

**Towards an Understanding of UN Peaceful Settlement of Dispute: A
Case Study of Afghanistan**



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Islamabad

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A Thesis submitted to the National University of Sciences and Technology (NUST), Islamabad,
in partial fulfilment of the requirements for the degree of MS Peace and Conflict Studies

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Abstract

The main purpose of United Nations is the maintenance of international peace and security to avoid possibility of war. The UN charter stipulates the maintenance of international peace and security under Chapter VI “Pacific Settlement of Dispute”. The parties to dispute are encouraged to find solutions through the pacific means such as negotiation, mediation, enquiry, conciliation, good offices, arbitration, and judicial settlement. The purpose of this research is to analyze the role of UN in peaceful settlement of Afghan Conflict in the times of the Soviet and the US invasions. After the Soviet invasion of Afghanistan UN was actively involved in the peace negotiations that resulted in the signing the Geneva Accord. During the Civil War 1991-2000 UN Secretary General Peace plan and UN special mission to Afghanistan had mandate for the formation of broad-based government in Afghanistan. The US Government started negotiating with the Taliban directly and reached an agreement through their Doha office promising to leave Afghanistan. Biden regime delayed the withdrawal and as a result the Taliban overran Kabul government and the US coalition forces had to withdraw in haste leaving a destroyed country. This study explores the implementation of agreements that were brokered under the auspices of UN. The semi structured interviews were conducted from academics to understand the applicability of UN chapter VI and to analyze the UN role in Afghanistan and implementation of agreements. The case study of Afghanistan is complex as it involved many actors including major powers, regional countries, and non-state actors. The research signifies that in case of Afghanistan during the process of negotiation and drafting of agreement UN played a crucial role.

Key word: Afghanistan, United Nation, Peaceful Settlement of Dispute.

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Chapter 1: Introduction

The UN was established with purpose “to save the succeeding generations from the scourge of war”. UN charter does not support the maxim “for peace you must prepare for war” but proposes that “if humanity wanted peace, it should build institution to preserve peace” (Woodhouse, 1998). The main purpose of U N is the maintenance of international peace and security to avoid the possibility of war. The UN charter under Chapter VI “Pacific Settlement of Dispute” proposes a framework for settlement of disputes (Article 33). The parties to dispute are forbidden to use armed force but find solution through the pacific means of settlement (negotiation, mediation, enquiry, conciliation, good offices, arbitration, and judicial settlement), in a manner that their choice does not endanger international peace and security. The principle for pacific settlement is that “war must be excluded as means of conflict resolution” (Peter R. Baehr, 2005) . If the effort towards peace fails, the parties refer their dispute to security council to limit the escalation of conflict. The security council with conformity with international law and consensus of parties make substantial recommendations to end conflict. The security council also have authority to investigate any dispute if it is endangered to maintenance of international peace and security (Manusama, 2006).

In the 1980s the UN played a vital role in brokering a peace agreement between warring parties in Afghanistan. After the Soviet Union invasion in 1979, the UN General Assembly adopted resolution A/RES/ES-6/2 in emergency special session January 1980 condemning the Soviet Invasion and strongly deploring that armed intervention being against the principles of the UN Charter. In November 1980 UN General Assembly adopted resolution 35/36 that recalled the previous resolution and urged Secretary General to find a political solution for peaceful settlement of dispute (United Nations, 2021). In 1982 UN Secretary General initiated peace processto end armed conflict (United Nations, 2021). After six years of effort through the good offices of the UN, the Geneva Accord was signed by Governments of Pakistan, Afghanistan, Soviet Union, and the U S.

The UN Good office mission in Pakistan and Afghanistan (UNGOMAP) was established in 1988. It had 50 military observers for investigating any violation in implementation of

agreement (UNGOMAP, n.d.). The mission was initially mandate include to monitor the non-interference and intervention of Afghanistan and Pakistan in each other internal affairs, voluntary return of refugees and withdrawal of Soviet troops. The mission ended on 15 March 1990 without any notable achievement (Dorrnsoro, 2015).

The Office of Secretary General in Afghanistan and Pakistan was established in 1990 with mandate to assist return of refugees and facilitate political stability in Afghanistan. In 1993 Afghan Peace Accord (Islamabad Accord) was signed by the parties of Afghan Mujahedeen that comprised two annexes: Power division between Mujahedeen parties and cease fire between all fighting groups. The UN special mission to Afghanistan was mandate for the formation of broad-based government in Afghanistan. Under the UNSMA (6+2) that include six countries bordering Afghanistan, Pakistan, China, Iran, Tajikistan, Turkmenistan, and Uzbekistan as well as Russian federation and United States had committed to refrain from providing any military support to any group in Afghanistan in Tashkent Declaration on Fundamental principle on peaceful settlement of conflict in Afghanistan.

After the 9/11 attacked the Taliban regime was rout by the USA. The Bonn agreement was signed on 5 December 2001 in which the signatories expressed their determination to end the civil war and ‘promote national reconciliation, lasting peace, stability and respect for human rights in the country’ (Bonn Agreement, Preamble, and paragraph 3). After twenty years of intervention in Afghanistan United States signed an agreement with Taliban in February 2020 for safe withdrawal of their troops. The purpose of this research is to analyze the role of UN a towards peaceful Settlement of Afghan Conflict through the agreement signed under auspices of UN. In this study, UN involvement in Afghanistan is divided in three major phases. The first phase during Soviet Afghan war (1982-1990) that was culminated after the signing of Geneva Accord and withdrawal of Soviet troops. The second phase (1991-2000) in which UN dispatched its special mission to Afghanistan for national rapprochement and reconstruction of Afghanistan. The third phase (2001-2021) started when US led forces toppled Taliban regime, UN security council called for central role of United Nations for transitional administration and to promote stability in Afghanistan.

1.1. Research Questions:

How did the UN involvement (1981-1990) during Soviet Afghan war brought about a peaceful settlement of dispute through a diplomatic channel (negotiation, peace agreement, good offices)?

The Secretary General Peace Plan and UN Special Mission to Afghanistan (UNAMA) was mandated “to mediate negotiations over the formation of broad-based representative government in Afghanistan”. How far was the UN successful in the implementation of it’s a mandate? (Keeping in view of Islamabad Accord and Tashkent Declaration)

The Agreement on provisional arrangement in Afghanistan pending the reestablishment of permanent government (Bonn Accord) was designed in a way of peacebuilding. The main purpose is to build lasting peace in Afghanistan. What were achievements and failure of UN during this period (2001-2020)?

In Doha Agreement under part 3 section 1 “United States request the recognition and endorsement of UN security Council”. The agreement was recognized by UN security Council on 10 March 2020, as a significant step towards ending the war in Afghanistan. Why despite the recognition of agreement UN role remains unclear in supporting post conflict situation in Afghanistan after USA withdrawal?

1.2. Literature Review:

A number of books have been written on the conflict in Afghanistan in recent times and also about efforts to bring about a peaceful settlement of dispute in this war ravaged country. An important book on the UN role in Afghanistan is *The Pilgrimage of Peace* was written by the chief negotiator and later the UN Secretary General Javier Perez de Cuellar. In the chapter “Afghanistan: the victory betrayed” he explained how after the Soviet intervention in Afghanistan U N played its role as negotiator for the peacefully settlement. After the Soviet invasion in Afghanistan the General Assembly adopted the resolution ES 6\2 in 1980, the resolution deplored armed intervention and called for withdrawal of all foreign troops from Afghanistan, and to provide support to Afghan refugees under UNHCR. The further resolution

was adopted in fall 1980, resolution 35/36 repeating the same points, and in addition to find the political solution for the settlement of Soviet-Afghan war. Although the soviet rejected the legitimacy of the resolution, but the resolution provided basis for High Commission for Refugee to assist the 6 million refugees fled to Pakistan and Iran. The UN major points that were the focus of negotiation in the following years till the signature of Geneva Accord in 1988: withdrawal of foreign troops, noninterference in internal affairs, appropriate guarantees, and voluntary return of refugees.

From 1981 to 1984 there were several meetings of the UN Secretary General with the government of Pakistan and Afghanistan. But the negotiation failed to produce any result because Afghanistan complained about the involvement in internal affairs and Pakistan on the withdrawal of foreign troops. In 1985 negotiation stalled because of the election in Pakistan, the Pakistani government postponed the next talks after the completion of election. Both USA and Soviet government never interested in the UN effort for settlement of Afghan conflict. Until 1985 when Gorbachev became the president of USSR, he supported the solution emerging around the UN. In June 1986 another round of proximity talk held in Geneva. The Pakistan and Afghanistan reached an agreement on the noninterference and voluntary return of the refugees. Both sides agreed on the guarantee needed to provide by the Soviet Union and United State. Although Pakistan accepted the instrument on interrelationships, or linkages, between the other instruments, the Afghan side insisted that instrument could only be agreed directly with Pakistan. This was the instrument in which the timetable for soviet withdrawal would be sent. The Pakistan was reluctant for the direct talks because it could imply the recognition of the Kabul government. In 1986 the Barak government was ousted by the Najibullah, he took the charge as President of Afghanistan. After the eight years of the UN effort in April 1988, the Geneva Accord was open for the signature. The Geneva accord consisted of four instruments: a bilateral agreement signed by the Government of Pakistan and Afghanistan on nonintervention and non-interference, the voluntary return of refugee, international guarantee (by the United States and Soviet Union), and withdrawal of foreign troops. The two important issues were ignored the “national reconciliation” and “arms supplies”. Pakistan strongly supported the national reconciliation under the UN envoy Diego Cordovez. Cordovez was given the unenviable task of promoting national reconciliation and formation of broad-based government in Afghanistan,

made-up of the representative of various Afghan faction. At that time United Nation rejected because it was considered too risky and could harm the reputation of organization.

Untying the Afghan Knot Negotiating Soviet Withdrawal is a seminal book on peace negotiations in Afghanistan by Ambassador Riaz Muhammad Khan. It provides a detailed account of negotiating process during Soviet Afghan war (1979-1989). The diplomatic initiatives and circumstances that initiated the UN mediation leading to the Geneva negotiation on Afghanistan. Pakistan was key the player to take lead in bringing the Afghan issue to the international fora. In 1980 Foreign Minister Agha Shahi visited several East and West European countries to explore prospects for negotiating settlement and future of Afghanistan government. The issues for settlement in his views were the Soviet withdrawal, securing Afghanistan independence through establishment of government of a national reconciliation, mutual guarantee of recognized frontiers, and guarantee of non-interference in the affairs of Afghanistan, Pakistan, and Iran. In 1981 he addressed a message to UN Secretary General Kurt Waldheim to appoint a special representative, Waldheim nominated Javier Perez de Cuellar as personal representative to Afghanistan. Perez de Cuellar format of negotiation included the international guarantee against intervention, the question of refugees and withdrawal of Soviet troops. Agha Shahi agreed to this approached but insisted to include Afghan right to self-determination. Pakistan publicly declared the non-recognition of Soviet backed Karmal regime in Afghanistan and refused direct talks. In 1982 first round of indirect talks between Kabul and Islamabad was launched by UN in Geneva. From 1982-1988 there were six rounds of negotiation and many changes had occurred that were formulated six year earlier in the framework of UN sponsored negotiation. On Afghan demand the deletion of the phrase “existing internationally recognized boundaries of the other High Contracting Party” from the bilateral agreement between Afghanistan and Pakistan. Pakistan firmly rejected the elimination of phrased arguing that” without this reference the provisions of non-interference make little sense.” Later “not to violate the boundaries of each other “phrase was introduced in agreement. (Khan R. M., 2005).

Distinguished Afghan Professor Amin Saikal in his article *The UN and Afghanistan: A case of failed peacemaking intervention?* discussed the role played by the UN Special Representative to Afghanistan for peacemaking. Diego Cordovez approached his mediation

effort from the narrow assumption of cold war politics and rivalry between two superpowers. He did not make any serious effort for the comprehensive settlement of Crisis but concentrate only to dialogue linkage between Moscow, Kabul, Islamabad, and Washington. Although the Cordovez was successful in mediation efforts that concluded in signing of Geneva Accord. But he misunderstood the cultural context of Afghan conflict, by believing withdrawal of Soviet troops opened the way for national reconciliation. There was no chance for reconciliation between the Afghans who supported communism and those who fought against it for Islam and historical heroism. Benon Sevan mission was to internal settlement of Afghanistan conflict and established a broad-based legitimate government. To achieve this task, he focused on separate talk with Najibullah government, Pakistan government including the Mujahideen leaders and former Afghan King Zahir Shah. He was impressed by the Najibullah government art of diplomacy and convinced that the government had capability to implement the Secretary General Peace Plan. This impression led him to pressurize the Pakistani based Mujahedeen leaders to accept a power sharing agreement with Hezb-I Watan (renamed PDPA). He was failed to open a direct dialogue with Ahmed Masoud (Tajik leader) and accused of providing Najibullah safe passage to India for exile (that failed) and protected him in UN compound which further eroded the UN credibility. The peace in Afghanistan is not possible by imposing a solution, it is only possible when the UN work with Afghans to find their own solution (Saikal, *The UN and Afghanistan: A Case of Failed Peacemaking misiion?*, 2007).

In the article *Geneva Accord*, foreign secretary Agha Shahi explained how the two issues national reconciliation and arm supplies that were not settled became the reason for destabilization of Afghanistan. Before signing the Geneva Accord Pakistan demanded an interim coalition government to replace Najibullah regime before USSR left Afghanistan. Later Pakistan had scaled down its demand to “finalizing the modalities and procedure” for establishing a transitional regime but the Kabul side did not accept. Pakistan bore a huge burden of the fallouts of the Afghan war. For decade it provided food, shelter and other necessities to nearly 3 million Afghan refugees. Pakistan has incurred the heavy economic and social cost. The large number of arm supplies, narcotics, and the Kabul air strike along its border cause heavy loss to life and property. The Najibullah Government offered a minor share under its formula of national reconciliation to its opponents in the coalition government. The Alliance of

Afghan Mujahedeen demanded dominant role in interim government. Pakistani president Gen Zia presented a formula in which the one-third representation given to Mujahedeen, one third to refugees, and one third to PDPA to replace the Najibullah government but the Mujahideen rejected and went on fighting until Islamic government was installed in Kabul. Intra Afghan struggle for power had intensified the civil war in Afghanistan in the areas outside the control of Kabul. The communist based government backed by USSR is not accepted by the Mujahedeen, US and Pakistan. Mujahedeen was excluded for the Geneva Accord and demanded that Moscow entered in to direct talks if peace is to be restored in Afghanistan. The Soviet Union and the US did not take interest in the intra Afghan talks and formation of coalition government. The Soviet supported the Najibullah government with arms supplies and accused Pakistan of supplying arms to the Mujaheddin across the border. The responsibility to stop the civil war in Afghanistan and facilitate the Afghan consensus lies more on the USA and USSR than on Pakistan. (Shahi, 1988).

Ulrich Pilster in the article *Afghanistan Peace Process and Power Sharing* provides comparative analysis of Afghanistan peace agreement with the peace agreement of Angola after the Cuban intervention (1975-1991) and Cambodia after the Vietnamese retreated (1979-89). The Soviet withdrawal from the Afghanistan is also discuss in the article as negative case study. The Soviet Union did negotiate with Afghan mujahidin and external backers Pakistan and United States but failed to include Afghan rebels into Afghan government. Under the UN mediation, in 1982 two rounds of talks took place between Afghanistan and Pakistan. The talks were held to discuss the future of Afghanistan after the withdrawal of foreign troops. Although during 1982-1985 the rapid change in the succession of the Soviet leaders stalled the negotiation process. After 1985, when Mikhail Gorbachev took control of the Soviet leadership, he aimed to end the proxy conflict and promote peace through power sharing. The UN led negotiation in Geneva took a new life. In April 1988 Geneva Accord was signed by the Soviet Union, Pakistan, US and Najibullah government (Moscow backed government in Afghanistan). The accord stipulated noninterference and non-intervention and withdrawal of soviet troops. Even the Geneva Accord was signed by all the major actors but not included the Afghan Mujahedeen who were backed by the U S. The Reagan administration did not recognize the Najibullah government and continue to supply arms to the rebel Afghan. The United Nation good office mission in Afghanistan and Pakistan had merely 50 observers so the monitoring and enforcement of accord was weak. In

February 1989 all the soviet troops left the Afghan soil. The Geneva Accord, the policy of national reconciliation, and the soviet withdrawal did not end the war, but they did make Afghanistan temporarily peaceful. In Afghanistan there was no comprehensive quest for peace through power sharing after Soviet withdrawal. The Najibullah government was provided support from Moscow in turns of economic aid. After the soviet disintegration, the new Russian government was unwilling to continue support to Afghanistan government, so Najibullah could no longer keep his government afloat. On the other hand, mujahidin were fighting to overthrow the Najibullah government and take power. In April 1992 Najibullah lost the war and resigned. There was rivalry among the different militia commander to take control of Afghanistan which includes Rashid Dostum, Gulbuddin Hekmatyar. Finally, in 1996 the Taliban ultimately established government in Afghanistan. peace through power sharing is possible when all the actors realized that further fighting would prove indecisive and costly. The peace through power sharing is long process and there is no guarantee of success (Pilster, 2020)..

In the article *Afghanistan peace process: From Terrible Times to Glimpse of Hope* Mujahid Hussain Sargana discussed the USA abortive Afghan nation building and peace process. After the toppling of Taliban government, the USA with the coalition of other western countries were twinned the effort of peace building with defeating the insurgent militarily. The phase ended in 2008 when the Obama administration realized that it was not possible for Washington to bring peace in the region by force. The Obama counter insurgency doctrine provided a schedule for the withdrawal of allied forces and envisaged a program to hand over gradually the administrative and governance responsibilities to the Afghan National army and police. By December 2014, Under Status of Force Agreement (SOFA), the International Security Assistance Force (ISAF) was converted to Resolute Support Mission (RSM). Through Bilateral Security Agreement (BSA) “Operation Enduring Freedom” converted into Operation Freedom Sentinel. From 2009 onwards, the US and the Afghan governments; and the neighboring countries tried to bring a negotiated peace settlement with the Taliban fighters. In 2010 high peace council was established by the Afghan government to negotiate with the Taliban. The Taliban opened their office in Qatar in which year??, where USA established direct contact with them. The regional countries also tried their best to bring peace and stability in the region, in 2011. The heart of Asia Istanbul process was initiated to provide forum to promote peace and

stability in the region. The member countries included Azerbaijan, China, India, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Russia, Saudi Arabia, and Turkey. In 2016 meeting of the process was held in Amritsar, India. On this occasion, Indian Prime Minister Narendra Modi and Afghan President Ashraf Ghani blatantly criticized Pakistan for providing sanctuaries to the Taliban and the latter rejected the Pakistani offer \$500 million to Afghanistan. Peace in Afghanistan is directly associated with peace in Pakistan. In July 2015, Pakistan hosted a meeting at Murree to continue “Afghan led and Afghan owned” reconciliation process. The peace process was stalled after the announcement of Mullah Omar death by the Afghan government. In January 2016, Pakistan initiated Quadrilateral Coordination Group (QCG) which includes the China, USA, Pakistan and Afghanistan to facilitate peace and reconciliation process. QCG major aim is to engage Afghan Taliban in peace process. The Afghan government was reluctant to include the regional states particularly Pakistan to actively participate in the peace process. To begin with the Afghan government only signed a peace agreement with Hizb-e-Islami Gulbadin, an armed group led by Gulbaddin Hekmatyar. The aim of this peace treaty was to end the conflict and integrate other Taliban group in the society (Mujahid Hussain Sargana, 2019).

Muhammad Tariq in his article *Afghanistan: Conflicts in the Way of Peace* analyzed the major hurdles to Afghanistan peace. After the presidential election of September 2019, which were considered as failure to build Afghanistan as democratic country. Both the Ashraf Ghani and Abdullah Abdullah took charge individually after five months in February 2020. The US special envoy Zalmay Khalilzad tried to resolve the dilemma but both took charges in their palaces as Abdullah Abdullah blamed Ghani for rigging the election. This created a great difficulty for Taliban to sign an agreement or enter into any sort of negotiation. However, after the USA Taliban Agreement and pressure from the US government to hold intra Afghan talks, Ashraf Ghani and Abdullah Abdullah agreed on power sharing and signed an agreement on 17 May 2020. This step was fruitful in making intra Afghan talks possible. In the USA Taliban Peace Agreement, the Afghan government was excluded because the Taliban did not consider Afghan government as legitimate. As per the agreement, the Afghan government release 5000 Taliban in lieu of the civilian held by the Taliban. Initially the Afghan government was reluctant to release the prisoners but in May 2020, 1500 prisoners were released by the Afghan

government. Afghanistan geography created other major hurdle in creating peace and stability in the region. The neighboring countries china, Iran, India and Pakistan has their own interest in the region. India has close ties with the Afghan government and disregard the Taliban as a legitimate actor. India always tries to weaken the security position of Pakistan from both eastern and western border. Iran also did not recognize the Taliban supported by Pakistan, Saudi Arabia and UAE. Iranian improved ties with Afghanistan government after the USA Taliban agreement. The other greatest threat to Afghanistan in recent years is the emergence of ISIS. The ISIS is against the Afghan government, USA troops and the Shia sect in Afghanistan. ISIS deteriorate the security situation in Afghanistan. The best option for the peace and stability in Afghanistan is the distribution of governmental power between center and provinces in a just way

The article *Understanding the Complexities of Afghan Peace Process* provides a the western description of the” Taliban.” According to the author

The Afghan Taliban take pride in calling themselves the Islamic Emirate of Afghanistan, which is the conscious attempt to underscore their desire to establish a unitary state to impose its version of Islamic sharia law they had built during 1996-2001 primarily through military conquests.

The Taliban prefer the Islamic sharia law as the constitution of Afghanistan, while resisting all nationalist current in Afghan politics. The discussion on Taliban without differentiate the factions would be too simplistic. The Taliban before they became the rulers of Afghanistan were divided internally in rival groups. There were divided into four shuras. The first was the Quetta shura comprising the old leadership based in Quetta . It was partly located in Karachi. The shura has the sub faction of Miranshah Shura which is based in Miranshah, North Waziristan. The Miranshah shura declared independence from Quetta Shura in 2007. In 2015 Haqqani network rejoined when Sirajuddin was appointed deputy leader within Quetta Shura. The second is the shura of north which based in Badakhshan and composed of several fronts. The third is the Mashhad Shura based in Iran. The Mashhad Shura accounted for less than 10 percent of the Taliban manpower. The fourth was the Rasool Shura based in Farah in Afghanistan. There was wide regional autonomy between the various shuras of Taliban due to this fragmentation. The Rasool shura and the Quetta were engaged in fighting between 2015 -

2017. Mullah Rasool disapproved of the monopolization of the peace process by the Quetta shura. He was reported to said:

Earlier we were thinking that the Afghan government wanted peace talks with all Taliban, but when we saw that it was interested in only making peace with Mullah Mansur because of the dictates of the Pakistani government, we decided we cannot start talks with Afghan government.

Therefore, because of the fragmentation starting negotiation with Kabul government was challenging (Kaura, 2018).

The article *Afghan Peace Process: Prospects and Challenges* provide the description of challenges and prospects in the peace and stability of Afghanistan. The peace deal was appreciated by the whole world community. The peace deal provides recognition to the Taliban, and they changed their radical mindset. According to the author, in the Doha peace agreement Taliban were expected to talk with the Afghan government. The major reservations against the Taliban was their human rights record, especially their perspective on women rights. After the Afghan Peace Agreement was signed and the US forces were forced to withdraw, the Taliban attacks on Afghan security forces increased exponentially. The increased attacks on the Afghan security forces created pressures on the Afghan government. The Afghan government was not interested in Intra Afghan talks but only the American aid to Afghanistan. America was spending a huge amount of 6 to 8 billion dollars in Afghanistan per year. Afghan government knew that after US withdrawal, they would not be getting any more dollars. Afghan government would not find any other country more generous than America (Ghulum Mustafa, 2021)

In the article *Afghanistan: Guidelines for a Peace Process* it is stated that for Afghan peace process it was necessary for all parties to get together but as Afghanistan is surrounded by the strong neighbors it seemed difficult. In the last three decades the USA, Pakistan, India, Iran, Saudi Arabia and Russia had supported different parties in Afghanistan . Competing interests made the peace process difficult.. One common interest of all countries (USA, China, India, Iran, Russia) want assurance that Afghan territory is not used to their disadvantage either by third parties or by the Afghan themselves. Secondly the timing and signaling is important for the

progress of any peace process. Nearly ten years after the death of Osama Bin Laden, the Taliban were finally persuaded to negotiate with the Americans because they knew the end was near. And there was a need for a fresh start (Shinn, 2011).

The article *Role of China and Iran in Afghanistan Peace Process* analyzed how China and Iran contribute towards the peace and stability of Afghanistan. China shares a very small patch of 76 kilometers border with Afghanistan. Although China did not oppose the USA invasion of Afghanistan, it did not support it either. China is always fearful that the Islamic movement in the Turkmenistan and Afghanistan may have spillover effect of terrorism in the Chinese province of Xinjiang. In the eastern border of Afghanistan, China helped build a mountain brigade to destroy the camps of eastern Turkmenistan Islamic movement. Even though China contributes more toward the economic development of Afghanistan but also cooperates in security. China is the active member of Quadrilateral dialogue group (the other members being Pakistan, America, Afghanistan). The aim is to engage Taliban in peace process. In trilateral talks China, Pakistan and Russia discusses about the future of Afghanistan and peace in the region. The Iranian involvement in the Afghanistan was difficult to understand because Iran was against both the USA and Taliban. After the 9/11 Iran supported the USA overthrow of the Taliban regime. Iran strongly supported the formation of the government by the northern alliances. But in Afghanistan peace process Iran play the role of spoiler. Iran rejected the USA Taliban peace deal by saying that America has no legal position to deal with Taliban. Iran is supporting the Afghan government and the militants who are against the peace process. Pakistan supported the peace process, whereas Iran supported the spoilers of peace Dr. Ghulum Mustafa, 2020)t.

The article “Mapping contours of Reconciliation and peace process in Afghanistan: Policy Options for Pakistan” explained that reconciliation did not happen suddenly. It was a process that took place through a series of diplomatic and political ventures by different stakeholders. US President Trump appointed Zalmay Khalilzad as the special representative for Afghan reconciliation in September 2018. Khalilzad immediately approached the Taliban and other external actors like Pakistan to sign a formal agreement on peace process. In October 2018, Pakistan released Mullah Abdul Ghani Barader, one of the leader of Taliban movement. Later he

become the head negotiator of the Taliban political office in Doha. The US and other regional actors believed that Pakistan has the massive reach over Taliban. The recognition of Pakistan as a crucial state in political settlement of Afghanistan put some responsibility and provides opportunity to Pakistan. Pakistan pursues the policy that balance its interest with international community, regional powers, and Afghan government. Keeping in mind that the respect of other states interests would not compromise its own security interest (Dr. Muhammad Nadeem Mirza, 2020).

1.3. Methodological Approach:

The study is conducted through the qualitative approach. The Qualitative approach is the best way to understand the concept and gain the in-depth insight of the Study. This study answers the research question that are mentioned above to understand the role of UN In Afghanistan for the Peaceful settlement of Dispute. The data is collected through the semi structured interviews, UN documents, UN security council reports and scholarly work of UN diplomats. For the interviews Judgmental or purposive sampling is used and interviews were conducted from academic and Diplomats who served in UN. The purpose of these interviews is to understand the ground realities during the UN process of negotiation and implementation of agreement in case of Afghanistan. The interviews were conducted through zoom meeting, WhatsApp calls and email keeping in view convenience of interviewee. As the research had two dimension the first is the conceptual understanding of Peaceful settlement of dispute under UN charter and the second is the applicability of this concept on the case study of Afghanistan. Hence the interviewees had been selected for both categories. In first stage of conducting interviews the academic who are experts in conceptual understanding of UN and peaceful settlement were interviewed. And in second stage expert on Afghan conflict and Afghan peace process and agreements were interviewed (as shown in Table) .

List of interviewees

Name	Designation
Dr. Farouq Azam	President of the Afghanistan Peaceful Transition Association
Richard Caplan	Professor of International Relations and Official Fellow, Linacre College (University of Oxford)
Marvin G. Weinbaum	Professor emeritus of political science at the University of Illinois Director for Afghanistan and Pakistan Studies at The Middle East Institute
Roger Mac Ginty	Professor in Defense, Development and Diplomacy in the School of Government and International Affairs, Durham University
Yoshifumi Tanaka	Professor of International Law, University of Copenhagen
Madhav Joshi	Research Professor, associate director Peace Accords Matrix, Kroc Institute for International Peace Studies
Haroun Rahimi	Assistant Professor of Law American University Afghanistan
Khalilullah Safi	Independent Peace activist and analyst, facilitate UN and Taliban talks in 2011
Michael Kugelman	Deputy Director of the Asia Program and Senior Associate for South Asia at the Wilson Center
Barnett R. Rubin	Senior fellow at New York university Centre on international Cooperation. 2009-13 senior adviser to the Special Representative for Afghanistan and Pakistan. Senior adviser to the UN Special Representative of the Secretary General for Afghanistan during Bonn agreement.

In data analysis, not all the interviews were included in data processing because of two major reasons. First interviewed for the academic who are expert in UN peaceful settlement of dispute were unstructured because every scholar has different understanding of peace, peacemaking, and UN role in peaceful settlement of dispute. The purpose of these interviews is to develop my own understanding about the UN peaceful settlement of dispute. The second reason is to avoid repetition as in discussion about the UN role in Afghan conflict and

Implementation of agreements, many interviewees have same argument but explained in different language. For ethical clearance the consent form was sent to interviewees.

1.4. Significance of Study:

The scholarship on Afghanistan focusses on the Soviet Afghan War, withdrawal of Soviet forces, civil war in Afghanistan, the rise of Taliban, U S intervention after 9/11 and peacebuilding. The one-dimension approach has been failed to provide the holistic approach of Afghan conflict in a way that those who studied Soviet Invasion had particularly analyzed the Soviet Union role in Afghanistan and not the aftermath of war, while other link it to regional countries as proxy war. Similarly, the U S intervention in Afghanistan after 9/11 was discussed as War on Terror. However, through out literature review it was found out that no study has been conducted on the topic that why for 40 years conflict in Afghanistan has been not resolved. To fill knowledge gap, this study examined the UN role in Afghanistan as institution that main purpose is to maintained international peace and stability. The study analyzed the UN effort for peace full settlement of dispute in Afghanistan, its role in the process negotiation and designing of peace agreement and how far the peace agreement was implemented by parties. The study is beneficial to researchers and scholars who are interested in understanding the UN involvement in Afghanistan through a conceptual lens of Peaceful settlement of dispute.

Chapter 2:

Conceptual Understanding of Peace and Peaceful Settlement of Dispute

2.1. Understanding Peace:

. For clear understanding of Peace, literature is divided into classical literature and contemporary world literature. In classical literature peace is associated with war, Sun tzu argued that “on the term victor the object of war is peace”. Hobbes supposed, “peace rested upon the interests and capacities of the Leviathan(state) rather than on civil consensus and legitimacy”. For realist peace is the decisive military defeat on the battlefield. The idealist, liberalist concept of peace is the construction of laws, international regimes, and norms to limit war. Kant based his understanding of peace upon his belief that a ‘categorical imperative’ exists as an innate moral law (Richmond, 2005). For Kant the war is not a satisfactory method for settlement, war is costly, destructive, and uncertain in result. War signifies land to be plundered and people become slave, but victory is not always gain. War concluded in the manner that it increased hate between nation and alienate future peace (Kant, 1795).

Liberal tradition was carried out in international politics after the first world war. E.H Carr mentioned “The passionate desire to prevent war determined the whole initial course and direction of international politics”. The most important initiative that was taken first time in the history was the establishment of League of Nation which was an attempt "to apply the principles of Lockean liberalism to the building of a machinery of international order.” The league of Nation standardizes the international political problems, one of the greatest achievements in international sphere. National self-determination was considered as key to world peace by Wilson and other liberal writers. Internationalism is promoted by nation through developing their own nationalism (CARR, 1946). Although later nationalism become the reason of agitating second world war. In 1941 the US President F.D. Roosevelt and British Prime Minister Churchill agreed to the establishment of permanent system for collective security. In 1942 twenty-six nation signed the declaration of United Nations including Poland, China, and other Latin American states. After the end of second World War fifty nation signed the U N Charter at San

Francisco. Once again Peace is redefined as” The idea that sovereign states could create an international organization and procedures that would replace military aggression and war by negotiations and collective security” (Louis Emmerij, 2001).

In contemporary era, John Galtung is considered as pioneer of peace studies. Galtung classified peace as negative and positive peace. The negative peace is referred as the absence of personal violence (absence of war) whereas positive peace as absence of structural violence. The absence of war is not a positively defined condition for the conflict transformation. The absence of structural violence that means social justice (equal distribution of power and resources) which is positively defined condition. (Galtung J. , Violence, Peace, and Peace Research, 1969). Peace is attained when the conflict transformation takes place nonviolently. Peace is process in which certain thing happen in a way, the actors involved must be non-violent and interested in ending the conflict through peace full means. The peace process should low in structural and cultural violence and the inside or outside conferences, parties dialogue should be peaceful. The peace process that is away from suffering and leaning of human beings towards a life enhancement will attract support (Galtung J. , 1996). According to Galtung model of violence-peace (Transcend approach), conflict transformation has three stages that are diagnosis, prognosis, and therapy. Diagnosis is to identify the root causes of conflict, what are the unresolved incompatibilities. Prognosis to explore the history and process through which the conflict become intense. Finally, therapy to find solution (Acceptability + no violence = solution) that is acceptable to parties of conflict and lead to conciliation (Galtung J. , Introduction: peace by peaceful conflict transformation – the tanscend approach, 2007)

The ontology and methodology of peace varies according to social, political, cultural, and economic condition of society. Peace has its own time and space so never be assumed as universal and monolithic and in overlapping space of influence it exists in multiple forms. Richmond explained Peace through “four generation theory” that how with passage of time the understanding of peace changed. In first generation approach ending the conflict is through the realist approach. According to this conflict is state centric dispute that excludes the non-state actors. To obtain a peace between the conflicting parties, the third party intervene that must be neutral and Impartial. The peace in this generation is understood as a traditional form such as

high-level diplomacy, mediation, negotiation, UN peacekeeping and other elite state centric activities. The second generation took more ambitious stance on peace, leading to win-win peace. This approach focusses on the Sociobiological, psychological, economic, and political needs of human. Relative deprivation and human need theory provide a framework for understanding the root causes of conflict. This approach offers a conceptual and methodological framework for a state actor that go beyond the notion of state security and state interest. According to this approach” peace can be buildup from the bottom up of the civil society actor. The needs such as security, political participation and identity is nonnegotiable because they are founded on universal ontological drive. The third generation also be called as liberal peace and state building is the response of post-Cold war conflict. After the cold War the responsibility of United Nation evolved from Multidimensional Peacekeeping to state building. Liberal peace stated that “Peace could be built according to universal formula”. United Nation was significant actor in post-cold war era and involved in multidimensional humanitarian, preventive peace building activities¹. The fourth generation derived most of the part from the work of Habermas, and Foucault that implies an emancipatory form of peace that reflects the interest and needs of all non-state and state actors. According to this food, shelter, security, transport, educational facilities must provide to individuals with continuity so that emancipatory peace could build. For stable relationship within locals and state their culture and identity must be recognized (richmond, 2010).

2.2. UN charter and Peaceful Settlement of Dispute:

After the end of Second World War, the international community wanted international peace and stability through an international organization. The UN was established immediately after Second World War in 1945. The purpose was to save the people from the scourge of war by promoting the fundamental human rights of all men and women of small and large nation (Schweigman, 2001). The UN charter under the first paragraph of article 1 stated that

measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in

¹ Preventive peace building is to reduce poverty, promote developmental democratization including electoral assistance and civil education.

conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

The UN charter under chapters VI and Chapter VII provide the complete description of how to settle dispute peacefully. The chapter VI pacific settlement of disputes details how peace is achieved in case of any dispute. The article 33 stated that the parties to dispute must try to seek solution through the method of negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, or any other peaceful means of their choice. This article laid foundation for the settlement of dispute not using force(militarily) but through the diplomatic means of dispute settlement. Under article 34-38 the security council should investigate any dispute that is threat to international peace and stability. The Security Council recommend the parties to dispute, to settle it through the means refer under article 33. The parties to dispute also refer to security council to settle their dispute (under article 37). Although under article 35(1) any member of United Nation may bring dispute to the attention of security council or general assembly. This article provides the legal basis for any member state to immediately address the Security Council and General assembly.

Chapter VII of UN charter states that “Action with respect to threats to the Peace, Breaches of the Peace and acts of aggression” provides the unique authority to Security Council as using force and various sanction and embargoes to enforce decision (Sebastian von Einsiedel, 2015). The sanction may include the complete or partial disruption of economic relations and severance of diplomatic relations. The security council may take a collective action to restore the international peace and stability through military staff committee (under article 47). Article 51 permits the collective self-defense if armed attacked occurs against the member of United Nation. The chapter VIII OF United NATION charter encouraged the peaceful settlement of dispute through regional arrangement. The regional agencies cooperating with United Nation through various forms as five field mentions by UN secretary general in Agenda for peace

- 1) Consultation: both the UN and regional organization exchange views on conflict that may be solve dispute.
- 2) Diplomatic support: through diplomatic initiative the regional organization supports peacemaking activities of United Nation

- 3) Operational support. To support the air power to United nation protection mission as NATO in case of former Yugoslavia
- 4) Co deployment: the deployment of field mission in which the regional organization carries a major burden of field mission while United Nation verifies it is functioning properly.
- 5) Joint operations: the United Nation and regional organization shares staffing and financing of the mission (Tanaka, 2018).

Apart from UN Charter, the principle of peaceful settlement of disputes are highlighted in Friendly Relation Declaration and Manila Declaration. In 1970 on twenty fifth anniversary of the U N, the General Assembly approved the “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations” known as Friendly Relations Declaration. The preamble of declaration stated that purpose of United Nations is develop friendly relations between states and promote international peace and security through rule of international law. The declaration recalled that state must respect the sovereignty and refrain to use force against the territorial integrity and political independence of any state. State has duty to refrain from war of aggression as it is crime against peace. Every State settled dispute through peaceful means such as negotiation, mediation, inquiry, conciliation, arbitration, judicial settlement, or other peaceful means of their choice in such a manner that it does not endanger the international peace and security (Principles of International Law concerning Friendly Relations and Co-operation among States, 2021). In November 1982, the General Assembly adopted “Manila Declaration on the Peaceful settlement of dispute” to exert its utmost effort to avoid hostilities and military action that make difficult to settle the conflict or dispute through peaceful means. The Manila Declaration reaffirm the principle of United Nations charter and Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. Manila Declaration stresses on the progressive development of international law and codification for peaceful settlement of dispute (Manila Declaration on the Peaceful Settlement of International Disputes, 2021).

2.3. UN Peaceful Settlement of disputes during Cold War:

The destruction caused in the Second World War seriously hampered the European countries even to Britain France in social, political, and economic terms. The newly confident nations of Asia and Africa demanded the right of self-determination and freedom from colonial masters. The United Nation as world Organization played a major role in speeding the end of empire. The former colonies were provided welcoming embrace by United Nation when they became an independent state. After the departure of their colonial master, the new state found space in UN General Assembly for diplomatic self-help association. (MACQUEEN, 2007).

In 1947 the UN Security council established good offices committee comprising representative of Belgium, Austria, and United States. To promote the continuation of negotiations over the independence of Indonesia and to supervise the implementation of a cease-fire between Dutch and Indonesian forces. This was later reconstituted as the United Nations Commission for Indonesia and supervised the transition to independence (MERRILLS, 2011). After the withdrawal of Britain from Palestine, and failure of 1947 plan of General Assembly for the partition of Palestine. Thus in 1948 United Nation under the” UN Truce Supervision Mission” observes the cease fire between the Israel and Arab State. The second UN observer mission was sent to Kashmir, flashpoint between India and Pakistan after the end of British empire from subcontinent. Although UN in both these missions were not successful to permanent solved the conflict but succeeded in preventing the conflict from spreading (Gordenker, 2005).

The UN Emergency Force (UNEF) was the key element in the U N efforts to resolve the crisis arising from the military action of the Israel and the Anglo-French forces against Egypt. However, before consenting to the arrival of UN forces, firm assurance was given to Egyptian authorities that cooperation with U N would not infringe on Egyptian sovereignty, detract from Egypt power freely to negotiate a settlement on the Suez Canal or submit Egypt to any control from outside. UNEF force was accepted by 10 countries Brazil, Canada, Colombia, Denmark, India, Indonesia, Norway, Sweden, and Yugoslavia. From the US, Italy and Switzerland assistance were also accepted. The first UNEF unit flew to Egypt 15 and 16 November 1956, and the strength of UNEF including all unit of different country reached to 6,000 men. The secretary General was taking the urgent steps for the ceasefire between the Egypt and Israel and

the withdrawal of Anglo-French forces. In the period of transition when Anglo French forces were preparing to withdraw its forces, the UNEF undertook certain administrative functions such as security and the protection of public and private property. To prevent the clashes between the Anglo French the UNEF forces stationed around the final perimeter of the zone occupied by the withdrawing forces. Although the Anglo-French forces had withdrawn in late 1957 but the UNEF forces remained until 1967 in Egypt to monitor the ceasefire. (Middle East UNEF, 2021)

The UN play a significant role for ending the civil war that were threat to regional stability. In 1958 internal crisis emerged in Lebanon. Lebanon has diverse population both Muslims and Christian so there was divide between the Christian dominated government and local Muslims. The Lebanon president blamed disorder in country was because of the neighboring (Syria and Egypt). The Lebanon president sought assistance from the UN, Security council agreed deployment of military observation group “Observation group in Lebanon (UNOGIL). The UNOGIL forces was deployed in border between eastern Lebanon and Syria to find the evidence of infiltration. Although UN succeed that that there was no evidence of infiltration, the tension between government and local population was home grown. The violence was subsided when the President Chamoun announced that he did not seek for the second term. UNOGIL is considered a victory because it reduces tension and mistrust between the regional countries through Preventive diplomacy and Peacekeeping method. The United Nation Mission on Congo (ONUC) has unique in many ways. The mission was carried out to stop the civil war in Congo and the restoration of law and order. The Congo after gaining independence from the Belgium was unprepared for the democratic transition as every tribal group wanted control in their area. In 1960 the largest number of UN troops, fourteen thousand and half were deployed under ONUC mission from nearly thirty member states. The UN was totally failed in achieving lasting peace in Congo and mission ended in 1964 (John Terence O Neil, 2005).

The UN Yemen Observation Mission (UNYOM) was deployed to monitor the border between Saudi Arabia and Yemen in July 1963. The purpose of mission was to oversee agreed disengagement of Saudi Arabia and Egypt for Yemen civil war. The mission successfully completed in September 1963 (MacQueen, 2011). Similarly in 1965 after three-week war between India and Pakistan security council setup UN India -Pakistan observer mission

(UNIPOM) to supervise the troop withdrawal from disputed area and ceasefire. After 1973 war between the Israel and Egypt, UN Emergency Force (UNEF II) was deployed in Egypt -Israel border and UN Disengagement Observer Forces (UNDOF) in Israel- Syrian border. The UN force in Cyprus was deployed monitor the ceasefire between the Greek and Turk forces. This contributed significantly to easing the tension on the Island but limited in certain respect. (MERRILLS, 2011)

2.4. UN peaceful Settlement of Dispute after Cold War:

Since the 1990 the new threats to international peace arisen from internal and ethnic conflict in Eastern Europe, Central America, and Africa. UN Security Council expanded its constitutional power into the field of Human right, democratic governance, international terrorism, and international criminal justice (Manusama, THE UNITED NATIONS SECURITY COUNCIL IN THE POST-COLD WAR ERA, 2006). In 1992 under UN Secretary General Boutros-Ghali a report “Agenda of Peace” was presented to member states that revive the ways of strengthening United Nations capacity for preventive diplomacy, Peacemaking and Peace keeping for securing justice, human rights and promoting, in the words of the Charter, ‘social progress and better standards of life in larger freedom’. Preventive diplomacy is acting through which the existing dispute do not escalate into conflict or limit the spread of conflict. Preventive diplomacy involves confidence building measures, formal fact finding, preventive deployment and demilitarized zone. Fact finding mandated by Security Council and General Assembly to select a mission that collect information on which decision for further action can be taken to prevent conflict. Preventive deployment of forces can be taken in both interstate and intra state conflict. In interstate conflict, deployment can take place when state feels threat and request the United Nations presence along its side of border or when both state feels that presence of United Nations along their border discourage hostilities. In intrastate conflict preventive deployment can take place in number of ways to alleviate suffering and limit violence. As U N deploys military, civilian and police personnel for maintaining peace and security that could save life of people and develop conditions of safety that pay ways of negotiation and reconciliation. Demilitarized zones are also established by United Nations for the safety of civilians.

Peacemaking is task of UN, which requires bringing hostile parties to agreement by peaceful means as mentioned in Chapter VI of UN charter. Mediation and negotiation are widely used technique for peacemaking by UN, through statesmen designated by the Security Council, General Assembly, and Secretary General to facilitate the peace process. In the time of conflict, peacemaking facilitated by international actions to amend circumstances that start off disputes. U N had conducted 13 peacekeeping operation since 1945 to 1987. But the nature of peacekeeping operation has evolved in changing international politics. The peacekeeping operation should have clear and practicable mandate, Security Council must provide continuing support for implementing the mandate and providing military, police and civilian personnel including specialists. The U N command at headquarter provides adequate financial and logistical support to peacekeepers. Peacemaking and peacekeeping operations to be truly successful, when operations consolidate peace and develop wellbeing among people.” Post conflict peace building is to prevent recurrence”. The objective of peace building is to work on the social, economic, and cultural development to achieve a durable foundation of peace. Social peace is as important as strategic and political peace for achievement of stable political order. The UN collaborates with regional organization as envisioned in Chapter VIII of Charter for addressing the crisis within region. This not only lighten the burden of UN security council but also build international consensus between UN and regional arrangement on nature of problem and how to address it (An Agenda for Peace, Preventive Diplomacy, Peace making and Peacekeeping, 1992)

Since 1992 the interstate conflict declines to 40 percent, and the intra state conflict increased to 95 percent of all armed conflict. In post-cold war era, the United Nations empowered the states to play a active role in dealing with intra state conflict. The conflicts resulting in crisis that involves genocide, ethnic cleansing, humanitarian crisis, collapse of governmental authority, famine, and disease. The post-cold war era provided opportunity to United Nations to end violent civil war in Rwanda, former Yugoslavia, Angola, Mozambique, Republic of Congo, Somalia, Sierra Leone through a new approach as mentioned in Agenda of Peace. The United Nations intervened without consent of parties under Right to protect (R2P) and even deployed peacekeepers without ceasefire in place to protect civilian for attack or genocide. In case of Somalia, the UN Operation in Somalia (UNOSOM1) sent Pakistani troops for relief works as famine has pushed civilians to brink of starvation. Later in 1993 Security

Council authorized USA troops (Unified Task Force) for intervention to impose ceasefire and disarm faction. The USA soldiers were killed by Somalian armed groups, where USA announced to withdraw its troops. Although the operation succeeded in ending humanitarian emergency but not to end the internal strife. The UN has confronted similar challenges in other African States including Liberia, Sierra Leone, Cote d'Ivoire, Sudan, the Democratic Republic of the Congo, and Burundi during its intervention for maintaining peace and ending civil war (Karns, 2007).

Peace making and post conflict peacebuilding plays a major role in resolving disputes of Eastern European states. After the disintegration of Yugoslavia, conflict broke out between Bosnian government which is primarily made up of Muslims and Croat and Serbian separatists. Initially in 1992 the UN peace operation in Bosnia was not peace-making character but only to mitigate the military conflict by establishing demilitarized zone and providing humanitarian assistance. But the United Nations Protection Force (UNPROFOR) in 1993 faced a fateful dilemma that 20,000 troops were failed to protect the Bosnian Muslims from Serbian assault in Srebrenica. The Srebrenica was the greatest shame 7,049 Bosnian Muslims lost their lives in a single genocidal act. The United Nations peacekeeping force were failed because of lack of clear mandate in Bosnia. NATO and USA forces took the charge of leadership to transform the country into relative peace. UN and US negotiating team skillfully concluded the Dayton Peace Accord on November 1995 (Daalder, 1998). For the implementation of agreement and post war peace building mechanism the UN Mission in Bosnia and Herzegovina (UNMIBH) was established in Bosnia and Herzegovina in December 1995. In this mission, for the first time UN with other agencies worked together in peace building as NATO led implementation force (IFOR) to implement the military aspects of Peace agreement. The International Police Task Force (IPTF) and UN civilian office for ensuring police reforms and investigating human rights abuse by law enforcement agencies. The UNMIBH is the first multidimensional operation for the implementation of Dayton peace agreement (Peacemaking) to post conflict peace building. It marked the first example of inter institutional cooperation between European Union and United Nations. The UNMIBH played a key role in shaping the mandate of Kosovo for peacemaking and peacebuilding. (Tardy, 2015).

Chapter 3:

Soviet Afghan War (1979-1989) and UN

3.1. Afghanistan: An Introduction:

Afghanistan gained independence in August 1919 from British control after third Anglo-Afghan war. The British signed the Treaty of Rawalpindi that recognized Afghanistan as a Sovereign state. Amanullah became a leader of independent Afghanistan. In 1923 Afghan constitution was designed that laid down the structure of government, under the constitution council of ministers were established to run the government and state council to advise it. The Amir has supreme legal and executive authority. Amir Amanullah tried to modernize Afghanistan by reforms in education system, family customs (unified code of law to defined family matters) and women treatment (Compulsory education for girls and allow women to wear western dresses).

On 27 January 1929 the Amir Amanullah was overthrown by Habibullah Ghazi known as Bacha-i-Saqao who ruled for nine months. After the defeat of Habibullah's army, General Nadir Khan assumed the throne. Nadir Shah was approved by the Afghan Jirga as Amir of Afghanistan on October 17, 1929. In 1931 Nadir Shah promulgated the constitution, which recognized the King as the head of legislative, executive, judiciary, and Commander in Chief of Armed forces. The policy of hereditary rank was restored, and king is an absolute ruler and had the right to declare war, appoint key post, and make laws simply by fiat and not through legislature.

Nadir Shah was assassinated in 1933 and replaced by his son Zahir Shah. Afghanistan was politically stable during Zahir Shah's rule from 1923-1973. In 1964 King Zahir Shah introduced a new constitution that introduced some democratic norms such as separation of the legislative, executive and judiciary. (Khan A. Q., 2021)

After the promulgation of constitution, Hezb-e Demokratik-e Khalq-e Afghanistan ('People's Democratic Party of Afghanistan', or PDPA) was created by Noor Muhammad Taraki and Babrak Karmal in 1965 (Maley, The Afghanistan Wars, 2002). The party has a strong support from the USSR but because of the difference it split in two broad based faction

Khalq (led by Noor Muhammad Taraki and Hafizullah Amin) and Parcham led by Babrak Karmal. The Khalq (Masses) consisted of mostly rural Ghilzai Pastuns whereas Parcham (Banner) had most Persian speaking Kabul born members (Barfield, 2010). In 1973 King Zahir shah was ousted by Mohammad Daud (cousin of Zahir shah and Ex-Prime Minister 1953-63) in bloodless coup. USSR supported the Daud coup through Parchamis, Daud formed coalition government with parchamis. But within a year after formation of government, Daud alter the coloration of his power. Two hundred Soviet trained officers were removed by him in 1974. In 1975 he replaced the communist interior minister with General Nadir Nuristani who was against the communist influence in Afghanistan and forty more soviet trained officers were removed from Armed forces. Daud breakoff with Parachimis, an introduced a new one party constitution, announced his party National Revolutionary Front and called Parcham and Khalq to joined it and declared it as communist party. USSR realized that there was shift in Daud's foreign policy., During his visit to Moscow in 1977 USSR leader Brezhnev objected that Afghan government did not allow the NATO experts to stationed in norther part of Afghanistan. Daud replied "We will never allow you to dictate to us how to run our country and whom to employ in Afghanistan. How and where we employ the foreign experts will remain the exclusive prerogative of the Afghan state. Afghanistan shall remain poor, if necessary, but free in its acts and decisions." After saying this he abruptly left the meeting (HARRISON, 1995)

Soviet Union and the Afghan communist parties (Khalq and Parchamis) understood that Daud was not trustworthy. In 1978 After the death of Parchami leader Mir Akbar Khyber, there was a large public demonstration against the government. Although Daud ordered to arrest all Parchamis leader but little to deter his opponents from attempting a coup. Soviet trained military officers Khalq and Parchamis in Afghan Air force and Tank Brigade find no difficulty in discharging Daud. Within days PDPA leaders were successful in establishment of Democratic Republic of Afghanistan. Nur Muhmmad Tarki was appointed President, while Hafizullah Amin and Babrak Karmal was selected deputy Prime minister. Soviet Union Immediately recognized and pledge full support to new Afghan government). The difference between the Khalq and Parcham in governing Afghanistan had resurfaced the old split. Even with in Khalq faction the unity did not maintain, President Nur Muhammad Taraki was eliminated by Hafizullah Amin and Amin became the president and leader of PDPA (The Soviet Withdrawal from Afghanistan.

(Amin Saikal, 1989). In 1979 the Soviet Union intervened in Afghanistan and replaced the leader of the Khalq ruling party. President Hafiz Ullah Amin with their trusted ally Babrak Karmal of Parcham faction. The Babrak Karmal was replaced by DR. Najibullah in 1985 (Maley, The Geneva Accords of April 1988 , 1989). The Soviet occupation and PDPA take over was opposed by the various Afghan faction commonly Known as Mujahedeen groups. The conflict between the Mujahedeen and Soviet sponsored regime had transformed Afghanistan into battlefield. The political leadership of Sunni Mujahedeen groups had based in Pakistan, that were covertly provided the financial and military assistance by American CIA (Saikal, Zone of Crisis Afghanistan, Pakistan, Iran and Iraq, 2014). In this chapter, I examined in detail about UN role for the settlement of Soviet Afghan war, the signing of Geneva Accord , Soviet withdrawal and UNGOMAP. The role played by Pakistan as neighboring country that brought the conflict to UN for settlement and hosted millions of refugees. In concluding discussion I analyzed my research question: The UN involvement (1981-1990) during Soviet Afghan war was an effort for the peaceful settlement of dispute through a diplomatic channel (negotiation, peace agreement, good offices). Why failed to bring lasting peace in Afghanistan?

3.2. UN involvement during Soviet Afghan War:

After the Soviet intervention in Afghanistan, UN was called in to play a role for the peaceful settlement of dispute. The UN General Assembly Under the Uniting for peace Resolution in the Sixth Emergency Special session adopted resolution A/RES/ES-6/2 January 1980 that condemned the Soviet Invasion and strongly deplores that armed intervention is against the principle of UN Charter.. The resolution stated that “Immediate and Unconditional withdrawal of foreign troops from Afghanistan to enable its people to freely determine own government”. For Afghan refugees the Humanitarian appeal was included the relief assistance. The Soviet Union and Kabul regime firmly opposed the UN general Assembly resolution stated that it was an interference in the internal affairs of country. Soviet troops were in Afghanistan because of the invitation of Afghan government. The DRA government was not recognized by the Pakistan and Afghanistan Resistance (Mujahedeen group) who started full scale war with Soviet regime. Although the resolution condemned the Soviet Invasion but did not call for the settlement or negotiation. The thirty fifth session of UNGA a new resolution 35/37, 20

November 1980 “The situation in Afghanistan and its implication for international peace and security” was formulated that addressed the need for negotiated settlement. The resolution focused on the political solution as requested the UN Secretary General to search for the solution of Afghan crisis and appointed the special representative for promoting the political solution in accordance with resolution. The resolution also emphasized how the peace in Afghanistan is linked with regional stability as visible in the original text of resolution:

With view to promote a political solution, in accordance with the provision of present resolution, and the exploration of securing appropriate guarantees for the non-use of force, or threat of use of force, against the political independence, sovereignty, territorial integrity and security of neighboring states (Afghanistan, Iran, Pakistan), on basis of mutual guarantees and strict non- interference in each other internal affairs and with full regard for the principles of the charter of the United Nations.

The purpose of resolution was to put international pressure on the Soviet Union, at UN it helped to isolate the Soviet support as the In UN General Assembly there was marginal increase of vote in every session (except 1982) on the Afghan resolution (as shown in table). Pakistani foreign Minister Agha Shahi addressed a message to UN Secretary General Kurt Waldheim to designate a special representative for the political settlement of Soviet Afghan war on January 1981. On 11 February 1982 UN Secretary General Waldheim nominated the Javier Perez de Cuellar as ‘personal representative’ to promote peace talks between the concerned parties. Javier Perez de Cuellar adopted the form of shuttle diplomacy with its four-point agenda that includes: the negotiation format, international guarantee against intervention, engage Kabul in negotiation to use the issue of refugees, withdrawal of soviet troops. Perez de Cuellar discussed the four-point agenda with Soviet Charge d’ affaires and DRA leadership, Afghan leadership insisted that these issues were discussed through direct talks with Pakistan. Pakistan refused to participate in direct talks with DRA and ready to talk indirect talks through UN Secretary General as Intermediary. In end of 1981 when Perez de Cuellar was elected as the UN Secretary General, he appointed the Diego Cordovez as the personal representative of secretary General in Afghanistan (Khan R. M., 2005).

Year	For	Against	Abstentions
1980 (Emergency session)	104	18	18
1980(Regular Session)	111	22	12
1981	116	23	12
1982	114	21	13
1983	116	20	17
1984	119	20	14
1985	122	19	12
1986	122	20	11
1987	123	19	11

Table: Records of Vote on Afghanistan Resolution

In June 1982, the first round of Geneva negotiation was initiated through proximity talks, for Pakistan the central issue was the withdrawal of Soviet troops for Afghanistan but for Afghanistan the issue of withdrawal would be within the “context of settlement” but arrangement and timing were decided by the Afghanistan and Soviet Union and “could not be subject of negotiation with Pakistan”. Initially the U S did it best to curtail the UN role and refused to become superficially involved. However, Moscow was ready for the political settlement but did not want to involve the Afghan resistance group on negotiation table instead stressed on the recognition of Kabul regime that is not acceptable for Pakistan. In 1985 Soviet leader Mikhail Gorbachev pursued the peace process through UN negotiations. The format for settlement was proposed by Moscow in which withdrawal was linked with the other

part of settlement and Soviet long-standing position changed that withdrawal of Soviet troops would be covered on Moscow Kabul agreement. whereas the Us told the UN that it would only guarantee the agreement if it contained satisfactory withdrawal timetable. Over the six years period 1982-1987 twelve rounds of formal diplomatic interchange conducted in Geneva through shuttle diplomacy (DIEGO CORDOVEZ, 1995). Finally on 8 February 1988 Gorbachev offered the withdrawal of Soviet troops that began from 15 May and within 10 months Soviet concluded the complete withdrawal of troops from Afghanistan. On 14 April 1988 the Geneva Agreements was signed by Pakistan and Democratic Republic of Afghanistan, guarantee by Soviet Union and United States.

3.3. Geneva Accord:

In accordance with Charter of UN and Declaration on the Principles of International Law Concerning Friendly Relations and Co-operation among States Geneva Accords specified Settlement on the situation of Afghanistan. The first instrument Bilateral Agreement between the Islamic Republic of Pakistan on the Principles of Mutual Relations, in Particular on Non-interference and Non-Intervention” has purpose that Pakistan and Afghanistan respect the sovereign and territorial integrity and refrain to violate the boundaries of each other. Article II of the agreement provides all the necessary measure through which each high contracting Party implement the principles of non – interference and non-intervention. The obligation includes that high contracting parties refrain to use their territory for the training, equipping, financing and recruitment of mercenaries and sending into the territory of each other. High contracting parties also prevent for assisting the terrorist groups, saboteurs, or subversive agent for the purpose unrest in territory of other. The second instrument is *Declaration on International Guarantees* that was signed by USSR and United States. The declaration stated that Pakistan and Republic of Afghanistan agreed on the settlement of non-interference and non-intervention, United States and USSR support them to normalize relations and good neighborliness to strengthen international peace and security in the region.

The third instrument *Bilateral Agreement between the Republic of Afghanistan and Islamic Republic of Pakistan on the Voluntary Return of Refugees* referred that the Afghan refugees in Pakistan has given opportunity to return their homeland Afghanistan. The UN High

Commissioner for Refugees (UNHCR) provided assistance and cooperation in the process of voluntary repatriation of refugees. The fourth instrument *Agreements on the interrelationships for the settlement of the situation relating to Afghanistan* stated that the diplomatic negotiated process initiated by UN secretary general has brought to end, UN aimed to support all governments to find a political settlement through negotiations. The Republic of Afghanistan and Pakistan agreed that under the obligation of UN charter they took part in the process of negotiation and political settlement is based on principles of international law. The Soviet withdrawal will start and completed according to the timeframe phased in the agreement that withdrawal of all troops will be completed within the nine months after the agreement enter into force on 15 May 1988. For the implementation of agreement, the UN secretary General lend his good offices where the task of representatives is to observe that parties to agreement with faithfully compliance the provision of instruments. In case of violation, the representatives should investigate and provide all necessary co-operation from the parties including the freedom of movement for effective investigation within the respective territories.

The UN hailed the accords as one of the greatest achievements of organization in resolving Afghan conflict. But in reality, Diego Cordovez approached the Afghan crisis as proxy conflict between the superpowers USSR and US ignoring the ground realities that conflict was deeply rooted in Afghanistan. No serious effort was made to involve the Afghan Resistance group (Mujahedeen) in negotiation to find a comprehensive settlement of the Crisis. For United States the Afghan conflict is best way to disadvantage Soviet Union in Third world as the way USA was humiliated in Vietnam. The Washington was not interested to resolve the Afghan conflict that benefit Afghan people but only to rout Soviet Union in Afghanistan. For the precondition of Afghan settlement USA dropped the demand for the removal of Najibullah leadership and Soviet cessation of assistance to Kabul regime. Pakistan was against to go along this because mere withdrawal of Soviet troops would not bring peace and order in Afghanistan (Saikal, *The UN and Afghanistan: A case of failed peacemaking intervention?*, 1996). Pakistan was in favored of interim Coalition government that would replace Soviet backed Najibullah regime. The task of promoting intra Afghan consensus was important, the Zia formula of one third representation Mujahedeen, one third to refugees and one third to PDPA was rejected. The

reconciliation initiative failed because Soviet insisted that Najibullah stay as head of any coalition government.

The accord did not guarantee that the USSR and USA would stop supply of arms and assistance to the Kabul regime and Mujahedeen groups respectively. For the Afghan leadership in Kabul, the Accord was an unwelcome development. The foreign Minister Abdul Wali Khan “sought in vain to scuttle them at the eleventh hour.” (Kalinovsky, 2011)). Najibullah wanted 10,000 to 15,000 Soviet troops remained in Afghanistan to help guard vital roads. He also demonstrated the policy of national reconciliation that Soviet hoped would give the greater legitimacy to government. But that never happened as he even refused formed a coalition government with Ahmed Shah Mehsud (Tajik leader) and favorite candidate of Moscow for reconciliation (Kalinovsky, 2011). For Afghan Mujahedeen in Pakistan,. The Soviet Union denied that there was national resistance, there were thinking that that was not national resistance so therefore they did not recognize and insisted that this is issue between Pakistan refugees and Afghanistan Government. Mainly the Soviet Union refused to accept the ground realities (DR. Azam Farooq, Personal interview) Russian Diplomat Garvilov said to Cordovez when he mentioned that Pakistan wanted to involve the mujahedeen groups in settlement. He replied

What Pakistan wanted was to bring the so-called leaders of the refugees to the negotiating table. They were a bunch of thugs, he added with considerable emphasis, who had left their country well before the invasion. Pakistan had admitted them in the border town of Peshawar solely for the purpose of organizing, with U.S. assistance, counterrevolutionary activities against the Kabul government. The “consultations” would have the effect of giving “those bandits” a political standing that they did not deserve (DIEGO CORDOVEZ, 1995)

3.4. U N Good Office Mission in Afghanistan and Pakistan:

Under Security Council resolution 622, the UN established the good offices mission in Afghanistan and Pakistan for implementation of Geneva Accord. The UNGOMAP had mandate: to monitor Afghanistan and Pakistan noninterference in each other internal affairs, soviet troops withdrawal from Afghanistan and return of refugees voluntarily. The UNGOMAP established

two head quarter one in Kabul and other in Islamabad, Major-General Rauli Helminen (Finland) a military officer was designated as deputy to representative with other 50 military officers. The Soviet Union had 100,000 soldiers located in the half of the Afghan provinces. The permanent outpost established to monitor the Soviet withdrawal at three points: border points of Hayratan and Torghundi, and at the Shindand air base, used for withdrawal by air. The soviet withdrawal had completed on 15 February 1989. The UNGOMAP succeeded withdrawal of foreign troops mandate. Both Pakistan and Afghanistan complained about each other interference. Pakistan complained about the use of SCUD missiles in its territory and terrorist attacked especially in the region of Peshawar. Although the UNGOMAP was not equipped to deal with such incidents, the post established to monitor were far away from the battlefield and not able to monitor the situation on ground. The UNGOMAP failed to comply with accord on the instrument of non-interference and non-intervention. Although to informed UNHCR about the security condition of Afghanistan and the voluntary return of refugees was explicit part of UNGOMAP mandate, but with 50 military personnel and out post located in Afghanistan and Pakistan border it failed to collect sufficient information. During the period of UNGOMAP few refugees returned to Afghanistan as there was continue fighting in Afghanistan (Dorrnsoro, 2015). The mission ended on 15 March 1990.

3.5. Concluding Discussion:

Although the UN involved for the settlement of Soviet Afghan war that resulted in the Geneva Accord and for the implementation of UNOGOMAP established but failed to bring lasting peace. In interview with Barnett R. Rubin, he said that first of all Geneva agreement was not an agreement on peace in Afghanistan. It's an agreement on Soviet withdrawal. Geneva Accord is basically supposed to break conditions on peace settlement by getting the Soviet troops to withdrawn and ending the arming of mujahedeen by removing a foreign support from both side (Soviet Union and USA) in a way. Even supposed to encourage them to reach an agreement about all the Afghan side, but the USA and Pakistan did not implement their part of agreement by sending aid to Mujahedeen because Soviet Union was still assisting the Kabul government (that was not recognized by Pakistan). Secondly UN was never really enabled to do that. It was based on concept of war which is not relevant to Afghanistan because the war founder of UN

was thinking is war between the states like second World War and war in Afghanistan always involve very non state actors and covert state actors as well. Therefore, UN is just not structured to do that kind of war very well. It tried starting with war in Afghanistan but had very limited success (Rubin, 2022).

Chapter 4: Afghan Civil War and UN

4.1. Civil war in Afghanistan:

After the withdrawal of Soviet troops from Afghanistan Civil war broke out between Soviet backed Najibullah government and Mujahadeen factions. The Mujahadeen factions were headed by leaders of different ethnicities. Jawzjani militia/ Jumbish -i-Milli mostly composed of Uzbek was headed by Rashid Dostum, Ahmad Shah Massoud was the leader of Shura -i-Nazar Shamali and his member of organization was mostly Tajik. Jamiat-I Islami had a diverse ethnic composition including Tajik, Uzbek, Sunni Hazara and Pushtun headed by Burhanuddin Rabani. The dominant Pushtun Mujahadeen factions were Hizb-I Islami, Hizb-i-Islami Ittehad, Harakat-i-Inqilab-I Islami, Jabha -i-Nejat -i- milli Afghanistan and Mahaz-I Milli Islami led by Gulbudin Hekmatyr, Yunis Khalis, Abd-Rabal- Rassoul Sayyaf, Muhammad Nabi, Sibghatullah Mujaddedi and Pir Syed Ahmad Shah Gailani respectively. The last soviet soldier left Afghan soil on 15 February 1989 to take advantage of this time Mujahadeen initiated the battle of Jalalabad with five to seven thousand men. The Mujahadeen lost the battle for Jalalabad that improved the morale of Kabul regime. In 1990 the Defense minister of Afghanistan Shah Nawaz Tanai leader of the Khalq faction mounted a failed coup against Najibullah government (Sinno, 2008). After the disintegration of Soviet Union on 31 December 1991, the Russia halt the economic, political, and social support to Najibullah regime (Grau, 2007). The Najibullah government failed to pay his armed forces and Bureaucracy where the army split into different faction and formed alliances with Mujahadeen.

The Mujahadeen factions knowing that Najibullah government did not remain in power for longer time, start competing to take control of Afghan government. The Rashid Dostum coalition forces took control of the Northern city of Mazar Sharif. Ahmed Masoud shah a Tajik leader moved his forces out for Panjshir to Shamali plains north of Kabul. Najibullah Foreign minister Abdul wakil Parchami leader secretly invited Masoud to enter Kabul (Saikal, 2004). The Hekmatyar party Hizb islami was backed by Pushtun Of both Khalqis and Parchamis

to fought against the minority (Tajik and Uzbek) .In the meantime, Peshawar Leader excluding Hekmatyar agreed under the Peshawar accord about the structure and process of provincial period of the Islamic State of Afghanistan. The agreement provided division of power to all the Seven Mujahedeen faction and interim government for two months headed by Sibghatullah Mujaddedi. The agreement mention that the period of transition government was two years after which election would hold. Although the agreement Failed to implement and both Dostum and Masoud had taken control of Kabul and proclaimed the establishment of Islamic state of Afghanistan. The government was disapproved by the Hekmatyar where he bombed Kabul. The Collapsed of Najibullah government began period of three year (1992-1995) of bloody war between the Mujahedeen faction over the partial or exclusive control of Kabul with in their own ethnic and religion spaces (Sinno, 2008).

The local movement in Kandahar began in 1994 that were against mujahedeen commander who turned into bandits. The *movement* was based on the ideology to imposed Islamic Sharia law and eliminate the war lords who were looting Kandahar. Within short time, they were successful to captured Kandahar and freed the region for warlords. Then they marched towards the western provinces of Helmand and Farah and with little resistance they captured these areas. Then moved towards the northeast where in 1995 they effectively ended shelling of Kabul by routed Hekmatyar forces. Basically, they were group of Madrasa student *Taliban* who fought against the Soviet but after withdrawal of Soviet troops, they did not continue jihad because of their nonpolitical ideology. In April 1996, Taliban leader Mullah Omar announced to turn the movement in to government. The government was based on the ideology to restore law and order in the country and implement Islamic Sharia law. Their effort of controlled entire country increased violence as they faced strong resistance from the non-Pashtun leaders Masoud and Dostum. Although till 1998 they were successful in capturing 90 percent of Afghanistan. The Taliban imposed strict Pashtun tradition that included the exclusion of women from public life for unprecedented degree. Women were forbidden from going in to school and employment outside home (RUBIN, 2020). By providing a complete description of UN involvement in Afghanistan during Civil war (1991-1999), this chapter explores: The UN Secretary General Peace Plan and UN Special Mission to Afghanistan (UNSMA) was mandated “to mediate negotiations over the formation of broad-based representative government in Afghanistan”. How

far was the UN successful in the implementation of its a mandate? (Keeping in view of Islamabad Accord and Tashkent Declaration)

4.2. UN involvement during Afghan Civil (1991-1999):

In 1991 United States and USSR agreed to sponsor UN efforts for establishment of an interim authority to hold election or some other procedure to create a permanent government (Rubin, Afghanistan from the Cold war through the war on Terror, 2013, p. 44). The UN role had divided in two parts: Secretary General Peace Plan (1991-1993) and United Nation Assistance Mission In Afghanistan(1993-1999)

4.3. UN Secretary General Peace Plan:

The UN Secretary General established the Office of Afghanistan and Pakistan (OSGAP) in March 1990. The UN Secretary General Javier Perez de Cuellar Issued a statement on the political settlement of Afghanistan on May 1991. He reiterated that to achieve a settlement a consensus was needed both at national and international level. After concluded extensive consultation by involving all the parties including Benon Sevan (UN Personal Representative to Afghanistan and Pakistan), Afghan political leaders and resistant group based in Peshawar and Tehran, prominent Afghan living inside and outside Afghanistan. He presented the following elements for the political settlement of Afghan conflict that was accepted by the vast majority of Afghan. The key elements for political settlement were following:

1. The necessity of preserving the sovereignty, territorial integrity, political independence, and non-aligned and Islamic character of Afghanistan.
2. The recognition of the right of the Afghan people to determine their own form of Government and to choose their economic, political, and social system, free from outside intervention, subversion, coercion or constraint of any kind whatsoever.
3. The need for a transition period, details of which must be worked out and agreed upon through an intra-Afghan dialogue, leading to the establishment of a broad-based Government.

a. The need, during that period, for transitional arrangements acceptable to most of the Afghan people, including the establishment of a credible and impartial transition mechanism with appropriate powers and authority (yet to be specified) that would enjoy the confidence of the Afghan people and provide them with the necessary assurances to participate in free and fair elections, considering Afghan traditions, for the establishment of a broad-based Government.

b. The need for cessation of hostilities during the transition period.

c. The advisability of assistance, as appropriate, of the United Nations and of any other international organization during the transition period and in the electoral process.

4. The necessity of an agreement -- to be implemented together with all agreed transitional arrangements --to end arms supplies to all Afghan sides, by all.

5. The recognition of the need for adequate financial and material resources to alleviate the hardship of the Afghan refugees and the creation of the necessary conditions for their voluntary repatriation, as well as for the economic and social reconstruction of Afghanistan (Human Right Watch, 1991).

The political settlement provided by the UN secretary General was instantly accepted by Kabul regime. By following the paragraph 3 of (a) Najibullah government proposed the formation of “Nation Unity government” that included all the Afghan segment. The proposal was rejected by parties of Mujahedeen (Hekmatyar and Sayyaf) as they only wanted Najibullah to step down from the government. Ahmed shah Masoud commented that ‘I do not disagree with the elections to be held under auspices of the United Nations, or the Organization of the Islamic Conference. We consider elections to be a sound method of settling the Afghan issue. But elections will be possible only when the People’s Democratic Party steps down and an Interim Government trusted by the Afghan people takes its place’ (Maley, The Afghanistan Wars, 2002). Pakistan strongly supported the Secretary General Plan and on 27 January 1992 Pakistan Foreign Minister announced that their government supported UN secretary General effort to convene the assembly of Afghan leaders and facilitate to organized assembly for establishment of the interim government (Maley,2002: 190). Benon Sevan head of the Office of Secretary General in Afghanistan and Pakistan (OSGAP) had responsibility for the establishment of interim

government and held the free and fair election for establishment of legitimate government in Afghanistan. Sevan was failed to open a direct Intra Afghan dialogue, he was impressed by Najibullah who convinced him that their government had the capability to implement the Secretary General Peace plan. He ignored the ground realities that Mujahideen, Ahmed Shah Masoud and Dostum were against regime and prepared for the final push to overthrow the Najibullah. The Najibullah government collapsed, initiated the power struggle between war lords where Sevan was totally failed to establish interim government. But the greatest failure of Sevan was he provided the save passage for Najibullah to India that was not successful, so protected him in UN compound (Saikal, The UN and Afghanistan: A Case of Failed Peacemaking misiion?, 2007). As Maley had written, in first phase Sevan exceeded his proper mandate by holding out prospect of escape for Najibullah. Second by protecting Najibullah in UN compound that further violated integrity of UN premises in Kabul (Maley, THE U.N. AND AFGHANISTAN: 'DOING ITS BEST' OR 'FAILURE OF A MISSION'?, 1998).

After the fall of Najibullah government for almost two years the UN abandoned any direct effort to seek political settlement. The only peace proposal during this time was Islamabad Accord on March 1993, an effort by Pakistan and Saudi Arabia (Rubin, Afghanistan from the Cold war through the war on Terror, 2013). The Accord provided the framework for the formation of government in which Prof. Rabbani was President and Gulbadin Hekmatyar assumed the office of Prime minister. The formation of election commission by parties with power, election commission mandate to hold election for Grand Constituent Assembly with in eight months after the signature of Accord. The Grand Constituent assembly formulate constitution and hold general election within eighteenth months. The Accord reproduced the division of power between the President and Prime Minister (Rubin, The Fragmentation of Afghanistan, 2002) .

In the Accord it was mentioned to establish the defense council compromising of two members for each party and formation of national army. State funds should not be used to finance the private armies. The permanent cessation of hostilities after formation of cabinet. To monitor cease fire and cessation of hostilities a joint commission compromising representative OIC, and all Afghan parties shall be formed (link UN Accord). The accord was signed by

President Rabbani, Gulbudin Hekmatyar and representative of five other Mujahedeen parties. The exclusion of Ahmed Masoud, Rashid Dostum, Ismail Khan had failed accord to bring Consensus that developed the interim political arrangement. The deadline of election passed without election being held. The power struggle between the Afghan warlords promoted the state monopoly on the means of violence (Maley, 2002: 198). Throughout this period fighting continue between Hekmatyar, Masoud, Dostum and other warlords to gained full control of Kabul.

4.4. U N Special Mission in Afghanistan (UNSMA):

On December 1993 UN General Assembly passed Resolution 28/208 tittle *Emergency international assistance for Peace, normalcy and reconstruction of war-stricken Afghanistan*. The resolution stressed on the UN role for promoting peace and stability in Afghanistan through assisting national rapprochement, reconstruction, and rehabilitation. The resolution further requested UN Secretary General to dispatch United Nation Assistance Mission in Afghanistan to assist national reproachment and reconstruction in Afghanistan. To develop action plan for the rehabilitation and mobilizing the financial, technical, and material assistance in Afghanistan. The Secretary General make available his good offices to monitor overall situation in Afghanistan and to report the General assembly in next session on implementation of this resolution. On 14 February 1994, UN Secretary General Boutros Ghali appointed Mahmoud Mestiri to head the UN mission in Afghanistan. Mestiri assembled the fresh team of advisers and tried a new tactic of political settlement by directly connecting to Afghan people living inside and outside the country (Rubin, Afghanistan through Cold war to war in terror, 2013: 45). Initially his mission was to inquire and recommend how peace settlement in Afghanistan was possible and report to UN. On 1994 in his report to UN, he identified that the people identify themselves as Afghan and Muslims and they wanted to ensure the territorial integrity of Afghanistan. Most people were fighting for money because as this was only way to earn their living. The two third of the country was at peace, UN should begin consultation with Afghan leader for viable transition authority and complete ceasefire (Maley, Afghanistan Wars, 2002: 210).

On November 1994 the president of UN security council issued a statement welcoming

the acceptance by the warring parties and other Afghan representatives of a step-by-step process of national reconciliation through the establishment of a fully representative and broad-based Authoritative Council which would: (i) negotiate and oversee a cease-fire, (ii) establish a national security force to collect and safeguard heavy weapons and provide for security throughout the country, and (iii) form a transitional government to lay the groundwork for a democratically chosen government, possibly utilizing traditional decision-making structures such as a "Grand Assembly.

The mission was working to facilitate national reconciliation through the establishment of broad-based representative council for the legitimate transfer of power in Kabul. But the situation in Afghanistan dramatically changed after the rise of Taliban. As Mestiri argued that there were three reasons for the failure of his mission: firstly, Afghan's faction believed that they would settled conflict through military force where every faction leader desired to become supreme ruler of Afghanistan without power sharing. Secondly the foreign interference in Afghanistan both military and political was major obstacle in peace settlement. Thirdly the UN had assigned enormous task with small team not more than four members at given time. The Special mission was different for other UN mission, it had lack resources, manpower and logistical support (Mesteri, 1996). In 1996 after resignation of Mahmoud Mestiri, Norbert Holl a German diplomat headed the UN special mission for one year. He tried to convene a meeting between the opposition leader and Taliban in April 1997 at mutually agreeable place in Ashgabat or Islamabad. The meeting failed to take place despite all the efforts because warring parties to conflict had lack consensus on the composition of representation and venue. (UN security council report on Afghanistan, 1997). Despite of that no other significant progress was made during his time to negotiate for political settlement. (Maley Afghanistan Wars, 2002: 247)

On July 1997 the UN Secretary General appointed Lakhdar Brahimi as Special envoy to UN mission in Afghanistan. Brahimi was appointed to find the solution of ongoing conflict in Afghanistan through consulting all Afghan parties and relevant countries including the Organization of Islamic Conference (OIC) (Secretary-General, 1997). Brahimi after taking charge had visited 13 countries including Pakistan, India, Afghanistan, Iran, Turkmenistan, Tajikistan, Saudi Arabia, Russian Federation, the United Kingdom of Great Britain, Uzbekistan,

Italy, and Japan for finding a permanent political settlement of Afghanistan Conflict. In Afghanistan he met with leaders of all major parties including Acting Foreign Minister of Taliban, Prime Minister of Northern Alliances, Representative of Jamiat Islami, Herkhat Islami and Hezb-i- Wahdat. He believed that political settlement was not possible without the cooperation of regional countries and dominance of one ethnic group in Afghanistan (UN Report of Secretary General, 1997). For regional cooperation he established Framework of six plus two that included six neighboring countries of Afghanistan and two major power USA and Russia. He urged Afghan parties to settle their differences through Peaceful means and arranged intra Afghan Talk in Ashkhabad. On 10 and 11 February in 1997 first meeting of Taliban and United Front took place in Ashkhabad under the auspices of UN. Both sides agreed to discuss a permanent agreement on ceasefire, exchange of prisoners, and future government. In March 1997 the next round of talk was held in which both sides agreed to form a shared executive, shared legislature, and shared Judiciary. However, after the second round of intra Afghan talk two side was lapsed in mutual recriminations. Mullah Omer demanded opposition parties to join and worked within system of Islamic emirates that was not acceptable for Rabbani administration. Diplomatic effort was made by UN to resumed talks but to no avail (reliefweb, 1999)

Since October 1997 UN had initiated meetings of six neighboring countries plus US and Russian Federation in UN Secretariat New York. The UN urged the eight countries to stop supporting warring parties in Afghanistan and put pressure on them to recognize that there was no military solution to Afghan conflict. The neighboring countries must stop the flow of arms and assistance to Afghan warring parties (UN Report to Secretary General, 1998). In July 1999, at the invitation of Uzbekistan government, UN special envoy Lakhdar Brahimi, representatives of the six plus two, and representative of Taliban and United front met in Tashkent. After the failure of Ashgabat talks the two Afghans sides met each other for first time. Under Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan. The neighboring Afghan states agreed not to support any Afghan faction militarily and settle their differences through negotiation. The negotiation process had held under auspices of UN in two stages: first the signing of ceasefire agreement between two parties (Taliban and United Front), in second stage both Taliban and United front hold negotiation for political settlement

including the issue of exchange of prisoners and lifting the blockades of roads. The Taliban stop providing refuge and training to international terrorist. Moreover, in accordance with international law all Afghan parties must respect the basic human rights. Although the agreement was never implemented by any group where flow of arms, money, and other supplies to arms outside the Afghanistan never ended. The Taliban demanded from the United front to work under the Islamic Emirates whereas the Rabbani government refused had witnessed the supplied of air deliveries weapons and ammunitions to United Front camps by unmarked aircraft and on both side (UF and Taliban) the foreign military giving training in camps. The UN special representative Lakhdar Brahimi gave up from the office in 1999. And later after the UN sanction on Taliban because of their linked Al-Qaida UNSMA was forced to close its office in May 2001 (Murthy, 2002).

4.5. Concluding Discussion:

THE peace plan function within the context of US, Soviet dialogue designed to create agreement between those two powers favored that peace plan. As soon as the Soviet Union dissolved, the real mechanism for implementing peace plan would have depend in agreement between the Soviet Union and USA which did not take place within the frame work of UN. The [negative symmetry [is the bilateral agreement between USA and Soviet and moment Soviet dissolved there is no mechanism to implement UN plan (Barnett R. Rubin, Personal interview). Although the UN Envoy negotiated settlement between Najibullah and Afghan Mujahedeen, but Soviet Union at that time worked in different way, they grasped UN and negotiated a covert settlement between the faction of Mujahedeen Jamiat-e- Islamia under Rabbani and Kabul communist government. So, the Soviet Union or Russia they managed to break together the Communist with faction of Mujahedeen called Jamiat-e- Islamia Shura nizam. Therefore. that covert to covert, the government was weak and major faction of mujahedeen was joining Jamiat-e-Islamia Shura Nizam. So, the UN (Peace process) which was underway was undermine too and therefore the UN was not Successful because again the Russia did not want to succeed(Dr.Farouq Azam, personal interview)

The UN Special Mission (1993-1999) mandate did not implement as Afghanistan was totally depended on Foreign support because of country poverty. And at that time Afghanistan would only be stable if all the neighboring countries and great power (Russia and USA) agree to form foreign support that state received and did not try to subvert government. Instead, what happened was that there was no foreign support to government of Afghanistan. May be Iran was supporting little bit (to their respective warring faction)at times, Saudi Arabia with help of Pakistan (to their respective warring faction) at other times. Major power USA was not playing any attention to Afghanistan at that time. Soviet Union does not exist, and Russia was very weak, so it turned in to proxy war between Pakistan and Iran. Neither side was strong enough to impose its own solution. Later, Pakistan almost succeeded with Taliban because the Taliban had control most of the country but did not control Al-Qaida that led to destruction of Taliban government. (Barnett R. Rubin, personal interview).

Chapter 5:

UN after US intervention in Afghanistan

5.1. US intervention in Afghanistan: An Introduction:

On September 11, 2001, in USA four commercial planes were hijacked from the Boston Logan airport, two planes smashed to world Trade Centre in New York City. The third struck the Pentagon building in Washington DC. A fourth plane crashed in Pittsburg, Pennsylvania (Maley, The Afghanistan Wars, 2002). In response to that attacked USA president George W. Bush declared the war against the al-Qaida. On the US congress 20 September 2001, he identified attackers as “a collection of loosely affiliated terrorist organizations known as al-Qaeda,” which has great influence in Afghanistan and supports the Taliban regime (RUBIN, 2020). The USA demanded for the Taliban regime in Afghanistan to hand over the leaders of Al Qaeda, close and provide access to training camps of AL Qaeda to ensure they are not operating from Afghanistan. The president Bush aggressively mentioned that that these demands are not open for negotiation and discussion and” Taliban hand over terrorist or share their fate”. Even though there is no evidence that Taliban regime had authority or power to control Al Qaeda for their private entities (Ralph, 2013). The USA air strikes against the Taliban and Al Qaeda was launched on 7 October 2001. Whereas the CIA had communicated with the leaders of Northern Alliances to fought against the Taliban on grounds.

The USA air Strikes target the Taliban air defense weapons, military installation and places where their leadership hide. The USA had dropped 18000 bombs in their Air campaign in which 1000 were precision munitions. The exact numbers of Taliban killed in these bombing is not known but according to one estimate 8000 to 1200 Taliban were perished (Giustozzi, 2019). The first major victory was the fall of Mazar Sharif, Norther Alliances forces had won the battle of Mazar Sharif with the help of USA air power on November 11. After the fall of Mazar Sharif anti-Taliban (Northern Alliances) forces had seized the other five Norther provinces (Walter l. Perry, 2015). On November 11 the Taliban had withdrawn their forces from the Kabul. The United Front had captured the Kabul on November 12. In other parts of Afghanistan there was

ongoing fighting between different groups, the southern provinces Kandahar, Uruzgan, and Helmand remained in hands of Taliban. In UN general Assembly on November 10 the president bush told “The United States will work with the UN to support a post-Taliban government that represents all of the Afghan people”. The UN Secretary General Kofi Annan had appointed the Lakhdar Brahimi as special representative to convened UN talks on Afghanistan. The UN organized the meetings of Afghan leaders (including Norther alliances, Rome group, Peshawar and Cyprus group) on Bonn, Germany from 29 November to 6 December. These groups approved an agreement on” interim arrangements pending the re-establishing of permanent institutions of government in Afghanistan” (RUBIN, 2020). This chapter is divided in two parts at firstly by providing a complete description of Bonn agreement for establishment of interim government in Afghanistan. This chapter argues that how far UN was successful in implementation of Bonn agreement. Secondly it discusses the Doha agreement and its implementation.

5.2. UN and Bonn Agreement:

On 14 November the UN security council passed a resolution 1378 that condemned the Taliban for providing base for Al-Qaida and support the efforts of Afghans for replacing Taliban regime. The resolution appreciated Secretary General Special Representative for calling the United Front and other Afghan leaders in meeting of various Afghan processes. The resolution expressed strong support of UN on the formation of government that would truly be representative of Afghan people and respect human rights. After the UN resolution the Lakhdar Brahimi Secretary General Special Representative has convened meeting at Bonn to discuss the establishment of interim authority for Afghanistan. The meetings were attended by the leaders of Norther Alliances, the Rome group (king Zahir Shah) and Cyprus group (Iranian backed Afghans) and Peshawar group. Throughout negotiation process the Afghan parties were not given rights to negotiate on their own terms. James Dobbins (US Ambassador to UN) and Brahimi had directed the participants on their own terms (Krampe, 2013). The agreement was signed by parties on 5 December 2001. On 6 December 2001 the UN Security council has adopted the Resolution 1383 for the endorsement of Agreement on provincial arrangements pending the re-establishing of permanent institutions of government in Afghanistan.

5.2.1. Bonn Agreement:

The Bonn agreement consisted of principal text and three annex. The principal text detailed about formation of Afghan government. The interim authority that had to take power until the transitional administration would establish. After the assembling of Emergency loya Jirga fair and free election held within two years to elect fully representative government. After the establishment of transition administration, a constitutional *loya jirga* convened to adopt new constitution (Matthew Fielden, 2001).

Under the Annex I of the Bonn agreements the participants for Afghanistan requested the UN to provide security to international personnel resides in Afghanistan. By requesting the UN security council to deploy the UN mandate forces. These forces maintain the security of Kabul and its surrounding areas. And assist in training of new Afghan security and armed forces.

The UN role during interim Period had mentioned in Annex II of the agreement. The major points are following:

- 1) The UN secretary General special representative is responsible for all the work in Afghanistan under UN.
- 2) The Secretary General special representative should monitor and assist to implement all aspects of agreement.
- 3) The interim Authority is advised by the UN to establish a political neutral environment where they hold Emergency Loya Jirga. The UN should monitor the conduct of bodies and administrative departments which would be responsible to convey of Emergency Loya Jirga.
- 4) In the meetings of interim administration and Special Administration Special Independent Commission on the Convening of Emergency loya jirga UN secretary General representative or his delegate would invite to attend meeting.
- 5) The Secretary General representative used his good offices to facilitate if for whatever reason the Interim administration and Special Independ commission were unable to reach a decision on matter related to Emergency Loya Jirga.

6) The UN had Right to investigate the Human right violation and recommend corrective action where necessary. The UN is responsible for the development and implementation of programme of Human right education.

Under the Annex III of the Bonn agreement the participants for Afghanistan at UN talks requested the UN and international community to respect the national sovereignty, territorial integrity, unity of Afghanistan and foreign countries to non-interfere in internal affairs of Afghanistan. In coordination with interim government the UN and international donors assist in rehabilitation and reconstruction of Afghanistan. Requested UN to conduct the census of Afghan population and registration of voters for general election that would hold after constitutional loya Jirga. To create funds for the Martyrs and victims of war to assist their families and those who were disabled in war. The participants also urge UN and international donors to collaborated with interim authority to combat international terrorism and trafficking of illicit drugs and provide Afghan farmers financial and technical support to cultivate alternative crops.

5.2.2. Discussion:

In discussion with the Barnette R. Rubin (Served as Senior adviser to the Special Representative of the Secretary General for Afghanistan) about the role of UN in Bonn agreement and its implementation, he explained through his personal experience that what UN expected from the Bonn agreement and post conflict settlement and what happened. Bonn Accord was not an agreement among the Afghans groups that had been fighting each other because the fight was between the Taliban and primarily United Front (Northern alliances), and Taliban were not there. It was an agreement to setup a government to take over the country and Taliban had been overthrown. The structure of the agreement which is based on the Rome group peace plan was strongly supported by UN and that structure was supposed to turned Bonn agreement into peace process. The first step is emergency *Loya Jirga*, Mr. Brahimi (UN special Representative to Afghanistan) said that the purpose of emergency loyal Jirga was to enable all those Afghan who would not participate Bonn to participate in a political process including Taliban. So, the idea was that Taliban as well other political groups at Bonn and other Afghan political groups whether present in emergency loyal jirga had to choose a Transitional

government then draft a constitution. So, as it turned out because of the opposition of United States as well as Russia, Iran and other countries. The Taliban would not participate in emergency loyal Jirga six month later and so on. Instead, they were considered as terrorist and US tried to arrest them and sent them to Gautama bay and Bagram. This really happened before insurgency because of their link with Al Qaeda. Therefore, the Taliban would not participate in emergency loya Jirga and constitutional Loyal Jirga. Their voice remained unheard during that process. Hence, the process continues to be exclusionary and ignore almost to some extent the interest of Pakistan. That meant that Bonn agreement did function consolidating one side not a peace agreement. Although the UN was engaged in peace building along with donor countries and always tried to do thing for post conflict reconstruct but the trouble was a political agreement that made it possible to succeed could not there. The assumption was that somehow the Taliban had defeated, and they disappeared. In reality that is not what happened. So, it is strengthening one side in war rather than making peace because they did not provide affective mechanism for a Taliban to participate.

The original idea of ISAF was to provide security to Kabul so that it would be save for Afghan to engaged in non-military politics to discuss the future of their country. Bonn agreement says all Militia were supposed to withdrawn from Kabul, but in practice they didn't. The USA and UK did not want to assume responsibility for the security of Kabul city.so in November 2001 the northern alliance (followers of Ahmad Shah Mehsud) took over Kabul and in 2021 the Taliban took over Kabul. In both cases the USA refused to provide Security to Kabul city. When we talked about ISAF, basically it creates a space where Afghan would interact Politically without the fear of each other. At the time of creation of ISAF there was no insurgency. Later, it turned out to the part of military apparatus to defending the regime for insurgency.

In 2011, UN Special Representative to the Secretary General to Afghanistan (SRSG) tried to hold talks with the Taliban (As you know I was part of that too) but the UN had no formal role in peace talks because UN had not mandate to do that. At one time in 2011 what happened was, there were people in white house that want to involve UN in peace talks primarily as a way to get rid of Richard Holbrooke (USA Diplomat) in state department. They are not serious in making Peace in Afghanistan. That was order by Henry Clinton. So basically, If one

great power is directly involved in conflict, they don't want UN to tell them what to do. I mean Henry Clinton said at that time "US would not outsource its diplomacy in Afghanistan to UN" that tell the how great power think (Rubin, Personal Interview, 2022).

Dr. Azam Farooq (Served as President of Afghanistan Peaceful Transition Authority) has different understanding of Bonn agreement and USA intervention. For him Bonn agreement was the Unrealistic Accord. The United States did not rebuild Afghanistan but to punish Taliban. Initially the International community and Afghans were confused. They thought that US would introduce the kind of Marshall plan to rebuild Afghanistan and international community must follow. That was not case, the American was confused for longer time how to defeat Taliban. In 2009 President Obama was advised (by Military commander General Stanley McChrystal) to increase the numbers of troop to defeat Taliban. As his request the Obama approved the Surge of additional troops but after two years no result. When USA President Donald Trump came in power in 2017, he gave whole power to military commander increased the numbers of troops. But whatever they do could not win the war. The USA was also not happy for Kabul government, they are only enjoying power. The USA President Donald Trump wanted to come out of this and decided to accept Taliban. For last twenty years the UN was not impartial and secondly USA did not want to involve UN.

Richard Caplan (Professor of International Relations and Official Fellow, Linacre College (University of Oxford) stated that international law recognizes signed peace agreement particularly between states. The implementation of peace agreement began with design. The design is specific need and requirement not possible to generalize, it varies from case to case. In most cases it is important that agreement must be inclusive. It includes all parties to conflict. Bonn agreement excludes the Taliban that was mistake. UN is not playing important role. Negotiation was conducted by UN but did not play important role in mediation. After the September 11 attacked, the United States intervention was legal under UN charter. The purpose of intervention changed overtime. Removing Al Qaeda and Taliban for power, in doing so its push one side to Pakistan. The threat that grows with time slowly. So, the intervention is good thing education improves, improves women rights. Obviously, all of that is not permanent. All of that is undermine after the return of Taliban

Marvin G. Weinbaum (Professor emeritus of political science at the University of Illinois) argued

that twenty years were not wasted entirely. Institutions did emerge and very importantly people were educated, people were given health. A society came up of educated people who made investment for the future of country. This was great, there was more human capital here in Afghanistan. This is heavy ingredients for a successful democratic system except for this kind of development takes not years but decades, many decades it is very slow process and cannot work if you got insurgency going on which have too devoid (Weinbaum, 2021).

5.3. Doha Agreement:

On 29 February 2020, United states and Taliban signed the “Agreement on Bringing Peace to Afghanistan between the Islamic Emirates of Afghanistan which is not recognized as State by United State known as Taliban and United States of America. The agreement had three parts and 14 provision. In the first part the United States obligates to withdrawal of all the foreign forces from Afghanistan including Security contractors, trainers, advisors an all the non-diplomatic civilian personnel and supporting service personnel with in fourteen months. The United States released the 5000 thousand Taliban prisoners and 1000 state prisoners and initiated the intra Afghan negotiation for establishment of government. After the start of intra Afghan negotiation the UNSC reviewed list of sanction on Taliban. The USA and allies would not interfere in the internal affairs of Afghanistan. The second part covers that Afghanistan soil would never used by any terrorist group and Taliban prevent the fund raising, training of any group that is threat to USA. In the third part, first provision is the USA seek the recognition of agreement from the UN security council. Second provision is the positive relationship between that Taliban and USA government but that depend on Intra Afghan negotiation and new post settlement. The third provision is on the Economic cooperation of USA on Afghanistan reconstruction after the new post settlement of intra Afghan Dialogue (State Government, 2022).

According to the Notre Dame’s Keough School of Global Affairs report” Assessing Implementation of the 2020 US–Taliban Peace Accord” the implementation of Doha Agreement in one year till February 2021 stands 57.58 % that is the highest compliance in any agreement

which contains USA commitment. In the first part of agreement three provision were fully implemented that include the withdrawal of foreign forces, released of Taliban and state prisoners and USA noninterference in Internal affairs of Afghanistan. The intra Afghan negotiation were started but have no result and the process to reviewed sanction of UNSC is yet not begin. In the second part contains Taliban linked to terrorist organization or those that are threat to USA and its allies, there is not enough information to analyses this provision. In part three the first provision the UNSC recognized and endorse the agreement. On 10 March 2020 the UN under the Security council resolution 2513 not only recognized the agreement but also welcome this step as ending the war and opening new doors of intra Afghan negotiation. The other two provision the USA Taliban positive relation and USA role in reconstruction of Afghanistan depend on the intra Afghan negotiation and their success, hence not fully implemented (Joshi, 2021).

5.4. Discussion:

There was no peace settlement, that was predicated by the idea, there would negotiation and ultimately a power sharing between the Taliban and Kabul government, not necessary the Kabul government but between the Taliban and influential Afghan political figures. The will for inter-governmental power sharing that was a formula. The Taliban realized that they were pursuing two lines of strategy: one was the military, which they were increasing position themselves. The other was the diplomatic or political line, that was there. They used their advantages militarily to get kind of political settlement that if not initially then ultimately lead to their coming power, when they have thought possible and really no one did was that the military would clear itself to victory. So, then a political became irrelevant for them. After the January of this year (2021) Taliban have no interest in negotiation. They left Doha even early, and when they came back, they never began any serious discussion. They never want negotiation. They were only a discussion where they never cut down hard bargaining what government look like. It never reached that point (political settlement after withdrawal of USA) and it was supposed to be according to Doha deal.

In Doha agreement one of important element is Intra Afghan dialogues while it took six months before they began (after Doha agreement) and then lasted for some four months, no

progress was made whatsoever. And then Taliban sensing that they have a military victory on hands because US and NATO forces agreed to leave. The Afghan national security forces were fighting, they loss thousands of men. It is not that they are not fighting but there fighting heavily depended upon international support financial, in certain number of troops, training and tactical advice, intelligence and hiring of contractors. And above all the provision of Air power. When it was clear this was going disappear. They loss their will to fight, what push this was that two USA president was tired of war (Weinbaum, 2021). There was also a miscalculation of Afghan government especially President Ashraf Ghani. He was thinking that USA would not withdraw its troops for Afghanistan. In Doha agreement its clear the new Islamic government was formed but Ghani did not negotiate and wasted eight months. Taliban stayed committed to Doha deal there was no bullet fired by Taliban on USA forces. Usually, USA and Afghan government forces attacked Taliban (Safi, 2021)

Chapter 6:

Conclusion and Analysis

UN system is notionally run-on behalf of we the peoples of United Nations rather than we the governments. (Annan, 2012)

The UN has played active role in settlement of Afghan conflict under chapter VI. This study had provided the in-depth analysis of UN role in peaceful settlement of dispute during Soviet Invasion, Civil war (1991-2000) and USA intervention (2001-2020). Although the UN role has not static, it evolves with time depending on circumstances and global politics. Under UN charter Chapter VI article 35(1) mention *any member of UN bring dispute to attention of Security council or General Assembly*. During the Soviet Afghan war UN was involved in Afghanistan through the UN GA assembly resolution. As for most of the member states of UN, the introduction of foreign troops in Afghanistan were serious violation of the norms of peaceful coexistence and the principle of charter the UN. The Soviet Union initially firmly opposed UN role by stating that the Soviet troops were in Afghanistan on invitation of Kabul government. Later, because of international pressure and Pakistan disapproval of Kabul government and refused to directly dialogue with them, Soviet showed interest In UN modality. Under UN framework the Soviet backed Kabul government was the sole Afghan interlocutor in the talks. Over the six years period 1982-1987 twelve rounds of formal diplomatic interchange conducted in Geneva through shuttle diplomacy under auspices of UN. UN diplomatic effort were successful to bring the agreement (Geneva Accord) between the parties to conflict: USA, Soviet Union, Pakistan, and Kabul government. The UNGOMAP had established to monitor the withdrawal of Soviet troops. But the agreement failed to brought peace in the region. Although there were many reasons but most noticeably is that US and Soviet Union who were the guarantee of peace in the region according to Accord did not implement their part. Where Soviet Union was providing weapons and economic support to Kabul government that was not recognized by most Afghans and USA to Mujahedeen. The Geneva Accord only ended the Soviet Afghan war with out bringing peace in the region.

During the Afghan civil (1991-2000) war UN involvement in Afghanistan had two phases. In the first phase (1990-1992): the UN Secretary General established the office of Secretary General in Pakistan and Afghanistan (OSGAP) headed by personal representative. Later the Secretary General proposed the peace plan for the formation of broad-based transitional government for assurance that Afghan people are free to determine their own form of government and social, political, economic system without any foreign intervention. With sudden change in international politics, as after the disintegration of Soviet Union, the financial support to Kabul government ended that became the reason for the collapsed of Kabul government without any arrangement for the transitional government. The UN Secretary General Benon Sevan had failed to implement peace plan where in Afghanistan different warring parties had quest to take the control of whole country without power sharing. For nearly more than one-year , UN was not involved in any political effort for the reconciliation in Afghanistan. In December 1993, the resolution was passed in UNGA in which it was requested to Secretary General to dispatch the UN special mission in Afghanistan to assist for national rapprochement, reconstruction and financial support through donor states and international financial institutions. The second phase was the establishment of United Nation Special Mission to Afghanistan (UNSMIA) with mandate to promote peace in Afghanistan through a political settlement among warring Afghan factions. UNSMA was headed by Mahmoud Mestiri(1994-1996), Norbert H. Holl(1996-1997), Lakhdar Brahimi(1997-1999), Francesc Vendrell (2000-2001)as personal representative to Secretary General. During the time of Mestiri and Holl UNSMA had not one achievement for political settlement. However, UN secretary General Kofi Annan made Afghanistan priority after Taliban capture of Kabul and appointed a Senior diplomat Brahimi as special representative to Afghanistan. The Brahimi initiated process of negotiation between the Afghan factions, regional countries, and major powers (six plus two group including six regional countries and two major power USA and Russia) for peace in Afghanistan. During this period the Taliban and United Front talked on political settlement where Taliban demanded them to be part of their government, but UF refused. The agreement Tashkent declaration was signed under the auspices of UN in which representative for regional countries including Russia and USA participated. Even though Brahimi put effort for settlement but all in vain because the warring Afghan faction and regional countries had their own interest. Brahimi was succeeded by Vendrell but during his tenure the UN security council sanction Taliban for their links with Al

Qaeda. Whatever the success and failure of UNSMA, it was mandate to form a broad-based representative government in Afghanistan and this was not accomplished.

The US intervention in Afghanistan and role of UN has difficult to understand because after 9/11, the conflict in Afghanistan was not an interstate or intra state conflict but US War against terrorism. The UNSC resolutions had strongly condemned 9/11 terrorist attacks and declared terrorism as one of most serious threat to international peace and security in the twenty-first century. The terrorist acts are contrary to the principles of UN charter and all member State of UN must participate and collaborate to combat international terrorism. The US after the 9/11 attacked has accused Osama bin laden (head of Al Qaeda) and demanded for Taliban (De facto government in Afghanistan) to hand over him. However, the UN did not play any role during the toppling of Taliban government by US led coalition with alliance of United Front (an Afghan group that opposed Taliban). After overthrow of Taliban government the UNSC under resolution 1378 condemned the Taliban for providing base to Al Qaeda network and safe haven to Osama bin laden. The resolution expressed its support for the formation transitional government in Afghanistan by convening an urgent meeting of United Front and other Afghan groups. The UN Special Representative to Secretary General (SRSG) initiated the process of negotiation in Bonn for establishment of transitional administration and permanent institutions in Afghanistan. After the ten days of negotiation *Agreement on provincial arrangements pending the re-establishing of permanent institutions of government in Afghanistan* was signed by the parties. The Bonn agreement was designed in a way of Peace building not peace making. It did not bring the warring parties in Afghanistan to lay down their arms and work together for nation building. Even at time of negotiation the United Front with alliance of US led coalition was fighting war with Taliban in Afghanistan. Secondly in Bonn agreement UN SRSG is responsible for implementation of agreement and providing a political neutral environment to convey emergency loya Jirga. But US had sideline UN during the phase of implementation and limited UN role to humanitarian work Under United Nation Assistance Mission in Afghanistan. Throughout the twenty years of US intervention, UN role for peace settlement in Afghanistan has restricted by US. US has signed Agreement on Bringing Peace to Afghanistan between the Islamic Emirates of Afghanistan which is not recognized as State by United State known as

Taliban and United States of America for the withdrawal of troops for Afghanistan. The agreement is recognized by UN as long-awaited step to end the war in Afghanistan.

This research analyzed the role of UN and its contribution towards Peaceful Settlement of Afghan Conflict in the times of the Soviet and the US invasions. The UN has the primary responsibility to maintain the international peace and security. Under Chapter VI of Charter the Security Council has dominance over General Assembly for investigating dispute through UNSC resolutions. Yet the Security Council has wide discretion, and its activities are influenced by international politics. Furthermore, the experience suggests that often, the Security Council cannot properly function due to veto. In case of conflict where a permanent member of Security Council is involved it has difficulty for UN to work impartially and independently. In this sense, the UN (in particular, the Security Council) has inherent limitations. During Soviet Invasion, the UN Security Council did not take any action because it's not the interest of USSR. The UNGA passed resolution that Soviet invasion where process of negotiation for peace settlement is initiated by the UN Secretary General through Personal Representative. After 9/11 US led coalition invasion in Afghanistan was based to overthrow the Taliban and eliminate terrorism by defeating Al Qaeda. The US succeeded to overthrow the Taliban regime and later the Bonn Accord, the establishment of transitional administration, establishment of ISAF were all under UNSC resolution 1378, 1383 and 1386 respectively. However, after Bonn Accord there was no peace process initiated by UN under Chapter VI for the settlement of Afghan conflict. After twenty years the US has signed direct agreement with Taliban for the withdrawal of troops. In both cases the UN tried to bring parties to conflict together and settled through peaceful means but because involvement of UNSC permanent member in conflict, it did not work impartially and independently.

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