIW Deutsches Institut für Wirtschaftsforschung (German Institute for Economic Research)

DNH Do no harmDW Deutsche WelleEC European CommunityEC European Commission

ECC Electoral Complaints Commission

ELECT Enhancing Legal and Electoral Capacity for Tomorrow

EPAA Export Promotion Agency AfghanistanEPD Equality for Peace and DemocracyEUPOL European Union Police Mission

EVAW Elimination of Violence Against Women

FARC Fuerzas Armadas Revolucionarias de Colombia FDDP Focused District Development Programme FEFA Free and Fair Elections Forum of Afghanistan

FES Friedrich-Ebert-Stiftung (Friedrich Ebert Foundation)

FM Field Manual

FPIP Fiscal Performance Improvement Plan

FZ Finanzielle Zusammenarbeit (financial cooperation)

GAFTAG German Armed Forces Technical Advisory Group

GDP Gross domestic product
GII Gender Inequality Index

GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit (German development agency)

GMAF Geneva Mutual Accountability Framework

GNI Gross national income

GPPO German Police Project Office
GPPT German Police Project Team

GS AG IPM Geschäftsstelle der Arbeitsgruppe Internationale Polizeimissionen (Office of the International

Police Missions Working Group)

GTAZ Gemeinsames Terrorismusabwehrzentrum (Joint Counter-Terrorism Centre)

GTZ Deutsche Gesellschaft für Technische Zusammenarbeit (German Technical Development

Agency)

HCNR High Council for National Reconciliation

HDI Human Development Index HIA Hezb-e Islami Afghanistan

HPC High Peace Council

IANDS Interim Afghanistan National Development Strategy

ICC International Criminal Court

IDA International Development Organisation
IEC Independent Election Commission
IED Improvised explosive device

INL Bureau of International Narcotics and Law Enforcement Affairs

INTERPOL International Criminal Police Organisation

IO International Organisation

IPCAG Interagency Police Coordinated Action Group
IPCB International Police Coordination Board

IS Islamic State

ISAF International Security Assistance Force

ISKP Islamic State Khorasan Province

JFTC Joint Force Training Centre

KAS Konrad-Adenauer-Stiftung (Konrad Adenauer Foundation)

KfW Kreditanstalt für Wiederaufbau (German development bank)

KSK Kommando Spezialkräfte (Special Forces Command)

KWI/ÜH "Krisenbewältigung und Wiederaufbau, Infrastruktur/strukturbildende

Übergangshilfe (crisis management and reconstruction, infrastructure/structure-building

transitional aid)"

LOTFA Law and Order Trust Fund for Afghanistan

MoI Ministry of the Interior

NATO North Atlantic Treaty Organization NBC (defence) Nuclear, biological, chemical

NCPR National Center for Policy Research
NDS National Directorate of Security

NGO Non-governmental organisation
NIC National Intelligence Council

NRVA National Risk and Vulnerability Assessment

NSC National Security Council NSP National Solidarity Programme

NTM-A NATO Training Mission-Afghanistan
ODA Official Development Assistance
ODI Overseas Development Institute

OECD Organisation for Economic Co-operation and Development

OEF Operation Enduring Freedom

OHCHR Office of the High Commissioner for Human Rights of the United Nations

OIC Organisation of Islamic States

OMLT Operational Mentoring and Liaison Team
ONSA Office of the National Security Advisor

OPLAN Operational Plan

OSCE Organization for Security and Co-operation in Europe

PATRIP Pakistan-Afghanistan-Tajikistan Regional Integration Programme

PCA Peace and Conflict Analysis

PDPA People's Democratic Party of Afghanistan

PIU Project Implementation Unit

PMT Police Mentor Teams

POMLT Police Operational Mentoring and Liaison Team

PPP Purchasing power parity

PRT Provincial Reconstruction Team

PTC Police Training Centre

PTS Program-e Takhim-e Solh (Strengthening Peace Programme)

PTSD Post-traumatic stress disorder

QRF Quick Reaction Force RC Regional Command

RECCA Regional Economic Cooperation Conference on Afghanistan

RMOs Risk Management Offices
 ROE Rules of Engagement
 RSM Resolute Support Mission
 RTA Radio Television Afghanistan

SHAPE Supreme Headquarters Allied Powers Europe

SIGAR Special Inspector General for Afghanistan Reconstruction
SMAF Self-Reliance and Mutual Accountability Framework

SMEs Small and medium-sized enterprises

SNTV Single non-transferable vote

SPNA Stabilisation Programme Northern Afghanistan

SSR Security Sector Reform
STC Sergeant Training Centers

SWP Stiftung Wissenschaft und Politik (German Institute for International and Security Affairs)

TAAC Train Advice Assist Command

TAPI Turkmenistan-Afghanistan-Pakistan-India (Gas Pipeline Project)

THW Federal Agency for Technical Relief

TLO The Liaison Office

TVET Technical Vocational Education and Training

TZ Technische Zusammenarbeit (technical cooperation)
UA Untersuchungsausschuss (committee of inquiry)

UN United Nations

UNAMA United Nations Assistance Mission in Afghanistan

UNDP United Nations Development Programme

UNESCO United Nations Educational Scientific and Cultural Organization

UNICEF United Nations Children's Fund

UNSCR United Nations Security Council Resolution
UNSMA United Nations Special Mission to Afghanistan
USAID United States Agency for International Development

VENRO "Verband Entwicklungspolitik und Humanitäre Hilfe deutscher

Nichtregierungsorganisationen (umbrella organisation of development and humanitarian non-

governmental organisations)"

WASH Food security, water, sanitation and hygiene

WP Wahlperiode (legislative term)

ZfA Zentralstelle für das Auslandsschulwesen (Central Agency for Schools Abroad)

ZFD Ziviler Friedensdienst (Civil Peace Service)

ZMSBw Zentrum für Militärgeschichte und Sozialwissenschaften der Bundeswehr (Centre for Military

History and Social Sciences of the Bundeswehr)

ZMZ Zivil-militärische Zusammenarbeit (civil-military cooperation)

6.8 Members of the Study Commission/group coordinators

Chairperson	Deputy Chairperson
Michael Müller (SPD)	Serap Güler (CDU/CSU)

Bundestag representatives		
Members	Substitute members	
SPD parliamentary group		
Michael Müller	Professor Lars Castellucci (until 21 November 2022)	
Christoph Schmid	Hakan Demir (from 13 December 2023)	
Derya Türk-Nachbaur (group coordinator)	Sebastian Fiedler (21 November 2022 to 13 December 2023)	
	Aydan Özoğuz	
	Nadja Sthamer	
CDU/CSU parliamentary group		
Peter Beyer (group coordinator)	Michael Brand	
Serap Güler	Dr Marlon Bröhr	
Susanne Hierl	Dr Katja Leikert	
Alliance 90/The Greens parliamentary group		
Shahina Gambir (group coordinator)	Deborah Düring	
Philip Krämer	Merle Spellerberg	
FDP parliamentary group		
Knut Gerschau	Dr Ann-Veruschka Jurisch	
Christian Sauter (group coordinator)	Frank Müller-Rosentritt	
AfD parliamentary group		
Jan Ralf Nolte (group coordinator)	Joachim Wundrak	
DIE LINKE parliamentary group		
Andrej Hunko (group coordinator) (until 6 December 2023)	Heidi Reichinnek (until 10 May 2023)	

External experts		
Professor Anna Geis	Professor of Political Science, Helmut Schmidt University/ Bundeswehr University Hamburg, Institute of International Politics, Hamburg	
Professor Hans-Joachim Gießmann	Director Emeritus at the Berghof Foundation Berlin, Schenefeld/ Schleswig-Holstein	
Reiner Haunreiter	Colonel (retired), lecturer at the Technical University of Deggendorf/Bavaria	
Dr Michael Lüders	Political scientist and Islamic scholar, Berlin (until 19 February 2024)	
Professor Carlo-Antonio Masala	Professor of International Politics, Bundeswehr University, Munich, Neubiberg	
Dr Katja Mielke	Researcher at the Bonn International Centre for Conflict Studies (BICC)	
Winfried Nachtwei	Former Member of the German Bundestag, Münster/Westphalia	
Egon Ramms	General (retired), former Commander-in-Chief of NATO's Allied Joint Force Command in Brunssum (NL), Meckenheim/North Rhine-Westphalia	
Professor Ursula Schröder	Scientific Director of the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), Hamburg	
Jörg Vollmer	General (retired), former Inspector of the Army, former Commander of NATO's Allied Joint Force Command in Brunssum (NL), Meckenheim/North Rhine-Westphalia	
André Wüstner	Colonel, Chairperson of the Bundeswehr Association, Berlin	
Dr Ellinor Zeino	Head of the Southwest Asia Regional Programme at the Konrad Adenauer Foundation, Asia and Pacific Department, Tashkent/ Uzbekistan	

6.9 Parliamentary group officers, staff of Bundestag members and experts

Parliamentary group officers		
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René Hoffmeister	Student assistant, SPD parliamentary group	
André Meyer	Coordinating officer, CDU/CSU parliamentary group	
Dr Anja Seiffert	Coordinating officer, Alliance 90/The Greens parliamentary gro (until 1 November 2023)	
Tania Muscio Blanco	Coordinating officer, Alliance 90/The Greens parliamentary group (from 1 November 2023)	
Moritz Plettau	Officer, FDP parliamentary group (until 1 November 2023)	

Meret Steybe	Officer, FDP parliamentary group (from 1 January 2024)	
Felix Henke	Senior officer, AfD parliamentary group	
René Jokisch	DIE LINKE parliamentary group (until 1 August 2023)	
Martin Hantke	Coordinator, DIE LINKE parliamentary group (1 August 2023 to 6 December 2023)	

Staff of Bundestag members		
David Kristen	Research Assistant, Office of MP Michael Müller	
Lynn Ossenbrüggen	Research Assistant, Office of MP Serap Güler	
Dr Olivier Moliner	Research Assistant, Office of MP Derya Türk-Nachbaur	
Finn Callieri	Student Assistant, Office of MP Derya Türk-Nachbaur	
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Philipp Kruse	Research Assistant, Office of MP Shahina Gambir	
Wiebke Vetter	Research Assistant, Office of MP Shahina Gambir	
Frederic Auel	Research Assistant, Office of MP Philip Krämer	
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Leonie Hopgood	Employee, Office of MP Merle Spellerberg	
Christian Karl	Employee, Office of MP Christian Sauter	
Meret Steybe	Research Assistant, Office of MP Knut Gerschau (until 31 December 2023)	
Jochen K. Roos	Employee, Office of MP Jan Ralf Nolte	
Pascal Stuiber	Employee, Office of MP Andrej Hunko (until 6 December 2023)	
Leonhard Mertens	Research Assistant, Office of MP Susanne Hierl	
Victor Bashkatov	Research Assistant, Office of MP Christoph Schmid	
Nadine Milde	Research Assistant, Office of MP Nadja Sthamer	

Employees of experts		
Theresa Breitmaier	Assistant to Professor Hans-Joachim Gießmann, expert Commission member	
Benedikt Bäuerlein	Assistant to Professor Carlo Masala, expert Commission member	
Lucas Bollschweiler	Assistant to Professor Carlo Masala, expert Commission member	

Benedikt Griesbeck	Assistant to Professor Carlo Masala, expert Commission member	
Frederik Koch	Bundeswehr Association, employee of Colonel André Wüstner, expert Commission member	
Hannah Schnier	Assistant to Professor Anna Geis, expert Commission member	
Mariella Werner	Student assistant to Professor Ursula Schröder, expert Commission member	

6.10 Commission Secretariat

Commission Secretariat employees		
MR Michael Hilger Head of the Secretariat (from 14 October 2022)		
RD Sabine Horvath	Officer (1 September 2022 to 30 June 2023)	
RD Kai Mühlstädt	Officer (from 1 August 2023)	
Anja Wollny	Officer (from 1 August 2022)	
Dr Ingo Henneberg	Research assistant (from 1 June 2023)	
Dr Sebastian Lange	Research assistant (from 1 August 2023)	
Dr Alexander Linden	Research assistant (from 9 October 2023)	
RD Kai Mühlstädt	Research assistant (3 January to 1 August 2023)	
Christiane Kahlert	Administrative officer/office manager (from 1 August 2022)	
Andreas Graf von Bernstorff	Qualified Rechtskandidat (Candidate for the Final State Examination in Law) (from 17 April 2023 to 31 January 2024)	
Sarah Olwig	Qualified Rechtskandidat (Candidate for the Final State Examination in Law) (11. January to 1 September 2023)	
Doreen Sattinger	Qualified Rechtskandidat (Candidate for the Final State Examination in Law) (from 3 April 2023 to 31 January 2024)	
Gabriel Schneider	Qualified Rechtskandidat (Candidate for the Final State Examination in Law) (from 1 September 2023)	
Melanie Behrndt	Commission secretary (1 September 2022 to 1 October 2023)	
Kristina Rümmler	Commission secretary (from 2 January 2024)	
Ramona Sebecker	Commission secretary (8 September 2023 to 19 January 2024)	
Melek Evcil	Student assistant (from 17 April 2023)	
Helene Filsinger	Student assistant (from 17 April 2023)	
Emely Tönnies	Trainee (1 October to 31 December 2022)	
Johanna Frank	Intern (6 March to 14 April 2023)	

Commission Secretariat employees	
Pauline Nöltge	Intern (2 May to 23 June 2023)

6.11 Members of project groups

Members of Project Group 1 "Security and stabilisation"

Chair: MP Peter Beyer (CDU/CSU) Deputy Chair: MP Jan Ralf Nolte (AfD)

Parliamentary group	Members	Substitute members
SPD	MP Christoph Schmid MP Sebastian Fiedler	
CDU/CSU	MP Peter Beyer	
Alliance 90/The Greens		MP Merle Spellerberg
FDP	MP Christian Sauter	
AfD	MP Jan Ralf Nolte	
DIE LINKE.		
Expert members	Dr Michael Lüders Winfried Nachtwei Jörg Vollmer André Wüstner	
Secretariat	Sabine Horvath (21 November 2022 to 30 June 2023) Dr Sebastian Lange (from 1 August 2023)	

Members of Project Group 2 "Civil development and peacebuilding"

Chair: Expert Professor Hans-Joachim Gießmann

Deputy Chair: Expert Professor Anna Geis

Parliamentary group	Members	Substitute members
SPD	MP Derya Türk-Nachbaur	
	MP Nadja Sthamer	
CDU/CSU	MP Serap Güler	
Alliance 90/The Greens		MP Deborah Düring
FDP		MP Knut Gerschau
AfD		
DIE LINKE.	MP Heidi Reichinnek (until 10 May 2023)	
Expert members	Professor Anna Geis Professor Hans-Joachim Gießmann Reiner Haunreiter Dr Katja Mielke Dr Ellinor Zeino	
Secretariat	Anja Wollny (21 November 2022 to 30 June 2023) Dr Ingo Henneberg (from 30 June 2023)	

Members of Project Group 3 "State and government building"

Chair: MP Philip Krämer (Alliance 90/The Greens) Deputy Chair: Expert Professor Dr Ursula Schröder

Parliamentary group	Members	Substitute members
SPD	MP Michael Müller MP Aydan Özoğuz	
CDU/CSU	MP Susanne Hierl	
Alliance 90/The Greens	MP Philip Krämer	MP Shahina Gambir
FDP		
AfD	MP Joachim Wundrak	
DIE LINKE.	MP Andrej Hunko	
Expert members	Professor Carlo-Antonio Masala Egon Ramms Professor Ursula Schröder	
Secretariat	Michael (21 November 2022 to 1 February 2 Kai Mühlstädt (from 1 February 20.	,

6.12 Summary of public and non-public hearings/hearing attendees

Date/meeting no.	Reason/topic/experts
16 October 2022 4th session	Non-public hearing on the topic of "After 20 years of the international community's military-civilian operation in Afghanistan: the five most important lessons for Germany's future security and foreign policy" External experts:
	Private lecturer Dr habil. Markus Kaim, German Institute for International and Security Affairs (SWP), Berlin
	Rüdiger König, Ambassador, Federal Foreign Office, former Ambassador to Kabul/Afghanistan
	Dr Philipp Münch, Centre for Military History and Social Sciences of the Bundeswehr, Potsdam
21 November 2022 5th session	Public hearing on the topic of: "Context and situation in Afghanistan at the beginning of the operation, Starting from 11 September 2001 to the Bonn Conference 2001"
	External experts:
	Carl-Hubertus von Butler, retired Lieutenant General. Professor Conrad Schetter, Director of the BICC – Bonn International Centre for Conflict Studies gGmbH, Bonn
	Michael Steiner, retired Ambassador, Federal Foreign Office
12 December 2022 7th session	Public hearing on the topic of: "Bonn Conference 2001: civil-society and Afghan perspectives"
	External experts:
	Thomas Ruttig, Afghanistan Analysts Network (AAN), Berlin Habiba Sarabi, former Afghan politician and women's rights activist, Virginia/USA
	Dr Susanne Schmeidl, Swiss Peace, Basel
23 January 2023 9th session	Public hearing on the topic of: "Stabilisation phase and the role of the alliance partners, 2002 to 2008: strategies, cooperation and coordination between international and national levels"
	External experts:
	Lakhdar Brahimi, former UN Special Representative for Afghanistan, United States
	Wolfgang Schneiderhan, retired General
	Dr Almut Wieland-Karimi, political consultant, Member of the Executive Committee of the United Nations Association of Germany, Berlin
27 February 2023 11th session	Public hearing "Stabilisation phase and the role of the alliance partners, 2002 to 2008: civil-military stabilisation – operational implementation and impact"
	External experts:
	Ambassador Hermann Nicolai, Federal Foreign Office
	Lieutenant General Bernd Schütt, Commander of the Bundeswehr Operations Command, Schwielowsee

Date/meeting no.	Reason/topic/experts
	Dr Sima Samar, medical doctor, former Afghan Minister of Women's Affairs, from 2002 to 2005 Chairwoman of the Independent Human Rights Commission in Afghanistan
27 March 2023 13th session	Public hearing on the topic of: "Expansion, escalation and transition, 2009 to 2014: the expansion of Germany's engagement in the context of a change in strategy and an aggravated security situation" External experts:
	Florian Broschk, Deutsche Gesellschaft für internationale Zusammenarbeit (GIZ), Berlin
	Jared Sembritzki, Brigadier General of the Bundeswehr, Director of Operations at the Army Command in Strausberg/Brandenburg
	Dr Barnett Rubin, Stimson Center Washington, D.C., former advisor to the US Special Representative for Afghanistan, New York
24 April 2023 15th session	Public hearing on the topic of: "Expansion, escalation and transition, 2009 to 2014: handover to Afghan responsibility – state, society and security"
	External experts: Peter Jördening, Assistant Chief Constable, Potsdam Federal Police Headquarters
	Stefan Recker, Head of Caritas International Kabul Office, German Caritas Relief and Works Agency, Caritas Germany
	Dr Tilmann J. Röder, Managing Director of the non-governmental organisation JustPeace gGmbH, Berlin
22 May 2023 17th session	Public hearing on the topic of: "Realignment, adjustment and withdrawal, 2015 to 2021: objectives, adjustments and dynamics at international, national and local level"
	External experts:
	Zarifa Ghafari, former Afghan politician/women's rights activist, non- governmental organisation "Assistance and Promotion of Afghan Women", Düsseldorf
	Dr Ulrike Hopp-Nishanka, Project Group Leader, Federal Ministry for Economic Cooperation and Development, Berlin
	David H. Petraeus, retired US General, United States
12 June 2023 19th session	Public/non-public hearing on the topic of: "Political responsibility structures: the Afghanistan mission in the German Bundestag – the role of parliament, information and strategic investigation"
	External experts:
	Tom Koenigs, former Member of the German Bundestag and Chairman of the Committee on Human Rights and Humanitarian Aid (2009 to 2013)
	Hellmut Königshaus, former Member of the German Bundestag and Parliamentary Commissioner for the Armed Forces (2010 to 2015)
	Ruprecht Polenz, former Member of the Bundestag and Chairman of the Committee on Foreign Affairs (2005 to 2013)
	Reinhold Robbe, former Member of the German Bundestag and Parliamentary Commissioner for the Armed Forces (2005 to 2010)

Date/meeting no.	Reason/topic/experts
19 June 2023 22nd session	Public hearing on the topic of "Realignment, adjustment and withdrawal, 2015 to 2021: Germany's role in the multilateral context – withdrawal and negotiations"
	External experts:
	Andreas von Brandt, Federal Foreign Office, (former Head of the EU Delegation in Kabul)
	Jan Hendrik van Thiel, Acting Ambassador in Kingston/Jamaica, (2021 German Deputy Ambassador to Afghanistan)
	Deborah Lyons, San Francisco/United States, (former Canadian Ambassador to Afghanistan, former United Nations' Special Representative for Afghanistan and Head of UNAMA, the UN Assistance Mission in Afghanistan)
3 July 2023	Public hearing on the topic of "Political responsibility structures of the
24th session	Afghanistan operation – role of the Federal Chancellery and the German Government"
	External experts:
	Joschka Fischer, retired Federal Minister
	Heidemarie Wieczorek-Zeul, retired Federal Minister
	Dr Thomas de Maizière, retired Federal Minister, former Head of the Federal Chancellery
	Gerhard Schindler, former President of the Federal Intelligence Service
18 September 2023 25th session	Public hearing on the topic of "International evaluations of the Afghanistan operation: results, lessons learned and measures taken" External experts:
	Joost Flamand, Director of the Security Policy Department, Ministry of Foreign Affairs of the Netherlands, The Hague
	Bjørn Tore Godal, Chair of the Norwegian Commission on Afghanistan, Oslo/Norway
	Professor Christoph Zürcher, University of Ottawa, Graduate School of Public and International Affairs
18 September 2023 26th session	Non-public hearing on the topic of "Status of the interministerial strategic evaluation of the German Government's civilian engagement in Afghanistan"
	Representative of the evaluation teams:
	Dr Anne Lange, Research Assistant, German Police University (DHPol), Münster
	Gregor Meiering, Senior Evaluator/Policy Consultant, GFA Consulting Group GmbH, Hamburg
	Helge Roxin, Senior Evaluator and Team Leader, German Institute for Development Evaluation (DEval), Bonn

6.13 Summary of non-public hearings of project groups/hearing attendees

Non-public hearings of Project Group 1			
	Between the start of its work on 21 November 2022 and 16 October 2023, Project Group 1 held a total of 13 meetings, including three non-public hearings and one external meeting.		
23 January 2023	Hearing on the topic of "Interministerial cooperation, the fight against terrorism and Germany's role in international operations" <u>External expert:</u> Jens Arlt, Brigadier General of the Bundeswehr, Commander of Airborne Brigade 1, Saarland		
27 February 2023	Hearing on the topic of "Build-up and training of the Afghan police forces" External expert: Hans-Joachim Schmitz, North Rhine-Westphalia Police, Wuppertal		
24 April 2023	Hearing on the topic of "Rebuilding of effective Afghan armed and security force External expert: Rainer Glatz, retired Lieutenant General, Potsdam		

Non-public hearings of Project Group 2				
	Between the start of its work on 21 November 2022 and 23 October 2023, Project Group 2 held a total of 17 meetings, including eight non-public hearings.			
12 December 2022	Hearing on the topic of "Social peacebuilding and reconciliation – local and intra- Afghan peace initiatives"			
	External experts:			
	Mary Akrami, Virginia/USA			
	Shoaib Rahim, Toronto/Canada			
23 January 2023	Hearing on the topic of "Peace diplomacy at all levels"			
	External experts:			
	Andreas Krüger, Federal Foreign Office			
Nader Nadery, Asser Institute, Centre for International and European Law, T Hague, Netherlands				
6 February 2023	Background discussion with Mr Michael Steiner, retired ambassador, Munich			
27 February 2023 Hearing on the topic of "Building civil society structures in Afghanistan				
	External experts:			
	Professor Abdul Rahman Ashraf, Bonn			
Sharmila Hashimi, Berlin				

1
Hearing on the topic of "Building civilian structures in Afghanistan"
External experts:
NN, United Nations Assistance Mission in Afghanistan (UNAMA), Kabul, Afghanistan
Dr Orzala Nemat, Research Associate at Humanitarian Policy Group ODI, United Kingdom
Hearing on the topic of "Economic development in Afghanistan from 2001 to 2021"
External experts:
Stephan Opitz, Division Head at KfW, KfW Development Bank, Frankfurt am Main
Michael Sickert, SiCon International Development GmbH, Leipzig
Hearing on the topic of: "Economic and social development: development cooperation in Afghanistan between 2001 and 2021"
External experts:
Hayatullah Jawad, Founder and Chairman of AHRRAO
Marcel Schwickert, Gesellschaft für Internationale Zusammenarbeit (GIZ)
Hearing on the topic of: "Development cooperation and humanitarian/development-oriented emergency and transitional aid in Afghanistan from 2001 to 2021"
External experts:
Elke Gottschalk, Deutsche Welthungerhilfe e. V., Bonn
Fazel Rabi Haqbeen, Afghan NGO umbrella organisation ACBAR, Kabul

Non-public hearings of Project Group 3				
	Between the start of its work on 21 November 2022 and 13 November 2023, Project Group 3 held a total of 14 meetings, including three non-public hearings.			
12 December 2022	Hearing on the topic of "The history of state-building in Afghanistan, centralised state versus decentralised alternatives and the role of UNAMA"			
	External experts:			
	Thomas Ruttig, Afghanistan Analysts Network (AAN), Berlin			
Michael Schmunk, retired ambassador, Hamburg				
27 February 2023	Hearing on the topic of "Creation of a justice system, rule of law and human rights"			
	External experts:			
	Dr Ulrike Hopp-Nishanka, Federal Ministry for Economic Cooperation and Development, Berlin			
Dr Tilmann J. Röder, JustPeace gGmbH, Berlin				
22 May 2023	Hearing on the topics of: "Budget and finances" and "Infrastructure and social systems" in Afghanistan			
	External expert:			
Jens Clausen, Kreditanstalt für Wiederaufbau (KfW), Frankfurt am Main				

6.14 **List of Commission printed papers**

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20(28)01	Sekretariat PA 28 "Enquete- Kommission Lehren aus Afghanistan für das künftige vernetzte Engagement Deutschlands"	Verfahrensbeschlüsse der Enquete-Kommission; 2. Sitzung am 19. September 2022, nichtöffentlich	11.11.2022
20(28)02	Sekretariat PA 28	Leitfragen an die externen Sachverständigen zur öffentlichen Anhörung zum Thema "Kontext und Lage in Afghanistan zu Beginn des Einsatzes. Ausgangspunkt 11. September 2001 bis zur Petersberger Konferenz 2001" am 21. November 2022	14.11.2022
20(28)03	Prof. Dr. Conrad Schetter, Direktor des Bonn International Centre for Conflict Studies (BICC)	Stellungnahme zur Öffentlichen Anhörung zum Thema "Kontext und Lage in Afghanistan zu Beginn des Einsatzes. Ausgangspunkt 11. September 2001 bis zur Petersberger Konferenz 2001" am 21. November 2022	18.11.2022
20(28)04	Sekretariat PA 28	Leitfragen an die eingeladenen Sachverständigen zur öffentlichen Anhörung zum Thema "Petersberger Konferenz 2001: zivilgesellschaftliche und afghanische Perspektiven" am 12. Dezember 2022	06.12.2022
20(28)04_EN	Sekretariat PA 28	Key questions for the experts, Public hearing on 12 December 2022 on the topic of "The 2001 Petersberg Conference: civil society and Afghan perspectives" [englische Übersetzung der Leitfragen]	12.12.2022
20(28)05	Thomas Ruttig, Afghanistan Analysts Network (AAN)	Stellungnahme zur öffentlichen Anhörung zum Thema "Petersberger Konferenz 2001: Zivilgesellschaftliche und afghanische Perspektiven" am 12. Dezember 2022	08.12.2022
20(28)06	Sekretariat PA 28	Leitfragen der Fraktionen an die externen Sachverständigen zur öffentlichen Anhörung zum Thema: "Stabilisierungsphase und die Rolle der Bündnispartner 2002 bis 2008: Strategien, Kooperation und Koordination zwischen internationaler und nationaler Ebene" am 23. Januar 2023	17.01.2023
20(28)06_EN	Sekretariat PA 28	Key questions for the experts, Public Hearing on 23 January 2023 on the topic of "the stabilisation phase and the role of the alliance partners from 2002 to 2008: strategies, cooperation and coordination	20.01.2023

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		between the international and national level" [englische Übersetzung der Leitfragen]	
20(28)07	Dr. Almut Wieland- Karimi, Mitglied des Präsidiums der Deutschen Gesellschaft für die Vereinten Nationen e. V. (DGVN), Berlin	Stellungnahme zur öffentlichen Anhörung zum Thema "Stabilisierungsphase und die Rolle der Bündnispartner 2002 bis 2008: Strategien, Kooperation und Koordination zwischen internationaler und nationaler Ebene" am 23. Januar 2023	19.01.2023
20(28)08	Lakhdar Brahimi, ehemaliger UN- Sonderbeauftragter für Afghanistan	Eingangsstatement zur öffentlichen Anhörung zum Thema "Stabilisierungsphase und die Rolle der Bündnispartner 2002 bis 2008: Strategien, Kooperation und Koordination zwischen internationaler und nationaler Ebene" am 23. Januar 2023; Anlage: Brahimi "Bonn-II-Non-Paper - Accelerating the Implementation of the Bonn Agreement"	27.01.2023
20(28)09	Sekretariat PA 28	Leitfragen der Fraktionen an die externen Sachverständigen zur öffentlichen Anhörung zum Thema "Stabilisierungsphase und die Rolle der Bündnispartner 2002 bis 2008: Zivil-militärische Stabilisierung – Operative Umsetzung und Wirkung" am 27. Februar 2023	21.02.2023
20(28)09_EN	Sekretariat PA 28	Key questions for the experts, Public Hearing on 27 February 2023 on the topic of "The stabilisation phase and the role of the alliance partners from 2002 to 2008: Civilian-military stabilisation – Operational implementation and impact" [englische Übersetzung der Leitfragen]	24.02.2023
20(28)10	Sekretariat PA 28	Leitfragen der Fraktionen zur öffentlichen Anhörung zum Thema "Ausweitung, Eskalation und Transition 2009 bis 2014: Die Ausweitung des deutschen Engagements im Kontext von Strategiewechsel und verschärfter Sicherheitslage" am 27. März 2023	21.03.2023
20(28)10_EN	Sekretariat PA 28	Key questions for the experts, Public Hearing on 27 March 2023 on the topic of "Expansion, escalation and transition 2009-2014: the expansion of German engagement in the context of changes in strategy and a deteriorating security situation" [englische Übersetzung der Leitfragen]	23.03.2023
20(28)11	Florian Broschk, Deutsche Gesellschaft für internationale	Stellungnahme zur öffentlichen Anhörung zum Thema "Ausweitung, Eskalation und Transition 2009 bis 2014: Die Ausweitung des deutschen	23.03.2023

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	Zusammenarbeit (GIZ), Berlin	Engagements im Kontext von Strategiewechsel und verschärfter Sicherheitslage" am 27. März 2023	
20(28)12_EN	Dr. Barnett R. Rubin, Stimson Center, Washington D.C.	Statement zur öffentlichen Anhörung zum Thema "Ausweitung, Eskalation und Transition 2009 bis 2014: Die Ausweitung des deutschen Engagements im Kontext von Strategiewechsel und verschärfter Sicherheitslage" am 27. März 2023	27.03.2023
20(28)12_DE	Dr. Barnett R. Rubin, Stimson Center, Washington D.C.	Stellungnahme [deutsche Übersetzung] zur öffentlichen Anhörung zum Thema "Ausweitung, Eskalation und Transition 2009 bis 2014: Die Ausweitung des deutschen Engagements im Kontext von Strategiewechsel und verschärfter Sicherheitslage" am 27. März 2023	30.03.2023
20(28)13_DE	Sekretariat PA 28	Leitfragen der Fraktionen zur öffentlichen Anhörung zum Thema "Ausweitung, Eskalation und Transition 2009 bis 2014: Übergabe in afghanische Verantwortung – Staat, Gesellschaft und Sicherheit" am 24. April 2023	18.04.2023
20(28)13_EN	Sekretariat PA 28	Key questions for the experts, Public Hearing on 24 April 2023 on the topic of "Expansion, escalation and transition 2009 to 2014: handing over responsibility to Afghanistan – state, society and security" [englische Übersetzung der Leitfragen]	21.04.2023
20(28)14	Stefan Recker, Leiter Büro Caritas Deutschland in Afghanistan, Deutscher Caritasverband e. V./ Caritas International (Ci)	Stellungnahme zur öffentlichen Anhörung zum Thema "Ausweitung, Eskalation und Transition 2009 bis 2014: Übergabe in afghanische Verantwortung – Staat, Gesellschaft und Sicherheit" am 24. April 2023	18.04.2023
20(28)15	Peter Jördening, Leitender Polizeidirektor, Bundespolizei- präsidium Potsdam	Stellungnahme zur öffentlichen Anhörung zum Thema "Ausweitung, Eskalation und Transition 2009 bis 2014: Übergabe in afghanische Verantwortung – Staat, Gesellschaft und Sicherheit" am 24. April 2023	24.04.2023
20(28)16	Sekretariat PA 28	Leitfragen der Fraktionen zur öffentlichen Anhörung zum Thema "Neuausrichtung, Anpassung und Abzug 2015 bis 2021: Ziele, Anpassungen und Dynamiken auf internationaler, nationaler, lokaler Ebene"am 22. Mai 2023	16.05.2023
20(28)16_EN	Sekretariat PA 28	Key questions for the experts, Public hearing on 22 May 2023 on the topic of "Strategy shift, adjustment	16.05.2023

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		and withdrawal 2015 to 2021: aims, changes and dynamics at international, national and local level"	
20(28)17_EN	Sekretariat PA 28	Artikel von US-General a. D. David H. Petraeus: "Afghanistan did not have to turn out this way"vom 8. August 2022, veröffentlicht in der Zeitschrift "The Atlantic", Unterlage zur öffentlichen Anhörung am 22. Mai 2023	16.05.2023
20(28)18_EN	Zarifa Ghafari, Nichtregierungsorgani sation "Assistance and Promotion of Afghan Women"	Stellungnahme zur öffentlichen Anhörung zum Thema "Neuausrichtung, Anpassung und Abzug 2015 bis 2021: Ziele, Anpassungen und Dynamiken auf internationaler, nationaler, lokaler Ebene" am 22. Mai 2023	22.05.2023
20(28)19	Dr. Tilmann Röder, JustPeace gGmbH, Berlin	Stellungnahme zur öffentlichen Anhörung zum Thema "Ausweitung, Eskalation und Transition 2009 bis 2014: Übergabe in afghanische Verantwortung – Staat, Gesellschaft und Sicherheit" am 24. April 2023 [nachträglich eingereicht]	24.05.2023
20(28)20	Sekretariat PA 28	Leitfragen der Fraktionen zur öffentlichen/nichtöffentlichen Anhörung zum Thema "Politische Verantwortungsstrukturen: Das Afghanistan-Engagement im Deutschen Bundestag – Rolle des Parlaments, Informationen und strategische Befassung" am 12. Juni 2023	06.06.2023
20(28)21	Hellmut Königshaus, ehemaliger Wehrbeauftragter des Deutschen Bundestages	Stellungnahme zur öffentlichen/nichtöffentlichen Anhörung zum Thema "Politische Verantwortungsstrukturen: Das Afghanistan- Engagement im Deutschen Bundestag – Rolle des Parlaments, Informationen und strategische Befassung" am 12. Juni 2023	06.06.2023
20(28)21 a (nur zur dienstlichen Verwendung)	Hellmut Königshaus, ehemaliger Wehrbeauftragter des Deutschen Bundestages	Zusätzliche Stellungnahme zum nichtöffentlichen Teil der Anhörung zum Thema "Politische Verantwortungsstrukturen: Das Afghanistan- Engagement im Deutschen Bundestag – Rolle des Parlaments, Informationen und strategische Befassung" am 12. Juni 2023 [nachträglich eingereicht]	06.07.2023
20(28)22	Tom Koenigs, ehemaliger Sonderbeauftragter der Vereinten Nationen in Afghanistan	Stellungnahme zur öffentlichen/nichtöffentlichen Anhörung zum Thema "Politische Verantwortungsstrukturen: Das Afghanistan- Engagement im Deutschen Bundestag – Rolle des Parlaments, Informationen und strategische Befassung" am 12. Juni 2023	08.06.2023

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20(28)23	Sekretariat PA 28	Leitfragen der Fraktionen zur öffentlichen Anhörung zum Thema "Neuausrichtung, Anpassung und Abzug 2015 bis 2021: Deutschlands Rolle im multilateralen Kontext – Abzug und Verhandlung" am 19. Juni 2023	13.06.2023
20(28)24	Reinhold Robbe, ehemaliger Wehrbeauftragter des Deutschen Bundestages	Stellungnahme zur öffentlichen/nichtöffentlichen Anhörung zum Thema "Politische Verantwortungsstrukturen: Das Afghanistan- Engagement im Deutschen Bundestag -Rolle des Parlaments, Informationen und strategische Befassung" am 12. Juni 2023 [nachträglich übersandt]	14.06.2023
20(28)25	Ruprecht Polenz, ehemaliger Vorsitzender des Auswärtigen Ausschusses	Stellungnahme zur öffentlichen/nichtöffentlichen Anhörung zum Thema "Politische Verantwortungsstrukturen: Das Afghanistan- Engagement im Deutschen Bundestag -Rolle des Parlaments, Informationen und strategische Befassung" am 12. Juni 2023 [nachträglich übersandt]	28.06.2023
20(28)26	Jan Hendrik van Thiel, Botschafter Kingston/ Jamaica	Stellungnahme zur öffentlichen Anhörung zum Thema "Neuausrichtung, Anpassung und Abzug 2015 bis 2021: Deutschlands Rolle im multilateralen Kontext – Abzug und Verhandlung" am 19. Juni 2023	28.06.2023
20(28)27	Dr. Ulrike Hopp- Nishanka, Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)	Stellungnahme zur öffentlichen Anhörung zum Thema "Neuausrichtung, Anpassung und Abzug 2015 bis 2021: Ziele, Anpassungen und Dynamiken auf internationaler, nationaler, lokaler Ebene" am 22. Mai 2023 [nachträglich übersandt]	17.07.2023
20(28)28	Heidemarie Wieczorek-Zeul, Bundesministerin a. D.	Stellungnahme zur öffentlichen Anhörung zum Thema "Politische Verantwortungsstrukturen des Afghanistaneinsatzes – Rolle von Bundeskanzleramt und Bundesregierung" am 3. Juli 2023 [nachträglich übersandt]	18.07.2023
20(28)29	Norwegian Ministry of Foreign Affairs and Ministry of Defence, Norwegian Commission on Afghanistan, Oslo	Official Norwegian Reports NOU 2016: 8 "A good ally: Norway in Afghanistan 2001-2014", Oslo, 6 June 2016 (English edition, February 2018); Vorlage zur öffentlichen Anhörung am 18. September 2023	12.09.2023
20(28)30	Ministry of Foreign Affairs of the	IOB-Evaluation "Between wish and reality " Evaluation of the Dutch contribution to Resolute	12.09.2023

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	Netherlands, Policy and Operations Evaluation Department (IOB), Den Haag	Support, March 2023; Vorlage zur öffentlichen Anhörung am 18. September 2023	
20(28)31	Prof. Dr. Christoph Zürcher, University of Ottawa (im Auftrag des BMZ)	Bericht "Meta-Review of Evaluations of Development Assistance to Afghanistan, 2008 bis 2018", Chapeau Paper, March 2020; Vorlage zur öffentlichen Anhörung am 18. September 2023	12.09.2023
20(28)32	Ministry of Foreign Affairs of the Netherlands, Policy and Operations Evaluation Department (IOB), Den Haag	IOB-Evaluation "Inconvenient Realities - An evaluation of Dutch contributions to stability, security and rule of law in fragile and conflict-affected contexts", August 2023; Unterlage zur öffentlichen Anhörung am 18. September 2023	13.09.2023
20(28)33	Ministry of Foreign Affairs of the Netherlands, Policy and Operations Evaluation Department (IOB), Den Haag	Summary "In search of support: the integrated police training mission in Kunduz, Afghanistan" Postmission evaluation, November 2019; Unterlage zur öffentlichen Anhörung am 18. September 2023	13.09.2023
20(28)34	Prof. Dr. Christoph Zürcher, Graduate School of Public and International Affairs, University of Ottawa	Stellungnahme zur öffentlichen Anhörung zum Thema "Internationale Evaluierungen des Afghanistan-Einsatzes: Ergebnisse, Lehren und erfolgte Maßnahmen" am 18. September 2023	14.09.2023
20(28)35	Björn Tore Godal, Chair of the Norwegian Commission on Afghanistan, Oslo/Norwegen	Eingangsstatement zur öffentlichen Anhörung zum Thema "Internationale Evaluierungen des Afghanistan-Einsatzes: Ergebnisse, Lehren und erfolgte Maßnahmen" am 18. September 2023	14.09.2023
20(28)35 neu	Björn Tore Godal, Chair of the Norwegian Commission on Afghanistan, Oslo/Norwegen	Überarbeitetes Eingangsstatement zur öffentlichen Anhörung zum Thema "Internationale Evaluierungen des Afghanistan-Einsatzes: Ergebnisse, Lehren und erfolgte Maßnahmen" am 18. September 2023	18.09.2023
20(28)36			

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20(28)37	Dr. Anne Lange, Deutsche Hochschule der Polizei (DHPol), Münster	Eingangsstatement zur nichtöffentlichen Anhörung zum Thema "Stand der ressortgemeinsamen strategischen Evaluierung des zivilen Engagements der Bundesregierung in Afghanistan" am 18. September 2023.	20.09.2023
20(28)38	Deutsches Evaluierungsinstitut der Entwicklungs- zusammenarbeit (DEval), Bonn/ Deutsche Hochschule der Polizei (DHPol)/ GFA Consulting Group GmbH, Hamburg	Ressortgemeinsamer Evaluierungsbericht, Ressortgemeinsame strategische Evaluierung des zivilen Engagements der Bundesregierung in Afghanistan – finale Version, November 2023	12.12.2023
20(28)39	Auswärtiges Amt / GFA Consulting Group GmbH, Hamburg	Ressortgemeinsame strategische Evaluierung des zivilen Engagements der Bundesregierung in Afghanistan: Finaler Ressortspezifischer Evaluierungsbericht, November 2023	12.12.2023
20(28)40	Deutsche Hochschule der Polizei (DHPol), Bonn International Centre for Conflict Studiens (BICC)	Ressortgemeinsame strategische Evaluierung des zivilen Engagements der Bundesregierung in Afghanistan: BMI-spezifischer Bericht, November 2023	12.12.2023
20(28)41	Deutsches Evaluierungsinstitut der Entwicklungs- zusammenarbeit (DEval), Bonn	Ressortgemeinsame strategische Evaluierung des zivilen Engagements der Bundesregierung in Afghanistan: Ressortspezifischer Bericht zum Engagement des BMZ in Afghanistan, November 2023	12.12.2023
20(28)42	AA, BMI, BMZ	Gemeinsame Stellungnahme des Auswärtigen Amts, des Bundesministerium des Inneren und für Heimat und des Bundesministeriums für wirtschaftliche Zusammenarbeit und Entwicklung zum ressortgemeinsamen und zu den ressortspezifischen Berichten	12.12.2023
		"Ressortgemeinsame strategische Evaluierung des zivilen Engagements der Bundesregierung in Afghanistan (2013-2021)", November 2023	

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20(28)02	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)	BMZ-Papier 03/2018 "Afghanische Verantwortung stärken" Positionspapier zur entwicklungspolitischen Zusammenarbeit mit Afghanistan	16	11.11.2022
20(28)03	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)	BMZ-Strategiepapier 3/2014 "Neue entwicklungspolitische Strategie für die Zusammenarbeit mit Afghanistan im Zeitraum 2014-2017 – Verlässliche Partnerschaft in Zeiten des Umbruchs"	40	11.11.2022
20(28)04	Auswärtiges Amt (AA) Bundesministerium der Verteidigung (BMVg)	Abschlussbericht der Bundesregierung anlässlich der Beendigung der Beteiligung bewaffneter deutscher Streitkräfte an Einsätzen in Afghanistan, mit Begleitschreiben, Dezember 2021	50	18.11.2022
20(28)05	Bundesregierung (über Auswärtiges Amt)	Leistungsbeschreibung (Terms of Reference) für die ressortgemeinsame strategische Evaluierung des zivilen Engagements der Bundesregierung in Afghanistan, 17.09.2021	29	18.11.2022
20(28)06	Deutscher Bundestag, Wissenschaftliche Dienste	Übersicht der wissenschaftlichen Ausarbeitungen zum Thema "Afghanistan" von 2001 bis 2021, 23.11.2022	8	24.11.2022
20(28)07	Auswärtiges Amt	Liste der übersandten Dokumente der Ressorts und der Bundesregierung zum Afghanistan-Einsatz; zum Prüfauftrag der Enquete-Kommission vom 26.09.2022	4	24.11.2022
20(28)08	Bundesministerium für wirtschaftliche	Inhaltsverzeichnis der übersandten Dokumente zum Afghanistan-Einsatz;	5	24.11.2022

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	Zusammenarbeit (BMZ)	zum Prüfauftrag der Enquete- Kommission vom 26.09.2022		
20(28)09-01 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, Juni 2003	15	25.11.2022
20(28)09-02 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, Oktober 2003	14	25.11.2022
20(28)09-03 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, April 2004	18	25.11.2022
20(28)09-04 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, September 2004	13	25.11.2022
20(28)09-05 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, März 2005	14	25.11.2022
20(28)09-06 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, Oktober 2005	16	25.11.2022
20(28)09-07 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, April 2006	8	25.11.2022
20(28)09-08 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, 03.10.2006	15	25.11.2022
20(28)09-09 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, April 2007	8	25.11.2022
20(28)09-10 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, Oktober 2007	16	25.11.2022
20(28)09-11 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, April 2008	11	25.11.2022
20(28)09-12 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, 30.11.2008	16	25.11.2022
20(28)09-13 VS/NfD	Auswärtiges Amt, Botschaft Kabul	Politischer Halbjahresbericht Afghanistan, Kabul, 25.04.2009	17	25.11.2022

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20(28)09-17	Auswärtiges Amt,	Politischer Halbjahresbericht	32	25.11.2022
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20(28)09-18	Auswärtiges Amt,	Politischer Halbjahresbericht	21	25.11.2022
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20(28)09-19	Auswärtiges Amt,	Politischer Halbjahresbericht	21	25.11.2022
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VS/NfD	Botschaft Kabul, Generalkonsulat Masar-e Scharif	Afghanistan, Kabul, 24.12.2016		
20(28)09-29	Auswärtiges Amt,	Politischer Halbjahresbericht	16	25.11.2022
VS/NfD	Botschaft Kabul, Generalkonsulat Masar-e Scharif	Afghanistan, Berlin, Juli 2017		
20(28)09-30	Auswärtiges Amt,	Politischer Halbjahresbericht	9	25.11.2022
VS/NfD	Botschaft Kabul, Generalkonsulat Masar-e Scharif	Afghanistan, November 2017		
20(28)09-31	Auswärtiges Amt	Politischer Halbjahresbericht	10	25.11.2022
VS/NfD		Afghanistan, Juni 2018		
20(28)09-32	Auswärtiges Amt	Politischer Halbjahresbericht	12	25.11.2022
VS/NfD		Afghanistan, Dezember 2018		
20(28)09-33	Auswärtiges Amt	Politischer Halbjahresbericht	13	25.11.2022
VS/NfD		Afghanistan, Juni 2019		
20(28)09-34	Auswärtiges Amt	Politischer Halbjahresbericht	16	25.11.2022
VS/NfD		Afghanistan, Dezember 2019		
20(28)09-35	Auswärtiges Amt	Politischer Halbjahresbericht	14	25.11.2022
VS/NfD		Afghanistan, Juni 2020		
20(28)09-36	Auswärtiges Amt	Politischer Halbjahresbericht	15	25.11.2022
VS/NfD		Afghanistan, Januar 2021		
20(28)09-37	Auswärtiges Amt	Politischer Halbjahresbericht	10	25.11.2022
VS/NfD		Afghanistan/Juli 2021		
20(28)09-38	Auswärtiges Amt	Politischer Halbjahresbericht	11	25.11.2022
VS/NfD		Afghanistan, 31. Januar 2022		
20(28)10	Bundesministerium der Verteidigung (BMVg)	Auswahl von Dokumenten, Evaluierungen und Studien der NATO- bzw. Allierten-Staaten zum Afghanistan-Einsatz (Internetlinks)	2	29.11.2022
20(28)11 a	AA, BMVg, BMZ, BMI	Das Afghanistan-Konzept der Bundesregierung, 1. September 2003	11	02.12.2022

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20(28)11 b	AA, BMVg, BMZ, BMI	Das Afghanistan-Konzept der Bundesregierung, 12. September 2006	26	02.12.2022
20(28)11 c	Die Bundesregierung	Das Afghanistan-Konzept der Bundesregierung, September 2008	58	02.12.2022
20(28)11 d	Die Bundesregierung	Das Afghanistan-Konzept der Bundesregierung, 5. September 2007	19	24.01.2023
20(28)12 a	Die Bundesregierung	Afghanistan. Auf dem Weg zur "Übergabe in Verantwortung" – Ressortübergreifende Entscheidungsgrundlage zur Mandatsverlängerung und vor der internationalen Afghanistan Konferenz, Bericht vom 18.11.2009	11	02.12.2022
20(28)12 b	Die Bundesregierung	Auf dem Weg zur Übergabe in Verantwortung: Das deutsche Afghanistan-Engagement nach der Londoner Konferenz, Bericht vom 25.10.2010	11	02.12.2022
20(28)13 a	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Fortschrittsberichte Afghanistan zur Unterrichtung des Deutschen Bundestages, Dezember 2010	110	02.12.2022
20(28)13 b	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Fortschrittsbericht Afghanistan zur Unterrichtung des Deutschen Bundestages, Zwischenbericht Juli 2011	16	02.12.2022
20(28)13 c	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Fortschrittsbericht Afghanistan zur Unterrichtung des Deutschen Bundestages, Dezember 2011	86	02.12.2022
20(28)13 d	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Fortschrittsbericht Afghanistan zur Unterrichtung des Deutschen Bundestages, Zwischenbericht Juni 2012	29	02.12.2022
20(28)13 e	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Fortschrittsbericht Afghanistan zur Unterrichtung des Deutschen Bundestages, November 2012	76	02.12.2022
20(28)13 f	Die Bundesregierung	Fortschrittsbericht Afghanistan zur Unterrichtung des Deutschen	33	02.12.2022

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	(übersandt vom Auswärtigen Amt)	Bundestages, Zwischenbericht Juni 2013		
20(28)13 g	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Fortschrittsbericht Afghanistan zur Unterrichtung des Deutschen Bundestages, Januar 2014	48	02.12.2022
20(28)13 h	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Fortschrittsbericht Afghanistan zur Unterrichtung des Deutschen Bundestages, Zwischenbericht, Juni 2014	30	02.12.2022
20(28)13 i	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Fortschrittsbericht Afghanistan 2014 einschließlich einer Zwischenbilanz des Afghanistan-Engagements zur Unterrichtung des Deutschen Bundestages, November 2014	65	02.12.2022
20(28)14	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Bericht der Bundesregierung zu Stand und Perspektiven des deutschen Afghanistan-Engagements zur Unterrichtung des Deutschen Bundestages, Februar 2018	30	02.12.2022
20(28)15 a	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Bericht der Bundesregierung zur deutschen Unterstützung des Friedensprozesses in Afghanistan; Begleitschreiben und Input-Papier von Februar 2019	12	02.12.2022
20(28)15 b	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Bericht der Bundesregierung zur deutschen Unterstützung des Friedensprozesses in Afghanistan zur Unterrichtung des Deutschen Bundestages, Februar 2020	11	02.12.2022
20(28)16	Die Bundesregierung (übersandt vom Auswärtigen Amt)	Bericht über die Maßnahmen und Auswirkungen der militärischen, zivilen und wirtschaftlichen Zusammenarbeit in Afghanistan während der Zeit des deutschen Engagements, zur Unterrichtung des Ausschusses für wirtschaftliche Zusammenarbeit und Entwicklung im Deutschen Bundestag, Juni 2021	12	02.12.2022
20(28)17	BMVg	Publikationen des Zentrums für Militärgeschichte u. Sozialwissenschaften der Bundeswehr	4	15.12.2022

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		(ZMSBw) und Auswahl von AFG- Tagebüchern und Einsatzerfahrungen von Soldaten (Internetlinks)		
20(28)18 (Nur für Mitglieder der EK – analog VS- NfD)	Deutsches Evaluierungsinstitut der Entwicklungs- zusammenarbeit (DEval)/ Deutsche Hochschule der Polizei (DHPol)/GFA Consulting Group (über AA)	Inception-Bericht "Ressortgemeinsame strategische Evaluierung des zivilen Engagements der Bundesregierung in Afghanistan (finale Version), Dezember 2022	94	09.01.2023
20(28) 18 neu	DEval) / DHPol / GFA Consulting Group (über AA)	Inception-Bericht "Ressortgemeinsame strategische Evaluierung des zivilen Engagements der Bundesregierung in Afghanistan (finale Version), Januar 2023	94	02.02.2023
20(28)19	Europäische Kommission/ Auswärtiges Amt	Country Strategy Paper Islamic Republic of Afghanistan 2007 – 2013	44	24.01.2023
20(28)20 a	Rat der Europäischen Union/Auswärtiges Amt	Ratsdokument Nr. 11168/14 Generalsekretariat des Rates Schlussfolgerungen des Rates zu Afghanistan, Brüssel, 23.06.2014	29	24.01.2023
20(28)20 Ь	Rat der Europäischen Union/Auswärtiges Amt	Ratsdokument Nr. 11482/17 Gemeinsame Mitteilung an das Europäische Parlament und den Rat: Elemente einer EU-Strategie für Afghanistan, Brüssel, 24.07.2017	19	24.01.2023
20(28)20 c	Rat der Europäischen Union/Auswärtiges Amt	Ratsdokument Nr. 13098/17 Schlussfolgerungen des Rates zu Afghanistan, Brüssel, 16.10.2017	28	24.01.2023
20(28)21 a	Amtsblatt der Europäischen Union (übersandt vom Auswärtiges Amt)	Kooperationsabkommen über Partnerschaft und Entwicklung zwischen der Europäischen Union und ihren Mitgliedstaaaten einerseits und	28	24.01.2023

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		der Islamischen Republik Afghanistan andererseits, 14.03.2017		
20(28)21 b	Amtsblatt der Europäischen Union (übersandt vom Auswärtigen Amt)	Kooperationsabkommen über Partnerschaft und Entwicklung zwischen der Europäischen Union und ihren Mitgliedstaaaten einerseits und der Islamischen Republik Afghanistan andererseits, 14.03.2017, L 67/16 - 30	15	24.01.2023
20(28)22 a	BMZ	Evaluation Reports 028 Assessing the Impact of Development Cooperation in North-East Afghanistan (Interim Report)	24	24.01.2023
20(28)22 b	BMZ	BMZ-Evaluierungsbericht 031 Friedensmission in Nordost Afghanistan – Welche Wirkungen hat die Entwicklungszusammenarbeit? Zwischenbericht, September 2007	29	24.01.2023
20(28)23	BMZ	Evaluation Reports 049 Assessing the Impact of Development Cooperation in North-East Afghanistan, 2005-2009, final report, March 2010	45	24.01.2023
20(28)24 a	BMZ	Development Cooperation in Conflict Zones – Assessing the Impact of Development Cooperation in North- East Afghanistan, 2007-2013, final report, January 2015	115	24.01.2023
20(28)24 b	BMZ	Entwicklungszusammenarbeit in Konfliktzonen – Assessing the Impact of Development Cooperation in North East Afghanistan 2007-2013 (deutsche Übersetzung der Zusammenfassung)	7	24.01.2023
20(28)25	BMZ	Strategische Portfolio Review Afghanistan von Prof. Dr. Christoph Zürcher, Universität Ottawa/Kanada, Schlussbericht, Oktober 2013	34	24.01.2023
20(28)26	BMZ / DEval	Ein Review der Evaluierungsarbeit zur deutschen	43	24.01.2023

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		Entwicklungszusammenarbeit in Afghanistan, 2014		
20(28)27	BMZ	BMZ-Strategiepapier 3/2014 Neue entwicklungspolitische Strategie für die Zusammenarbeit mit Afghanistan im Zeitraum 2014-2017	42	26.01.2023
20(28)28	BMZ	BMZ-Positionspapier 03/2018 "Afghanische Verantwortung stärken", Positionspapier zur entwicklungspolitischen Zusammenarbeit mit Afghanistan	18	26.01.2023
20(28)29 a	BMZ / Prof. Dr. Christoph Zürcher, University of Ottawa	Meta-Review of Evaluations of Development Assistance to Afghanistan 2008 – 2018 (Chapeau Paper), March 2020	40	27.01.2023
20(28)29 b	BMZ / Prof. Dr. Christoph Zürcher, University of Ottawa	International Assistance to Afghanistan, 2008 – 2018 Part 1: Systematic Review of Impact Evaluations of Development Aid in Afghanistan, 2008 – 2018, March 2020	52	27.01.2023
20(28)29 c	BMZ Prof. Dr. Christoph Zürcher, University of Ottawa	International Assistance to Afghanistan, 2008 – 2018 Part 2: Summary Report of Eleven Bilateral Country-Level Evaluations, March 2020	36	27.01.2023
20(28)29 d	BMZ Hassina Popal und Prof. Dr. Christoph Zürcher	International Assistance to Afghanistan, 2008 – 2018 Part 3: Summary of Selected SIGAR Reports, Afghanistan, 2008 – 2018, March 2020	40	27.01.2023
20(28)29 e	BMZ / Reem Saraya und Prof. Dr. Christoph Zürcher	International Assistance to Afghanistan, 2008 – 2018 Part 4: Summary Report of Evaluation Reports by the Asian Development Bank, 2008 – 2018	28	27.01.2023

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20(28)29 f	BMZ	International Assistance to Afghanistan, 2008 – 2018 Part 5: Summary Report of Selected Evaluation Reports by Multilateral Organizations and NGO, 2008 – 2018, March 2020	36	27.01.2023
20(28)29 g	BMZ	Übersicht über Reviews und Evaluierungen der deutschen Entwicklungszusammenarbeit mit Afghanistan 2009-2020	1	27.01.2023
20(28)30	Wissenschaftliche Dienste des Deutschen Bundestages / 1. UA 20. WP	Sachstand: Die Aufarbeitung der Afghanistan- Evakuierung durch die Truppen stellenden Nationen der Resolute Support Mission und ihr Umgang mit afghanischen Ortskräften, 2022/2023, mit Kurzinformation, 11.01.2023	118	06.02.2023
20(28)31 VS-NfD	BMVg	Gesamtbericht der Einsatzauswertung des 20-jährigen Einsatzes der Bundeswehr (2001-2021) vom 3. Februar 2023	34	06.07.2023
20(28)32 VS-NfD	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)	Informelles Diskussionspapier	41	06.07.2023
20(28)33	Konrad Adenauer- Stiftung / Counter Extremism Project	Publikation "Die Machtübernahme der Taliban in Afghanistan – Auswirkungen auf den globalen Terrorismus", Dezember 2022, deutsche Übersetzung	152	19.07.2023
20(28)34 (VS- Vertraulich)	Auswärtiges Amt (AA)	Unterlagen zur Petersberg-Konferenz 2001; vertrauliche Berichte der damaligen deutschen Delegation	13 Berichte (1 Ordner)	Einsichtnah me nur in BT- Geheimsch utzstelle
20(28)35 a (VS-NfD)	Auswärtiges Amt (AA)	Übersicht der Unterlagen zur Drogen- und Drogenanbaubekämpfung in Afghanistan: Sachstand des Auswärtigen Amtes zur Drogenbekämpfung in Afghanistan, August 2023	1	07.09.2023

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20(28)35 b (VS-NfD)	Auswärtiges Amt (AA)	Projektübersicht zur Drogenbekämpfung sowie Angaben über die Zuwendungen des Auswärtigen Amtes, Zeitraum 2002- 2022	1	07.09.2023
20(28)36	Bundesministerium des Innern (BMI)	Bekanntmachung über das deutschafghanische Sitz- und Statusabkommen sowie der deutschafghanischen Vereinbarung über die Gewährung polizeilicher Ausbildungsund Ausstattungshilfe im Rahmen des Stabilitätspakts Afghanistan vom 24. April 2008 (Auszug Bundesgesetzblatt, Bonn, 07.05.2008)	7	07.09.2023
20(28)37	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)	Project for Alternative Livelihoods in Eastern Afghanistan (PAL), Bericht "Diversity and Dilemma: Understanding Rural Livelihoods and Addressing the Causes of Opium Poppy Cultivation in Nangarhar and Laghman Eastern Afghanistan", December 2004, PAL Internal Document No. 2	91	07.09.2023
20(28)38	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)/Deutsche Gesellschaft für technische Zusammenarbeit (gtz)	Project for Alternative Livelihoods in Eastern Afghanistan (PAL), Bericht "Conflict Processing and the Opium Poppy Economy in Afghanistan", Jalalabad, June 2005, PAL Internal Document No. 5	99	07.09.2023
20(28)38 a	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)/Deutsche Gesellschaft für technische Zusammenarbeit (gtz)	Project for Alternative Livelihoods in Eastern Afghanistan (PAL), Kurzfassung des Berichtes "Conflict Processing and the Opium Poppy Economy in Afghanistan", Jalalabad, August 2005, PAL Internal Document No. 5	20	07.09.2023
20(28)39 a	Bundesministerium für wirtschaftliche	United Nations Office on Drugs and Crime (UNODC)/Ministry of Counter	119	07.09.2023

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	Zusammenarbeit und Entwicklung (BMZ)	Narcotics, Islamic Republic of Afghanistan Report "Afghanistan Opium Survey 2011", December 2011		
20(28)39 b	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)	United Nations Office on Drugs and Crime (UNODC)/Ministry of Counter Narcotics, Islamic Republic of Afghanistan Final Report "Afghanistan Poppy Eradication Verification", September 2013	32	07.09.2023
20(28)39 c	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)	United Nations Office on Drugs and Crime (UNODC)/Ministry of Counter Narcotics, Islamic Republic of Afghanistan Report "Afghanistan Opium Survey 2013", December 2013	117	07.09.2023
20(28)39 d	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)	United Nations Office on Drugs and Crime (UNODC)/Ministry of Counter Narcotics, Islamic Republic of Afghanistan Report "Afghanistan Opium Survey 2014", Socio-economic analysis, March 2015	61	07.09.2023
20(28)39 e	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)	United Nations Office on Drugs and Crime (UNODC)/Islamic Republic of Afghanistan Report "Afghanistan Opium Survey 2019 - socio-economic survey report: Driver, causes and consequences of opium, poppy cultivation", February 2021	76	07.09.2023
20(28)40	Sekretariat PA 28	Übersicht "Evaluationen zu Afghanistan", 24.07.2023	13	12.09.2023
20(28)41	Sekretariat PA 28	Zusammenstellung von einzelnen Berichten zur internationalen Entwicklungszusammenarbeit in Afghanistan: Evaluationen/Lessons learned in Deutschland, Dänemark, Finnland, Großbritannien, NATO	52	12.09.2023

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