

Restabilising Afghanistan through a Comprehensive Logistics Framework for the Access to Ports

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ABSTRACT: This paper aims to examine numerous sustaining factors in the restabilisation of Afghanistan, from legal, logistical and technical perspectives. The significance of logistics and infrastructure for state reconstruction and stability has been recognised by military and engineering practices. However, previous research on Afghanistan has focused on specific areas such as geopolitics, regional studies, bilateral cooperation and international aid. In contrast, this paper examines specialised issues within logistics and infrastructure, i.e., transit rights, access to ports, investors' codes of conduct and the modus operandi of military and engineering engaged in the construction, operation and protection of infrastructure, which have not yet been fully discussed in the previous research. Furthermore, the importance of logistics of multiple shipping routes will be examined through comparative analysis. Considering a prolonged restabilisation process in land-locked Afghanistan, rights of transit and port access are imperative to achieve safe logistics in energy, water, food and medical supplies. In conclusion, an integrated, comprehensive model agreement for multilateral cooperation would enable international aid to be funnelled via a single scheme. Thus, this paper concludes that the long-term stability and development of Afghanistan will be guaranteed through a comprehensive framework agreement for logistics, which materialises rights of transit and port access.

1 INTRODUCTION

From a logistical viewpoint, Afghanistan is a disadvantaged state due to its land-locked location. Although the significance of secure logistics and infrastructure has already been recognised in the post-conflict reconstruction and stabilisation of Afghanistan, its sustaining factors are less concrete given the confusion from the withdrawal of the North Atlantic Treaty Organization (NATO) and the United States military forces as well as the lack of transparency of political situation in Afghanistan. Yet this is also a critical juncture at which further support of Afghanistan could prevent a humanitarian crisis. Consequently, it is far more important than ever that sustaining factors for restabilising Afghanistan are

examined from legal, logistical and technical perspectives.

Given the logistical disadvantages facing land-locked states, international legal instruments such as the United Nations Convention on the Law of the Sea (UNCLOS), the Energy Charter Treaty (ECT) and the General Agreement on Tariffs and Trade (GATT) guarantee transit and access rights to ports, seas and destination countries through neighbouring states' territories. However, the flaws of relying on foreign ports for these rights are that neighbouring states have quasi-full control of Afghanistan's domestic and international supply chain due to the control of their shared borders. In order for Afghanistan to retain a secure supply chain, the maintenance of multiple

alternative routes is necessary to protect its logistical independence, stability and development.

However, previous research on Afghanistan has focused on specialised areas such as geopolitics, regional studies, bilateral cooperation and international aid. In contrast, this paper analyses the importance and pros and cons of current and potential logistics schemes through a comparative analysis of multiple shipping routes. Furthermore, the authors focus on the importance of logistics in the reconstruction and restabilisation of Afghanistan by ensuring the rights of transit and port access, especially to Chabahar Port in Iran.

In order to inquire into the worthiness of logistics in state reconstruction and the supporting elements in establishing logistics within the unstable region, this paper will examine current legal instruments and future multilateral cooperation in financial and technical support that may lay the foundation for safe and secure logistics in Afghanistan. Consequently, this paper clarifies that the long-term stability and development of Afghanistan will be guaranteed through a comprehensive multilateral framework agreement for logistics, which materialises rights of transit and port access.

2 KEY ELEMENTS OF LOGISTICS AND INFRASTRUCTURE IN LAND-LOCKED STATES

2.1 *Legal Frameworks for Land-Locked States' Access Rights to Ports and Maritime Transport*

A notion of land-locked state is defined as a state that has no sea-coast.[1] This is a strict definition since it may exclude states that have no de facto access due to geographical features such as short or steep coastlines or access only to a closed sea. According to this strict definition, Afghanistan is a genuine land-locked state surrounded by a number of mountainous borders that are natural strongholds high above sea level. As a result, Afghanistan has no access to international maritime transport that may enhance international trade, stability and development. The only navigable river port in Afghanistan is Hairatan, on the south bank of the Amu Darya river, facing Termez, Uzbekistan, on the north bank. [2]

Instead of the coastline for an exit to maritime shipping, Afghanistan has six neighbouring states: Iran, with a border spanning 582 miles/936 km, Pakistan (1,640 miles/2,640 km), China (57 miles/91 km), Tajikistan (843 miles/1,357 km), Uzbekistan (89 miles/144 km) and Turkmenistan (500 miles/804 km), as shown in Fig. 1, with Russia to the north, separated by the Central Asian states. These adjacent states of a land-locked state have the potential either to detriment and forestall outright the supply chain or stimulate a distribution system of this disadvantaged state.

The geographical conditions are disadvantageous not only to Afghanistan but also to various actors supporting Afghanistan, such as the World Food Program (WFP), the United Nations High Commissioner Representative (UNHCR), NATO and

US military, because of difficulties in supply chain management for essential material.



Figure 1 Afghanistan and Neighbouring States Source: NATO [3]

Faced with these difficulties, international legal frameworks for rights of transit and port access are provided so that seaborne aid and trade are able to supply essential materials to land-locked states. For example, legal theories entrust states with materialising transit rights through agreement. [4] While the solidity of the legal basis and capacity of maritime transport are imperative to stabilising Afghanistan, they have not been scrutinised in previous research. Therefore, this paper compares bilateral and multilateral logistical schemes to each other.

Having considered the disadvantages of land-locked states, multilateral agreements such as UNCLOS, ECT and GATT guarantee freedom of transit by providing the transit rights of land-locked states in principle.

These multilateral instruments, which include originally regional agreements, that materialise the access rights to maritime transport for land-locked states are as follows.

First, part X of UNCLOS relates to the “right of access of land-locked states to and from the sea and freedom of transit.” Article 125, paragraph 1 stipulates land-locked states have the right of access to and from the sea for the purpose of exercising the rights provided for in UNCLOS, including freedom of the high seas. Subsequent articles vest rights of access to and from the sea and freedom of transit in land-locked states so that they shall enjoy freedom of transit through the territory of transit states.

However, the purposes of UNCLOS essentially set limits on the contents of the right of access for land-locked states to and from the sea and freedom of transit. The terms and modalities for exercising freedom of transit shall be agreed between the land-locked state and transit states concerned through bilateral, sub-regional or regional agreements (Article 125, paragraph 2). Transit states have the right to take all necessary measures to ensure that their legitimate interests are not infringed upon (Article 125, paragraph 3). Furthermore, Afghanistan has still not yet ratified UNCLOS.

Another prime example of a multilateral convention that relates to transit rights is ECT, which Afghanistan has ratified. The transit provision of ECT, Article 7 embodies the right of transit, requiring contracting parties to take necessary measures to facilitate the transit of energy materials and products consistent with the principle of freedom of transit enshrined in GATT. On the one hand, one limitation of ECT is it focuses solely on energy materials and products, compared to UNCLOS, which covers general access to the sea. On the other hand, ECT includes specific obligations with respect to energy transit via fixed infrastructure such as pipelines and electricity grids. [5] In light of the necessity of transit and infrastructure, the Energy Charter Protocol on Transit was drafted to implement the transit provision of ECT by ensuring the transit and construction of infrastructure. Meanwhile, the Protocol has not been agreed upon.

Finally, Article 5 of GATT provides freedom of transit by prohibiting restrictions or impediment that transit states would impose on the traffic in transit. Article 5, paragraph 2 stipulates that “there shall be freedom of transit through the territory of each contracting party, via the routes most convenient for international transit, for traffic in transit to or from the territory of other contracting parties” as a legal foundation of freedom of transit. This freedom of transit is applied to goods, vessels and other means of transport and traffic in transit shall not be subject to restrictions. [6]

Thus, multilateral legal frameworks are functional to structuring the transit rights of land-locked states. However, in order to materialise these transit rights, it is critical to regulate precise conditions for the transit of territory of adjacent states. From this viewpoint, one advantage bilateral agreements hold over multilaterals, including tri- and quadrilaterals, is practicality. At the same time, every adjacent state has individual stakes in Afghanistan, i.e., exploitation of natural resources, prevention of extremism, or stabilisation of Afghanistan. Consequently, the contents of bilateral cooperation vary from state to state.

2.2 Inseparability of Post-Conflict Reconstruction and Security Concerns

In addition to the disadvantages of being a land-locked state, another problem with logistical capabilities in Afghanistan, as one of the most seriously stricken states by wars and insurgencies, is the lack of fundamental energy, transport and telecommunication infrastructures and their security. Therefore, the post-conflict reconstruction of Afghanistan and security concerns have been considered inseparable by a regional study in Herat province long since the beginning of the reconstruction effort. [7]

Also, in practice, the UN Security Council (UNSC) Resolution 1383 (December 6, 2001) called for state reconstruction through assistance of independence and cooperation to put an end to the use of Afghanistan as a base for terrorism. [8] At the same time, the UNSC Resolution 1386, paragraph 1 (December 29, 2001) mandated the International

Security Assistance Force (ISAF) to support the Afghan government in ensuring the maintenance of security in Kabul and its surrounding areas. [9] These resolutions aimed to secure, stabilise, reconstruct and develop Afghanistan through the ‘Clear, Hold and Build’ strategy or the ‘Shape, Secure, Develop (SSD)’ framework. [10] As NATO has stressed that logistics contribute to reconstruction and counter-insurgency (COIN), the UK military has shown progress in stabilising Helmand province by constructing infrastructure and cooperating with the local community. [11]

Simultaneously, insurgents, too, comprehend that logistics play a key role in reconstruction and security. The tactic of cutting off enemy logistics has been effective since the time of the Soviet War in Afghanistan (1979-89). [12] The significant number of civilian casualties in five of the top ten most unstable provinces (2017 to 2020), attest to the insurgents' interest in these strategic locations (Fig. 2). Also, in 2021, the insurgents' first priority was to disrupt the flow of military convoys and essential goods before and after the withdrawal of NATO and US military forces.

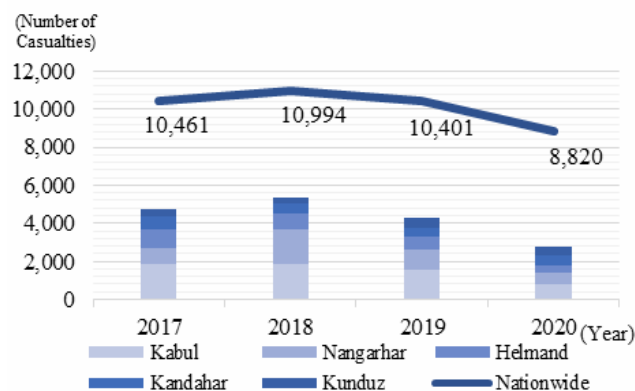


Figure 2 Civilian Casualties in Major Afghan Provinces Source: Annual Report of UNAMA [13]

In order to establish serviceable logistics for the reconstruction and stability of Afghanistan, fundamental infrastructure (e.g., airports, highways, thoroughfares, feeder roads, railways, gas pipelines, telecommunication networks, storage facilities and hinterland) in areas within and surrounding Afghanistan are key elements. For instance, energy distribution systems are one example of a large-scale supply chain with high commercial value. They are long-term (at least 30 to 50 years) megaprojects which require numerous phases of infrastructure construction, from concession to exploration, exploitation, production, storage, onloading, transport, unloading, reloading and finally domestic distribution, as well as foreign export. In order for this supply chain to function effectively, all possible choke points must be removed throughout its entirety. As such, logistics heavily depend on legal foundations to guarantee transit rights, either bilateral or multilateral schemes, financial support to build and operate infrastructure, military support to prevent seizure by insurgents by thwarting attacks and technical support to prevent accidents by adhering to Safety Management Systems (SMSs), especially on the unstable terrain of the area.

3 BILATERAL AND MULTILATERAL SCHEMES FOR LOGISTICS

Individual relationships between Afghanistan and its neighbouring states are closely examined in previous literature in the context of regional, political and economic cooperation for the purpose of state reconstruction. For example, Barnett Rubin, who has the most reputable achievements in Afghanistan studies, analyses cooperation and relationships among the players in conflict in the region. [14] Also, Bojan Savić, in one of his latest studies, focuses on Iran and Herat province in Western Afghanistan. [15]

In contrast to past literature, this paper compares possible shipping routes and transit schemes from a logistical viewpoint as follows; having considered eliminating obstacles within these routes and guaranteeing transit rights for port access, multilateral cooperation becomes more fruitful than bilateral cooperation and provides exits to maritime shipping.

3.1 Iran Route: Railway and Chabahar Port

Iran has one of the largest influences on Afghanistan's logistics due to the similarities between the two states, namely linguistics and the belief in Shī'ah among the Hazaras. [16]

In light of this proximity, Iran has pursued its own interests with Afghanistan, especially a 225 km railway connection across the northeastern border through the towns of Khaf in Iran and Herat in Afghanistan. This route through the western region of Afghanistan has the potential to grant Iran access to Uzbekistan, and vice versa, by connecting Herat to Mazar-i-Sharif by rail, as shown in Fig. 3.

While the 75 km Mazar-i-Sharif to Hairatan line is operated to provide trade between Afghanistan and Uzbekistan, Iranian authorities intend to extend a 730 km rail line between Herat and Mazar-i-Sharif. [17] Financial support will be one issue. Support from interested states such as Uzbekistan and Russia, who need access to an exit to maritime shipping routes through Iranian ports, will be a key element to help materialise this long extension. [18]

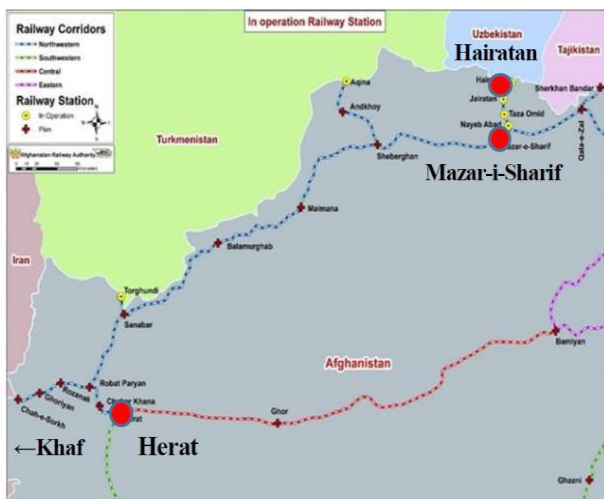


Figure 3 Khaf-Herat-Mazar-i-Sharif Railway Plan Source: Adapted from Afghanistan Railway Authority [19]

Iran's contribution to the construction of the railway from Khaf to Herat enabled Afghanistan to import construction material from Iran and export agricultural products through Iran to India. As a result, the flow of products through Iran to India resulted in foreign direct investment (FDI) from India. Given the importance of access to Iran for Afghanistan's stability, the US gave India "the Afghanistan reconstruction" exception in accordance with Title 22 - Foreign Relations and Intercourse, US Code Chapter 95 - Iran Freedom and Counterproliferation (IFCA) of 2012. Thus, India's FDI in Chabahar Port was exempted from economic sanctions of the Joint Comprehensive Plan of Action (JCPOA). [20]

Chabahar Port is located on the southeastern coast of Iran, facing the Bay of Oman, as shown in Fig. 4.

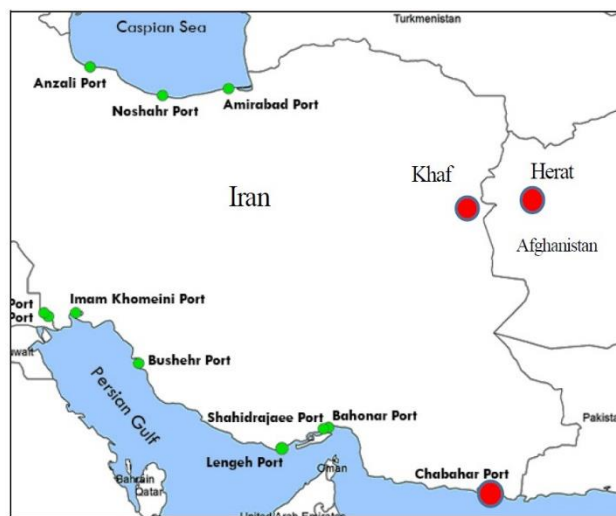


Figure 4 Chabahar Port. Source: Adapted from Ports and Maritime Organization of Iran [21]

Chabahar Port is considered a strategic location from an economic viewpoint for enhancing trade between India and Central Asian countries, such as Uzbekistan, Tajikistan and Kazakhstan, via Iran and Afghanistan. Simultaneously, from the viewpoint of regional stability and global security, this port has the potential to improve Afghanistan's political stability through the construction of logistic infrastructure, supply of essential materials and participation of Afghanistan in the international community.

Thus, Iran may have the potential to make steady progress in constructing railway and establishing logistics by connecting all the way from Chabahar Port to Hairatan, on the border with Uzbekistan, via Khaf, Herat and Mazar-i-Sharif.

India also has critical interests in terms of Iranian port development in the light of Pakistan's strength in the strategic port of Karachi, and soon Gwadar, to support international logistics into Afghanistan and Central Asia. India believes that an Iranian route could be a solution to bypassing the Pakistan route and not allowing Pakistan to control the supply chain between India, Afghanistan and Central Asia. [22]

Indian and Iranian authorities agreed to a bilateral contract in 2016 to grant India rights to develop and operate two terminals and five berths with cargo handling capacities in Chabahar Port for ten years.

The port is a focus in the context of the stabilisation of Afghanistan by enhancing international trade through maritime transport with India. [23] Through implementation of this bilateral contract, India's investment and equipment increased the cargo-handling capacity of Chabahar Port, as shown in Fig. 5. Since 2016, India has invested half a billion US dollars in the development of the port. Consequently, India has had a key role in the investment in and development of Chabahar Port since the early phases of the port's construction in the 2000s, despite US economic sanctions on Iran in response to their nuclear program.

India's investment has resulted in an increase of trade with Afghanistan. India sent 110,000 tons of wheat and 2,000 tons of pulses to Afghanistan in 2017, and in 2019 they received 700 tons of agricultural and mineral products from Afghanistan through Chabahar Port, thus adhering to the pact between themselves and, later, Afghanistan.

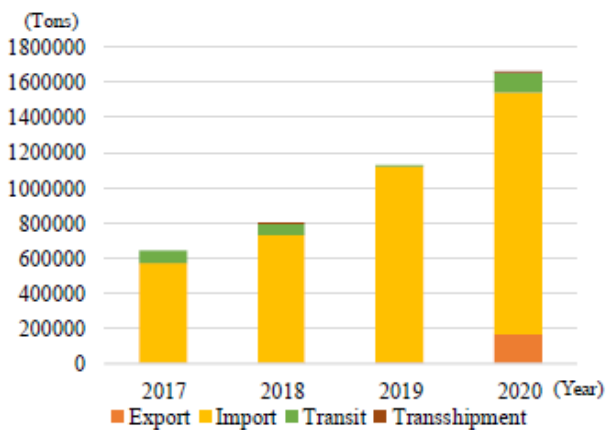


Figure 5. Loading and Discharge at Chabahar Port Source: Ports and Maritime Organization of Iran [24]

On the other hand, Iran has also concluded an agreement for 25 years of cooperation with China in 2021 in the context of the Belt and Road Initiative (BRI). The agreement throws some doubt on the potential of India's investment in Iran.

3.2 Russia Route: The International North-South Transport Corridor (INSTC)

Russia has historically paid close attention to its transport line of communication. [25] In 1964, the construction of the 2.6 km Salang Tunnel was completed by the Soviet military and technical support personnel. [26] The Salang Tunnel is the only means of connecting Afghanistan to Tajikistan under the Hindu Kush mountains. Thus, this tunnel and the Salang Highway contribute to linking Kabul through Mazar-i-Sharif to the former Soviet Union, complemented by a road-rail bridge across the Amu Darya and a railway to Hairatan. However, the approach to the Salang Tunnel is often blocked by heavy snow in winter.

Russia has worked to solidify the line of communication and its legal status. [27] For example, Russia's Foreign Minister Lavrov has stated that economic cooperation necessitates the existence of a developed logistics network, the sort of which is

lacking in Afghanistan, referring to the International North-South Transport Corridor (INSTC) connecting Moscow and Saint Petersburg with the Caspian Sea and the Persian Gulf as shown in Fig. 6. [28]



Figure 6 INSTC. Source: Adapted from Islamic Republic News Agency [29]

INSTC, led by Russia and India, is the 7,200 km multimodal trade and transit network corridor consisting of sea, rail and road. INSTC may reduce the shipping time and cost between India, Iran and Russia through the Caspian Sea region so that Russia and India can trade directly on land instead of via the Suez Canal and Atlantic Sea route. Trade between Russia and India has been carried out via the ocean route; freight was loaded at Jawaharlal Nehru Port on the west coast of India, moved along the Suez Canal and again unloaded and reloaded at Saint Petersburg Port in Russia. The total transport time was typically 40–60 days, compared to INSTC's 25–30 days. Russia considers Chabahar Port to be within its framework. In 2014 and 2017, the INSTC underwent a dry run to prove its feasibility and to identify its efficiency and potential choke points.

In addition, ice often makes the Baltic Sea difficult to navigate in winter, and therefore, shipping by road is safer and more efficient than maritime transportation in this case. Moreover, as container vessels grew in size, they became unable to berth in many ports. As a result, these vessels had to be diverted to hub ports, where their cargo was reloaded onto smaller vessels for delivery to the destination port. This became a costly and time-consuming process. In comparison, multimodal transport, such as INSTC, does not appear as inefficient as it once did.

On the other hand, when Russia sees that multilateral transit schemes are less beneficial to the country's line of communication, it discards the framework, ECT likewise. Given that the terrain always overwhelms technology in Afghanistan, the rational decision for Russia is to choose the defensive containment of extremism by cordon sanitaire instead of seeking to exert control of this natural stronghold. While Afghanistan has the potential to become a branch route, it is not yet involved in INSTC. It is not clear whether this multimodal trade and transit network would be beneficial to Afghanistan in light of the current economic sanctions against Russia.

3.3 *China Route: the Wakhan Corridor*

Third, the Afghan-China border (the Wakhan Corridor) is of limited significance, particularly to China, as it is narrow and barren terrain in the province of Badakhshan, in the northeast part of Afghanistan. Therefore, China has focused more on mining further inside Afghanistan (namely, copper mining at Mes Aynak, Logar province) rather than developing cross-border infrastructure. Furthermore, the licensee Metallurgical Corporation of China has had to pause mining operations and cooperate with the relevant authorities in order to preserve the remains of an ancient city discovered under the site, which further delayed the project, as well as a planned railway construction from the site to Gwadar Port in Pakistan. Thus, the previous Afghan-China cooperation was characterised by on-the-spot involvement, rather than absorption into the BRI.

Instead, Chabahar Port, one of the ports currently on the frontier of the BRI, enables China to access the Gulf of Oman through Central Asia. Therefore, it remains doubtful whether the mountainous terrain of Afghanistan will merit the time and effort necessary for China to develop its inland infrastructure, especially when compared to the easy access to other ports in surrounding countries like Pakistan.

In sharp contrast to Afghan-Iran-India cooperation, the Afghan-Pakistan border issue is far more complicated. Article 3 of the Afghanistan-Pakistan Transit Trade Agreement (APTTA) provides that "there shall be freedom of transit through the territory of each contracting party, via the pre-settled routes most convenient for international transit, for traffic in transit to or from the territory of the other contracting party." [30]

This legal foundation of freedom of transit is far more important than ever due to disorder and famine in Afghanistan since the fall of the Afghan government and takeover by the Taliban in August 2021. The supply of food and medical aid to Afghanistan has become a matter of urgency. [31] Although an agreement between Pakistan and India to ship the supplies to Afghanistan was ultimately reached, shipping medical supplies and 50,000 metric tons of wheat took longer than expected.

Thus, the purpose, extent and capability of bilateral cooperation between Afghanistan and its neighbouring states vary largely according to contracting state parties. All these fragmented and bilateral relationships, which have been studied in earlier literature on a basis of individual cooperation, become fruitful when multilateral cooperation guarantees transit rights and provides exits to maritime shipping routes. INSTC, Chabahar Port, and BRI, as examined in this paper, are good examples of the potential of multilateral cooperation, which helps to cover the inherent weaknesses of purely bilateral relationships. [32]

4 FOREIGN SUPPORT IN LOGISTICS INFRASTRUCTURE IN AFGHANISTAN

4.1 *Multilateral Frameworks for Foreign Direct Investment*

Afghan infrastructure, whether for energy, transportation or telecommunications, is innately vulnerable due to the mountainous topography of the region. In light of the manifestations of Soviet interest and offers to be of assistance to Afghanistan, loans from foreign governments have been essential to Afghanistan. [33] FDI in cross-border energy transit infrastructure has been considered an influential apparatus for stability since the late 1990s. The concept of a 'peace pipeline' that can promote stability and development was introduced by the vice-president of the Union Oil Company of California (UNOCAL), J. Maresca to the US Congress back in 1998. [34] A 'peace pipeline' is expected to perform multiple functions to achieve reconstruction, stability and development in the host state, by providing the host government with revenue, transit fees, an energy supply and trade opportunities. The Asian Development Bank (ADB) estimates that the Turkmenistan-Afghanistan-Pakistan-India (TAPI) Pipeline will benefit citizens through improved energy supply and employment, especially in communities surrounding the pipeline. [35]

In order to build and operate such infrastructure, a legal basis guaranteeing the acceptance and protection of FDI is essential. No megaproject can be carried out without multi-layered bilateral and multilateral agreements (e.g., government-to-government, host government-to-consortium and product-sharing agreements), which involve a host state, adjacent states and donor states. One essential component of successful FDI is the cooperation of numerous parties such as producing, states, transit, importing, and donor states, militaries, international organisations, the petroleum industry, contractors and local communities, which enables cross-border infrastructure to connect a land-locked state with foreign ports.

In addition to this basic legal scheme, in investment and economic cooperation in states that have Islamic religious, cultural and social structures based in Islam, it is imperative to understand, respect and adapt the mode of investment to host states. [36] Article 9 of the Investment Agreement of the Organization of Islamic Cooperation (OIC) of 1981 stipulates the obligations of the investor. They shall be bound by the laws of the host states and shall refrain from acts that may disturb public order or morals or that may be prejudicial to public interests. [37]

4.2 *Military and Technical Support in Establishing Logistics and Infrastructure*

In the process of reconstruction and stabilization, logistics and infrastructure obviously must function despite regional insecurity. Therefore, military assistance is often necessary for these to operate. However, the role of the military in protecting infrastructure in conflict zones has not yet received much scrutiny by either the military or academics. There were several instances where military support

was vital to the protection of infrastructure in Afghanistan. For example, the transportation of turbines to the Kajaki Dam in Helmand province, which included the construction of necessary roads, was conducted by British military personnel. A Chinese contractor was able to return to the site in 2007 after the British military secured its surrounding roads and areas. The next year, at the Bucharest Summit Declaration, NATO mentioned its capacity to protect critical energy infrastructure in the context of Europe's energy security, although the specifics of the issue remain unclear. [38] In 2009, NATO's secretary general admitted to cooperating in the protection of WFP's convoys. The WFP, however, publicly denied this. [39]

Thus, the acceptability of military support and protection of civilians will be one focus of secured logistics. Especially, difficulties over the construction and operation of Kajaki Dam for providing hydroelectricity to Helmand and Kandahar provinces since 1953 as a part of the Helmand Valley Irrigation Scheme are long-lasting issues. Although the issues were often discussed in regional and security studies with respect to provincial reconstruction projects, it is imperative to examine how to systematically incorporate the military into the reconstruction process. [40]

The other form of support, i.e., technical expertise, is also essential in order to adhere to SMSs and enable gas, electricity and water distribution systems to operate safely and securely. Engineers' engagement in the development of local infrastructure at an early stage of post-conflict reconstruction has been shown to have an inseparable positive effect on the military situation as well.

Thus, even in the case of Afghanistan, not only military forces but contractors also had a vital role in building and operating infrastructure (e.g., dams, power stations and distribution systems). In addition, considering that the eventual transfer of control from foreign contractors to the local population is inevitable, it is essential to harmonise distribution systems created during the post-conflict reconstruction period with the existing local industry and social structure. Kenji Nagata of the Japan International Cooperation Agency (JICA) stresses the significance of water resources and irrigation in Afghanistan for state rebuilding. [42] Throughout the project, transport of materials (especially gravel) and construction of roads and bridges must be conducted parallel to the actual process of irrigation. Thus, logistics capacity has a decisive meaning in state reconstruction and stabilisation.

At the same time, coordination between numerous state reconstruction activities is a sensitive task. The US COIN strategy aimed to provide "security and stability" and prevent the global export of extremism. [41] In accordance with the strategy, the efforts and activities for the security and stability of Afghanistan cover the spread of those shown in Fig. 7.

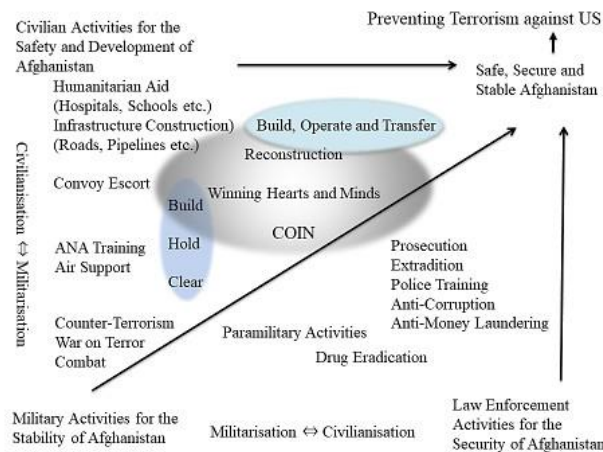


Figure 7 Activities for the Stabilisation of Afghanistan, Okochi

Moving on, there needs to be a structured method by which military, technical and financial support of logistics and infrastructure takes place, and is integrated into the reconstruction process. This paper suggests that a comprehensive logistics framework should be established to coordinate these activities.

4.3 Potential of a Single Comprehensive Framework for Port Access to Restabilise Afghanistan

To harmonise the legal, logistical and technical support and effect the post-conflict reconstruction and restabilisation of Afghanistan, a single, comprehensive and multilateral model agreement providing an integrated legal basis for the various types of support from diverse actors is imperative.

First, a comprehensive template should stipulate contentious issues. These include transit and access rights to neighbouring states (either of personnel or products), conditions of investment (especially human rights conditions), rules of engagement for military and/or private companies, and codes of conduct for engineers engaged in building and operating infrastructure.

In the model framework agreement, a dispute settlement clause is a core issue. The social structures of Afghanistan are interwoven both horizontally and vertically with a complicated hierarchy. The people are characteristically bound together by blood, tribe and territorial relationships. A notable feature of the Afghan people is the respect they hold for their 'elders'. These can be advisers to local government, or civic or religious leaders who have authority in the local community. At the same time, the economic and agricultural labour structure divides farmers into landed farmers and landless peasants. Within this structure, while powerful nomads are absentee landlords, poor nomads temporarily help farmers with reaping at harvest time. Every single village can be characterised by a combination of these inextricable links.

All these diverse social and economic factors are tied up in Islam. The entire religious community ('ummah') is bound together by devout beliefs. Islam is simultaneously a religion and the most superior code of conduct in the social, political and economic

structures in Afghanistan. Construction of infrastructure and establishment of logistics cannot be carried out without going deep into and adapting to this multilayered social structure, especially in terms of the dispute settlement process in rural areas. Every village has a 'shura' - a small parliament or council consisting of elders, religious leaders ('mullah') and secular leaders - as its own body for the settlement of disputes.

A comprehensive and structured framework agreement finds a minimum international standard so that it can be a versatile and adjustable apparatus which satisfies the social structure of each individual village or shura. The model agreement will have a combination of mandatory clauses as a minimum standard for the settlement of disputes and optional clauses to allow for adjustments to suit local communities' needs. For example, the Caspian Oil Pipeline Agreement and its sub-agreements (which are part of a framework agreement detailing the agreement on substantive issues) between host governments and international consortiums are flexible tools which keep cross-border infrastructure functioning. [43]

Another important point to consider is that the multilateral framework must take into consideration the miscellaneous interests of each participating state. As more and more donor states participate, their individual interests will be balanced against the others' and hinder outsized influence by any one state.

In the light of the entanglement of doubt for the 'sphere of influence' of the great powers, Afghanistan can be stabilised by introducing a fair and balanced spread of interests from foreign states, such as access to the ports of Chabahar, Gwadar and Karachi, railway connections with Iran and Uzbekistan, plus highways and tunnels towards Central Asia. The model framework agreement for logistics and infrastructure will become a platform for these interests, from which Afghanistan can benefit as an equal and independent counterpart of foreign states, regardless of whether they are allies or adversaries.

Finally, the existence of a single integrated, comprehensive logistics framework will make it easier to control and maintain the pressure of economic sanctions, without blocking the flow of necessary humanitarian aid.

Indeed, after due consideration of the situation with respect to human rights, rights to education, gender equality, a general election and due process of criminal justice in a post-conflict state, the international community must apply necessary economic sanctions to ensure human security and pressure the newly emerging government to improve its way of governing its people.

Simultaneously, humanitarian crises caused by conflicts require a supply of essential material, opportunities for meaningful employment and the improvement of its conditions, which might be impeded by economic sanctions. The practical question is whether to send supplies while enforcing economic sanctions.

A comprehensive framework founded upon basic legal agreement and technical support will be able to focus on the improvement of people's lives by advancing infrastructure for logistics, energy, communications and medical institutions, and enhancing agricultural production, international trade and education, which had been neglected during the conflict and of which the emerging government has little experience.

In this phase, the logistics of a supply-push should be chosen in the light of the insufficient ability of the new government. Then, as demand arises, distribution systems should be transformed by giving priority to health, education, energy, telecommunication, finances, technology or possible ongoing security.

Through these phases of floating post-conflict reconstruction, a model agreement provides another flow of humanitarian aid parallel to the line closed by economic sanctions.

5 CONCLUSION

Logistics and infrastructure are an essential component of post-conflict reconstruction and security, and thus contribute to the restabilisation of Afghanistan. Previous efforts to build infrastructure through legal instruments, bilateral agreements, foreign investment, military force and technical expertise were partially coordinated, while their legal bases remained separate; the content of bilateral cooperation was agreed upon by state parties, investment was regulated by international organisations, military support was based on UN resolutions and technical support was based on contracts. All options share the need for transit and access rights to neighbouring states and their ports. In reality, however, those rights depend on the states' intentions and are less than guaranteed. Arguably bilateral cooperation and foreign investment have its drawbacks. Its aims are fragmented according to each state and are easily influenced by the investors' or donor states' policies. Regarding military and technical support, rules of engagement and codes of conduct for the safe operation of infrastructure have not been honed yet to a high standard. [44] Concrete methods to integrate these fragmented efforts, as suggested in this paper, were not established.

In order to activate the maximum logistical capacity, an integrated and comprehensive framework agreement on logistics and infrastructure will be formed by considering necessary clauses and removing all obstacles in the supply chain. This framework should be inclusively applied to both the host government and international actors in order to secure logistics and infrastructure in conflict zones. Especially in times of humanitarian crises, issues such as transit rights for aid workers, including essential goods (food, medical supplies, etc.) should be prioritised. Even in a prolonged reconstruction process, the construction and operation of infrastructure would be guaranteed through the framework. Given the multitude of international actors with vested interests in the reconstruction and restabilisation of Afghanistan, and to ensure the

protection of the Afghan people and their communities, a principled but simultaneously versatile and adjustable approach to logistics and international support through a structured agreement is required as the foundation for the development of Afghanistan. Consequently, this paper concludes that an internationally coherent response to post-conflict reconstruction will be achieved through a single comprehensive model agreement which guarantees the rights of transit and port access. Such a logistics scheme enables various actors, especially shipping and energy industries, as well as foreign governments, military and international organisations, to contribute to the stabilization of war-stricken land-locked states.

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